

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

The Council met in the Council Chamber at Shillong on Wednesday, the 7th March 1923, at 11 A.M.

PRESENT :

The Hon'ble Rai Bahadur Nalini Kanta Ray Dastidar, *President*, the Hon'ble two Members of the Executive Council, the Hon'ble Minister of Education and 35 official and non-official Members.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

KHAN BAHADUR KUTUBUDDIN AHMAD asked :—

Tele-
graphic
connec-
tion in the
Chapar-
mukh-
Silghat
Railway.

1. Are the Government aware that there is no telegraphic connection in all the intermediate stations of the Chaparmukh-Silghat Railway ?

2. To avoid accident and for the convenience of the passengers will the Government be pleased to ask the Railway Authority to get all those stations so connected immediately ?

Mr. A. W. BOTHAM replied :—

1 and 2.—The Chaparmukh-Silghat Railway has the following telegraph connections which are ample to meet requirements :—

- (1) A "through" wire between Chaparmukh and Silghat town with Nowgong interpolated on the circuit.
- (2) A "Train" wire or station to station connection between Chaparmukh and Phulaguri, Phulaguri and Nowgong, Nowgong and Samaguri, Samaguri and Salona, Salona and Silghat town.

The other stations on the Branch are either flag stations or sidings which do not form the boundary of any block section; the absence of telegraph instruments at such places does not involve any risk of accident.

REV. J. J. M. NICHOLS-ROY asked :—

Gauhati-
Shillong
Motor
Service.

1. (a) Has the attention of the Government been drawn to the letter of Mr. S. Wajid Ali in the "Statesman" of Saturday, December 2, 1922, regarding the Gauhati-Shillong Motor Road and the Contract of Government with the new Motor Company, which has thrown out of business almost all the previous Lorry owners in Shillong ?

(b) Will the Government be pleased to state whether the private Lorry owners in Shillong were informed or not of the Government's terms of Contract with the new Motor Company, before the Contract was finally made ?

(c) Do the Government know that the step taken by them in making the new Contract actually caused a great deal of hardship to some Lorry owners ?

(d) Will the Government be pleased to consider favourably such cases, and to allow them to run their Lorries between Gauhati and Shillong for at least one or two years more with almost the same conditions which existed before the new Motor Contract was made by them with the new Motor Company ?

MR. A. W. BOTHAM replied :—

1. (a) — Government have seen the article referred to.

(b) — A notice was issued last June stating the terms on which Government were prepared to permit the running of lorries for hire and calling for tenders. A further notice was issued in October regarding the auction sale in November.

(c) — Government have received representations to this effect.

(d) — The total number of lorries allowed on the road cannot be increased at present.

SRIJUT BISHNU CHARAN BORAH asked :—

1. (a) Are the Government aware that the margin of profit per seer of opium in the settlement of opium shops for the next year in the Nowgong district is Rs. 2 in the case of shops in the plains and Re. 1 in the case of those in the Hills excepting in 2 or 3 shops ?

Profit on opium in Nowgong district.

(b) In view of the very strict rules issued by Government regarding short weight and registration of consumers, will the Government be pleased to enhance the margin of profit to Rs. 5 and Rs. 4, respectively, in the plains and Hills shops in the district of Nowgong ?

(c) Will the Government be pleased to consider the advisability of making the margin of profit per seer of opium uniform throughout the Valley ?

THE HON'BLE MR. W. J. REID replied :—

1. (a) — The Government have no information.

(b) and (c) — Under the orders in force shops are not settled at a higher price than will allow a reasonable margin of profit to the vendor and the Commissioner to whom a copy of this reply will be sent, may be trusted to see that the orders are carried out before he confirms the Nowgong settlements. Uniformity is clearly impossible as the circumstances of each individual shop have to be taken into consideration.

SRIJUT BIRAJ MOHAN DATTA asked :—

1. Will the Government be pleased to consider the desirability of changing the Garo Hills district into a Regulation district ?

MR. A. W. BOTHAM replied :—

1.—The Hon'ble Member probably means to suggest that the Garo Hills district should be excluded from the scope of the Scheduled Districts Act, 1874. Government do not consider that such action would be to the advantage of the Garos.

Changing of Garo Hills district to that of Regulation district.

THE ASSAM MUNICIPAL BILL, 1922.

SECTION 59.

MAULAVI MUNAWWARALI :—Sir, as already intimated I beg to withdraw my amendment.

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

“That after sub-section (1), clause (a), the following clause be inserted, namely :—

‘or a tax upon persons occupying holdings within the municipality, according to their circumstances, and property within the municipality.’”

BARU HIRA LAL BOSE :—Sir, in view of the amendment proposed yesterday by Rai Bahadur Amarnath Ray which was accepted yesterday, and the two other amendments proposed by my Hon'ble friends Srijut Dalim Chandra Borah and Maulavi Rukunuddin Ahmad under section 60, and as the matter has been complicated by the acceptance of the amendment yesterday it cannot be apportioned, I beg to withdraw my amendment under section 59.

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

“That after proviso (ii) the following be added as proviso (iii) :—

‘(iii) That in no case, the aggregate tax under sub-clauses (a), (c), (d) and (e), or under one or more of them, shall exceed 30 per cent. of the annual value of the holding.’”

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 59 do stand part of the Bill.

The motion was put and adopted.

SECTION 60.

SRIJUT BIPIN CHANDRA GHOSE :—Sir, as there is a similar amendment in the name of Srijut Dalim Chandra Borah I would like to see first what he has to say.

SRIJUT DALIM CHANDRA BORAH :—Sir, as there is a similar amendment in the name of my friend Maulavi Rukunuddin Ahmad, I beg leave of the Council to withdraw my amendment in his favour.

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

“That the following proviso be added, namely :—‘provided that such tax shall not exceed seven-and-a-half per cent. of the annual value of such holding.’”

MAULAVI RUKUNUDDIN AHMAD moved :—“That in section 60, the following words be added, namely :—

‘and such tax shall in no case exceed seven-and a-half per cent. of the annual rental value of the holding.’”

Sir, this Bill though it purports to give wider powers to Municipalities in certain matters does not, I think, in any way propose to curtail the rights and privileges enjoyed by the rate-payers. To arm the Municipality with unlimited power in the matter of taxation is surely to interfere with the rights of the rate-payers to be taxed within reasonable bounds. Of course in opposing my amendment some may

argue that when the power is given to the Municipality there should not be any restriction in exercising that power, but they should think beforehand what power is that. That power is nothing but to impose taxes upon the poor rate-payers. If now any Municipality is in need of money it at once applies to the Government to grant some amount. Now if owing to the want of funds the Government delays in granting such demand taking this as a plea the Municipality may often raise taxes at their sweet will. The only thing that will work in their brain is the Municipality alone and not the circumstances of the poor rate-payers. My amendment may be opposed from another point of view, that the matter is left to the discretion of the Municipal Commissioners who are mostly elected as representatives of the people, but it is an open secret that the Commissioners once they are elected to the Municipality exercise executive powers and look at the matter from the standpoint of the Municipality and not from the standpoint of the poor rate-payers. In other words if the interests of the Municipality demand they would not feel the least scruple in raising the rate of taxation even if it means death to the rate-payers. Sir, in these days of costly living the rate-payer finds it difficult even to pay the tax that is being realised from them. It will be an irremediable hardship if the Municipality were at their sweet will and pleasure to raise the rate of taxation even by one per cent. just to make a parade of how mighty they are. The limit of $7\frac{1}{2}$ per cent. has been fixed by the Bengal legislators—of course they have fixed that limit after due deliberation. Now if in the opinion of my Colleagues in the House that $7\frac{1}{2}$ per cent. limit is very low I am prepared to accept any reasonable suggestions they would make in raising the percentage to suit the occasion. With these few observations I earnestly pray that my amendment is accepted by the House.

SRIJUT DALIM CHANDRA BORAH :—Sir, having already withdrawn my amendment in favour of the Hon'ble Mover I now beg to support it almost on the same grounds as urged by him. It is most desirable that there should be a maximum limit of such a rate of taxation on the holding otherwise it is a very dangerous principle to give to a Municipal Board an unbridled license to impose any rate of tax on the tax-payers with a view to suit their own purpose. It is therefore desirable that a maximum rate of tax should be fixed on this point by the Legislature. I submit, Sir, that the Municipal Board may adopt a luxurious project to the detriment of the interests of the rate-payers and they may impose on the rate-payers any rate of tax to suit their purpose if a maximum limit is not fixed by the Legislature. I consider that the maximum rate fixed by the Hon'ble Mover of the amendment is just and reasonable. I may say that in the Province of Bengal the rate of the tax is 7 per cent. and in parts it is 10 per cent. but Hon'ble Members must be aware how valuable the holdings in the Bengal province are, and that the rental value of the holdings in the Assam municipalities cannot ever be compared with those of Bengal. I contend that the rate suggested by us is the maximum rate and we cannot recommend the enforcement of the rate to its maximum limit in our municipalities.

SRIJUT BISHNU CHARAN BORAH :—In supporting this amendment I would invite the attention of the House to section 75 of the Bill which confers on the Municipality unlimited powers to determine the valuation of the holdings from time to time. The Municipality is authorised at

any time to re-value and re-assess any holding the value of which has been increased by additions or alterations to any building thereon, or by any alteration in the use to which it is put. I admit, Sir, that there can be no time limit for determining the valuation of the holdings as additions and alterations may be made by the owners at any time suitable to them and the value of the holdings goes on increasing with the increase of traffic and the improvement of the Municipality. Now if the rate of the tax is increased with the increase of the valuation of the holdings it may be imagined what great hardships would be caused to the poor rate-payers of the municipality. It may so happen that a municipality being too eager for improvement may increase the rate of the tax as well as the valuation of the holdings. If cases like this occur, then I leave it to the Council to judge how injuriously the rate-payers of the municipality would be affected by such increment of the tax in two different ways with regard to the same holding. It is therefore essentially necessary that in the best interests of the rate-payers the maximum rate of the tax should be fixed at $7\frac{1}{2}$ per cent. as at present. If this rate is fixed the income of the municipality will not be decreased. On the other hand the municipality will have the advantage of increasing its own funds by increasing the value of the holdings from time to time.

On these grounds, Sir, I beg to support this amendment.

KHAN BAHADUR KUTUBUDDIN AHMAD:—Sir, I beg to support this amendment. The House will find that with regard to several other taxes, as classified in section 59, *e.g.*, water tax, lighting tax, latrine tax, drainage tax, tax on private articles, etc., Government have been pleased to fix a maximum rate. It is only on tax on holdings that the Government instead of fixing a maximum rate has been pleased to fix the minimum rate at Rs. 6. I submit that the Board has been given full power to determine the valuation on holdings within its own municipality. In this respect the rate-payers have no hand at all. Section 79 says that if at any time it appears to the Local Government that any valuation in the municipality is insufficient or inequitable, the Government reserve the right to call upon the municipality to revise the assessment and to raise the tax. The House will also find that in section 68 the rate-payers are not given the right to furnish a return. The list will be prepared according to the wishes of the Commissioners and the rates will be fixed accordingly. For the sake of the rate-payers some maximum rate should be fixed, whatever it may be, and the Board should be given power to fix their valuation on the holdings within that limit. Unless a maximum is fixed for this tax I am afraid that the rate-payers' interests will not be safeguarded.

RAI BAHADUR AMAR NATH RAY:—Sir, all that I need say about the merits of the amendment is that the proposal strikes me as reactionary. We, the elected representatives of the people in this House, should have some confidence in the representatives of the people on the Municipal Boards, and I want just to remind the House that when it accepted my amendment providing for the imposition of a tax on inhabitants it did not set any limit to the extent of taxation and I submit that just for the sake of consistency there should be no limit in the case of the tax on holdings.

