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

The Council met in the Council Chamber, Shillong, on Tuesday,
the 6th March 1923, at 11 A.M.

P R E S E N T :

The Hon'ble Rai Bahadur Nalini Kanta Ray Dastidar, *President*,
the Hon'ble the two Members of the Executive Council, the Hon'ble
Minister of Education and 34 nominated and elected Members.

OATH OF OFFICE.

Maulavi Saiyed Samiur Rahman made the prescribed affirmation of allegiance to the Crown.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

KHAN BAHADUR MUHAMMAD BAKHT MAJUMDAR
asked :—

Calcutta
University
Bill.

1. (a) Is it a fact that in the Calcutta University Bill which has been introduced in the Bengal Council, no provision has been made for Assam ?

(b) If so, will the Government state what steps have been taken to remedy this defect ?

University
for Assam.

2. Will the Government consider the advisability of calling a conference to consider the need of having a separate University for Assam or a separate Board for secondary Education ?

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

1. (a)—Two Bills have just been introduced in the Bengal Legislative Council to amend the law relating to Calcutta University. In these Bills, as in the existing statutes of the University, no special provision has been made for Assam.

By Notification No. 717Edn., dated 20th August 1904, proceeding on section 27 of the Universities Act of 1904, Assam was declared by the Governor General in Council to be within the territorial limits of the University of Calcutta. This declaration cannot be affected by legislation in the Bengal Council.

As regards representation on the University Councils the Bills hardly affect the position of this province. They do not touch the representation of the province *ex-officio* as provided for in the First Schedule to the Act of 1904. For the rest, that is, as regards ordinary Fellows, they propose to replace the Chancellor by the Government of Bengal as nominating authority. That is all.

(b)—Government are in correspondence with the authorities concerned, on the subject of legislation in the Bengal Legislative Council in regard to the University of Calcutta, in so far as such legislation has a bearing on the interests of this province.

2.—Government are not inclined to call such a Conference at present. They will however consider the question further in view of the issue of the correspondence referred to in the answer to question No. 1.

KHAN BAHADUR MUHAMMAD BAKHT MAJUMDAR
asked :—

3. Has the attention of the Government been drawn to the report of the Retrenchment Committee in Bengal and if so, does Government intend to carry out similar retrenchment in Assam?

Report of the Retrenchment Committee.

4. Is it a fact that Excise Superintendents are allowed First-class Travelling Allowance even when their salaries are below Rs. 600?

Travelling allowance of Excise Superintendents.

If so, will the Government consider the advisability of reducing their Travelling Allowance to the scale enjoyed by officers of other departments of Government?

THE HON'BLE MR. W. J. REID replied :—

3.—The Hon'ble Member is referred to the reply given to question No. 1(b) asked by Srijut Bishnu Charan Borah, M. L. C.

4.—Excise Superintendents on pay exceeding Rs. 500 were first-class officers for the purpose of travelling allowance and were entitled to daily allowance at Rs. 7-8, whilst those on pay not exceeding Rs. 500 were second-class officers with a maximum daily allowance of Rs. 4-8. They have now been graded in the first grade with a daily allowance of Rs. 6 irrespective of their pay, in order to place them on the same footing in this respect as Extra Assistant Commissioners holding charge of subdivisions. The classification of officers for this purpose is now being re-examined.

SRIJUT BISHNU CHARAN BORAH asked :—

1. (a) Have the Government decided to accept all the recommendations of the Retrenchment Committee in view of the present financial crisis? Have the Government prepared any other scheme of retrenchment? If so, will the Government be pleased to lay it on the table?

Report of the Retrenchment Committee.

(b) Has the attention of the Government been drawn to the comprehensive and far-reaching recommendations of the Retrenchment Committee of Bengal? Will the Government be pleased to consider the desirability of adopting such of the recommendations or principles of the said Committee as are found suitable to the Province?

(c) Will the Government be pleased to take immediate steps to form a small committee with a non-official majority to consider the question of general retrenchment in the Province?

2. Will the Government be pleased to consider the advisability of introducing fixed monthly travelling allowance for different classes of touring officers?

Introduction of fixed travelling allowance.

3. Will the Government be pleased to state the reason for making all Excise Superintendents first-class officers? Will the Government please consider the desirability of reducing the status of Excise Superintendents drawing a salary of less than Rs. 600 to that of a second-class officer?

Excise Superintendents.

