

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

The Council met in the Council Chamber at Government House, on Tuesday, the 7th February 1922, at 11 A.M.

P R E S E N T :

Khan Bahadur Maulavi Mohibuddin Ahmad, Deputy President, in the chair, the Hon'ble two Members of the Executive Council, the Hon'ble the Minister of Local Self-Government and 19 elected and nominated members.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

MAULAVI ABDUL KHALIQUE CHAUDHURI asked :—

"1. (a) Will the Government please refer to Part II of the *Assam Gazette*, dated the 3rd April 1918, page 471, in which candidates passing the senior Madrasa Examination were made eligible for Inspectorship of Excise, Sub-Registrarship and Sub-Inspectorship of Police, and state ?

Senior Madrasa-passed candidates for certain Government services.

"(b) If any passed candidate has yet been appointed in any of the above services ?

"(c) If not, why ?"

MR. A. R. EDWARDS replied :—

"1. (a) and (b)—The answer is in the negative.

"(c)—Because there were other candidates who were better qualified. A declaration that members of a certain class are *eligible* for appointments in no way implies that appointments will be given to persons of that class to the exclusion of better qualified candidates."

SRIJUT BISHNU CHARAN BORAH asked :—

"1. Will the Government be pleased to state (a) the total number of ministerial officers in the Secretariat and in the offices of Heads of Departments, and (b) how many of them are *bona fide* Assamese ? "

Ministerial officers in the Secretariat and offices of Heads of Departments.

MR. A. W. BOTHAM replied :—

“ 1. (a)—Two hundred and sixty-nine.

“ (b)—Fifty-four.”

SRIJUT BISHNU CHARAN BORAH asked :—

Entertai-
ment of an
Assamese
Sub-Assi-
stant Surgeon
in the
Pasteur
Institute.

“ 2. Will the Government be pleased to entertain the services of at least one *bona fide* Assamese Sub-Assistant Surgeon in the Pasteur Institute for the convenience of the patients of the Assam Valley ? ”

MR. A. R. EDWARDS replied :—

“ 2.—There is only one appointment of Sub-Assistant Surgeon in the Pasteur Institute, and this clearly cannot be made on grounds of nationality alone.”

REV. J. J. M. NICHOLS-ROY asked :—

Price of
explosives.

“ 1. (a) Do the Government know that the price of explosives put up by the Sylhet Lime Company, Limited, who are in charge of the Chatak magazine, is Re. 1-12-3 for one pound of blasting powder and Rs. 2-2 per coil of fuse, whereas in Calcutta now the price is Re. 1-1 per pound of blasting powder and As. 11-6 per coil of fuse ?

“ (b) Do the Government know that a person who buys explosives from the Chatak magazine, will lose about Rs. 70 per every Rs. 100 ?

“ (c) Do the Government know that their agreement with the Sylhet Lime Company, who are themselves the ‘biggest users of explosives’, in preventing quarry-holders from buying explosives from any other place than the said magazine, is becoming a great hardship to quarry-holders and owners ?

“ (d) Will the Government be pleased to state the reasons why they have made an agreement with the Sylhet Lime Company, Limited, not to issue licenses any more for buying explosives to be used in lime quarries in the Khasi and Jaintia Hills ?

“ (e) (i) Have the Government received any explanation from the Sylhet Lime Company, Limited, why the price of explosives was raised almost double the price in Calcutta ? (ii) Will the Government be pleased to lay on the table the reply given by the Sylhet Lime Company, Limited ?

“(f) Will the Government be pleased—

“(i) to lay on the table the statement of accounts in the working of the Chatak magazine, submitted by the Sylhet Lime Company, Limited, to the Deputy Commissioner, Sylhet, referred to in their letter dated 9th December 1921 to the Deputy Commissioner of Sylhet ?

“(ii) to state whether the Sylhet Lime Company, Limited, themselves are included in the list of purchasers from the magazine ?

“(iii) to state whether in the profit of 6 per cent. mentioned by the Sylhet Lime Company, Limited, in their said letter to the Deputy Commissioner of Sylhet the price of explosives paid by this Company to the Chatak magazine is included or not ?

“(g) Will the Government be pleased to allow the people of Khasi and Jaintia Hills to buy explosives from Calcutta to be used in their lime quarries ?”

THE HON'BLE MR. A. MAJID replied :—

“1. (a)—Government are aware that the Chatak prices are as stated, but understand that the Calcutta rates are somewhat higher than the figures quoted by the Hon'ble Member. The Chatak prices cover freight charges and the maintenance cost of the magazine, and their high rate is due to the small quantity of explosives taken from the magazine.

“(b)—If the Hon'ble Member means that what would cost Rs. 100 if purchased from Calcutta would cost Rs. 170 if purchased from the Chatak magazine, Government understand that these figures are approximately correct as regards the purchase of blasting powder and fuses.

“(c)—Government understand that in view of the present price of limestone the rates charged at the magazine for explosives are not higher than holders of quarries can well afford to pay. Government are satisfied that explosives cannot be sold from the magazine at lower prices until the quantity taken increases. Government will however enquire whether any explosives are used in the quarries other than those sold at the magazine, and if so will take steps to ensure that in future all explosives so used are purchased from the magazine.

"(d)—The Hon'ble Member is referred to the reply given to his question No. 6 (d) (i) asked at the session of the Council held in September 1921.

"(e) (i)—Yes.

"(ii)—A copy* is laid on the table.

"(f) (i)—A copy* is laid on the table.

"(ii) and (iii)—The Sylhet Lime Company pays the same rates for explosives as other purchasers from the magazine, and the profit of 6 per cent. mentioned in the letter referred to is calculated on all sales including those to the Sylhet Lime Company.

"(g)—This cannot be permitted as it would defeat whole object for which the magazine has been established, viz., the proper control of explosives."

BABU KRISHNA SUNDAR DAM asked :—

Memorials
submitted
by clerks of
offices of
Heads of
Departments
for revision
of pay.

"1. (a) Is it a fact that the Government of Assam have refused to take any action on the memorials submitted recently by the ministerial officers employed in the office of Heads of Departments for improvements of their pay and prospects? If so, will the Government be pleased to give the reasons for such refusal?

"(b) Is it a fact that the Heads of Departments while forwarding the memorials expressed their considered opinion that a further increase of pay of their subordinates was a necessity? If so, will the Government be pleased to state why their recommendations were not accepted?

"(c) Has the attention of Government been drawn to a letter published over the signature of 'Sufferers' in the 'Bengalee' of the 8th November 1921 on the subject of the revision of salaries of the ministerial officers in Assam? If so, will the Government be pleased to state if they have given due considerations to the grievances represented therein?

"(d) Is it a fact that the subject of the revision of pay of the ministerial officers in Bengal was referred to a committee of distinguished men consisting of two Indian Civil Service officers and one non-official member of the Bengal Legislative Council, whereas in Assam the same subject was entrusted to a single officer?

“(e) Is it a fact that Government sanctioned the revision of pay in 1920 owing to a very high rise in the prices of articles? If so, will the Government be pleased to state if the sanctioned increment was proportionate to the ascertained rise in the prices of articles?”

“(f) Is it a fact that the Secretariat and the district offices got higher percentages of increase than the Heads of Departments' offices? If so, will the Government be pleased to state why in the cases of the former a higher percentage of increase were sanctioned?”

“(g) Will the Government be pleased to state if it is a fact that, unlike the Secretariat, the Heads of Departments' offices have only one division in which all the assistants have been placed without any regard for the quality of work done by them? If so, will the Government be pleased to state why the senior clerks with greater responsible duties should not be placed on a higher scale in such offices as in the Secretariat?”

“(h) Will the Government be pleased to refer to the reply given by the Hon'ble Finance Member to a question asked by Rai Bahadur Nalini Kanta Rai Dastidar at the last April session of the Legislative Council in which it was said— 'There were not enough clerks in Departmental offices to warrant the creation of an upper and a lower division,' and to state if the Government had not already created two divisions in the Public Works Department Secretariat with a number of 22 clerks, while none of the Heads of Departments' offices possessed a far smaller number of clerks and at least one such office possessed as nearly the same number of clerks as the Public Works Department Secretariat?”

“(i) Will the Government be pleased to state why the rate of increment of pay of the senior clerks in the Heads of Departments' offices was allowed to remain the same as that of the lower division clerks in the Secretariat, though a higher scale of pay was sanctioned for the former?”

“(j) Is it a fact that the principle enunciated by Government of giving an increase of about 20 per cent. on the total of what was drawn by each of the various establishments was not adhered to except in the cases of the offices of the Heads of Departments?”