SRIJUT LOHIT CHANDRA NAYAK :—Sir, I rise to oppose this amendment. My reason, Sir, is that the municipalities clamour for power, and when the power is actually given they are afraid to exercise it. This seems to me to be first of all anomalous. Now, Sir, the present Municipal Bill has been framed on broad principles. If we as the citizens of the municipality want to have a high standard of services we must find out wherewithal for it. Every municipality knows its own wants and needs. It will therefore have to find out funds to meet those needs. This is reason No. 2. Then the third reason is that human nature is such that one is not likely to impose a higher tax on holdings and if a Municipal Commissioner of a certain municipality imposes a tax on the holdings higher than it should be, on the next occasion he will have no chance of being elected to the Municipality. This fact alone would put a check on the unrestrained exercise of powers. With these remarks, Sir, I oppose the resolution whole-heartedly.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the Hon'ble Members who have spoken before me have lightened my task considerably. We have placed before us argument now both for and against the amendment. Hon'ble Members will have noticed that this amendment relates to a tax on holdings and to no other tax. As the Hon'ble Rai Bahadur Amarnath Ray has just said, this House yesterday accepted an amendment proposed by him authorising the imposition of a personal tax. To that no limit was set, although I think if any limit had at all to be set it ought to have been set in connection with that tax. To me it seems that this amendment is based on mistrust of the Municipal Commissioners. Now, Sir, having appointed certain persons as our representatives on a Board is it graceful, I ask, on our part to say that they would not look to our interests but go directly against us. The Hon'ble Mover has said that as soon as the Municipal Commissioners get themselves elected to the Board they only concern themselves with the interests of the Municipality. I for one do not understand what is meant by the expression 'interests of the Municipality,' as apart from the interests of the rate-payers. There they are to look to the interests of the tax-payers and if they do not do so I think the remedy lies in the hands of the rate-payers themselves. The chief objection to the limit being set is that it may so happen that the annual value of the holdings may not be sufficient to bring to the Municipal fund the amount which would enable the Municipal Commissioners to discharge their duties properly. The annual value is determined with reference to the rental at which a particular holding can be let. If that rental is not sufficiently high then the limit of $7\frac{1}{2}$ per cent. would not bring enough for the purpose of the administration. It is for this reason that no limit has been set here. As I said the whole amendment has been based on the mistrust or distrust of the Commissioners and that is a feeling which I submit is not one that ought to be entertained.

SRIJUT NILMONI PHUKAN :—Sir, I am also afraid that this amendment has been proposed, as the Hon'ble Minister in charge of the Bill has said, on a mistrust of the Municipal Commissioners. If we establish that the interests of the Municipal Commissioners and the rate-payers are not identical or are antagonistic then the amendment might have some force. But so far as I understand the principle of the election in a municipality rests on the fact that the rate-payers have the greatest freedom in choosing their own representative in the municipal body and the Commissioners

as a body are no less free than the rate-payers themselves who cannot all deliberate together. Therefore they delegate their powers to their accredited representatives. So I do not think that it can be said on that ground that the interests of the Commissioners are not always the same as the interests of the rate-payers. Again fear has been entertained that the present provision in the Municipal Bill might tempt the Government to refuse the grants which they from time to time make to the municipalities whenever necessary for giving effect to the larger projects of the body. But I do not think that that fear has any basis. Government is also responsible for the better management of these municipalities. We cannot always think that the interests of the Government are also against the interests of the municipality. Again, another Hon'ble Member has raised the question that the power to re-assess the holdings from time to time has been given to the Municipal Commissioners. If after that the Commissioners feel tempted to raise the rate of tax as well then that will produce a great hardship on the rate-payers. May I ask the Hon'ble Member whether the Commissioners would be so foolish as to increase the rate without rhyme or reason? One of the Hon'ble Members has raised the question that this provision has been made only in the case of the holding; that there has been no limit. But I think this has to be done, because in other taxes such as water-supply, lighting, drainage, etc., a maximum or minimum as the case may be has been fixed. Apart from all these things I think there is such a thing as 'general administration' of the municipality. Wherefrom to get the revenue for that purpose? So I consider that this could be had through a tax on holdings or persons. And on principle again I think we cannot put the present provision in the Bill, because in no country, I think, even in England, do these Municipal Boards or Local Boards fix any limit to the taxing power of themselves. If I am correctly informed I think they lower or raise the rates according to the exigencies of their localities. Undue fear has been entertained that the Municipal Commissioners who are after all elected will go directly against the interests of the rate-payers. On principle, again, Sir, I oppose this amendment because at this moment we are all talking of larger fiscal autonomy for India, and if we do not exercise this power even in a small body like a municipality I do not think we shall be sufficiently justified to demand it in our larger life. So I do not think we need have any fear. Actually as a matter of fact what do we find in practice in the existing municipalities? I do not think any Commissioner has ever in any municipality proposed the enhancement of taxation. I have been also a Commissioner, for the last six years in the Dibrugarh Municipality, but my experience is that every Commissioner is always anxious to lower taxation if possible. So they will not be so foolish as to raise taxation. It will also affect them as rate-payers and even in their own interest they will not consent to such enhancement. So, Sir, I think, on all these grounds we should not be terribly afraid of ourselves. To think that the Municipal Commissioners shall always go counter to the interests of the rate-payers, is to think that they will go against themselves.

MAULAVI ABDUL KHALIQUE CHAUDHURI :—Sir, human nature as it is it requires some curb, some restraint and the Board however chosen it may be cannot claim to be above the same weakness. If there be no limit the Board seeing the necessity of some improvement—the necessity that never becomes satisfied—will be ever prone to increase taxation on the plea of ever-increasing necessities of improvement.

I admit, Sir, the plausibility of the argument that the Board will think thrice before taking such steps against the opposition of their constituencies—steps that will not only affect the members themselves but very likely bar the way of their future return. But may I enquire of the Hon'ble Members how many after returning keep the same oily attitude as they assume at the time of canvassing? Nay, Sir, it is advisable, rather desirable that some limit should be fixed.

THE HON'BLE MR. W. J. REID :—I think, Sir, that I have some claim to speak on the principle which underlies this motion and the succeeding ones. I have been a citizen of a good many towns in the province. I have been Chairman of more than one Municipality. And as Commissioner in both Valleys there is hardly a Municipal Office which I have not inspected. At one time, I think, I can claim to have known more about the working, the finances, the taxation methods and the results of Municipal Boards than any one else in this province.

Well, Sir, we heard a great deal yesterday about the desirability of freeing local bodies from control. Does this motion aim at securing freedom from control, or at imposing fetters? We heard Local Self-Government defined as government of the people by the people. We heard of this being a democratic age, an age of progress on democratic principles. Is there anything democratic about this motion? To me it savours much more of the methods of an oligarchy, because who among us here knows about the circumstances of any town other than his own? Have we the right to fix a condition which will apply to every town in the province? I confess, Sir, that I do not know why these limits were imposed in the Bengal Act under which we are at present working. Possibly when that Act was passed circumstances were not what they are now. What is the position now? On every Municipal Board there will be an overwhelming majority of elected members. As many speakers have said, are these elected members to be distrusted? Are the rate-payers likely to elect representatives who will impose on them an undue burden of taxation? Is there in fact any danger that this will be the result if the Act lays down no limit of taxation? Have the limits, the present limits, as a matter of fact been reached or even approached in any Municipalities in the province? There is one possible exception, the Municipality in which we at present are, because I believe that in Shillong taxation is on the whole heavier than it is anywhere else. But in how many towns do we find the full $7\frac{1}{2}$ per cent. rate in fore throught? Where do we find that all the other Municipal taxes have been imposed, and imposed at the maximum limits? If therefore, when there are limits the limits are not approached why should a limit be set at all? I know it may be suggested that official pressure and other pressure will be brought to bear on the Municipal Commissioners to put taxation up. Well, Sir, I had in my time to bring pressure—if you can call it pressure—I trust at least it was legitimate pressure—to bear. I have more than once tried very hard to get Municipal Boards to increase taxation, to impose new taxes. I have done so with success on more than one occasion, and I could name two or three water-works which testify to the success of my endeavours.

Srijut Nilmani Phukan talked of a possible belief that if taxation was limited Government would refuse grants. Well, Sir, I can only say that this is not an argument which the Government could or would employ.

The Hon'ble Minister in charge of Local Self-Government can claim the largest possible share of the provincial resources. I must admit that at the moment he would claim a share of a minus quantity. But it is for him to decide how such share of our resources as is available should be utilised. He represents the Government in his subjects exactly as my Hon'ble Colleague and I do in ours. All the same there is one fact from which we cannot get away. At the moment with all the will in the world it is impossible for us to assist local bodies with special grants. We can and we are ready to assist them with loans. But we cannot lend without security, and the existence of security may largely depend on an increase in taxation. Are we going to prevent any Municipal Board which feels that it must have a water-supply, that it must have a drainage system, that it must have a conservancy scheme which can only be carried out by borrowing and in regard to which loans can only be repaid by increased taxation, from undertaking these improvements? If those in whose hands the welfare of a town rests decide that it is worth while bearing a burden for the advantages which will come, are we to deprive them altogether of the opportunity?

Lastly, Sir.--and Srijut Nilmani Phukan has already touched on this aspect of the case—do those who advocate these rigid limitations look forward with any certainty to the growth and advance of self-government? Have they considered what other people will think of us if we in Assam—I am proud to belong to the province and I know all here are—publicly declare that we do not trust our townspeople and those in charge of our towns to do what is just and fair in the best interests of the inhabitants of these towns?

RAI BAHADUR BIPIN CHANDRA DEB LASKAR :—Sir, if we cannot believe our own representatives how can we claim self-government? So, I think the Commissioners' powers should not be limited. I therefore oppose the amendment.

SRIJUT BIPIN CHANDRA GHOSE :—Sir, a similar amendment stands in my name also under this section. I beg leave to withdraw it and support the amendment moved by Hon'ble Maulavi Rukunuddin Ahmad.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Under Standing Orders it is automatically withdrawn. It is exactly the same as the amendment just now proposed.

SRIJUT BIPIN CHANDRA GHOSE :—I beg, Sir, to support the amendment moved by Maulavi Rukunuddin Ahmad. Many of my previous speakers have suggested in opposing the amendment that our Municipal Commissioners should not be distrusted. But, Sir, I beg to submit that it is not a question of distrust. We are not in a position to disbelieve our own representatives. They may be actuated by necessity to increase taxation on holdings according to their sweet will. From a perusal of the Bill, I find that provisions for all other taxes have been made in some way or other, but I do not find any provision as regards the tax on holdings. So it would be proper to make some sort of provision in the Bill. It is better and it will be proper to make some sort of provision in the Bill in which way and under what circumstances a tax on a holding should be realised. Now, Sir, Municipal Commissioners in order to manage the municipal affairs might be compelled to raise the tax on holdings abnormally.

So I beg to suggest that there should be some sort of check that they are not in a position to raise it according to their sweet will. Of course my Hon'ble Mover has suggested, while moving the amendment, that the $7\frac{1}{2}$ per cent. should not be stuck to. Any maximum as may be thought proper by the House may be fixed. If the House considers $7\frac{1}{2}$ per cent. to be too low, I think it may be raised to a certain extent. My point is that a certain provision should be made in the Bill in order that Commissioners may be guided to fix the rate of tax on the holdings.

With this view, Sir, I beg to support the amendment.