THE HON'BLE MR. W. J. REID replied :—

1. (a)—The Hon'ble Member is referred to the reply given to question No. 7 asked by Srijut Nilmani Phukan on the 11th September 1922.

Since that reply was given Government have abolished the separate office of the Superintending Engineer and have also decided to keep the post of Superintending Engineer vacant so long as the permanent incumbent is on leave.

The post of one Conservator has been kept in abeyance, and that of one Deputy Superintendent of Police has been abolished.

The recommendations of the Committee regarding Inspectors and Assistant Inspectors of Schools are being further examined.

For other retrenchments which have either been effected or are contemplated the Hon'ble Member is referred to the Budget Memorandum which has recently been laid before the Council.

(b)—Yes. All the recommendations of the Bengal Retrenchment Committee are now being examined with the object of seeing whether they can be adopted in this province.

(c)—The Government have before them the Reports of their own and the Bengal Retrenchment Committees, and do not see what would be gained by the appointment of yet another Committee.

2.—Government are at present examining the whole question of travelling allowances in the light of the recommendations made regarding them by the Bengal Retrenchment Committee.

3.—The Hon'ble Member is referred to the reply given to question No. 7 asked by Khan Bahadur Muhammad Bakht Mazumdar.

BABU BIRAJ MOHAN DATTA asked :—

Rate of
permits
in Garo
Hills.

1. (a) Are the Government aware that the present rate of permits for fuel, thatch and bamboos in the Garo Hills district has been recently increased from Rs. 3 to Rs. 5 a year for each head? Is it a fact that when large tracts of lands from the several permanently-settled Zemindaries of Goalpara were included in the Garo Hills or the management taken up, assurances were given to the Zemindars that the rights and facilities which their ryots enjoyed in this direction, *viz.*, grazing of cattle, obtaining fuel, thatch and bamboos will never be interfered with?

(b) Are the Government aware that numbers of Goalpara ryots are leaving for Khas Mehals towards Sorbhog side for this increase of rates?

THE HON'BLE MR. W. J. REID replied :—

1. (a)—The rate for permits for removing fuel, thatch, bamboos, etc., has been raised to Rs. 5 in respect of people other than inhabitants of the Garo Hills who pay house-tax and not land revenue. The Government are not aware that any such assurance as the question suggests was ever given.

(b)—The Government are not aware of this.

MAULAVI RUKUNUDDIN AHMAD asked :—

1. (a) Will the Government be pleased to state the number of boys who sought admission into class III of the Jorhat Government High School and how many of them were admitted ?

Jorhat
Government
High
School.

(b) Is it a fact that 50 per cent. of the boys seeking admission had to be sent back for want of accommodation ?

(c) If so, will the Government be pleased to open a third section in class III of the Jorhat Government High School ?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA replied.

1. (a)—The numbers are 103 and 60.

(b)—Forty-three boys out of 103 were refused admission, 12 on the ground that, on examination they were found unfit, the remainder on the ground that admissions are limited to two full classes or class sections.

(c)—The Hon'ble Member is referred to the reply given to question No. 1 asked by Raj Kumar Chandra Narayan Singh at this session of the Council.

SRIJUT BEPIN CHANDRA GHOSE asked :—

1. Will the Government be pleased to state whether they are going to give effect to the report of the majority of the members of the Retrenchment Committee already submitted to Government and also to the Council ?

Report of
Retrench-
ment
Committee.

THE HON'BLE MR. W. J. REID replied :—

1.—The Hon'ble Member is referred to the reply given to question No. 1(a) asked by Srijut Bishnu Charan Borah, M.L.C.

THE ASSAM MUNICIPAL BILL, 1922.

SECTION 13.

MAULAVI MUNAWWAR ALI :—Sir, under section 13, clause (iv), I have these amendments Nos. 3 and 4 in the agenda. If they are taken together my meaning will be clear. My suggestion is that the whole of clause (iv) be replaced as follows :—‘ has during the three years immediately preceding the date of election been convicted by a criminal court of an offence involving moral turpitude or a sentence of transportation or of an offence under Chapter IX-A of the Indian Penal Code, or has been ordered by a criminal court to furnish security for good behaviour under the Code of Criminal Procedure, the conviction or order not having subsequently been reversed, remitted, or the offender pardoned.’