"(k) Is it a fact that the scale of pay of one Personal Assistant to a Head of Department has been fixed at Rs. 250-10-400, making the scale run for a period of 20 years ?

"(l) Will the Government be pleased to lay on the table a statement showing the names of the clerks belonging to the Secretariats (including the Public Works Department) and the Heads of Departments' offices and drawing pay at Rs. 125 per mensem before the revision of 1920 was sanctioned with the following information—

"(1) Length of service ;

"(2) Total actual increase received after the revision ?"

THE HON'BLE MR. W. J. REID replied :—

"1. (a)—Yes. Government gave their fullest consideration to the matter but were not prepared to take any action in view of the substantial increase in pay which had already been given.

"(b)—Most Heads of Departments would have been glad to see an improvement in pay.

"(c)—The answer is in the negative.

"(d) It is understood from reports in the press that the action taken in Bengal was as indicated by the Hon'ble Member. In Assam the proposals made were those of a single officer who was specially qualified to advise. The Chief Commissioner was anxious to give the most speedy measure of relief, and in Assam effect was given to the revision from the 1st April 1920.

"(e)—The reason given for the revision is correct. It was never contemplated that such increments would be given as would make up completely for the increased cost of living.

"(f) to (j)—The respective duties and responsibilities of all the offices named were very carefully considered. The Government do no claim that no detail of the revision is open to criticism but believe that substantial justice was done while a substantial measure of relief was afforded to all concerned. As regards (h) the number of clerks in the offices of most Heads of Departments is substantially smaller than that in the Public Works Department Secretariat.

"(k) — Yes. The scale was fixed at Rs. 250—10—450 but has lately been changed to Rs. 300—10—450.

"(2) — A statement is laid on the table.

"A clerk on Rs. 125 in the Secretariat before revision was in the lowest grade of the Upper Division. At the revision he got the benefit both of the increase in the initial pay from Rs. 125 to Rs. 150 and also of increments on account of service already spent in the Upper Division. A clerk on the same pay in the office of the Head of a Department was in the highest grade, and could not on revision get more than the percentage increase in the maximum pay which raised this from Rs. 125 to Rs. 150."

" Statement showing the names of Assistants in the Secretariat and the Heads of Departments' offices, drawing pay at Rs. 125 per mensem before the revision of 1920.

Names of offices.	Names of Assistants.	Total Service.	Total actual increase received after the revision.	Remarks.
1	2	3	4	5
Secretariat (Civil) ...	Babu Nadiyaband Das ... " Kamini Mohan Chatterjee " Satis Chandra Goswami... " Kedarnath Bhattacharyya, B.A. " Prassanna Kumar Datta...	26 years and 9 months 19 years and 5 months ... 12 years and 11 months and 7 days. 6 years and 18 months and 14 days. 26 years and 9 months and 19 days.	Rs. 95 75 65 65 55 105 25	Appointed direct on Rs. 125.
Public Works Department Secretariat.	Babu Jaineswar Chakravarti ...	22 years and 11 months	105	
Conservator of Forests...	Babu Monaranjan Das ...	30 years and 11 months	25	.....
Director of Public Health	None	.....	.....	.....
Director of Surveys ...	None	.....	.....	.....

Director of Land Records and Agriculture.	Babu Kali Charan De	27 years and 11 months and 7 days.	None—was on long leave and drew Rs. 125 under Article 60, C. S. B.	25
Inspector General of Civil Hospitals and Prisons.	Babu Jankinath Choudhuri (Shorthand writer).	19 years and 9 months...	.....	25
	Mr. P. E. Vaughan	8 years 11 months and 19 days.	.....	25
Director of Public Instruction.	Babu Basik Chandra Ray Ghatak, B.A.	14 years 4 months and 9 days.	.....	25
	" Jnan Ranjan Mitra (Shorthand writer).	8 years 1 month and 25 days.	.....	25
Inspector General of Police.	Babu Jatindranath Das	14 years 9 months and 10 days.	.....	25
	" Amar Chandra Chakravarty.	29 years 11 months and 20 days.	.....	25
	" Upendra Chandra Datta (Shorthand writer).	19 years 9 months and 3 days.	.....	25
Director of Industries and Registrar, Co-Operative Societies.	None	.....	.....	25
Excise Commissioner	Maulavi Abdur Nur	13 years and 5 months	.....	25

Transferred to Secretariat from 3rd February 1926 and Babu Janakinath Choudhuri was appointed in his place.

MAULAVI MUNAWWARALI asked :—

Erosion of
Sunamganj
town.

“ 1. Will Government please prepare an estimate that may be incurred for preventing the erosions of the town of Sunamganj by the Surma river ? ”

MR. A. W. BOTHAM replied :—

“ 1.—The estimate will be prepared as early as possible and forwarded to the Hon'ble Member for information. ”

MAULAVI MUNAWWARALI asked :—

Patabuka
Dacoity
Case.

“ 2. Will the Government furnish the following regarding the ' Patabuka dacoity case ' of the Sunamganj subdivision :—

- “ (a) A concise but comprehensive statement of the facts known to the police upon which it was decided to take action against the accused ?
- “ (b) A copy of the verdict of the jury and the order of the Judge ?
- “ (c) On whose motion was the case taken up ?
- “ (d) Copies of the statements made by the approver before the police, the Magistrate and Sessions Judge ?
- “ (e) Were any legal authorities consulted during the proceedings ? If so, what were their opinions ?
- “ (f) Who were the police officers engaged in the investigation ?
- “ (g) Date of initiation of the proceedings and that of the judgment ?
- “ (h) Number of persons alleged to have been concerned, number said to have absconded and that actually sent up for trial ?
- “ (i) Number of accused kept in the *hajāt* and the number of days each was kept in *hajāt* ?
- “ (j) Total amount of money spent in and about the case with details ?
- “ (k) Was there any evidence that the dacoity was connected in any way with the Khilafat movement ? ”

(This question was asked at the Council Meeting held on the 28th September 1921.)

THE HON'BLE MR. A. MAJID replied :—

" 2. (a)—A short account* of the case is laid on the table.

" (b)—The verdict of the jury was ' not guilty ' and the Judge agreeing with the jurors acquitted the accused.

" (c)—The case was taken up on the written information lodged before the police by the Panchayat.

" (d)—Government do not propose to furnish copies of the approver's statements.

" (e)—Yes ; the opinion was in favour of prosecuting the case.

" (f)—The Superintendent, Additional Superintendent, one Deputy Superintendent, two Inspectors, four Sub-Inspectors and a head constable of Sylhet, and a number of police officers of Mymensingh were engaged in the investigation.

" (g)—The date of initiation of proceedings was the 13th February 1921 and that of judgment in the Session Court the 3rd September 1921. The Magistrate committed the case to the sessions on the 21st March 1921.

" (h)—There were 24 accused, of whom 13 were sent up for trial and the rest absconded.

" (i)—All the 13 accused arrested were kept in *hajat*. One was in *hajat* from 10th January 1921 to 12th April 1921, another from 31st July 1921 to 3rd September 1921, a third from 10th April 1921 to 3rd September 1921 and the remaining ten from 5th January 1921 to 3rd September 1921.

" (j)—The total amount spent is Rs. 4,939-15-9, of which Rs. 1,255 represents legal expenditure and the balance charges for witnesses and jurors.

" (k)—Yes."

RAI SAHIB PADMANATH GOHAIN BARUA
asked :—

1. (a) Will the Government be pleased to state—

" (i) The names of the persons appointed to the Assam Subordinate Engineering Service up to date ;

“(ii) Technical qualifications of each of them ;

“(iii) Pay drawn by each before and after appointment to the service ;

“(iv) Length of service each has been credited with to fix the present salary ?

“(b) Is it a fact that some ministerial officers have been appointed in the service ? If so, what were their technical qualifications and how long they have been in the ministerial service ?

“(c) Is it a fact that some of the ministerial officers have been given more pay than the members recruited from the old Upper and Lower Subordinate Services ? If so, will the Government be pleased to state the reason thereof ?

“(d) Is it a fact that some Sub-Overseers appointed to the Subordinate Engineering Service have been allowed to draw higher pay than some others similarly appointed ? If so, will Government be pleased to state the reason of such differential treatment ?

“(e) Is it a fact that in some cases service rendered as Sub-Overseer has been credited to fix the present salary, whereas this has not been done in other cases ? If so, will the Government be pleased to state the reason thereof ?

“(f) Is it not a fact that the Subordinate Engineering Service with a salary commencing from Rs. 150 has been created to absorb the old Upper Subordinate Service ? If so, will the Government be pleased to state how many of the old Upper Subordinates have been taken in, and how many have not ? And how are the Government going to dispose of those who have not been taken in ? ”

MR. A. W. BOTHAM replied :—

“ 1. (a) (i) to (iv)—A statement giving the information asked for is placed on the table.