MAULAVI RASHID ALI LASKAR :—I may say a few words in this connection. The Hon'ble Mover in his amendment fixes the maximum limit at $7\frac{1}{2}$ per cent. and at the same time he is not sure that this is the practical maximum limit as he says that if the House think proper it may be somewhat higher. So my first question is how to ascertain a maximum limit? If the maximum is ascertained it would be very difficult to fix a reasonable, say, a ~~max~~ one Hon'ble Finance Member said that though this maximum of $7\frac{1}{2}$ per cent. is fixed under the Municipal law in force, still save and except one Municipality, no other Municipality in the province has yet reached that limit. If the Municipal Commissioners had not so long reached the maximum limit, how can you and what reason have you got to disbelieve them and fear that they will exceed the maximum limit or say that they will raise the tax according to their sweet will? Sir, as for the maximum suggested by the Hon'ble Mover of the amendment, if this body of the Commissioners be distrusted and if any of these people be untrustworthy and they raise the tax to the maximum limit of $7\frac{1}{2}$ per cent., it would be a hardship now. There is no question in the Bill that they would raise the tax up to $7\frac{1}{2}$ per cent. or 10 per cent. They may, if they think suitable, raise the tax to 6 per cent. and no more. And if they be untrustworthy and they raise the tax up to $7\frac{1}{2}$ per cent., it would be a hardship in many cases. Then, Sir, you do not put any obstruction to their raising the tax in the matter of water tax or latrine or other taxes as the Minister in charge of the Bill has said, but you put obstruction in the matter of holding tax only. Even in the matter of holding tax if you put obstruction to the rate of tax, they will obviate the difficulty by raising the valuation of the holding. If they raise the valuation of the holding and keep the same rate, they will secure more taxes from you. So, what is the use of disbelieving them? What is the necessity of disbelieving your own people? By disbelieving your representatives, you disbelieve yourselves (laughter). Then, as for some Hon'ble Member's fear from outside, I say if there be some fear of outside pressure, what should be the interest of the outside to exert that pressure. The outside cannot take any amount of money from you. If the money be raised by taxation it must be spent for improvement. So there is not so much fear as is apparently shown by some of the Hon'ble Members of the House. Then, Sir, the Hon'ble Minister in charge of the Bill and the Hon'ble Members of the Select Committee also looked into this point and they thought it advisable that this point should be flexible so that it may suit the necessity and exigencies of the time. It would be a sort of restraint on the liberty of action of the people. So if there be a necessity for increasing the taxes up to the 8th per cent., they cannot do so until and unless this Act is amended. If one Municipality feels the necessity, or if all the rate-payers

of one Municipality want the raising of the tax up to 8th per cent. they cannot do so. Isn't that a restraint on their liberty of action? Again there is not so much cause for distrusting these people. First of all, the increase would directly affect themselves. They do not come from outside. They are themselves the rate-payers. Secondly against the opposition of their constituents they would be the greatest fools to raise the taxation because they will have no hope of being returned again. And last of all, if a Body of the Commissioners be so perverted as to act against the united opinion of the rate-payers at least the Government might come forward to their relief. So I do not think there is much cause of apprehension and it is better that that section should remain as it is and we leave it to the good sense of the Municipal Commissioners.

THE MAULAVI MUNAWWARALI :—Sir, between the acceptance of the Bill proposed by Hon'ble Rai Bahadur Amarnath Ray yesterday and Here, Sir, the object is to-day, our position is rather precarious. out only partially. I would for myself have ~~the~~ is proposed to be carried limit both to personal as well as to holding taxes. It has been ~~the~~ maximum we should place absolute reliance on our representatives on the Municipal Board. Well and good, if we could do so. The Hon'ble Finance Member seemed to have endorsed the opinion that our goal is one of "Government of the people by the people." Sir, I respectfully submit that this is our ideal, our final goal, but we have now only started our march. Being at the starting point, how can we take up the measure, which, when we have reached the goal, we should take? I do not think it is advisable to give unlimited powers to the Municipal Board for taxation. Sir, it will appear that in spite of the opinions expressed by several of my previous speakers that Municipal Boards should not be given absolute powers in any matter whatsoever, the Hon'ble the Finance Member is quite willing to give unlimited scope to the Boards in the matter of taxation alone. I wish, Sir, he could have been as generous in other respects as well (laughter). Those who have gone through the chapter on official control must have been convinced what a control, what a severe control, is being put upon the Municipal Commissioners on their free and sweet will. Then, Sir, I think any well-wisher of the community would like much better to have further liberties in this respect than in the matter of taxation which is the severest problem of all problems

THE HON'BLE MR. W. J. REID :—Sir, I would like to say that I am in no way responsible for the amount of control which is or is not put on the Municipal Commissioners. It is not my Bill.

MAULAVI MUNAWWARALI :—Sir, all the previous speakers who have opposed the motion, seem to have thought that they always send to the Municipal Boards ideal representatives. But, Sir, I beg to say that when we elect a representative we elect only the best of the lot and I do not think that all the persons have reached the limit of our ideal, I think almost none. Had we been able to send the ideal men to the Boards I think no member would have objected to the motion.

Now, Sir, it is also in the interest of the Municipal Board itself that I advocate the adoption of this motion. Sir, had the Municipality been absolutely independent to-day, I should not have grudged having this motion thrown out. But, Sir, the Municipality is in the hands, even now, of the Government.

As I have already said. It is really a limb of the Government. It has to do a great deal with the Government. It has to look to the Government for guidance, it has to look to the Government for funds. Sir, as a business man I should not like to see unlimited scope for taxation in the hands of the Municipal Commissioners. The Government will say when they pray for funds, the Government, specially in these days when they are hard up, on all sides,—they will say go to yourselves, raise the taxes. Government can then point out very good suggestions, practical suggestions, they will say “go, while your affairs are in your hands practically absolutely, don't bother, absolute freedom has been given in this respect, utilise that, go on utilising that”. Sir, as a practical man, as a business man having to do with Municipal affairs I for myself cannot but support this motion whole-heartedly.

One of the previous speakers has pointed out that the Mover of this amendment is not quite sure as to the maximum limit. I do not think, Sir, that the Hon'ble Mover bothers much about the maximum as much as he does for the principle. His principal object is that a limit should be fixed. I think it would be well and good if the Hon'ble House after deliberation feel that the limit should be a bit higher than what it is proposed to be and if it be acceptable to the Hon'ble the Minister in charge,—I think it is a matter which ought to be acceptable to him,—a higher limit might be set, but there must be a limit, under all circumstances. With this object, I beg, Sir, that this serious question should have serious consideration from the Hon'ble Members and that it must not be taken light-heartedly. The motion should be supported whole-heartedly by all Hon'ble Members.

THE HON'BLE MR. W. J. REID :— May I offer a word of personal explanation, Sir. I am anxious not to mislead the Council. When I spoke just now I am afraid I had in mind not only the actual motion but Municipal taxation generally. I did not mean to tell the Council, if indeed I did, that only one Municipality so far had reached the maximum rate of seven and a half per cent. on holdings. There may be others. Probably there are. What I meant to say was that I was not aware of any Municipality except possibly the Shillong Municipality which had reached or generally speaking almost reached the maximum rates fixed for all the taxes permissible under the present Act.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY :— Sir, I am tempted to think that there should be some control over the Municipal Commissioners regarding taxation. But I could not follow the standard of $7\frac{1}{2}$ per cent. as moved by the Hon'ble Mover of the amendment. If it is the sense of the House that there should be some control over the Commissioners for fixing a certain percentage of taxation as maximum I do not find before us anything or any motion to fall upon. So I do not think there is any way to help the Mover.

MAULAVI RUKUNUDDIN AHMAD :— Sir, one of my Hon'ble friends has opposed my amendment on the ground that no maximum limit has been fixed in assessing taxes on inhabitants and therefore there should be no maxi-

imum limit of tax on holdings. This argument however did not impress me much. Rather this argument appeared to me—for example, in one house there are two brothers Ram and Sam. Ram has gone to school without taking his food, therefore Sam should also go to school without taking his food. And one of my friends has opposed my amendment on the ground that Municipal Commissioners are elected representatives of the people, and that if they impose heavy taxes on the rate-payers then in the next election they are not likely to be returned. On that ground they will be very careful in imposing taxes on the people. But my question to that Hon'ble friend is whether they continue the same attitude towards the rate-payers when they canvass the rate-payers to get themselves elected as after they have been elected to the Board. And one of my friends has opposed my amendment on the ground that in England there is no maximum limit of taxation therefore there should not be any maximum limit of taxation in Assam. My question to him is whether we can claim ourselves to be so advanced in thoughts as well as in education as the people of England. And the Hon'ble Finance Member has said that in moving this amendment I am not advocating the cause of democracy but I am advocating the cause of obligarchy. But, Sir, there are many things in this Bill some of which have already been discussed and there are some to be discussed, but in discussing these amendments we do not prove ourselves to be so generous to advocate the cause of democracy. As for example I beg to bring to the notice of the House one instance with regard to the approval of the election of the Chairman by the Local Government. That question has been discussed in the House very carefully and at length as well. If I remember aright one of my friends has opposed that amendment on the ground that some etiquette is necessary, with regard to the approval of the election of the Chairman by the Local Government. I could not understand what sort of etiquette he wanted in legislature, and in that amendment also my friends those who have opposed were quite at liberty to show their generosity by advocating the cause of democracy. One of my friends, namely, Maulavi Rashid Ali Laskar has laboured very much with regard to the question of trust—he attaches so much importance to the question of trust—that if we fix the maximum amount of taxation, *i.e.*, $7\frac{1}{2}$ per cent. or any other amount, we will distrust the Commissioners. With regard to this question of trust my friend Srijut Bipin Chandra Ghose has replied fully so I do not like to trouble myself any more. And my friend Maulavi Rashid Ali Laskar further said that in the Select Committee we have decided against this question. I was also one of the Members of that Committee. If I remember aright this question had been raised by me in that Committee as well, when the discussion arose then the President said “let the question remain as it is for general discussion in the Council.” Of course the last speaker Khan Sahib Alauddin Ahmad Chaudhury has said with regard to the $7\frac{1}{2}$ per cent. that he does not find any way to raise the percentage. I am pressing this amendment on principle that there should be some maximum.....

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY :—I rise to a point of order, Sir. I did not say anything about the $7\frac{1}{2}$ per cent. I was always for giving full control for the Municipal Commissioners.

MAULAVI RUKUNUDDIN AHMAD :—Please have patience.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY :—I could not understand his standard of maximum.

MAULAVI RUKUNUDDIN AHMAD :—Therefore please have patience. Sir, in this Bill there are several other provisions where the maximum is fixed, we should therefore fix a percentage on holdings also. Still one of my friends has questioned whether I am sure that $7\frac{1}{2}$ per cent. would be the exact percentage that would be fixed. Of course as far as I am concerned I am sure, but I leave it to be decided by the House whether it would be the exact percentage or not. If in the opinion of the House the maximum of $7\frac{1}{2}$ per cent. would not suit the occasion then the House is quite at liberty to raise the percentage, and I am also ready to accept any amendment to that effect.

The principle on which I am pressing my amendment is only this. There should be some maximum fixed beyond which the Municipal Commissioners should not be allowed to impose taxes upon the poor rate-payers.

With these remarks, Sir, I again appeal to the House to consider the question very carefully before they come to any final decision in the matter.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I would just like to say a word or two in regard to what has fallen from my Hon'ble friend Maulavi Munawwarali. He has said that the Commissioners elected to the Municipality are not always the best men. If that is so the fault lies with the rate-payers and not with the Municipality. Then he says that Municipal Commissioners are not ideal men. Nor I submit are the rate-payers; nor even are we who are legislating here. Another point which he has urged is that the Government might be tempted to put pressure on the Commissioners to put the tax up if there be no limit. Well, my answer to that is that we should see what has been the past policy of the Government. Has it ever been the policy of the Government to bring pressure to bear on the Municipality to put up the tax to any unreasonable extent? In this connection I would appeal to the experience of the members who have been on the municipality. It is the Government who is giving us this Municipal Act and it is the interest of the Government to see that self-government succeeds in this country. There is no reason whatever for mistrusting the intentions of the Government. Finally, with regard to the remark that has been made by the Hon'ble Mover, that the House is quite at liberty to suggest any other percentage, I would submit that the only amendment before the House is this that 'such tax shall in no case exceed $7\frac{1}{2}$ per cent. of the annual rental value of the holding.' No question either of raising or of altering the percentage arises.