I think, Sir, I may kindly be permitted to put the question as I have just now placed before you. Taken in this form, I think, the labours involved in moving amendments to certain other clauses will be obviated, and the meaning would be perhaps clearer. I think, Sir, I had made my meaning quite clear yesterday to the Hon'ble Members. If this set of amendments is not accepted, I am afraid we shall have to leave the clause as passed by the Select Committee. Therefore putting these amendments together I will request the House to go through the clause more closely once again.....

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the Hon'ble Member proposes to move the amendments Nos. 3, 4 and 5 together ?

THE HON'BLE THE PRESIDENT :—No, only 3 and 4.

MAULAVI MUNAWWAR ALI :—It will do if I take 3 and 4, but it does not matter, Sir, if all are taken together.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—We cannot agree to that. We will take 3 and 4 together.

THE HON'BLE THE PRESIDENT :—Yes only 3 and 4 together.

MAULAVI MUNAWWAR ALI :—I think, Sir, it is a matter of technicality, and the Hon'ble Minister need not be so fastidious about it. The meaning is clear.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—That is the ruling of the Chair, Sir. It is not a question of taste. The Hon'ble Member is proposing to add something new to the section; and that is a different matter from making only a slight alteration.

THE HON'BLE THE PRESIDENT :—The Hon'ble Minister objects, and I cannot allow all the amendments to be moved together.

MAULAVI MUNAWWAR ALI :—Then, I want to invite the attention of the Hon'ble Members to the clause so far as it relates to my amendments Nos. 3 and 4. A man is proposed to be debarred from contesting an election or being qualified to be a voter who has during the three years immediately preceding the date of election been convicted by a criminal court of an offence

involving a sentence for a period of more than six months. That might have two meanings, Sir, and I dealt with its first aspect yesterday. Now it may mean that one who has been convicted by a court with a punishment for more than six months, whatever be the nature of the offence. It refers to the quantum of sentence and not to the nature of the offence. In that case, Sir, a murderer sometimes, also, is punished for less than six months, a thief or a criminal who may have done a serious crime might have been punished for less than six months. On the other hand a man who has committed a crime of a sort might have been made to undergo an imprisonment for more than six months. Such a position is not a reasonable one. Yesterday, Sir, I tried my best to clear the position we would be in if this clause were to remain in tact.

If any Hon'ble Members should come forward with their observations I will be ready to reply. I think, Sir, I have been able to carry conviction to them that it is for the good of the people, it is for the good of the Municipal Bill itself, that this clause should be replaced as I have proposed.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, it is far from the intention of the Government to debar any man who ought to be on the Board from entering it. But there are certain things which have been held not only here but everywhere else as a disqualification for a man wishing to be a member of a Municipality. Some of these things are stated in this section. This section consists 7 clauses and contains a proviso which says that "in cases (iv), (v) and (vi) the disqualification may be removed by an order of the Local Government in this behalf."

The amendment relates to clause (iv) so that any hardship that may be caused by its application or too literal an application, may be removed by the Local Government. The Hon'ble Members will please remember that it is not the Commissioner but the Local Government who will exercise the power. Our objection to accepting the amendment 'any offence involving moral turpitude' is that the expression is very vague and will be found very difficult to apply in practice. It is not the intention of the Government that a man who has committed a trivial offence should be disqualified. If his case falls within this clause Government will certainly come to his relief. I am unable to accept the amendment.

MAULAVI RASHID ALI LASKAR :—May I know what is the exact amendment under discussion.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—The amendment is "convicted by a Criminal Court of any offence involving moral turpitude or a sentence of transportation for life" and the rest are to be omitted.

MAULAVI RASHID ALI LASKAR :—Sir, I beg to say a few words in this connection. First of all, Sir, it appears that the word "involving" is too vague for understanding; for if the word "involving" signifies a sentence of the maximum amount of punishment that is provided in the section, in that case I am afraid it would be a very dangerous thing, because generally the maximum punishment provided in a section is not often meted out by the trying Courts. So the sentence as it stands may give some such occasion where a man may be sentenced to one day's imprisonment under some section which provides for more than six months' imprisonment and he will be debarred from entering Municipal Boards while another man may be sentenced