“(b)—Yes, 3 ministerial officers were selected.

“ No. 1 is an Upper Subordinate with 5 years experience on Railway works and 11 years as Computer in Chief Engineer's Office.

“ No. 2 is also an Upper Subordinate. He served for 9 years as a Computer in Superintending Engineer's Office and 2 years during the war on Military Works. He also previously served for about 7 years as an Overseer under Local Boards and Public Works Department.

R 11 D

"No. 3 is an I. E., and read up to the 3rd year course of the B. E. He has served for about $5\frac{1}{2}$ years as Computer in Executive Engineer's Office and about 1 year as Subordinate on works.

"(c)—Yes, their salaries were fixed according to their length of satisfactory service, experience and qualifications.

"(d)—Yes, the reasons are as explained in (c).

"(e)—The general principle followed was to credit all service rendered as a Subordinate but the full benefit of this rule could not be extended to those whose record of service did not justify it.

"(f)—The Subordinate Engineering Service was introduced to replace both the then existing Upper and Lower Subordinate Services. All the Upper Subordinates have been taken into the new Subordinate Engineering Service."

Serial No.	Name.	Technical qualifications.	Pay drawn		Length of service each has been credited with.	Remarks.
			before	after		
			the appointment to the service.			
1	2	3	4	5	6	7
1	Babu R. K. Das ...	U. S. and F. M.	Rs. 150	Rs. 300	16th.	
2	Rai Sahib Durbasha Singh ...	.....	150	•	...	* Not yet fixed.
3	Babu Ganga P. Singh ...	F. E. ...	100	300	15th.	
4	" K. C. Datta ...	U. S. ...	100	300	15th.	
5	" P. C. Lahiri ...	U. S. and F. M.	100	300	15th.	
6	" K. R. C. Pradhan ...	U. S. ...	100	250	11th.	
7	" T. N. Chakravarti ...	U. S. and F. M.	100	250	11th.	
8	Rai Sahib Sobharam Das ...	S. O. ...	100	250	11th.	
9	Babu B. C. Sircar ...	U. S. and F. M.	100	250	11th.	
10	" B. C. De ...	Ditto	80	250	11th.	
11	" D. C. Sircar ...	U. S. ...	80	250	11th.	

12	"	G. C. Chaudhury	...	...	...	U. S. and F. M.	...	225	250	...
13	"	D. N. Bhattacharjee	...	...	...	U. S.	...	250	250	...
14	"	A. C. Das Gupta	...	...	...	U. S.	...	80	225	8th.
15	"	S. N. Das	...	...	...	U. S.	...	80	225	8th.
16	"	M. N. Mitra	...	...	...	.....	...	60	225	8th.
17	"	U. N. Datta	...	...	...	U. S.	...	60	225	8th.
18	"	J. C. Roy	...	...	...	S. O.	...	60	225	8th.
19	U	G. C. Rai Giri	...	...	...	.....	...	60	225	8th.
20	Babu	S. L. Mitra	...	...	...	Attended 3rd year Over- seer course,	...	60	225	8th.
21	"	R. K. Bhattacharjee	...	...	...	U. S.	...	60	225	8th.
22	"	B. B. Das Gupta	...	...	...	U. S.	...	45	225	7th.
23	Pandit	Kishen Chand	...	...	...	S. O.	...	60	175	2nd.
24	Srijut	M. C. Sarma	...	...	...	S. O.	...	60	175	2nd.
25	Babu	M. C. Gupta	...	...	...	U. S.	...	30	175	2nd.
26	"	N. K. Das	...	...	...	F. E. and read up to 3rd year B. E. course.	...	104	175	2nd.
27	"	S. K. De	...	...	...	U. S.	...	50	175	2nd.
28	"	P. G. Roy	...	...	...	.....	...	70	150	1st.

Serial No.	Name.	Technical qualifications.	Pay drawn		Length of service each has been credited with.	Remarks.
			before the appointment to the service.	after		
1	2	3	4	5	6	7
29	Munshi Azizul Islam ...	.....	Rs. 70	Rs. 150	1st.	
30	Babu B. G. Roy ...	2nd year Examination, Sibpur Civil Engineering College.	50	150	1st.	
31	" K. C. Chakravarti ...	S. O. ...	50	150	1st.	
32	" J. C. Ghosh ...	S. O. ...	50	150	1st.	
33	Srijut K. C. Sarma Barua ...	S. O. ...	35	120	1st.	
34	Babu B. K. Sen ...	4th year, Dacca Engineering School.	35	150	1st.	
35	" R. K. Pal ...	S. O. ...	35	150	1st.	

RAI SAHIB PADMANATH GOHAIN BARUA asked :—

' 2. (a) Is it a fact that in the case No. 1045 C.R. of 1921 in the Court of the Subdivisional Magistrate, North Lakhimpur, in which a non-co-operator, *viz.*, Srijut Sashidhar Phukan, has been convicted, the trying Magistrate admits that the prosecution case has failed to some extent ?

Case of
Sashidhar
Phukan.

" (b) Is it also a fact that there was no volunteers' association reconstituted during the period from the 1st December 1921, when the then existing one was dissolved, to the date of conviction of Sashidhar Phukan ?

" (c) If the replies to (a) and (b) are in the affirmative, will the Government be pleased to take necessary action to call for records of the case, so that the validity in law and fact of such conviction may be examined ? "

THE HON'BLE MR. A. MAJID replied :—

" 2 (a) to (c).—Government have called for the record and will satisfy themselves as to the propriety of the conviction."

MAULAVI SAIYED NURUR RAHMAN asked :—

" 1. (a) Will the Government be pleased to lay on the table a statement showing the expenditure year by year up to date by the Public Works Department in protecting the embankment of the Khowai river in front of the Circuit House at Habiganj ?

Khowai
river em-
bankment.

" (b) Will the Government be pleased to take into consideration the advisability of cutting a canal straightway from near the present Civil Court building to a village near Masulia ?

" 2. Will the Government be pleased to state how many subdivisions in the Surma Valley are under Indian Subdivisional Officers and how many of them are Muhammadans ?

Indian Sub-
divisional
Officers.

" 3. (a) Is it a fact that the recent appointments in the Assam Civil Service have been met entirely from funds set apart for increments to the pay of the Sub-Deputy Collectors ?

Sub-Deputy
Collectors.

" (b) If so, will Government please state what percentage of the total appointments recently made in the Assam Civil Service has gone to the Sub-Deputy Collectors ?

"(c) Is it not a fact that the Sub-Deputy Collectors prayed that at least 50 per cent. of the vacancies in the Assam Civil Service should be filled up by them ?

"(d) If so, will the Government be pleased to state why this prayer from them was not taken into consideration in filling up the recent vacancies ?

"(e) Is it a fact that a Sub-Deputy Collector has now-a-days to put in 16 to 18 years' active service before he has a chance of promotion to the higher service, whereas formerly 5 to 7 was the general limit ?

"(f) Are the Government aware that if promotions are given at the present rate, many deserving Sub-Deputy Collectors will have no chance of promotion to the higher service during the whole course of their service ?

"(g) Are the Government aware that there exists in the minds of the Sub-Deputy Collectors a feeling of deep discontent and disappointment owing to the very meagre chances of promotion to the Assam Civil Service ?

"(h) If so, will the Government be pleased to remove it in order to maintain the efficiency of the service ?

"(i) Has the Government any fixed principle as to the number of Sub-Deputy Collectors to be promoted every year ?

"(j) If not, will they be pleased to fix a number to be promoted every year ?

"(k) Is there a rule that a Sub-Deputy Collector should not be promoted to the Assam Civil Service after he has attained his 40th year ?

"(l) Will the Government be pleased to state the respective ages of the officers who have been recently promoted to the Assam Civil Service ?"

MR. A. W. BOTHAM replied :—

" J. (a)—The expenditure incurred each year on the work in question is as follows :—

1914-1915	...	...	...	Rs. 400
1915-1916	...	...	...	" 500
1916-1917	...	...	...	" 650
1917-1918	...	...	...	" 640
1918-1919	...	...	...	" 575
1919-1920	...	...	...	" 140
1920-1921	...	...	...	" 842
Average	...	...	...	" 535

“(b)—The question of cutting a canal will be investigated.

“2.—The number is four. None of the Indian Sub-divisional Officers are Muhammadans.

“3. (a)—No. The cost has been met from savings in the original allotment for the pay of the Assam Civil Service.