MAULAVI MUNAWWARALI :—Sir, may I rise to a point of order. I did not say that Municipal Commissioners are not always the best men. I said rather that the rate-payers do select the best men available; I said that they do not select ideal men.

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

AYES—18.

Maulavi Abdul Khalique Chaudhuri.
 Haji Muhammad Abdul Ahad Chaudhuri.
 Khan Bahadur Kutubuddin Ahmad.
 Maulavi Munawwarali.
 Khan Bahadur Muhammad Bakht Mazumdar.
 Maulavi Rukunuddin Ahmad.
 Maulavi Saiyid Samiur Rahman.
 Munshi Safiur Rahman.
 Khan Sahib Sarafat Ali Chaudhuri.
 Srijut Bishnu Charan Borah.
 Srijut Bipin Chandra Ghose.
 Raj Kumar Chandra Narayan Singh.
 Srijut Dalim Chandra Borah.
 Babu Hira Lal Bose.
 Rai Bahadur Krishna Chandra Chaudhuri.
 Rev. J. J. M. Nichols-Roy.
 Mr. A. J. G. Cresswell.
 Mr. E. H. Featherstone.

NOES—19.

Hon'ble Mr. W. J. Reid, C.S.I.
 Hon'ble Mr. A. Majid, C.I.E.
 Hon'ble Rai Bahadur Promode Chandra Dutta.
 Mr. A. W. Botham, C.I.E.
 Mr. A. J. Lainé.
 Mr. J. R. Cunningham, C.I.E.
 Mr. J. N. Taylor, C.I.E.
 Mr. A. Mellor.
 Maulavi Rashid Ali Laskar.
 Rai Bahadur Amarnath Ray.
 Rai Bahadur Bipin Chandra Deb Laskar.
 Babu Biraj Mohan Datta.
 Srijut Lohit Chandra Nayak.
 Rai Bahadur Manomohan Lahiri.
 Srijut Nilmoni Phukan.
 Mr. E. W. Hobson.
 Dr. H. G. Roberts.
 Mr. E. S. Roffey.
 Mr. D. M. Somerville.

The motion was negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 60 do stand part of the Bill.

The motion was adopted.

SECTION 61.

SRIJIT DALIM CHANDRA BORAH moved :—“ That after sub-section (2), the following proviso be added :—

‘ Provided that such tax shall not exceed seven-and-a-half per cent. of the annual value of the holding when the houses and land are situated in any road supplied with water and exceeding six per cent. when the houses and land are situated in any road not so supplied.’ ”

Sir, the amendment under section 61 relates to the fixing of a maximum limit of the rate of tax on water-supply. I wish to support my amendment on the very same ground as in the case of my preceding amendment.

Sir, I should just like to observe that although we have got autonomy, although we have got self-government, we should not always act on the assumption that the members of our municipal board are above the common error and frailties to which the ordinary human beings are subject. I think, Sir, that there is some justification for saying that the municipal commissioners must work in the interests of the rate-payers as they will be under oath under the new Act. We must not assume that they will not fall into error or act against the interests of their rate-payers. I should like to remind Hon'ble Members that there may be some municipal commissioners who will make large promises at the time of the elections but do not act up to those promises when they enter into the municipality. Although I have witnessed the fate of my preceding amendment, I do not feel inclined to withdraw this amendment. It does not matter whether the amendment is lost. At any rate I press the amendment and I only hope that Hon'ble Members will this time at least lend their support to this resolution which is in connection with their water-supply.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I would just invite the attention of Hon'ble Members to clause (c) of section 61. That clause says ‘ that in fixing the amount or amounts of the tax regard shall be had to the principle that the total net proceeds of the tax together with the estimated income from payments for water supplied from the works under special contract or otherwise, shall not exceed the amount required for making, extending, improving or maintaining the water-supply.’ I would ask the Hon'ble Mover to consider whether his amendment would not be inconsistent with the provision which has been made in this clause as it may possibly happen that the municipal commissioners might not be able to find enough money for the purposes provided in that clause. As to the desirability of setting limits, we have had enough of discussion about it and I would be wearying the House if I were now to traverse a beaten track.

RAI BAHADUR MONOMOCHAN LAHIRI :—Sir, under the section pointed out by the Hon'ble the Minister the power of imposition of the water tax is restricted, inasmuch as a Board cannot impose more than what it is required for the water-supply. I therefore consider that we should not limit the percentage of such tax.

SRIJUT DALIM CHANDRA BORAH :—Sir, if no other Hon'ble Member wishes to speak on the subject, may I with your permission say a few words by way of reply? The Hon'ble Minister in charge of the Bill has just remarked that my amendment would be inconsistent with clause (c) of this section. But I would like to say that the Municipal Commissioners should not under any circumstances incur so much expenditure under this head as to exceed the limit suggested by me. They must cut their coat according to their means and they should not go beyond that. That is my contention and in view of this contention I do not think that my amendment is inconsistent with clause (c) of the section.

The motion was put and negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 61 do stand part of the Bill.

The motion was adopted.

SECTION 62.

SRIJUT DALIM CHANDRA BORAH :—This amendment, Sir, relates to the fixing of a maximum limit to the tax on lighting. But I submit, Sir, that from my experience of the fate of the preceding amendments I am no longer encouraged to deal with this amendment. So this amendment as well as the next amendment which deals with the limitation on the maximum rate for latrine tax I withdraw.

The following motions under sections 62 and 63 were, by leave of the Council, withdrawn :—

(1) "That the following proviso be added to section 62, namely 'provided that such tax shall not exceed 3 per cent. of the annual value of the holding, but if the said rate of tax is not sufficient to defray the whole expense of such lighting it shall be lawful for the Board to reasonably enhance the said rate that may be sufficient to provide any portion with lighting'.

(2) "That the following proviso be added to section 63, namely—'provided the tax shall not exceed six per cent. of the annual valuation of the holding.'"

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that sections 62, 63 and 64 to 78 do stand part of the Bill.

The motion was adopted.

SECTION 79.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that the words 'and if the Board has not appointed an assessor under section 44' be omitted from section 79.

Section 79 runs as follows :—

'If at any time it appears to the Local Government that the valuation in any Municipality is insufficient or inequitable, and if the Board has not appointed an assessor under section 44, the Local Government may, by an order in writing, require the Board to revise and amend such valuation or to show cause against such order, within a time to be specified therein ;'

' And if the Board fails to comply with such order or if in the opinion of the Local Government the revised and amended valuation is insufficient or inequitable, the Local Government may by an order in writing require the Board to appoint an assessor of municipal taxes for such municipality within a time and for a period to be specified in such order. Such appointment shall be subject to the approval of the Local Government. '

My amendment is that the words 'and if the Board has not appointed an assessor under section 44' be omitted. To appreciate my meaning I would ask the Hon'ble Members to turn to section 44. That section says—'The Board at a meeting may, from time to time, determine and appoint the establishment to be employed by it and may fix the salaries and allowances to be paid to such establishment'. This section originally had a proviso which ran as follows—'Provided that the appointment of a paid Secretary, Engineer, Health Officer or Assessor, shall not be created or abolished without the sanction of the Local Government and that every nomination to and dismissal from any such appointment shall be subject to confirmation by the Commissioner'. This proviso was not accepted by the Select Committee who altered it as follows—'provided that the appointment of any officer whose pay is wholly or partly contributed by the Local Government shall not be created or abolished without the sanction of the Local Government and that every nomination to or dismissal from any such appointment shall be subject to confirmation by the Commissioner.'

So that, it will appear that the Government will have no voice in the choice of an assessor unless it contributes at least a part of his pay. The result would be that if an assessor had been appointed by a Municipality, and if the Government thought that the valuation made by that assessor was wrong it would not be open to Government to require the municipality to appoint a more qualified Assessor to revise the valuation. It is to avoid that difficulty that I have suggested the omission of the words "and if the Board has not appointed an assessor under section 44". The result will be that if the valuation made by an assessor is not correct it will be open to the Government to require the Board to appoint an assessor well qualified to do the valuation.

RAI BAHADUR MANOMOHAN LAHIRI :—Under section 44 there is no provision to appoint an assessor.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—The section says—"The Board at a meeting may from time to time determine, and appoint the establishment", etc. An assessor may be a person on the establishment.

THE HON'BLE THE PRESIDENT :—The question is that the words 'and if the Board has not appointed an assessor under section 44' be omitted.

The motion was adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I beg to move that section 79 as amended and sections 80, 81 and 82 do stand part of the Bill.

The motion was adopted.

SECTION 83.

SRIJUT BIPIN CHANDRA GHOSE :—Sir, I beg to move that at the end of sub-section 2, section 83, the following words be added, namely—‘ the member of the ward from which the application referred to in sub-section (1) is presented shall also be a member of the Committee.’ Section 83, sub-section 2 says—‘ The Chairman and Vice-Chairman shall be members of such committee *ex-officio* and other members shall be appointed from among their number by the Board at a meeting.’ My suggestion is to add—‘and the member of the ward from which the application referred to in sub-section (1) is presented shall also be a member of the Committee.’ My object in inserting these words is simply for convenience ; because he is a member of the ward and knows the facts and figures referred to in the application. So I think it would be better if he also be a member of the Committee.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, may I be permitted to invite the attention of the Hon'ble Mover to the proviso. The proviso says—‘ no member so appointed shall take part in hearing or determining any application from the ward in which he resides, or in the case of an elected member the ward which he represents,’ etc. So that, the amendment which is proposed would not be consistent with the proviso. So, Sir, I think the Hon'ble Mover may be pleased to withdraw it.

SRIJUT BIPIN CHANDRA GHOSE :—My only object, Sir, in moving this amendment is that in order to arrive at a decision and in order that the facts of the case might clearly be stated and well represented, it is thought desirable that in a Committee, the member of the ward in question, should also be a member, for the sake of convenience. Of course it is not consistent with the proviso, and in that case the proviso will also have to be amended.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—There is no amendment to the proviso.

THE HON'BLE THE PRESIDENT :—I would like to know whether the Hon'ble Member would like to withdraw his amendment.

SRIJUT BIPIN CHANDRA GHOSE :—In view of the difficulty I am bound to withdraw the amendment : because there is no amendment regarding the proviso, it would not be consistent with the proviso.

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

BABU HIRA LAL BOSE :—Sir, the amendment which I beg to move is this :—

That in sub-section (6), the following words be added :—

‘ Unless and until it is set aside by a Civil Court of competent jurisdiction.’

Now, Sir, section 87 is a section of procedure upon review. What the Board should do on review? The clause which I beg to amend, Sir, runs thus :—The decision of the committee or of a majority of the members thereof, or of the officer of Government, in respect of any application referred to in this section shall be final. In this connection, Sir, I may be permitted to read the following section 85 which has some bearing on this section :—

“ No objection shall be taken to any assessment or valuation in any other manner than in this Act is provided.”