to, say, six months' imprisonment up to the maximum limit and he will be entitled to enter the Boards at the same time. There is another difficulty, Sir, the section as it stands the conviction should be "during the three years immediately preceding the election", so if a man is convicted, say, the day before the period of three years begins his conviction will end just on the day before the date of election and he will be, after his three years' imprisonment, entitled to come to the Board; while another sentenced to one day's imprisonment on the date on which the period of three years begins he will be practically debarred to come to the Board. Here this defect may be said to be rectified by the words "or served any portion of a sentence on such conviction". If some sentence previous to the period of three years, that is, served after this period of three years begins, in that case also this man should be debarred from entering the Board. Otherwise that difficulty remains there. Again some members I remember said yesterday that the section providing more than six months' imprisonment may be applied by the trying Court with a fine of Rs. 5. In that case also the man will be debarred to come to the Court. But the word "served" here does not refer to fines. So considering all these circumstances I am of opinion that the word 'involving' refers to conviction and not offences. So 'involving' actually means more than six months' actual imprisonment and if that be the meaning and I hope that is the meaning then in that case even if the phrase 'moral turpitude' be not inserted, still the section as it stands may remain and especially the amendment is more dangerous than the section as it stands, because that adds to the difficulties that makes another condition of 'moral turpitude' and does not modify the other conditions. So I am of opinion that the section as it stands here will serve the purpose and if amended it should be better amended than proposed.

MAULAVI MUNAWWARALI :—There is just a point of order, Sir, on which I rise. I had accepted, Sir, the proposal of the Hon'ble Minister on the understanding that it had carried the original meaning contained in my original amendment. Barring that, Sir, I beg to submit that I would never have accepted it and I do not know at whose door the fault lies on that account.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—I am afraid, Sir, I have not been able to follow the Hon'ble Member.

THE HON'BLE THE PRESIDENT :—I hope he will repeat his point of order again.

MAULAVI MUNAWWARALI :—I had said, Sir, that I was agreeable to take the two clauses together if they carried the meaning I had in mind which was manifested in the original amendment I had sent. Barring that, Sir, I would not have agreed.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—May I know what the Hon'ble Member's amendment is?

MAULAVI MUNAWWARALI :—My amendment is, Sir, that section 13, clause (iv), replaces the whole clause by "has during three years immediately preceding the election been convicted by a Criminal Court of any offence involving moral turpitude."

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Well, that is the amendment we have been discussing all this time?

With reference to what has been said by the Hon'ble Member I may say that if the expression "involving" is found a little obscure he may substitute it by the words "punishable with." That makes the meaning perfectly clear.

MAULAVI RASHID ALI LASKAR :—If the word "involving" is replaced by simply "with" then perhaps everything will be made clear.

SRIJUT DALIM CHANDRA BORAH :—I think the Hon'ble Member has no right to speak now.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, if the Hon'ble Maulavi Munawwarali will accept this, then his amendment will stand thus :—

"has been convicted by a Criminal Court of any offence involving moral turpitude punishable with."

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—What is meant by "moral turpitude"?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—That is another matter.

THE HON'BLE THE PRESIDENT :—(To Maulavi Munawwarali).—Do you accept it?

MAULAVI MUNAWWARALI :—Will the Hon'ble Minister repeat the amendment?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—The amendment is "has been convicted by a Criminal Court of any offence involving moral turpitude or punishable with a sentence of transportation, etc."

MAULAVI MUNAWWARALI :—This is acceptable to me, Sir.

SRIJUT DALIM CHANDRA BORAH :—May I speak a word on this, Sir? I think unless the definition of moral turpitude is given here it is difficult to accept the amendment.

SRIJUT LOHIT CHANDRA NAYAK :—Sir, unless the definition of the words "moral turpitude" is given it will be difficult.

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Sir, I think the Penal Code has already regulated the sections as to morality or immorality and there is a scale of punishment in every section.

RAI BAHADUR AMARNATH RAY :—Sir, I beg to interpose one remark here. In the Calcutta Municipal Bill which was recently discussed by the Bengal Legislative Council this very expression was used, and we need not be very anxious about its meaning. It will do if we simply follow the interpretation which is put on it in Bengal.

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Sir, I do not think that we should follow other provinces. We wish to stick to our own.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—Sir, would you kindly ask the Hon'ble Minister to explain the meaning of the words "moral turpitude"?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, this is not my amendment.

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Sir, Without knowing this we cannot proceed.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURY :—But the Hon'ble Minister has already accepted it.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, if there is an impression that I have accepted the amendment it is wrong. I have not accepted it. The amendment has been discussed thoroughly; it might be put to the vote now.