“(b)—The question does not arise.

“(c)—Yes.

“(d)—The attention of the Hon'ble Member is drawn to paragraph 9 of Government letter No. 5757-58A.P., dated the 20th September 1921, which was laid on the table in reply to question No. 10 (b) asked by Babu Ramani Mohan Das at the Council meeting held on the 23th September 1921.

“(e)—No definite period is prescribed. Promotions depend on the merits of the officers concerned and the number of vacancies existing. It is not a fact that from five to seven years' service was formerly the general limit. Of the fifteen Subordinate Executive Service officers promoted between 1912 and 1920, only one had had less than seven years' service.

“(f)—Government are unable to guarantee promotion to the Assam Civil Service for all officers of the Subordinate Executive Service.

“(g)—No.

“(h)—The question does not arise.

“(i) and (j)—There is no fixed number. The annual rate of recruitment in a cadre of 73 officers is 3. This number will be recruited annually, the number to be filled by promotion and by direct recruitment being decided on each occasion of recruitment.

“(k)—It is stated in the rules that the age of nominee for promotion should not exceed 40, but exceptions are made in special cases.

“(l)—The two officers concerned were aged 41 and 40.”

MAULAVI SAIYID NURUR RAHMAN asked :—

“4. (a)—Is it a fact that copyists and typists in Sub-divisional Offices are to prepare briefs in all appellate and sessions Criminal cases in which parties do not take copies, for the use of the Public Prosecutor of the district without any remuneration from the Government ?

Copyists and typists in subdivisional offices.

"(b) Will the Government be pleased to state under what rule they are to make such extra works without any remuneration ?

"(c) Are the Government aware that the copyists and typists in Criminal offices are to prepare judgments (free of cost) in all warrant cases on the application of the accused under section 371, Criminal Procedure Code, as well as on the application of the complainant under section 490, Criminal Procedure Code, and also to prepare copies of judgments in all cases (warrant and summons) on the application of the Superintendent of Jail on behalf of the prisoners without any remuneration whatever for such works?

"(d) Will the Government be pleased to consider the above grievances of the typists and copyists and fix a remuneration for the extra work they have to do?

"(e) Is it a fact that in Sessions Court copies of documents referred to in questions 4(a) and (c) are prepared by the copying department there on receiving remuneration under rule 58(a), Chapter III, at page 98 and rules 9(a) and (b), Chapter VI, page 123 of the High Court Rules and Circulars, Vol. I ?

"(f) Will the Government be pleased to state why the copyists and typists in Subdivisional Courts are not paid under the High Court Circular referred to in question (e) ?

"(g) Will the Government be pleased to state if enquiries are made whether typists and copyists have earned their minimum under Rule 4, Chapter X, page 227 of High Court Circular, in the Habiganj Subdivisional Court before engaging them in unremunerative work as referred to in question 4(a), (b) and (e) ?

"(h) Is it a fact that urgent fees are realized from the public when parties apply for urgent copies, but that no share of it is given to the typists or copyists ?

"(i) Is it a fact that bills for the remuneration of copyists and typists of the Subdivisional offices are usually sent to the Sadr office for countersignature, and in consequence they cannot get the money before the 3rd week of the following month ? If so, will the Government be pleased to remove the hardship felt by this class of officers ?

“(j) Is it a fact that though the heads of folios in the Subdivisional offices are burnt in the presence of the officer in charge, the copyists are not paid the money on the very day they are so burnt? If so, will the Government be pleased to issue orders so that they may be paid on the same day?”

“(k) Is it a fact that the privilege formerly enjoyed by the typists and copyists officiating in substantive posts and of being ultimately confirmed in them has recently been withdrawn?”

“(l) Are the Government aware that in the Bengal Legislative Council a resolution has been passed recommending that the typists and copyists should be absorbed in the regular establishment with fixed salaries on a time-scale basis on conditions and privileges similar to those of other Government services?”

“(m) If so will this Government be pleased to extend this favour to the copyists and typists of this province?”

THE HON'BLE MR. A. MAJID replied :—

“4. (a) and (c)—Copyists and typists are required under certain conditions to do without payment such unremunerative copying as has to be done in Courts.

“(b)—The Hon'ble Member is referred to rule 4, Chapter X of the High Court Rules and Orders (Criminal).

“(d)—The question has been enquired into. Government believe that the extra work which the typists and copyists have to do gratis is not considerable and does not press hardly on them?”

“(e)—Yes.

“(f)—The rules of the High Court Circular referred to in question (e) apply only to Sessions Courts.

“(g)—Government have no information, but will enquire.

“(h)—Yes: this is according to the High Court Rules.

“(i) and (j)—These matters will be enquired into and steps will be taken to remedy any defects that may exist.

"(k)—Instructions have been issued limiting the appointment of outsiders in certain circumstances, but copyists and typists are as before at liberty to apply for appointment in substantive posts. Many copyists and typists, however, have not the educational qualifications required in clerks.

"(l)—Yes.

"(m)—The question of improving the conditions of service of the copyists and typists is being considered by Government."

MAULAVI SAIYID NURUR RAHMAN asked :—

Pay of peons
of District
and Sub-
divisional
Courts.

"5. (a) Is it a fact that temporary peons in the District and Subdivisional Courts draw as their pay Rs. 8 per mensem, while the permanent ones get Rs. 11 to Rs. 15 per mensem ?

"(b) If so, will the Government be pleased to remove the inequality ?"

THE HON'BLE MR. W. J. REID replied :—

"5. (a) and (b)—On the recommendation of the Commissioners Government have sanctioned with effect from 1st March 1922 the raising of the pay of certain temporary peons, *e.g.*, those of Sub-Deputy Collectors, from Rs. 8 to Rs. 11. They will be prepared to consider on their merits any similar recommendations as to other classes of peons.

"Permanent peons are on an incremental scale and this clearly cannot be extended to temporary men."

MAULAVI SAIYID NURUR RAHMAN asked :—

√ Habiganj
High School,

"6. (a) Will the Government be pleased to state when the flat rate fee was introduced in the Habiganj High School ?

"(b) What was the number of Muhammadan students in the year preceding, class by class, and what is the corresponding number of the Muhammadan students in the year 1921 ?

"(c) Are the Government aware that Muhammadans of the Habiganj subdivision are poorer than their brethren of other community ?

" 7. (a) Will the Government state if they ever received any request from the Anjuman, Habiganj, praying for appointing Muhammadan teachers in the teaching staff of Habiganj High School ? Appointment of Muhammadan teachers. ✓

" (b) If not, will the Government be pleased to appoint Muhammadan teachers in the said school ?

" (c) Will the Government be pleased to give the total number of teachers in all Government and Local Board schools in Assam, and to state how many of them are Muhammadans and its percentage ?

" (d) Will the Government be pleased to make a rule to the effect that appointments in the teaching staff of schools should go to Muhammadans according to the percentage of Muhammadan population of respective subdivisions or districts ?

" 8. (a) Is it a fact that students in schools in Assam are compelled to purchase bound exercise books with printed covers for their use in schools ? School exercise books. ✓

" (b) If so, will the Government be pleased to do away with this practice and allow the students to prepare their exercise books by purchasing papers from local markets ?

" 9. (a) Will the Government state how many primary scholarships are awarded yearly by the Habiganj Local Board ? Primary scholarships awarded by the Habiganj Local Board. ✓

" (b) Will the Government state how many of these scholarships were secured by Muhammadan students during the last three years ?

" (c) Will the Government be pleased to reserve certain scholarships for Muhammadan students according to the ratio of their population in the subdivision ?

" 10. (a) Is it a fact that the Subordinate Educational Service has been re-organised on a time scale basis of Rs. 60—5—150 for members of class I ? Subordinate Educational Service. ✓

" (b) If so, will the Hon'ble Minister of Education be pleased to state whether the past services of the officers have been taken into consideration in determining their initial pay as in all other services recently re-organised ? If not, why not ?

“(c) Is it a fact that the annual incremental rate of Rs. 5 sanctioned by His Majesty’s Secretary of State has been reduced on the recommendation of the Director of Public Instruction to Rs. 3 and Rs. 2 in classes VII and VIII, respectively, of the old Subordinate Educational Service ?

“(d) Are the Government aware that this reduction of rate and the ignoring of past services have caused many supersessions among officers of class I ?

“(e) If so, do the Government propose to take steps in the matter ?

“(f) Is it a fact that an officer who had completed his fifth year of service in class VIII of the old Subordinate Educational Service was allowed to draw his pay at the rate of Rs. 70 only while a newly appointed officer (whether permanent or temporary) is allowed to get Rs. 60 a month ?