Now, Sir, this is not a question of policy and is a very short amendment. The reason for which I beg to move this is justice only and nothing else. Of course the Hon'ble Members of this House are aware that all sorts of courts under the Administration are subject to Courts of Appeal and I do not see why the Municipal Commissioners or the members of the Board—I should rather correct myself—should be given this unlimited power. During the course of debate this morning we have heard from several Hon'ble friends and a principle has been enunciated that as the Municipalities are being given autonomies, they should not be distrusted and we should take all their actions without any right of going to higher authorities or to Government. However, it is a question, Sir, which I leave to the House to decide whether we shall remain content when justice is concerned. As human beings are liable to err, will not the members of the Board which will be constituted under this Act be likely to commit mistakes—not to speak of their being perverted, but they may commit very honest mistakes as the Courts of justice often-times do. We find one decision of a lower court which is upset by the District Court and the District Judge's decision is upset by the High Court and the decision of the High Court is upset by that of the Privy Council. That is the fact we find every day. So it cannot be argued that because the Municipal Commissioner has done a wrong thing, he is very right. Then, Sir, the question comes in from the wording of the last part of the section as I have read out it is quite evident that the decision of the Committee or of the Government officer mentioned in the section of the Bill will be final and the Civil Court will have no jurisdiction however unjust their decision might be. The question of valuation and assessment of a holding would prove a very complicated one and it is only fair that there should be a provision in the law that their decision may be tested, if necessary, in the Court of law. It is a notorious fact, Sir, that unfair valuation and assessment are often made. It cannot be denied that it does not occur at any time. And it will continue, Sir, to a greater and greater degree and the rate-payers affected will remain permanent victims affected unless we can set it aside. Under section 315—I beg to refer the Hon'ble Members to this section—of the Bill it is provided as follows :—

Any owner or occupier of land may contest his liability to pay any expenses or fees under this Chapter or under Chapters VI and VII or may contest the amount which he has been called upon to pay, in a Civil Court of competent jurisdiction.

In my humble opinion there are matters in this section some of which are less important than those of the valuation or assessment, which have been lost sight of. So I submit, Sir, that in the name of justice, this

amendment should be carried. It is no disparagement to the Commissioners and in no way humiliating to them or to their sense of justice, but this is a safeguard and we are accustomed to this sort of safeguards in all our judicial affairs. So I submit and I pray that this amendment may be accepted by the House.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I may be permitted to invite the attention of the Hon'ble Mover of the amendment to section 85.

BABU HIRA LAL BOSE :—Sir, I have already read it to the House, I am aware of it.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Section 85 runs thus :—“No objection shall be taken to any assessment or valuation in any other manner than in this Act is provided.” Until we have got an amendment to that section, I am afraid we cannot accept the amendment which has been moved.....

BABU HIRA LAL BOSE :—Sir, I beg to draw the Hon'ble Minister's attention to the fact that it is because of the existence of that section that I have moved the amendment. Unless this provision is amended no taxpayer will have a right to go to the Civil Court.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Now, Sir, then the question is that supposing the amendment proposed by the Hon'ble Mover is accepted it would read like this :—

“The decision of the Committee or of a majority of the members thereof, or of the officer of Government, in respect of any application referred to in this section shall be final unless and until it is set aside by a Civil Court of competent jurisdiction.”

Then in section 85 we have :—

“No objection shall be taken to any assessment or valuation in any other manner than in this Act is provided.”

Now we have got a section in the Bengal Municipal Act corresponding to section 85. That section is 116. Now, what the High Court has held in regard to that section is that when a question like this arises in the Civil Court, it has got to see whether the action of the Commissioner complained of is, or is not, within the powers conferred upon them by this Act, that is, whether their action is *ultra vires*; the courts can only interfere in all matters in which a Municipality acts *ultra vires*. Now our section 85 is almost identical in terms with section 116 of the Bengal Municipal Act.

BABU HIRA LAL BOSE :—May I ask the Hon'ble Minister if he is referring to the case of 21—Cal.?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—No; the question I would ask the House to consider is whether the court should have the right to decide whether the valuation or assessment has been made properly. If the Civil Courts are allowed jurisdiction over the Municipality as proposed in the amendment, the result will be that every rate-payer feeling aggrieved will go to the Civil Court and the work of administration in the Municipality may have to be suspended for at least sometime. It is for this reason that the power to question the valuation or assessment has not been given to the Civil Court and I submit that that power should not be given.

MR. A. MELLOR :—Sir, I am afraid I have got another legal point to raise in this connection. The question is whether this amendment gives any jurisdiction to the Civil Court which it has not got already. If the Civil Court under the present law has jurisdiction in certain cases, then this amendment is unnecessary. In this case the Hon'ble Member is making a proposal which affects the jurisdiction of the Civil Courts. Under section 80A of the Government of India Act, sub-section (3) (e), the local legislature of any province may not without the previous sanction of the Governor General make or take into consideration any law regulating any central subject. Then under the new Devolution Rules we have a list of the central subjects and No. 16 of the Central Subjects is "Civil law, including laws regarding status, property, civil rights and liabilities, and civil procedure," so that it is not within the competence of this Council to legislate in a matter which concerns or affects in any way the jurisdiction of the Civil Court without the previous sanction of the Governor General.

MAULAVI RASHID ALI LASKAR :—What about the amendment already accepted, the amendment moved by the Hon'ble Member Maulavi Munawwarali about the qualification of the voters?

MR. A. MELLOR :—That amendment declares that the jurisdiction of the Civil Court is not affected.

BABU HIRA LAL BOSE :—Sir, I do not think any other Hon'ble Member is going to say anything on the subject. If not, I beg to say a few words in reply.

I have heard the Hon'ble Minister saying that my amendment if accepted would be inconsistent with section 85. As I have already submitted, Sir, in my humble opinion I respectfully differ with a veteran lawyer like the Hon'ble the Minister in charge of the Bill, but unfortunately I am to do so. In my humble opinion it is not inconsistent. If my amendment is accepted the clause will stand thus—"the decision of the Committee or of a majority of the members thereof or of the officers of Government in respect of any application referred to in this section shall be final unless and until it is set aside by a Civil Court of competent jurisdiction" and section 85 provides that "no objection shall be taken to any assessment or valuation in any other manner than in this Act is provided". So I do not see any inconsistency, Sir.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Yes, Sir, I am afraid my friend is right. There is no inconsistency.

BABU HIRA LAL BOSE :—I find that a distinguished Judge who is a Member of this Council also says that that will be under the Government of India Act and we can do this. It is not limiting the power of the Civil Court but granting it additional power. I am not going to curtail it, only giving it additional power which contains no objection under the Government of India Act.....

MR. A. MELLOR :—Sir, it does affect the jurisdiction of the Civil Court, and this Council is not competent to deal with it without the previous sanction of the Governor General.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the question may now be put to the vote.

The motion was put and negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA:—
Sir, I beg to move that sections 83, 84 and 85 do stand part of the Bill.

The motion was adopted.

The Council was adjourned to 2-15 P.M.

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

SECTION 86.

BABU HIRA LAL BOSE :—Sir, I must admit that in sending this amendment I misunderstood the clause. After a careful study I have found out my mistake and I therefore beg the permission of the House to withdraw the amendment.

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

“That from the proviso to section 86, the words ‘or his agent’ be omitted.”

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—
I beg, Sir, to move that sections 86—102 do stand part of the Bill.

The motion was adopted.

SECTION 103.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—I beg to move, Sir, that in exemption clause (c), after the word ‘Board’ in the 2nd line, the words ‘or to the Local Board’ be inserted.

With your permission I would like to move the next amendment on the same section. It runs :—That in exemption clause (c) after the word ‘Board’ in the 5th line the words ‘or by the Local Board’ be inserted.

I have moved both these amendments together because, Sir, one relates to the second line and the other to the 5th line of the same clause. My object is to give the advantage of the exemption to the Local Board employes. It is a recognised fact I presume, that no Municipality can go on without the help of the Local Board.....

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—
May I interrupt, Sir, by saying that I shall be prepared to accept the amendments proposed if the House agrees. This will cut short the speech of the Hon'ble Mover.

The motions were adopted.

MAULAVI MUNAWWARALI :—Sir, I beg to move :—

“That in exemption clause (a) after the words ‘Territorial Force’ the following words be inserted, namely :—‘when the same are required to be maintained for use in performance of his duty, as such.’”

Sir, certain things have been exempted from the imposition of taxes. Exemption clause (a) says that no license shall be required in respect of horses or ponies belonging to officers doing regimental duty or to members of the Indian Artillery Force or Territorial Force. I do not grudge, Sir, that these people should be exempted from taking out licenses when they use the animals for the purpose of their duties as such. What I mean to drive at is to clear up the position and remove any possibility of future confusion. The section contemplates that these animals should be exempted only when they are used by members of the Territorial Force and the Indian Artillery Force as such. I beg that this amendment be accepted.

MR. E. S. ROFFEY :—Sir, I rise to oppose this amendment. I live within the Municipality of Dibrugarh. I am a member of the Auxiliary Force and I keep a pony. But being a Reservist in the Force I am not compelled to keep a pony. Now, Sir, all I say is this. If I am called out for duty I can assure the House that I am not going on the flat of my feet but that I would take my horse with me. It is absolutely impossible for a member to do as the Hon'ble Mover suggests, namely, to keep a horse solely for the purpose of the Force. If a Member of the Force, whether he is compelled under the rules to keep a horse or not, keeps a horse as I do, at his own expense, and is required to use that horse in connection with the Force, I see no reason why he should be compelled or penalised to pay taxes. Now, Sir, all I ask the Hon'ble Mover is to be consistent. If the House will look at sub-section (g) to section 103 they will find these words "motor cycles belonging to volunteers or members of the Indian Auxiliary Force." I submit that if this amendment is carried there is no reason why an amendment should not also have been made in connection with motor cycles. Sub-section (b) of section 34 of the Auxiliary Force Act reads :—'No enrolled person shall be liable to pay any municipal or other tax in respect of a horse, bicycle, motor bicycle, motor car or other means of conveyance which he is authorised by a general or special order by a competent military authority to maintain in his capacity as a Member of the Auxiliary Force, India.' In that section, therefore, horses have been included with motor bicycles. On the other hand this proposed amendment only refers to horses. If it is passed it will apply only to horses whereas in the sub-section you have motor cycles. All I ask the House is to be consistent and therefore as motor cycles have not been included in the amendment there is no reason I submit why horses should be included. Another point, Sir, that I should like to mention is that under the Arms Act as far as I recollect all members of the Auxiliary Force are exempt from paying any fees whatsoever in connection with any arms they hold or possess, and therefore I submit Sir, that there is no reason why this amendment should be passed only in respect of horses owned by members of the Auxiliary Force.

MAULAVI RASHID ALI LASKAR :—Sir, looking at the last two lines of this section it is I think not necessary; in fact it is if I may say so really redundant, and so I advise the Hon'ble Mover to withdraw his resolution.

MAULAVI MUNAWWARALI :—I would like to withdraw this resolution if the House have no objection.

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

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 103 as amended and sections 104—130 do stand part of the Bill.

The motion was adopted.

SECTION 131.

SRIJUT BIPIN CHANDRA GHOSE :—Sir, I beg to move that after the word 'aid' in the third line of section 131, the words 'with the approval of the Chairman' be inserted.

The object of the insertion of these words is simply this : that we should be very careful and particular in dealing with the public. The tax-collector in collusion with the police might harass the public, so if the approval of a responsible officer such as the Chairman is taken there will be no difficulties. Therefore my suggestion for the insertion of these words is made to check possible mal-practices, and nothing more. For these reasons, Sir, I beg to propose the amendment.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I may mention for the information of the Hon'ble Members that there is exactly the same provision made in section 50 of the Local Self-Government Act. Now, Sir, this section contemplates a case in which, for instance, an officer sent to collect the tolls is opposed, and finding that he is so opposed, he invokes the aid of a police officer who, let us say, happens to be on the spot. It would not I submit assist us in our business if instead of allowing the tax-collector to immediately call in the assistance of the police officer present there, we require him to proceed to the Chairman and obtain his permission to take the police to assist him. I submit, Sir, that this procedure would only give rise to difficulties in such cases.

SRIJUT NILMONI PHUKAN :—Sir, I think what the Hon'ble Minister has just said is perfectly true. This section contemplates immediate action so that when a tax-collector is opposed he might then and there call in the assistance of the police without first having to run to the Chairman to complain of the opposition encountered. If this is not done, then how he could get the man even at that time? If a police officer happens to be there and he takes his aid at that moment, I do not think there will be collusion in any way. Therefore the very spirit of the section will be gone if this amendment is accepted.

The motion was negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that sections 131 to 137 do stand part of the Bill.