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

AYES.

Maulavi Munawwarali.
Rai Bahadur Amarnath Ray.
Srijut Bepin Chandra Ghose.
Babu Biraj Mohan Dutta.

NOES.

Hon'ble Mr. W. J. Reid, C.S.I.
Hon'ble Mr. A. Majid, C.I.E.
Hon'ble Rai Bahadur Pramode 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.
Khan Sabib Alauddin Ahmed Chaudhuri.
Haji Muhammad Abdul Ahad Chaudhuri.
Khan Bahadur Kutubuddin Ahmad.
Khan Bahadur Muhammad Bakht Majumdar.
Maulavi Rukunuddin Ahmad.
Munshi Safiur Rahman.
Khan Sahib Sarafat Ali Chaudhuri.
Srijut Bishnu Charan Borah.
Srijut Bepin Chandra Ghose.
Rai Bahadur Bipin Chandra Deb Laskar.
Raj Kumar Chandra Narayan Singh.
Srijut Dalim Chandra Borah.
Rai Bahadur Krishna Chandra Chaudhuri.
Srijut Nilmoni Phukan.
Rev. J. J. M. Nichols-Roy.
Mr. A. J. G. Cresswell.
Mr. E. H. Featherstone.
Mr. E. W. Hobson.
Mr. E. S. Roffey.
Mr. D. M. Somerville.

The Ayes being 4 and the Noes 28, the motion was lost.

MAULAVI MUNAWWAR ALI :—Sir, I beg to propose that in clause (iv) for the words “or served any portion of a sentence on such conviction, unless such conviction has been set aside or such offence pardoned by competent authority”, the following be substituted, namely—“or has been ordered by a Criminal Court to furnish security for good behaviour under the Code of Criminal Procedure, the conviction or order not having subsequently been reversed, remitted or the offender pardoned.”

The clause as it stands does not contemplate “offence involving moral turpitude” under the Code of Criminal Procedure as for instance offence under sections 108, 109 and 110. I think offenders under these sections should be debarred from standing for election to Municipal Boards.

MR. A. MELLOR :—Sir, may I explain the object of the words “or serve any portion of a sentence on such conviction”. These remarks may solve the difficulty which was put forward by Maulavi Rashid Ali Laskar. The candidate is not eligible even if the conviction was passed more than three years before if within the three years he has served any portion of his sentence. So he might have been convicted even seven years before but if his sentence had not expired within the three years he would still be ineligible. I think therefore these words should not be omitted.

As regards the proposed addition, that of course is a different matter; and the Honble Minister says that he would leave it to the Council but he objects to the first portion. Perhaps in view of this the Honble Member would like to withdraw the first part of his resolution.

MAULAVI MUNAWWAR ALI :—Sir, in view of the fact that my former two amendments have been lost I have no hesitation in withdrawing this.

The first portion of the motion, namely, “that in clause (iv) for the words ‘or served any portion of a sentence on such conviction, unless such conviction has been set aside or such offence pardoned by competent authority’ be omitted,” was, by leave of the Council, withdrawn.

The second portion of the motion, namely, “that the words ‘has been ordered by a Criminal Court to furnish security for good behaviour under the Code of Criminal Procedure, the conviction or order not having subsequently been reversed, remitted or the offender pardoned,’ be added to clause (iv),” was declared to have been adopted.

MAULAVI RASHID ALI LASKAR :—I claim a division, Sir.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—May I be permitted to say a word, Sir? When the opinion of the Council appears from the voting to be clear, is it not a waste of time to call for a division? We have the privilege of calling for a division and that privilege can be exercised by any Member; but when it is clear from the voting that there is no chance of the amendment being carried by a division, is it right that the division should be claimed?

MR. A. MELLOR :—May I say, Sir, that in the Legislative Assembly the President, when he thinks a division has been called frivolously, asks the particular Members who claim a division to stand up, and if he finds that there are only one or two such Members, he disallows the division. I would suggest that if the sense of the Council is in favour of this practice being adopted, it may be done.

THE HON'BLE THE PRESIDENT :—Those Hon'ble Members who claim a division will please stand up ?

Two Members only having stood up, no division was taken and the motion was then declared adopted.

MAULAVI MUNAWWARALI :—Sir, my amendment is that in clause (vii) after the words ' of Government, ' the words ' or is an employee of a Municipality ' be added.