“(g) Will the Minister of Education be pleased to state why further reduction in the incremental rate was made in giving effect to the scheme ?

“(h) Is it a fact that the past services are not counted in fixing the initial pay of the officers of class II of the same service ? If not, why not ?

“(i) Will the Minister of Education be pleased to state whether the proposed scheme for the re-organization of the ungraded service has been given effect to ? If not, why not ?

“11. Is it a fact that a young boy of class III in High Middle, or Vernacular school is compelled to buy as many as 15 exercise books ?

“12. (a) Are the Government aware that the Persian question papers of the Habiganj Government High School are not being printed for some years at the Government Press, Shillong, and in consequence thereof the students taking up Persian as second language are put to great disadvantages ?

“(b) If so, will the Government be pleased to state the cause of the discontinuance ?

“(c) Will the Government state if the Persian question papers in all other Government High English Schools in the Surma Valley are being printed ? If so, by what press ? If not, why not ?

✓
School
Exercise
books.

✓
Printing
Persian
question
papers.

of

“ 13. Will the Government lay on the table the report, if any, from the Sanitary Department as to the location of the latrine attached to the Moslem hostel, Habiganj Government High English School? Will the Government be pleased to state if the location has been reported to be insanitary? If so, will the Government be pleased to change the location (*vide* my question in last Council) ? ”

Location of
a latrine
attached to
Habiganj
Moslem
Hostel. ✓

Mr. A. R. EDWARDS replied :—

“ 6. (a)—The date asked for is 1st January 1919.

“ (b) and (c)—The figure will be obtained and communicated to the Hon'ble Member.

“ 7. (a)—No record can be traced of any such request.

“ (b)—When qualified Muhammadan candidates are forthcoming Muhammadan teachers will be appointed as a matter of course to vacancies in Government schools, if the appointments are due to the Muhammadan community in accordance with the standing orders in regard to the proportionate representation of the various communities on the public services.

“ As has been frequently explained the difficulty in bringing up to its full strength the Muhammadan representation in the staff of the Surma Valley schools lies in the dearth of qualified Muhammadan candidates.

“ (c)—The Hon'ble Member will find the information which he has asked for in appendix N to the General Report on Public Instruction in Assam.

“ (d)—In its Circular No. 4A., dated 13th March 1914, with the terms of which the Hon'ble Member is no doubt familiar, the late Administration declared it to be its policy that each community in the Province should receive a fair share of the appointments in the various services and issued instructions to secure that its policy was carried into practice. This policy and these instructions continue under the present Government. So far as Government appointments are concerned, no further action is necessary.

“ As regards appointments under local and private bodies Government are not prepared to interfere, considering that the interests of the community in this matter can safely be left in the hands of the Muhammadan representatives on the bodies.

"8. (a)—Any such compulsion on the part of school authorities is discouraged by the Education Department.

"(b)—The permission asked for in this question has already been recommended to school authorities in Education Department Circular No. 2, dated 21st April 1920, which was laid on the table on a previous occasion.

"9. (a)—It would appear from the Board's budget that the number of primary scholarships at present awarded by Habiganj Local Board is 13 annually.

"(b)—Government has no information on the subject.

"(c)—The power of reserving Local Board scholarships on behalf of special communities lies not with Government but with the Local Boards.

"10. (a)—The answer is in the affirmative.

"(b)—The past services of officers in the Subordinate Educational Service have been taken into consideration in determining their initial pay under the reorganization. The principles on which this has been done will be plain to the Hon'ble Member if he will peruse the papers on the subject of the reorganization of the services which have already been laid before the Council.

"(c)—It is not the case that the rate or rates of increment allowed by the Secretary of State have been reduced. The reorganization has been given effect to in terms of the Secretary of State's sanction.

"(d)—The answer is in the negative. The sanctioned rates of increment have not been reduced, past services have not been ignored and no officers in class I have been superseded, *i.e.*, have lost seniority save for fault or for failure to satisfy the conditions of their appointments.

"(e)—The answer is in the negative.

"(f)—The answer is in the affirmative.

"(g)—No reduction in the incremental rates sanctioned was made in giving effect to the scheme.

"(h)—Again the Hon'ble Member is referred to the published papers in regard to the reorganization of the service. Past services have been duly reckoned in fixing the initial pay of officers in class II of the Subordinate Educational Service on the principles laid down in the correspondence.

"(i) The answer is in the affirmative.

" 11.—Government are not informed in regard to the number of exercise books which children have to purchase or prepare in class III of High, Middle and Vernacular Schools. The number no doubt varies in different schools. In this connection the Hon'ble Member is referred to the answer given to his question No. 16. In the Circular referred to in that reply, instructions were issued to the Inspectors of Schools advising economy in the matter of exercise books.

" 12. (a) and (b)—Government are informed that the question papers referred to are not and have never been printed at the Assam Secretariat Press, which has neither the type nor the compositors to enable it to undertake the work. Government are not aware that the students concerned are thereby put to any disadvantage.

" (c)—Government have no information on the subject and thinks it useless to enquire.

" 13.—A copy of the report from the Assistant Surgeon, Habiganj, is laid on the table. He is of opinion that the latrine is sanitary and suitably located.

" " No. 609, dated Habiganj, the 22nd December 1921.

From—The Assistant Surgeon, Habiganj Subdivision,

To—The Headmaster, Government High School.

With reference to your No. 907, dated 15th December 1921, I have the honour to say that I inspected the Muhammadan Hostel latrine on 17th December 1921 in company with you. I am of opinion that the latrine is absolutely sanitary and there is no danger to public health on account of its location near the public road. There is no other suitable site near the Hostel where the latrine could have been better situated and its present site appears to be the best. I however suggest that the feelings of the complaining public may be better respected if a brick wall sufficiently high could be raised round the latrine concealing it from public view altogether.' "

RAI SAHIB MONOMOCHAN LAHIRI asked :—

Complaints
against
Police
constables.

“ 1. Will the Government be pleased to lay on the table a statement showing the number of complaints that were lodged before Magistrate against police constables during 1919, 1920 and first 8 months of 1921 in the two valleys of Assam excluding the Hill districts and how many counter-complaints were lodged by the police arising out of the same occurrence with the following particulars :—

“ (i) Regarding complaints :—

“ (a) How many of the complaints were sent to the police for enquiry and report and how many of these were cognizable by police ?

“ (b) How many of the complaints were sent to the police for enquiry and were reported to be false ?

“ (c) In how many of these cases the complainant was prosecuted under section 182 or 211, Indian Penal Code, and what were the results ?

“ (ii) Regarding counter-complaints :—

“ (a) How many of the counter-complaints were enquired into by police and in how many of them the accused were sent up for trial and what were the results ?

“ (b) In how many of the counter-complaints the witnesses cited by the complainants against the police were also sent and with what results ?

“ 2 Will the Government be pleased to lay on the table a statement showing the number of complaints lodged before the police against police constables during 1919, 1920 and the first 8 months of 1921 in the two valleys of Assam excluding the Hill districts and how many counter-complaints were lodged by the police arising out of the same occurrence and how the complaints and counter-complaints ended ? ”

(These questions were asked at the Council Meeting held on the 23rd September 1921.)

THE HON'BLE MR. A. MAJID replied :—

“1 and 2.—Government undertook to collect the information asked for by the Hon'ble Member and the following statement is laid on the table :—

“ Statement showing the number of complaints lodged before Magistrates

		Complaints lodged before Magistrates against constables.										How many complaints sent to the police were reported false.			
		Number of complaints sent to the police for enquiry and report.					How many were cognizable by the police.								
		Total number of complaints lodged before Magistrates against police constables.		Number of complaints sent to the police for enquiry and report.		Number of complaints sent to the police for enquiry and report.		Number of complaints sent to the police for enquiry and report.		Number of complaints sent to the police for enquiry and report.					
1919	1920	1921	1919	1920	1921	1919	1920	1921	1919	1920	1921	1919	1920	1921	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Surma Valley and Hill Division.	40	41	13	7	16	1	4	11	1	4	1	1	4	1	1
Assam Valley Division ...	41	54	18	27	39	9	23	31	3	3	2	3	2	...	...

against police constables and counter complaints in the plains districts of this Province during 1919, 1920 and the

How many complaints were prosecuted under section 182 or 211, Indian Penal Code.		Result of prosecution under section 182 or 211, Indian Penal Code.				Number of counter-complaints lodged by police arising out of the same occurrence.				How many counter-complaints were enquired into by police.				
1919	1920	1921	1919	1920	1921.	1919	1920	1921	1919	1920	1921	1919	1920	1921
14	1	16	17	18	19	20	21	22	23	24	25	...	...	...
1	5	1	One complainant convicted under section 211, Indian Penal Code.	One complainant convicted under section 182 and two under section 211, Indian Penal Code.	Nil	...	...	Nil	...	...	...	...	...	...
1	1	...	One sentenced to four months' rigorous imprisonment (subsequently acquitted on appeal).	One sentenced to two years' rigorous imprisonment.	...	1	...	3	1	...	3	1	...	3

first 8 months of 1921.