The motion was adopted.

SECTION 138.

MAULAVI MUNAWWARALI :—I beg, Sir, to move that in section 138 in line 13, for the words 'the full amount' the words 'twenty-five per cent.' be substituted, and after the words 'purchase-money' in the same line, the words 'and the balance within 15 days of the sale' be added.

The section contemplates the power to sell holdings for money due and runs thus :—

“ If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expense or charges recoverable under this Act, and if the owner of such holding or his whereabouts are unknown or the ownership thereof is disputed the Board may publish twice at an interval of three months a notification of sale of such holding, and after the expiry of not less than three months from the date of the last publication unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall at the time of sale deposit the full amount of the purchase-money, etc.” That is, this section contemplates that the full amount of purchase-money should be paid on the spot. But, Sir, this is contrary to the practice that obtains in this country under the Revenue laws. The proposed procedure will do one harm at least, in this that intending purchasers on the spot might be scared away by the thought that they will have to pay the full amount and would not like to raise the bid. I think, Sir, that the sale practice that is being followed in Revenue Courts should be followed here also. So, I have proposed that instead of ‘ the full amount ’ ‘ 25 per cent. of the purchase-money ’ and the balance within 15 days of the sale, as is the practice usually. This will be really good from two points of view, from the point of view of the defaulter as well as from the view point of the Municipality, because it may be that certain property attached will not be sold for the amount which the Municipality requires,—it may be lower. So, from the Municipal standpoint also this insertion would appear to be desirable and hence it should be adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, there are certain difficulties in our accepting this amendment. In the first place Hon'ble Members will see that the amount of taxes, expenses or charges recoverable under this section would not be very large. Ordinarily they would be very small indeed. In the second place if you prescribe that only 25 per cent. should be deposited on the date of sale and the balance after 15 days, it will be necessary to provide for a contingency where the balance might not be paid. If you bring that in it will be necessary for you to lay down elaborate provisions for the sale or for re-sale under certain conditions. These difficulties need not be counted because the amount that will be involved in cases coming under this section will be very small.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—This seems, Sir, only a reasonable change.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Supposing, Sir, that the balance of the purchase-money is not paid within 15 days, what is to take place then. Some provision must be made to meet that.

RAI BAHADUR MONOMOCHAN LAHIRI :—There will be no difficulty Sir. There is no difficulty under the Civil Procedure Code, and I can't find that there should be any difficulty in a Local Self-Government Act.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :— There are provisions in the Civil Procedure Code for re-sale in case the amount is not paid within 15 days. But the amendment here does not suggest any provision of that kind. The Hon'ble Member himself is a lawyer and knows full well that there are provisions for sale and re-sale under certain conditions.

SRIJUT LOHIT CHANDRA NAYAK :—The necessary provision should be made here too.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, it is not open to the House now to move fresh amendments.

MAULAVI MUNAWWARALI :—Sir, the Hon'ble Minister invited me to make a further amendment.....

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I did not invite, Sir. What I said was that there is no provision made in cases where the balance was not paid.

MAULAVI MUNAWWARALI :—I am going to add a word or two.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Has the Hon'ble Member any right to do it now, except with the permission of the House?

MAULAVI MUNAWWARALI :—If I am permitted that may be done. There is no bar to it. The rules provide for such cases. So, I beg your permission, Sir, to allow me to add a few words to my amendment which you, under the rules, have the power to give.

THE HON'BLE THE PRESIDENT :—Yes, very well.

MAULAVI MUNAWWARALI :—After the words 'and the balance within 15 days of the sale' the following words may be inserted :—'if the amounts are not so paid then the property will be re-sold in auction and no more concessions will be allowed, the deposit of 25 per cent. if made being forfeited.'

THE HON'BLE THE PRESIDENT :—I like to ask the Hon'ble Minister whether he has got any objection to allowing this amendment to be made.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Now, Sir, the decision of this question depends on Standing Order No. 47 which says :—

"If notice of a proposed amendment has not been sent to the Secretary two clear days before the meeting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in exercise of his power to suspend this order allows the amendment to be moved."

It only means, Sir, that if an amendment is proposed and any member has not sent the requisite notice, the President has the right to allow the amendment to be moved. But in this particular case I am sorry to have to oppose this amendment on the ground that it is impossible now to foresee all the contingencies that may arise. There are elaborate provisions in the

Civil Court Act, as those Hon'ble Members who are lawyers know well, relating to this matter. Whether the amendment which has been suggested covers all the cases I am not in a position to say off-hand. It is for this reason that I am objecting to this and for no other reason.

MAULAVI RASHID ALI LASKAR :—Sir, may we postpone this amendment for to-morrow?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, if the Hon'ble Members are willing that it should be postponed till to-morrow I am prepared to agree to that.

SRIJUT DALIM CHANDRA BORAH :—I think, Sir, it may be postponed for to-morrow.

THE HON'BLE THE PRESIDENT :—The Hon'ble Member may postpone his amendment for to-morrow.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I understand that fresh amendments will be brought before this House in regard to section 138.

THE HOUSE :—Yes, Yes.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Then, Sir, I beg to move that sections 139 to 148 do stand part of the Bill. There are no amendments to these sections.

The motion was adopted.

SECTION 149.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move "that for the words 'the expenses thereby incurred' in the twenty-first line the words 'any reasonable expense incurred for the purposes of such removal or alteration' be substituted"

The motion was adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move—

That section 149 be re-numbered section 149 (1) and the following be added as sub-section (2), namely :—

"(2) If the expense of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expense incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building."

It only means this :—the Municipality has the power to compel either the owner or the occupier to remove projections from his house. Supposing an occupier is compelled to remove a projection, it is only fair that he should have the power to recoup himself of the expenses which he has incurred unless he has himself put up the projection. It is to make provision for that contingency that I have proposed this amendment.

The motion was adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 149 as amended and sections 150 to 181 do stand part of the Bill.

The motion was adopted.

SECTION 182.

MAULAVI MUNAWWARALI :—Sir, I may be permitted to move all the three amendments together otherwise there will be difficulties and confusion.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I have no objection to that, Sir.

MAULAVI MUNAWWARALI :—I beg, Sir, to move that section 182 be amended as follows. I shall do well to read the section as it stands in the Bill first. The section is that :—

“The Board may, by notice, require the owner or occupier of any land to clear away and remove *lantana*, *eupatorium* ‘water-hyacinth’ or any trees, vegetation or undergrowth which may appear to the Board to be injurious to health or offensive to the neighbourhood.”

I beg to move that this section be amended so as to read as follows :—

“The Board may, by notice, require the owner or occupier of any land to clear away and remove *lantana*, *eupatorium*, vegetation or undergrowth, or cut and remove any trees or bamboos or branches thereof, or eradicate and destroy water-hyacinth or any other similar weeds, within such time as the Board may fix, and which may appear to the Board to be injurious to health or offensive to the neighbourhood or causing or likely to cause damage or destruction to any crop growing or to be grown, or obstructing or likely to obstruct, free passage of men or animals through a public road or any boat or steam vessel, along a public water way.”

I think, Sir, by my proposition itself it has been clear to the House that I have tried to make a section which will cover all contingencies and would be a legislation also for effective eradication of “water-hyacinth” and I have the strongest belief, Sir, that the Mover of the resolution on the destruction of water-hyacinth would reserve for me much thanks and must give his whole-hearted support (laughter). With these few words, Sir, I think the section by itself will be commendable to the House.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—So far as I am concerned, the only objection I have to this is that it is rather unnecessarily elaborate. Beyond this I have no objection if the House agree to it.

RAI BAHADUR MONOMOCHAN LAHIRI :—I have no objection to the amendments (a) and (b) ; but (c) is rather objectionable as it will enable the Municipality to interfere with the prescriptive rights of the rate-payers.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—In regard to this I may only say that there can be no prescriptive right to do a wrong.

RAI BAHADUR MANOMOHAN LAHIRI:—No, this is not so. Suppose I have a big tree that is standing for 50 or 60 years, why the Board should compel me to cut it down?

There are provisions in the Bill according to which the Municipality has got the power to cut down trees if they obstruct free passage of men or animals through a public road or of any boat or steam vessel along a public waterway.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI:—But I do not see for myself how the prescriptive right is involved.

MAULAVI MUNAWWARALI:—I am of opinion, Sir, that it is doubtful whether in the law any prescriptive right can be available for doing wrong. This is itself a doubtful point. Allowing that under some special circumstances, there is a prescriptive right, that right should not be allowed to exist if it gives rise to such acts as would be injurious to health or offensive to the neighbourhood or causing or likely to cause damage or destruction and all these things. That right should be done away with. That is only right and proper. On the score of this technicality the members should not be scared away.

The question may be put to the vote.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA:—Sir, I have a suggestion to make. It is a matter of phraseology and nothing else. I suggest the addition of the words "to be" before "causing" and "obstructing."

MAULAVI MUNAWWARALI:—I have no objection. I would rather be glad of the change.

THE HON'BLE THE PRESIDENT:—The question before the Council is that the words "water-hyacinth or any trees" be omitted from lines 3 and 4. That after the word "undergrowth" the following be inserted, namely:—"or cut and remove any trees or bamboos or branches thereof, or eradicate and destroy water-hyacinth or any other similar weeds, within such time as the Board may fix," and that after the word "neighbourhood" the following be added, namely—"or to be causing or likely to cause damage or destruction to any crop growing or to be grown, or to be obstructing or likely to obstruct, free passage of men or animals through a public road or of any boat or steam vessel, along a public waterway." Those in favour of the motion will say "aye," those against it will say "no."

I think the "ayes" have it.

MAULAVI RASHID ALI LASKAR:—Sir, I ask for a Division.

THE HON'BLE THE PRESIDENT:—Very well.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY:—May I ask the Hon'ble President to ask the Hon'ble Members who said "no" to stand up?

BABU HIRA LAL BOSE:—Sir, there is no provision for this request. Everybody has a right to ask for a Division.

SRIJUT NILMONI PHUKAN :—Sir, after the Hon'ble President's ruling we are all out of order.

THE HON'BLE THE PRESIDENT :—I am sorry I have already given my ruling.

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

AYES—14.

Maulavi Abdul Khaliq Chaudhuri.
 Khan Sahib Alauddin Ahmad Chaudhuri.
 Haji Muhammad Abdul Ahad Chaudhuri.
 Khan Bahadur Kutubuddin Ahmad.
 Maulavi Munawwarali.
 Khan Bahadur Muhammad Bakht Majumdar.
 Munshi Safur Rahman.
 Khan Sahib Sarafat Ali Chaudhuri.
 Rai Bahadur Amarnath Ray.
 Rev. J. J. M. Nichols-Roy.
 Mr. A. J. G. Cresswell.
 Mr. E. W. Hobson.
 Mr. E. S. Roffey.
 Mr. D. M. Somerville.

NOES—10.

Maulavi Rashid Ali Laskar.
 Maulavi Rukunuddin Ahmad.
 Srijut Bishnu Charan Borah.
 Srijut Bepin Chandra Ghose.
 Rai Bahadur Bipin Chandra Deb Laskar.
 Srijut Dalim Chandra Borah.
 Babu Hira Lal Bose.
 Srijut Lohit Chandra Nayak.
 Rai Bahadur Manomohan Lahiri.
 Srijut Nilmoni Phukan.

The motion was adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 182 as amended, and sections 183-214 do stand part of the Bill.

SECTION 212.

RAI BAHADUR MANOMOHAN LAHIRI :—Sir, there is a clerical error in the second paragraph of section 212. It runs as follows :—“and every person who shall sell or expose for sale any article intended for food or drink or any livestock on any land which shall have been so closed” etc., whereas in the definition of the term “market” the word “livestock” is followed by the words “or any other merchandize,” now I beg to propose that the words “or any other merchandize” be added after the word “livestock.”