It seems, Sir, that the Municipal employees have not been debarred from contesting the municipal elections. I think they ought to be so debarred. In this view, I beg to propose this amendment.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, if the Council so desire, I have no objection to accepting this amendment.

The motion was adopted.

MAULAVI MUNAWWARALI :—I beg, Sir, to propose that in section 13, clause (vii), after the proviso the following be added as another proviso, namely :

" provided further that nothing contained in this section nor in any rules made under the authority of this Act shall be deemed to affect the jurisdiction of the Civil Courts."

From the Municipal Bill it seems, Sir, that the Civil Courts have not been given any authority. It is meet and proper that provision should be made to give authority to the Civil Courts. It is with this object in view, Sir, that I have proposed this amendment and I hope that it will be accepted by the Hon'ble House.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, I do not think there is anything in the Municipal Bill to preclude the jurisdiction of the Civil Court so that I think this amendment is redundant.

SRIJUT DALIM CHANDRA BORAH :—I must confess, Sir, that I have not been able to follow the Hon'ble Minister. I would like him to give his reasons for saying that the proposed amendment is redundant.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Because, Sir, I have already said that there is nothing in the Bill to prevent the cognisance of the Civil Court.

SRIJUT DALIM CHANDRA BORAH :—I think that there should be a distinct provision to this effect. If there be no such provision the thing might be interpreted in both ways. I think there must be some such provision in order to remove any difficulty or doubt.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—That, Sir, is a matter for the Council to decide.

THE HON'BLE PRESIDENT :—Is there any other Hon'ble Member who would like to speak on the subject ?

MAULAVI MUNAWWARALI :—With your permission, Sir, I wish to add a few words to what I have already said. I would like to tell the Hon'ble House that this is a very necessary clause and its omission would be misinterpreted, and would give rise to confusion. It is better always to be specific on matters relating to legislation. I hope, Sir, that this amendment will be carried by the House.

An identical motion* standing in the name of Srijut Dalim Chandra Borah was, by leave of the Council, withdrawn.

REV. J. J. M. NICHOLS-ROY :—The only objection to this amendment is apparently on the ground of redundancy. I think that redundancy is good in some respects when it makes the sense clear.

SRIJUT LOHIT CHANDRA NAYAK :—Sir, a lot of discussion centred on this point even at the debate of the Select Committee. After a good deal of consideration the Select Committee came to the conclusion that if an amendment of this nature be accepted, it would be putting a premium on what is called the litigious propensity of the people, as it will only encourage litigation. I therefore oppose this amendment.

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Sir, this is of course not necessary as there is the opportunity of going to the High Court. If this amendment is added I think some other rules will have to be framed as is done in the Council Rules.

The motion was put and adopted.

SRIJUT DALIM CHANDRA BORAH :—Sir, the amendment I propose under section 13, clause (i), is the omission of the word 'male' from that clause. I should like to observe at the outset, Sir, that the Hon'ble Members need not assume that I make this suggestion or submit this amendment before this Council from any overzealous feelings for female liberty or emancipation. All that has induced me to make this amendment is that the principle underlying a piece of legislation must be liberal and must be consistent throughout. This clause obviously does not recognise the right of the females to stand as candidates at municipal elections. But Hon'ble Members will find on a reference to section 12, provisos (1) and (2), that no sex distinction has been made in that section. The natural consequence is that we want the votes of the females, but we cannot suffer them to stand as candidates for election. Now, it is for the Hon'ble Members to say whether it is not a piece of partiality against the weaker sex. In these days of female franchise, Sir, when our women have access to the Universities, to the law courts, to all offices under the Government I think it is just and fair to give them privileges in the Municipal Board also, to take part in the proceedings of a Municipal Body. I cannot see, Sir, any sanity in their exclusion from the Municipal Boards. Under these circumstances I hope the Hon'ble Members will not be partial against the female sex and will support the amendment I have suggested.

* (3) "That after the proviso, the following second proviso be added, namely :—

'provided that nothing contained in this section nor any rules made under the authority of this Act shall be deemed to affect the jurisdiction of the Civil Court.'