					Complaints lodged before the police.					
How many of the accused were sent up for trial and with what result.		In how many counter-complaints the witnesses were sent up and with what result.			Number of complaints.					
					1919	1920	1921	How the complaints and counter-complaints ended.		
1919	1920	1921	1919	1920	1921	1919	1920	1921		
26	27	28	29	30	31	32	33	34	36	37
Nil	Nil	Nil	...	...	...	2	7	...	...	...
1 (one fined).	...	3 (two fined).	...	...	...	2	5	3	Two acquitted and one convicted.	One acquitted and two convicted.,,
									One constable convicted. Two complainants sentenced under section 211, Indian Penal Code.	One acquitted and one convicted.

THE DEPUTY PRESIDENT :—“ I have to announce to the Council that as it has not been possible to collect the information in time, replies to a number of questions which the Hon'ble Members desire to ask in this session are not yet ready. The replies to these questions will be given at the commencement of the March session.”

Supplementary Demand for Grants.

THE HON'BLE MR. W. J. REID :—“ I beg, Sir, to move that an additional sum of Rs. 15,933 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head '41.—Civil Works.’

“ Members will find an explanatory note showing the reasons for which this demand is made. It will be clear that this is purely formal, and that the money has merely been transferred from the accounts head under which it appeared in the budget to the head which enables the purpose of the grant to be fulfilled. I may add that this demand was laid before the Committee on Public Accounts which recently met in Shillong.”

THE DEPUTY PRESIDENT :—“ The motion before the House is :—

“ That an additional sum of Rs. 15,933 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head '41.—Civil Works.’ ”

The motion was adopted.

THE HON'BLE MR. W. J. REID :—“ I beg, Sir, to move that a sum of Rs. 1,427 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head '36.—Civil Aviation.’

“ This demand is explained in the note. We were not aware that we should have charges on this account, but we find that we have for a brief period to pay for the warehousing of these aeroplanes which we got rid of. That is why I have to ask the Council to vote this amount.”

THE DEPUTY PRESIDENT :—“ The question before the House is :—

“ That a sum of Rs. 1,427 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head ‘ 36—Civil Aviation ’.”

The motion was adopted.

THE HON'BLE MR. W. J. REID :—“ I beg, Sir, to move that an additional sum of Rs. 85,000 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the ‘ Provincial Advance and Loan Account. ’

“ As the note mentions and as the Council are well aware, we have in consequence of the floods had to give loans on a considerably larger scale than we anticipated, and the Finance Department agreed to this transfer being made in anticipation of the sanction of the Council, feeling sure that in consideration of the purpose sanction would be accorded.”

THE DEPUTY PRESIDENT :—“ The question before the House is :—

“ That an additional sum of Rs. 85,000 be granted to the Governor in Council to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the ‘ Provincial Advance and Loan Account ’.”

The motion was adopted.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—“ Sir, I beg to move that an additional sum of Rs. 3,000 be granted to the Governor and His Minister to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head ‘ Public Health Department. ’

“ An explanatory note is given and it is on the table before the Members. This is a grant to the Shillong Municipality for improvement of water-supply as the money set apart for the purpose had to be utilised for road improvement. The money has been transferred from the Public Works Department budget in anticipation of the sanction of the Council. Considering the importance of the safety of the road ways of this town I hope the Council will grant sanction to this demand.”

THE DEPUTY PRESIDENT :—“ The question before the House is :—

“ That an additional sum of Rs. 3,000 be granted to the Governor and his Minister to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head ‘ Public Health Department ’.”

The motion was adopted.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—
“ I further beg to move Sir that an additional sum of Rs. 7,000 be granted to the Governor and his Minister to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head ‘ 34.—Agriculture ’.

“ An explanatory note is given, which is before the Members. All Members who have seen the great danger that is being caused by the pest water-hyacinth in the Surma Valley will, I think, be prepared to give any amount of money if it were possible to do so to find a way for the eradication of this pest. We are just making a beginning in trying to aid the villagers with small sums in their own efforts to eradicate the pest, and as is explained in the note we have made a grant of Rs. 10,000 this year. The amount provided in the budget was only Rs. 3,000, and this Rs. 7,000 has been added to it. I hope the demand will have the approval of the Council ”.

THE DEPUTY PRESIDENT :—“ The question before the House is :—

“ That an additional sum of Rs 7,000 be granted to the Governor and his Minister to defray certain charges which will come in the course of payment during the year ending on the 31st March 1922 for the administration of the head ‘ 34.—Agriculture ’.”

The motion was adopted.

THE ASSAM GENERAL CLAUSES (AMENDMENT) BILL, 1922.

THE HON'BLE MR. A. MAJID introduced the Assam General Clauses (Amendment) Bill, 1922.

He said :—

“ Sir, as Hon'ble Members are aware, a General Clauses Act passed by a Legislative Council is a kind of law lexicon in respect of the enactments passed by the Council

and it is also a draftsman's Act by which it is intended among other things to secure uniformity in the language of the Acts by giving *prima facie* definition of several words and expressions which are in frequent use. The Assam General Clauses Act which it is proposed now to amend was passed by the Legislative Council of the Chief Commissioner of Assam at a meeting of that Council held in November 1915. Accordingly, the definition of the words 'Assam Act' means an 'Act' passed by the Chief Commissioner of Assam in a Council made under the Indian Councils Act, 1909. But the Council of the Chief Commissioner of Assam came to an end; and under the Government of India Act the present Council has been established and it is a matter of doubt whether 'Assam Act' which certainly means an Act made by the Council of the Chief Commissioner does mean also an Act made by the present Council established under the Government of India Act. In order to set the doubt at rest, the present Bill has been prepared. I may mention that the Advocate General, Bengal, who was consulted has advised also that an amendment of the Assam General Clauses Act is desirable. While amending the definition of the 'Assam Act', advantage has been taken to make other amendments with a view to bring other parts of the Act up to date. Under Rule 18 of the Assam Legislative Council rules His Excellency the Governor ordered the publication of the Bill together with the statement of objects and reasons. Accordingly, as laid down in that rule, leave for introducing the Bill is not necessary. The Bill was published in the *Assam Gazette* of the 25th January. It is proposed to move in a meeting of the Council to be held in the month of March next that the Bill be taken into consideration and passed after a consideration of the Bill and such amendments, if any, as are moved. I now beg, Sir, to introduce the Bill to amend the Assam General Clauses Act, 1915."

The Secretary to the Council then read out the title of the Bill.

ASSAM COURT FEES BILL, 1922.

THE HON'BLE MR. W. J. REID :—" I beg, Sir, to move for leave to introduce the Assam Court-fees Bill, 1922. In my budget speech yesterday I explained the reasons which have led us to put forward this measure. These are twofold.

There is first of all the need which I think will be clear to every member of this Council of additional revenue, and secondly the fact of our close connection with Bengal, inasmuch as our Courts like theirs work under the Calcutta High Court. On this occasion, Sir, I do not propose to go into details. For one thing this is a very sparsely attended Council, and I feel sure that the members here present would not wish to anticipate the decision of the whole body when they assemble as we hope they will do next month. I should like too, Sir, to make it clear that I am asking only for leave to introduce the Bill, and that by granting this leave the Council is not committed to the principle of the Bill but has full liberty to criticise, to discuss, even to oppose its being taken into consideration at a later stage. I could give explanations but possibly the Council will not require these at the present moment. The Bill requires close study if its provisions are to be followed. We have throughout gone on exactly the same lines as the Government of Bengal and can claim no originality."

BABU BIRAJ MOHAN DUTTA :—" Sir, I rise to oppose the introduction of the Bill. I admit Sir, that the threatening and evident decline of receipts from excise and other sources goes without saying that our top-heavy Government is in a miserable plight and there is no knowing to what end she is likely to be led on to should the state of affairs continue as they are. It is the poorer classes who engage in litigations hence enhancement of the price of Court-fee stamps means putting another halter round their necks. It is admittedly a tax on the poor. It is taxation on necessities and not on luxuries. The introduction of this Bill means the finding out of another source of income for the maintenance of the present costly administration.