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the amendment suggested may be accepted if the House agrees.

THE HON'BLE THE PRESIDENT :—The amendment is that the words ' or any merchandise ' be added after the word ' livestock ' in section 212.

The motion was adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I beg, Sir, to move that section 182 as amended, sections 183-211, section 212 as amended, and sections 213-214 do stand part of the Bill.

The motion was adopted.

SECTION 215.

SRIJUT NILMONI PHUKAN :—Sir, I have already submitted a note of dissent on this section, but now I find a small discrepancy in my note of dissent and also in the amendment which is now before me. I do not know whether I made a mistake in sending my amendment or whether it is a misprint here. However the point is not very material. Sir, in my note of dissent I stated that the suggestion " After ' from which ' in the 12th line add ' except in the case of *dohi* or skimmed milk sold as such ' " should be omitted, as otherwise no pure *dohi* or *ghol* (skimmed milk) could be had in the market. The word ' extract ' means to draw out by force or otherwise. The so-called curd left after churning the milk by force is really no *dohi*. *Dohi* is a substance left after the creamy portion floating on the surface of milk is taken away by process of heating or allowing the milk to curdle itself. The watery substance left after churning the milk and extracting the creamy portion is used as *ghol*. So it will appear that no ingredients from *dohi* can be extracted by force, nor water added to *ghol*. Therefore I suggest the following may be added after ' has been added ' in the 15th line :

' Except in the case of *dohi* where the creamy portion floating on the surface may be taken out by the process of heating or allowing the milk to curdle itself and in the case of *ghol* where the creamy portion may be extracted by the process of churning.' Sir, my idea is this that if the section is allowed to stand as it is we shall have neither pure *dohi* nor *ghol* in the market. *Ghol* is a watery substance no doubt of the milk but no fresh water can be added to it. Similarly, in *dohi* also the creamy portion may be taken away by a natural process of heating or when the milk is allowed to curdle itself, but if it is churned by a process of force the substance dissolved is no *dohi*. What the *goalas* do at the present time is to use some preservatives and mixtures and make a sort of *dohi*, and this of course is no pure *dohi*. It is for that reason therefore that I propose the amendment. If my amendment is accepted the section will run thus :—" In the case of milk (other than condensed, sterilized or desiccated milk in hermetically closed receptacles *dohi* or skimmed milk sold as such), the animal from which the milk is derived shall be definitely stated in such manner as the local authority may, by general or special order, require and the article sold, exposed for sale, or stored for sale, as the case may be, shall be the natural secretion from the udder of such

animal, from which no ingredient has been extracted and to which no water or other substance has been added except in the case of *dohi* where the creamy portion floating on the surface may be taken out by the process of heating or allowing the milk to curdle itself and in the case of *ghol* where the creamy portion may be extracted by the process of churning." This will mend matters in which case the sense of the section will not be modified and there will be sufficient safeguards against *dohi* and *ghol* sold as such with mixtures of other preservatives.

I therefore refrain from continuing to impress on the House the importance of this provision because at the present moment every member feels the want of milk supply and other milk preparations and he has to go to the market to get them. It cannot be gainsaid that we do not get pure milk, nor even pure *ghol*. So unless such a provision is made it will not be possible for the towns people to get either pure milk or other milk preparations. I therefore trust that the amendment will be supported by the House.

SRIJUT DALIM CHANDRA BORAH :—Sir, the House will agree that the motion before the House at the moment is a very pleasant, agreeable, and if I may use the expression, a very palatable one coming as it does after a day's hard labour and toil. The Hon'ble Mover assures us that we would obtain the unadulterated natural products of that most essential of all foods milk, *ghol* and so on. But at the fag-end of the day it is, no doubt, tedious to undergo the process of churning and burning which the Hon'ble Mover has asked us to do. Although the Hon'ble Mover has made a lengthy discourse on the various properties of milk and its products, and if I may be permitted to say so, he has made a mountain of a mole hill. We all know the unwholesome character of curd and milk and I think the House will not hesitate to accept this amendment to ensure the sale of good milk and curd.

RAI BAHADUR MANOMOHAN LAHIRI :—Sir, I am sorry that I have to oppose this motion, as the amendment proposed will only complicate matters, and the difficulty of detection will be still further enhanced. Then again, Sir, if this amendment is accepted we shall be deprived of a very valuable food, namely the skimmed milk. The passing of an Act stopping the sale of skimmed milk will not improve matters. This section has been borrowed from the Bengal Act VI of 1919. Now this Act is in force in Calcutta, and everybody who has gone to Calcutta knows how difficult it is to get good milk there. Skimmed milk will look as good as pure milk, and to prosecute a vendor the milk will have to be sent to the laboratory for testing and how many samples can we send for analysis. I believe here also in Shillong skimmed milk is not allowed to be sold; Now Sir, we cannot get good milk here though the sale of skimmed milk is prohibited. There are some Nepalis at Tezpur who have cream separators. They are under the impression that skimmed milk cannot be sold in the town, they therefore skim the milk and sell the skimmed milk in the villages outside the Municipality and export the *ghee*. The price of milk used to be something like 10 seers per rupee, whereas at the present moment we cannot get even 5 seers. Sir, if this amendment is accepted there will be prosecutions with the result that we shall lose a very valuable article of food. I strongly object to this motion being accepted.

REV. J. J. M. NICHOLS-ROY :—Sir, it appears that there is some discrepancy in the language of the amendment. If the amendment be added as suggested after the word 'which' and the sentence 'except in the case of *dohi* or skimmed milk sold as such' be omitted then the language of the amendment would not run well. The language is wrong.

SRIJUT NILMONI PHUKAN :—I have already pointed it out.¶

REV. J. J. M. NICHOLS-ROY :—In that case there must be another amendment in order to enable the Council to understand how to judge in this matter.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I am unable to accept the amendment, and for reasons which have been so well stated by the Hon'ble Rai Bahadur Manomohan Lahiri. I confess I am no dairy expert and do not understand the skimming, churning and other technical processes. These are matters in which I am not an expert and I do not propose to go into them. All that I would do is to inform the Hon'ble Members, that we have taken this section from the Bengal Act 6 of 1891 and the amendments underlined in the section were added by the Select Committee.

SRIJUT NILMONI PHUKAN :—Sir, if no other Member likes to speak on the subject, I want to make a reply. The Hon'ble Rai Bahadur Manomohan Lahiri has said that if this amendment is accepted we can have no *ghol* or *dohi* in the market. But I say that if this amendment is accepted we shall be able to get pure *ghol* and pure *dohi* as we use them. In the case of *ghol* where the creamy portion may be extracted by the process of churning, taking all the cream and leaving the residue, and this *ghol* is sold in the market there will be no objection. Nobody will say that it will be impure *ghol*. But if the milkman mixes an amount of water again, I challenge the statement that it can be called *ghol* in the proper sense of the term. As regards *dohi* also I have made that provision. It is not necessary that all the creamy portion of the milk should be there to make *dohi*. That is not my contention. A certain portion of the cream may be taken out from *dohi* for the purpose of butter and the remainder is called pure *dohi*, and that is to be done only by a process of heating the milk or allowing the milk to curdle itself for some time and taking away the creamy portion from the surface. But if you churn the milk by force it is not *dohi* at all, at least it is not called so in my part of the district. So to obviate all these difficulties I have proposed here this amendment; because the section contemplates no ingredients should be extracted and no water or other substance should be added. Of course in the case of *dohi* we cannot expect to have all the ingredients—the 16-anna ingredients contained in the milk. So I have allowed the exception in the case of *dohi* to continue, because in the case of *dohi* you can take a certain creamy portion, not by a process of churning but by a process of natural heating and allowing the milk to curdle. That is the real definition of *dohi* and if this is not to be the definition of *dohi* or *ghol* then I challenge any other Hon'ble Member to define it.

RAI BAHADUR MANOMOHAN LAHIRI :—May I explain, Sir, that my Hon'ble friend has misunderstood me. Now, Sir, the process is this. The milk is put into a cream separator in which the cream and the milk are separated. From the cream butter is made and from that butter the *ghee*. Now, this milk that is left after taking out the cream is called skimmed milk. It is pure milk, but without the butter, and if this is kept, say for 24 hours with a little ferment then the whole thing curdles and is called *dohi*. Now, if we accept this amendment nobody will be allowed to sell any skimmed milk sweet or sour within the municipality. We will thus lose the skimmed milk. My friend speaks of the separation of the cream by a natural process. But when sour milk is brought to us how can we judge whether it was made from unskimmed or skimmed milk, or whether the creamy portion was taken out as suggested in the amendment, or by a cream-separating machine.

KHAN SAHIB SARAFAT ALI CHOUDHURI :—Sir, may I be allowed to say something in this connection. I see one of my colleagues the Hon'ble Mr. Lahiri wants watery milk and my Hon'ble friend Mr. Phukan wants pure milk. That is it to say, my friend Mr. Lahiri would make the *goalas* criminals and Mr. Phukan wants to put them into the jail. Now, it will be for us to judge whether the amendment is reasonable or not. I must say that every one wants pure milk, nobody wants watery milk. Whenever a man goes to purchase milk he wants pure milk. If he comes to know that it is mixed milk, watery milk, he won't purchase it. So far as I understand, therefore, there should be an amendment like this, and I support this amendment moved by Mr. Phukan.

SRIJUT NILMONI PHUKAN :—Sir, I beg to draw your attention to this little discrepancy in the amendment. In my note of dissent I put it as it should be. There is some discrepancy here. 'Except in the case of *dohi*' should be added before 'where the creamy portion,' etc.

THE HON'BLE THE PRESIDENT :—The question before the House is that in sub-section (1), clause (f) (i), for the words 'or skimmed milk sold as such' where they occur for the second time, the following words be substituted, namely :—'except in the case of *dohi* where the creamy portion floating on the surface may be taken out by the process of heating or allowing the milk to curdle itself and in the case of *ghols* where the creamy portion may be extracted by the process of churning.'

The motion was put and negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that sections 215 to 223 do stand part of the Bill.

The motion was adopted.

SECTION 224.

BABU HIRA LAL BOSE :—Sir, I beg to rise to move the amendment which runs thus :—that in section 224 the following words be added as a proviso :—

'Provided that sections 214 to 224 shall not be applied to any Municipality unless extended by the Local Government on the recommendation of the Board.'