KHAN BAHADUR KUTUBUDDIN AHMAD :—Sir, I beg to oppose this amendment. If the amendment is given effect to at least one section of the community will not get any benefit from it, I mean, the *purdanishin* ladies of the Muhammadan community. I also submit that if ladies of other sections of the community stand for election and are elected it will be very difficult for the other Commissioners in the Municipal Boards to discuss many questions with the female Commissioners who may demand *pardah* arrangements. Further I think the House will pass section 34 of this Bill and if this amendment is given effect to, the first part of that section shall have to be modified, which says that every meeting shall be open to the public.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, the question which has been raised by the amendment is a very large question. It has been discussed lately by the Bengal Legislative Council in connection with the Calcutta Municipal Act. Whether the conditions of Assam are such as to justify female voters to sit on the Municipal Boards is a matter which I leave to the discretion of the Council. But if I may be permitted to express a personal opinion I would suggest that we have not got yet within this Province any appreciable number of women qualified to exercise the functions of Municipal Commissioners. I would ask the Hon'ble Members to consider the matter from that point of view. Of course a man ought to be chivalrous, as the Hon'ble mover of the amendment has said, but then chivalry would be misplaced where conditions would not justify it.

MAULAVI MUNAWWARALI :—I beg, Sir, to say that although I am an advocate of female emancipation I do not propose to do it by a revolution as the Hon'ble mover of this amendment wants to do. It should be by evolution. On a perusal of the Municipal Bill it will be found that the females have been given the right to vote. This is a good beginning, and let us wait to see how it acts. If the experiment justifies, it will be well and good on our part to give further concessions to the female sex. In this view, Sir, I beg to oppose this amendment.

SRIJUT DALIM CHANDRA BORAH :—I think, none of the Hon'ble Members is willing to speak on the subject and I beg leave to speak a word in reply.

I submit, Sir, that the law in a country is not intended for any particular section of the community. The law must be liberal, must be free in its scope and it should be applicable to all sections of the community living within a certain municipality or area. I wonder, Sir, how the Hon'ble Member proposes to secure the votes of the ladies who are *purdanishin*. Of course there may be certain persons or certain ladies in certain communities who do not want to stand as candidates for municipal election. That is entirely a special case. Similarly there are also certain men who do not like to stand as candidates for personal reasons, who are otherwise competent to act as Municipal Commissioners. Now there may be some ladies who may not be able to get rid of their shyness and appear before the public. But since one or two members of a community, or one or two sections of a community are not willing to serve on the Municipal Boards, is that a sufficient reason why provision should not be made in the Bill? I say, Sir, that that is not a valid reason.

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

AYES—11.

Srijut Bishnu Charan Borah.
Srijut Bepin Chandra Ghose.
Rai Bahadur Bipin Chandra Deb
Laskar.
Raj Kumar Chandra Narayan
Singh.
Srijut Dalim Chandra Borah.
Srijut Nilmoni Phukan.
Rev. J. J. M. Nichols-Roy.
Mr. A. J. G. Cresswell.
Mr. E. H. Featherstone.
Mr. E. W. Hobson.
Mr. E. S. Roffey.

NOES—18.

Hon'ble Rai Bahadur Promode Chan-
dra Dutta.
Mr. A. J. Lainé.
Mr. A. Mellor.
Maulavi Abdul Khalique Chaudhuri.
Khan Sahib Alauddin Ahmed Chau-
dhuri.
Haji Muhammad Abdul Ahad Chau-
dhuri.
Khan Bahadur Kutubuddin Ahmad.
Maulavi Munawwarali.
Khan Bahadur Muhammad Bakht
Majumdar.
Maulavi Rashid Ali Laskar.
Maulavi Rukunuddin Ahmad.
Maulavi Saiyid Samiur Rahman.
Munshi Safiur Rahman.
Khan Sahib Sarafat Ali Chaudhuri.
Babu Hira Lal Bose.
Srijut Lohit Chandra Nayak.
Rai Bahadur Manomohan Lahiri.
Mr. D. M. Somerville.

The Ayes being 11 and the Noes 18, the motion was lost.

THE HON'BLE PRESIDENT :—Srijut Dalim Chandra Borah is to move his amendments.

SRIJUT DALIM CHANDRA BORAH :—I beg leave of the Council to withdraw amendment No. 2, standing in my name, namely :—

"That in clause (iv), the following words be added at the end, namely :—

'subjected by a Criminal Court to any such order as in the opinion of the Local Government unfits him to be a member of the Municipal Board or'."

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

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—There is no further amendment to section 13. So I beg to move that section 13, as amended, do stand part of the Bill.

The motion was adopted.

SECTION 18.