" I beg to submit that it would have been more prudent if this very Bill were published in the Gazette inviting public criticisms in good time and discussed at length from all points of view before its presentation in this House. I am not a lawyer to enable considerations as to its merits or demerits nor Sir am I a Judge. But still to tell you frankly it appears to me to be an instrument in injuring the mass the poor mass on whose honest labour the country depends. All these Sir taken together lead me on to oppose its introduction though I am not an unnecessary obstructionist. With these few words I oppose the Bill."

THE HON'BLE MR. W. J. REID :—“ Sir, if I may be allowed to offer a word of personal explanation one reason why the Bill was not published in the Gazette earlier was that we received the sanction of the Government of India I think a week and certainly not more than ten days ago, and hence it was not possible to do so. Secondly, I may point out to the Hon'ble Members that we deliberately refrained from asking the Governor to use his powers and publish the Bill in the Gazette which would have obviated the necessity of introducing it in the Council, and preferred to do as we have done — to leave the Member in charge to move for the Council's leave to introduce the Bill.”

SRIJUT DALIM CHANDRA BORAH :—“ May I speak a word by way of supporting the opposition.”

THE DEPUTY PRESIDENT :—“ I want to know whether the Hon'ble Member wishes to oppose the leave to introduce or the introduction.”

BABU BIRAJ MOHAN DUTTA :—“ I oppose the introduction of the Bill.”

THE DEPUTY PRESIDENT :—“ The Bill will have leave to be introduced and then it will be introduced.”

THE HON'BLE MR. W. J. REID :—“ I am asking for leave to introduce the Bill. If the Council agree I shall introduce it without further debate.”

SRIJUT DALIM CHANDRA BORAH :—“ I beg Sir to support the Hon'ble opposer of the motion on the very same ground which he has urged. It is needless to circulate the Bill for public opinion as I am quite confident that the public will not welcome it particularly at this time of non-co-operation when the people have practised boycotting law courts. Any further enhancement of the existing rate of court-fees will on one hand go to impoverish the people and on the other to paralyse the limb of the Administration known as Law and Justice. Legislation as far as our province is concerned is not a luxury but necessity. We, of course, must support the Government in its legitimate claims but we do not think it our duty to support it in respect of the matters which are injurious to the best interests of our people. On these grounds it is better that it should be nipped in the bud.”

THE DEPUTY PRESIDENT :—“I do not like to have the debate under Rule 39 and will put the question to the Council.”

THE HON'BLE MR. W. J. REID :—“I readily accept your ruling, Sir. I have tried to explain both yesterday and to-day the reasons why we ask for leave to introduce this measure. I repeat again that by granting this leave the Council does not commit itself but has the fullest right to oppose the Bill or any provisions in the Bill at a later stage.”

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

AYES—11.

Hon'ble Mr. W. J. Reid, C.S.I.
 „ „ A. Majid, C.I.E.
 Hon'ble Rai Bahadur Ghanasyam Barua.
 Mr. A. W. Botham, C.I.E.
 „ A. R. Edwards.
 „ J. N. Taylor, C.I.E.
 Khan Sahib Alauddin Ahmad Chaudhury.
 Sardar Bahadur Anjab Ali Khan.
 Srijut Nilmoni Phukan.
 Mr. E. S. Roffey.
 Munshi Safur Rahman.

NOES—10.

Srijut Dalim Chandra Borah.
 Rai Sahib Bepin Chandra Deb Laskar.
 Babu Biraj Mohan Dutta.
 Khan Bahadur Mubammad Bakht Mazumdar.
 Srijut Lohit Chandra Nayak.
 Maulavi Saiyid Nurur Rahman,
 „ Rukunuddin Ahmad.
 Babu Krishna Sundar Dam.
 Srijut Bepin Chandra Ghose.
 Maulavi Abdul Khalique Chaudhury.

The Ayes being 11, and Noes 10 the motion was carried.

THE HON'BLE MR. W. J. REID :—“Then Sir I introduce the Bill.”

The Secretary of the Council then read out the title of the Bill.

THE HON'BLE MR. W. J. REID :—“I beg to move Sir that the Bill be circulated for the purpose of eliciting opinion thereon.”

BABU KRISHNA SUNDAR DAM :—“ Sir, I rise to a point of order. I am inclined to think that what the Hon’ble Finance Member said about the right of members to criticise the Bill or to oppose it still stands good. I wish it made clear to the Council that we do not lose our right to discuss the Bill later on or to oppose it.”

THE HON’BLE MR. W. J. REID :—“ I repeat, Sir, that the Council will have full liberty to criticise, to discuss, and even to oppose the Bill when it comes up again. My present motion is an obvious one—that the Bill be circulated so that public opinion thereon may be elicited.”

The motion was put and agreed to.

THE ASSAM STAMP (AMENDMENT) BILL, 1922.

THE HON’BLE MR. W. J. REID :—“ I beg, Sir, to move for leave to introduce the Assam Stamp (Amendment) Bill, 1922. When introducing the last Bill I purposely did not go into details with the Council because as I explained this is a very sparsely attended meeting. I think the vote just taken has shown that other members share my opinion, that the few of us who are here would not wish to anticipate the decision of the whole body in finally deciding on a matter of this importance. I ask only for leave to introduce this Bill which follows closely the Bengal measure. It will be open to members of the Council to oppose the further progress of the Bill at a later stage, to criticise or to press for its amendment in any way. Here again we claim no originality in the matter. We are following the Government of Bengal, and I readily give the assurance that if the Bengal Bill when it emerges from the Select Committee and is passed into law contains any measures of relief to any tax-payers which are not to be found in our present Bill we also will introduce these same measures of relief. I need hardly say, Sir, that in moving for leave to introduce the Bill instead of suggesting to His Excellency the Governor that he should direct the Bill to be published in the Gazette our object has been simply to place it before the Council at the earliest possible moment.—We received India’s sanction only three or four days ago so that it was impossible to give any earlier intimation.”

The motion was put and agreed to.

THE HON'BLE MR. W. J. REID:—"Then, Sir, I introduce the Assam Stamp (Amendment) Bill, 1922."

The Secretary to the Council then read out the title of the Bill.

THE HON'BLE MR. W. J. REID:—"Then, Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon."

The motion was put and agreed to.

PRIMARY EDUCATION BILL, 1922.

MR. A. R. EDWARDS:—"Sir, in the absence of the Hon'ble Minister for Education owing to serious illness which we all regret, I am to make a brief statement about the Primary Education Bill. The Bill has been drafted but certain points are under discussion with the Government of India. The Bill will be introduced as soon as possible."

PROROGATION.

The Secretary to the Council then handed to the Deputy President notification by His Excellency the Governor of Assam proroguing the Council which the Deputy President read out to the Members.

"No. 64L., dated the 7th February 1922.—In exercise of the power conferred by section 72B, sub-section (2) of the Government of India Act, His Excellency the Governor is pleased to declare that at the conclusion of the meeting on the 7th February 1922, the Assam Legislative Council stands prorogued."

THE DEPUTY PRESIDENT:—"The next session of the Council will commence on the 14th of March 1922."

A. MELLOR,

Secretary to the Assam
Legislative Council.

SHILLONG :

The 10th February 1922.

APPENDIX A.

From the Agent, Sylhet Lime Company, Limited, Chhatak, to the Deputy Commissioner, Sylhet, No. 6616S.L., dated Chhatak, the 9th December 1921.

I have the honour to acknowledge the receipt of your letter No. 2782J., dated the 25th November 1921, forwarding me a copy of letter No. 1143G.J., from the Under-Secretary to the Government of Assam, to the Commissioner, Surma Valley and Hill Division, Silchar, and beg to send you herewith an account of profit and loss showing the working of the Magazine for the period required by you.

If you will refer to your office letter No. 26J., dated the 3rd July 1919, and clause 3 of the Company's agreement with the Government, you will find that when the Company took over working of the Magazine they were allowed to obtain a reasonable profit. From the statement submitted you will find that the profit is about 6 per cent. or less than that obtainable from any Government security at present and therefore the Company is not profiteering as implied by the various complaints submitted by various quarry holders.

From the History of the Magazine you will find that there was a restriction on the import of explosives and that the Magazine was built by Government to allow of exports under control. Messrs. Gillandars Arbuthnot and Company were to have worked the Magazine but failed to take charge and the Magazine remained in the hands of Government incurring expenses and quarry holders' grievances remained unsatisfied.

The Sylhet Lime Company then came forward to help the situation and undertook to run the Magazine which they are doing as you can see at no great profit and under a considerable amount of unreasonable objections.