Sir, the provision of these sections are no doubt very excellent in theory but I submit in practice, it will not prove so. In my humble opinion they may prove well in advanced sets of Municipalities but will do no good or rather no practical good to the Municipalities regarding which we are now legislating. The Hon'ble Members will remember that the provisions of this or rather these sections have been borrowed from the Bengal Municipal Act, from the United Provinces Municipal Act and some of the old Acts of this province. Now this chapter relates to the sale of foodstuffs and drugs. The question which I should like to press upon the House is this, Sir, whether by the provisions as they are in the Bill, we shall improve matters. There is unfortunately a general impression amongst many educated men that when a legislation is made, things will be all right automatically. But I may say, Sir, often times it does not necessarily follow that because there has been a legislation, no wrong should be done. The first point I beg to submit, Sir, is that Assam, so far as I know, is not a very big manufacturing province. Most of the foodstuff with which we are concerned with reference to these sections will have to be or are rather to be imported from other provinces. Now at the places of manufacture we shall have no control. That is a point which we should look to. For instance, flour, mustard oil and many other articles of food are to be brought in from Bengal. We shall have no control there and the importers or the vendors will have to import the articles from other provinces where we have no control without knowing whether they are adulterated or not. That being the case, if we legislate here that if a man sells this sort of things he will be prosecuted, then what will be the result? The result in my humble opinion will be, that imports will be stopped to the great disadvantage of the consumers. And now, Sir, one thing that I beg to put to the House with all respects is that I am quite sure that almost all the members have experience of Calcutta market, and what we find in Calcutta markets? Provisions which we have borrowed from the Bengal Municipal Bill are in force in Calcutta; yet we find impure foodstuffs in Calcutta. Those Hon'ble gentlemen, who have been in Calcutta, know too from their experience if it is not so. So, has Calcutta stopped this sort of sale. Calcutta has been unable and other Municipal towns in Bengal have also failed in spite of their Acts, to stop the sale of those articles. Then again we know, at least many Hon'ble Members of this House know, that by this law what is possible? Well there are certain servants of the municipalities who will have to look to whether articles as provided for in the Act are being sold or not and here in Assam we shall also have to rely for enforcement of those rules on the underlings of our Municipalities. Certainly it must be admitted, I believe, that those menial officials of the municipalities are not very well paid. I would ask my Hon'ble friends in this House to consider whether under the circumstances if they are charged to look after the sale of these articles what they will do? Perhaps the importers of unadulterated foodstuffs will naturally have to satisfy those underlings as generally happen in Calcutta and other towns and they will have to suffer and on the contrary those people who are trying to sell adulterated articles will also naturally try to satisfy those underlings and will have the advantage over the former and will sell adulterated articles. I know, of course, Sir, that under section 8(1) of the Act the Board can move the Local Government to cease operation of any of these sections from the area of the Municipality. But whether it should be for good to put it to the discretion of the members of the Board while we know, we are generally under the impression, that if a law is passed

everything will be all right. So I beg to propose that without putting it to the discretion of the members of the Board we should rather put it to the Boards to find out if these provisions can be enforced to the advantage of the individual Municipalities, they should then come and apply to Government to enforce them.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, to accept the amendment would be to agree to an alteration of the principle of the Bill. As the Hon'ble Member has referred to section 8(1) of the Act, I shall, with your permission, read the section which runs thus :—

“Should the circumstances of any municipality be such that any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, either of their own motion after consultation with the Board or on the recommendation of the Board at a meeting specially convened for the purpose, except the municipality or any part of it from the operation of those provisions ; and thereupon the said provisions shall not apply to the municipality until applied thereto by notification after consultation with the Board.” So that the policy is that all the provisions of this Act will apply *proprio vigore* to the Municipality unless the Board at a meeting convened for the purpose request the Local Government that its operation should be withdrawn from a particular municipality. It is now too late in the day to question the efficacy of the provisions of this sort. Such provisions find place in every Municipal Act although it is true that they have not been able to drive away from the country all the mal-practices that the sellers of food-stuffs and drugs resort to. But they have been found to be effective at least to check the growth of these mal-practices. It is quite true that we cannot from here control the manufacturers who manufacture these things outside the Municipality ; but what we can do is to control the sale of articles which are unwholesome to the inhabitants of the municipality. I am sure that if there be provisions like these, things which are wholesome will only be pouring in into our municipalities. It has been said that those regulations have been in force in Calcutta, yet that those who have had any experience of Calcutta know that things which are sold there are not always wholesome. That is perfectly true. But that is not because those provisions are there but in spite of them the fact is that there are men who resort to all sorts of mal-practices which would secure them a larger profit. There is no reason why there should not be attempts made to ensure the bringing of wholesome food-stuffs within the municipalities.

The motion was rejected.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that sections 224 to section 234 do stand part of the Bill.

The motion was adopted.

SECTION 235.

MAULAVI MUNAWWARALI :—Sir, I beg leave of the House to permit me to withdraw the first portion of the amendment standing in my name under this section, that is, No. (1).—

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

“That in clause (c), after the words ‘ Assistant Surgeon ’ the words ‘ or urban Health Officer ’ be added.”

MAULAVI MUNAWWARALI :—Then, Sir, I beg to move amendment No. 2 which runs thus :—

That in clause (c) for the words ' may do anything ' the words ' may take any steps ' be substituted. Sir, in legal phraseology the expression ' may do anything ' seems to me to be somewhat vague and my suggestion is nothing but an improvement of the language. I think that " may take any steps " is a better expression for practical purposes than " may do anything " which also does not seem to sound legal language.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, as the Hon'ble Mover has said it is a question of phraseology and nothing else. From our point of view we think the language used by us is the correct one and we stick to that as expressing our meaning.

The motion was put and negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I beg to move, Sir, that sections 235-246 do stand part of the Bill.

The motion was adopted.

SECTION 247.

MAULAVI MUNAWWARALI :—I beg to move, Sir, that after the words " from the death " the words " from any infectious or contagious disease " be inserted.

The section as it stands provides that " after the expiration of not less than 24 hours from the death of any person the Board may cause the corpse of such a person to be burnt or buried and that the expense, etc." Sir, it gives rather a peremptory power to the Municipality so that if a case may occur where the dead body of the deceased could not be under special circumstances cremated or buried within the time limit, *i.e.*, 24 hours the Board will have power to meddle with the remains of the deceased. It often occurs, Sir, that a man under some special circumstances dies, and he has his relatives spread over distant areas. These relatives might be longing to see the deceased before his burial or cremation. It often happens that a dead body is kept for a longer time than several times 24 hours. I want to give the Municipality power under such circumstances,—that is, when the death occurs from any contagious or infectious disease, in that case, in order to keep the health of the town in proper and good condition the Municipality may take such steps. Otherwise, Sir, it is not proper at all to interfere, I do not say actually interfere, but have the power to do so. It will rather be very harsh to interfere with the cremation or burial of a dead body. To a Mussalman, and I think to a Hindu and Christian also, the idea would be a monstrous one that the dead bodies should, without their consent and against it sometimes be buried by a local authority. I think that Municipal law should not interfere with the liberty of the people to bury at their convenience and it must not be invested with powers, discretionary though they be, to wound the susceptibilities of the religion-loving people of this country. Nobody cares to keep a dead body in the house for a longer time than is absolutely necessary except under very special circumstances, need I again say so.

REV. J. J. M. NICHOLS-ROY :—Sir, this amendment is a specially advantageous for the Shillong Municipality where in winter dead bodies can be kept for about three days without any harm. Moreover as the Hon'ble Mover has said this clause if left as it is would interfere with the liberty of some people who want to keep the remains till their distant relatives can arrive at the place. And therefore I think that this amendment should be carried.

SRIJUT NILMONI PHUKAN :—Sir, I think the section itself does not interfere with the intention of the Mover of the amendment. It simply fixes the minimum of not less than twenty-four hours. It does not say that the corpse cannot be kept for more than 24 hours. It might be kept for even four days. The Mover's intention is met by the section itself.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I regret I cannot accept this amendment. The section says 'after the expiration of not less than 24 hours from the death of any person the Board may cause the corpse of such person to be burnt or buried.' Only after and not before. If there be any special circumstances I am sure that on an application being made to the authorities their wishes will be respected provided to do so would not be injurious to public health. If it remains undisposed of for more than 24 hours it will as a rule be a menace to public health. The Board should have the power to bury or burn as it finds necessary in the interest of public health.

The cases cited by Rev. Nichols-Roy will be met I am sure if the Municipality is approached.

MAULAVI MUNAWWARALI :—I am sorry, Sir, I am not able to see eye to eye with the Hon'ble Minister. I shall read the section once more—“after the expiration of not less than twenty-four hours from the death of any person the Board may cause the corpse of such person to be burnt or buried” that is, the authority to take this step vests in the Municipality at the expiration of 24 hours. There is a time limit given, *i.e.*, 24 hours after which the authority may be exercised by the Municipality. Of course 24 hours have been allowed but after that the power vests in the Municipality and the Municipality may exercise it if it likes. I do not say that such a harsh measure may be taken by any Municipality as a rule, but, Sir, the Municipality may not be pulling on well with a person, or so I say that in the matter of cremation and burial the less we interfere with the liberty of the people the better. But I have put an exception, *i.e.*, when the death takes place from any contagious or infectious disease,—in that case alone should such power be exercised, otherwise not. The motive that actuated me to put this amendment is that the less we interfere with the religious liberty of the people even in the matter of cremation and burial of their dead the better it is. It may be that a certain Municipality may be fastidious and might have developed—a keen sense of decency, they might think that the dead ought in all circumstances be disposed of after 24 hours and 24 hours might be thought to be quite sufficient, and they might take action immediately after that. It is to obviate such abuse, unlikely though it be that I have put ordinarily, my amendment. I again say, Sir, the Hindus, the Muhammadans, and the Christians are always eager to see the remains of the deceased disposed of as early as possible. I know the injunctions of my own religion and I know something of the Christian and Hindu religions too in this respect. So, Sir, why should there be legislation on it, I do not know. There is no necessity for legislation, religious injunctions are far greater than Council legislation.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the Hon'ble Member is always thinking of cases where there are relations to take charge of their dead but the Municipality will have to think of all sorts of cases. They have to think of dead bodies for which there are no claimants and which may be lying in the streets. What is the Municipality to do in those cases? As I have already said if there are special circumstances in any individual case and an application is made it will be within the competence of the Municipality to allow the concession asked for.

MAULAVI MUNAWWARALI :—May I speak a word, Sir?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, he has no right of reply under the rules.

MAULAVI MUNAWWARALI :—I ask the permission of the Hon'ble the President.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Well in that case we will go on meeting each other's arguments.

MAULAVI MUNAWWARALI :—I do not think the Hon'ble Minister has any right to interfere. I am asking the Hon'ble the President's permission. It is perfectly in his jurisdiction to allow me to speak.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I am not interfering. I have a right to protest.

MAULAVI MUNAWWARALI :—I beg to say, Sir, that this is a special case and I crave your indulgence to grant me this.

THE HON'BLE THE PRESIDENT :—I think you have already replied on the subject.

MAULAVI MUNAWWARALI :—I just want to say one word more, Sir.

THE HON'BLE THE PRESIDENT :—Very well.

MAULAVI MUNAWWARALI :—Sir, the Hon'ble Minister has commented on the word 'may'. Of what I know of grammar the word 'may' is reckoned to have three meanings. Firstly the word means 'permission' secondly 'possibility' and thirdly a 'wish'. He wanted to convey an idea which is not covered by these three senses. I wanted to say only this much, Sir, and before resuming my seat I must thank you for your kind indulgence.

The motion was put and negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I beg, Sir, to move that sections 247 and 248 do stand part of the Bill.

The motion was adopted.

SECTION 249.

SRIJUT DALIM CHANDRA BORAH :—Sir, my amendment is that the word 'respectable' in line 5 of section 249 be omitted.

Sir, I have to submit that the proposed amendment has excited the laughter of my honourable and respectable friends on my right and left, and when I convince them of the reasonableness of my amendment I trust that they will treat my amendment a little more seriously and incidentally vouchsafe a degree of modesty towards myself. Now, Sir, I do not find any definition of the word 'respectable' in the Bill and that is the real trouble. People generally mean by 'respectable' inhabitants such people as are nicely dressed or educated. But it will be seen that if this interpretation is correct then the innocent illiterate people belonging to the agricultural and industrial classes are not generally included in the term 'respectable inhabitants', and if this is so, Sir I find that section 249 is making an invidious distinction, a groundless distinction, between such classes of people, and that being so I submit that this is a flaw which must be removed. The interests of the ordinary innocent class of people must be protected. Besides, Sir, in order to make this section consistent throughout I beg to point out to the House that in the 14th line the word 'neighbours' is used. Here it makes no distinction between respectable and ordinary inhabitants. So in order to make the section consistent throughout and in order to safeguard and protect the interests of the ordinary class of people I suggest that the word 'respectable' be expunged and that both respectable and ordinary classes of people should be placed on the same level in the eye of this section.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—
Sir, I am prepared to accept this amendment if the House agrees.

The motion was adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—
I beg, Sir, to move that section 249 as amended, and sections 250-259 do stand part of the Bill.

The motion was adopted.

The Council was then adjourned to Thursday, the 8th March 1923.

SHILLONG :
The 11th March 1923. }

A. MELLOR,
Secretary, Legislative Council, Assam.