The objections appear to be under the wrong impression that the Magazine is a Sylhet Lime Company's venture from which they are deriving a considerable profit and appear to think that if they make a sufficient number of objections they will be allowed to import explosives direct from Calcutta. Please see attached copy of letter from Rev. J. J. M. Nichols-Roy, to the Deputy Commissioner, Khasi and Jaintia Hills, Shillong.

The Sylhet Lime Company are the biggest users of explosives and would be the first to welcome a reduction in prices but they are paying the Magazine the same rates as other quarry holders and have raised no objections knowing that the Magazine cannot reduce prices under present conditions.

I might here explain that the price of explosives is not the most important item in the price of stone and that quarry holders are charging higher prices and obtaining bigger profits even at the present prices of explosives than they did a few years ago when the prices of explosives were lower—therefore whilst raising their own prices on stone, those quarry holders wish to keep down the prices of other materials.

The position now is that if Government wish to have the price of explosives brought down they should abolish the Magazine and control and allow quarry holders to import their requirements freely and direct from anywhere they like.

Also if Government can see their way to working the Magazine themselves and to supply explosives more cheaply the Sylhet Lime Company would be very glad if they assumed charge.

I shall be obliged if you will kindly let me know the Government instructions in this matter at an early date as the Company will not make arrangements for further large purchases till they know what Government intends doing.

Chhatak Magazine account for 5 months from July to November 1921.

Date.	Sales.	A. ount.	Total.
1	2	3	4
July 1921 ...	Received by sale of 250 lbs. blasting powder at Re. 1-12-3 per lb.	Rs. a. p. 441 6 6	Rs. a. p.
	Ditto 150 coils fuse at Rs. 2-2-3 per coil.	321 1 6	.
	Ditto 25 lbs. dynamite at Rs. 4-11-6 per lb.	117 15 6	
		—————	880 7 6

Date.	Sales.	Amount.	Total.
1	2	3	4
		Rs. a. p.	Rs. a. p.
Aug. 1921 ...	Brought forward ... Received by sale of 650 lbs. blasting powder at Re. 1-12-3.	1,147 10 6	880 7 6
	Ditto 300 coils fuse at Rs. 2-2-3 per coil.	642 3 0	
	Ditto 25 lbs. dynamite at Rs. 4-11-6 per lb.	117 15 6	
			1,907 13 0
Sep. 1921 ...	Received by sale of 100 lbs. blasting powder at Re. 1-12-3.	176 9 0	
	Ditto 175 coils fuse at Rs. 2-2-3 per lb.	374 9 9	
	Ditto 60 lbs. dynamite at Rs. 4-11-6 per lb.	283 2 0	
	Ditto 100 detonators at Rs. 8-14-3 per cent.	8 14 3	
			843 3 0
Oct. 1921 ...	Received by sale of 450 lbs. blasting powder at Re. 1-12-3.	794 8 6	
	Ditto 250 coils fuse at Rs. 2-2-3 per coil.	535 2 6	
	Ditto 200 detonators at Rs. 8-14-3 per cent.	17 12 6	
			1,347 7 6
Nov. 1921 ...	Received by sale of 50 lbs. dynamite at Rs. 4-11-6 per lb.	235 15 0	
	Ditto 200 lbs. gunpowder at Re. 1-12-3.	353 2 0	
	Ditto 400 detonators at Rs. 8-14-3.	35 9 0	
	Ditto 200 coils fuse at Rs. 2-2-3.	428 2 0	
			1,052 12 0
	Sold in 5 months—1,450 lbs. blasting powder.	...	
	Ditto 1,075 coils fuse ...	...
	Ditto 160 lbs. dynamite ...	...
	Ditto 700 detonators ...	...
	Ditto 200 lbs. gunpowder	...	
			6,031 11 0

Date.	Purchases and other costs.	Amount.	Total.
1	2	3	4
		Rs. a. p.	Rs. a. p.
Apl. 1921 ...	Purchased as per Gillandars Arbuthnot & Co.'s Bill No. 124, dated the 21st April 1921:—		
	160 lbs. dynamite	435 0 0	...
	500 detonators	25 12 0	
	1,000 coils fuse	1,252 0 6	
	Freight	61 2 0	
	Packing and forwarding charges ..	17 8 0	
	Purchased as per Gillandars Arbuthnot Co.'s Bill No. 15, dated the 21st April 1921— 1,000 lbs. blasting powder F. O. R.	1,015 10 0	1,771 6 6 1,015 10 0
Sep. 1921 ...	Purchased as per Gillandars Arbuthnot Co.'s Bill No. 891, dated the 14th September 1921, including all charges:—75 coils fuse at Re. 1-1-0. As per Bill No. 63, dated the 29th September 1921, including all charges 450 lbs. blasting powder at Re. 1-4-6.	79 11 0	79 11 0
	Purchased as per Gillandars Arbuthnot Co.'s Bill No. 1002, dated the 12th October 1921, including all charges:—200 treble detonators at Rs. 5-5-9.	...	575 5 0
Oct. 1921 ...	Purchased as per Controller of Government surplus stores Bill No. Nil, dated the 4th November 1921, including all charges:—200 lbs. gunpowder at Re. 1-0-8 per lb.	...	10 11 6
Nov. 1921...	Paid Government fees for the Magazine and guards for 5 months at Rs. 160 per month.	800 0 0	
	" Staffs pay for 5 months at Rs. 50 per month.	250 0 0	
	" boat hire for 5 months at Rs. 25 per month.	125 0 0	
	" Manager's pay for 5 months at Rs. 150 per month.	750 0 0	
	" for furniture and stationery ...	95 0 0	2,020 0 0
	Total ...	...	5,681 1 4
	Profit ...	...	350 9 0
		...	6,031 11 0

APPENDIX B.

Short account of Patabuka dacoity case.

(a) On the 20th October 1920, a dacoity was committed in the house of a big money-lender of Patabuka, Police Station Dharampasha, Sylhet. The dacoits came in 2 *panshi* boats and were dressed in khaki shorts, coats, *puggris* and caps and had their faces painted. They used torches and fired guns and 3 villagers—one man and 2 women—received gunshot wounds. The operations of the dacoits commenced and ended with the sounding of whistles. They continued their operations for about half an hour and left with booty consisting of cash and jewellery valued more than Rs. 1,800. The dacoits also took away a gun. They said that they had come to protect their religion. They spoke in broken English. The whole operation was conducted in a very well organized manner and while leaving the village they fired at random to prevent villagers from pursuing them.

Evidence was obtained to prove that on the day prior to the night of occurrence 2 *panshi* boats with a number of young men looking like *bhadraloks* were seen in a secluded jungly place about 2 miles west of the village of occurrence. One of the complainants' neighbours had some conversation with one of these men and he was told that all these young men had come for *shikar*. In the morning following the night of occurrence this man had told the Sarpanch of his interview and his talk with the young men.

In the course of inquiry about the documents recovered a piece of paper was found containing in English the names of 24 persons on one side and the distribution of duty of 23 of them on the other, the details of which are as follows :—

(1) Enter in	...	...	5 names.
(2) Guards	...	...	8 „
(3) Boat guards	...	...	2 „
(4) House guards	...	...	8 „

An exhaustive inquiry was made about the persons bearing the names found in the list and about 200 persons were traced. Enquiry was then started about each individual and by a process of elimination, 34 persons bearing the different names were found very often to be in close association with each other.

When this inquiry was going on, a letter written by an extreme Khilafat agitator of Selboras who has since been convicted under Section 124-A, Indian Penal Code, was found in which there was also an indirect indication of this dacoity and of the connection of some of the suspected accused with it. It was further ascertained that a zaminder of Jowar (Mymensingh) and Selboras, also a prominent Khilafat agitator, had been collecting *ramdaos* and guns for committing dacoities.

A simultaneous raid was made and some of these persons were arrested both in Mymensingh and Sylhet, one of whom made a clear confession which was recorded by the Magistrate. He implicated all the men arrested and some others who remained at large. Some of the men arrested were identified by the witnesses as those who had taken part in the dacoity. The confession was corroborated in material particulars by independent evidence.

The specimen handwriting of all the accused persons were secured and examined by the handwriting expert who was definitely of the opinion that the list was in the handwriting of one of the accused.

One of the 2 *panshi* boats used by the dacoits was traced to belong to a man of Selboras and it was ascertained that one of the boats had started from Jowar in the Mymensingh district and the other from a different place and they met at a place between Selboras and Shanbari, then they came together to Selboras and from there started for Patabuka. All the accused persons were seen together at Selboras. They were also seen leaving Selboras before the day of occurrence and returning on the day following that of occurrence.

Evidence was obtained to prove that the dacoits had purchased a canister of kerosine oil on their way at Mahanganj Bazar.

On the above evidence the police sent up the case for trial.