SRIJUT BEPIN CHANDRA GHOSE :—I beg leave of the House to withdraw the amendment standing in my name relating to section 18, namely :—

"That section 18 be omitted."

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

Sections 18 and 19 were added to the Bill.

SECTION 20.

BABU HIRA LAL BOSE :—I beg to move that section 20 of the Bill as it has emerged from the Select Committee be amended by the addition of the words "with the previous sanction of the Local Government" after the words "The Commissioner may" in sub-section (1). In my humble opinion, Sir, this has given too much power, I am afraid, to the Commissioners. When there is now a Ministry of Local Self-Government I do not think Commissioners should have such wide powers. It may be argued, Sir, in favour of the clause as contained in the Bill that the order of the removal of the Member is appealable and that the Member who is so removed will have no right of appeal in case he is removed by the Local Government as I propose. But I think, Sir, most of the members of this Hon'ble House will appreciate that right of appeal often times does not mend the evil already done; especially, I think, the Hon'ble Minister in charge of the Bill will kindly agree to this proposition. Again, Sir, I beg to submit that the amendment, if accepted, would prove rather a safeguard against the whims of the Commissioners. If my amendment is accepted, it would free the Municipalities from the official control which is undoubtedly not desirable. In order to secure the previous sanction of the Local Government as I propose I am quite sure the Commissioners will be careful to place facts before the Local Government in order to secure its permission and that will in itself be a safeguard against any hasty action of the Commissioner. This power to the Commissioner, I submit, Sir, is not in keeping with the spirit of self-government as I have understood it. In these days, it is highly undesirable that self-governing institutions should be overshadowed by any Government official, however high his position might be, except by His Excellency the Governor with the advice of the Hon'ble Minister in charge. I do not propose to deprive the Commissioner his right to remove a member if he falls into any of the categories under section 20 to merit removal. I only want to have a wholesome limitation on his power. Let me hope, Sir, that my learned friends will see grounds to view the matter in the same light as I have done. It is only to put a limitation on the power of the Commissioner and for nothing more that I have proposed the amendment under discussion.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I regret I am unable to accept this amendment. The Commissioners are local officers and are in touch with the local affairs. They are in the best position to decide matters which are contemplated in section 20 of the Bill. There is no question of overshadowing by the Commissioner. He will have to proceed on facts and figures. There is also a safeguard provided against any arbitrary action on the part of the Commissioner. There is an appeal to the Local Government from his decision. I think the provision as contained in the Bill is quite sufficient to protect the interests of the man concerned. If it is enacted that in every case in which a removal is found necessary by the Commissioner, he will have to report the matter to the Local Government, it will involve unnecessary delay. There may also be cases in which the facts are so clear that the person concerned would not think of challenging it. So I do not see any reason why there should be any necessity to obtain the previous sanction of the Local Government.

THE HON'BLE PRESIDENT :— The question before the House is “ that in sub-section (1) after the words ‘ the Commissioner may ’ the words ‘ with the previous sanction of the Local Government ’ be added.

The motion was negatived.

BABU HIRA LAL BOSE :— Sir, with reference to amendment (2) it stands thus :—That the words “ without its previous sanction ” be added after the words ‘ he appears against the Board ’ in sub-section (1), clause (e) Now, Sir, by this provision what I want to remove is this that a pleader or a lawyer member of the Board if he appears against the Board in any case then he is liable to be removed by the Commissioner. Whether that it is fair or not, that is my point. Of course we know, Sir, the Boards should be rather allowed to be really self-governing than governed by the Commissioners. That is the principle on which I move this resolution. But I think the principle is that when we give self-government to the people we must not reserve power to ourselves. We must be prepared to give them the full right to govern themselves. If no provision is made, Sir, in the Act in the light of my proposed amendment, I am afraid it will stand in the way of many lawyers to take part in municipal matters. I think it will be unfair to the Board, unfair to the opposite party, as well as unfair to the lawyers. I think, Sir, I may say without contradiction that lawyers are as a class a bit educated and cultured set of people than many ordinary people, and they are accustomed to transact or adapt themselves to transact any sort of business that may come in their way. They are rather better fitted in that sort of work. It is also proverbial that lawyers generally are a bit freedom-loving, and if so there has been no provision made in the Bill which is going to be passed into law that they should be retained by the Board. Most of the pleaders may think it necessary not to join the Board and to work on the Board in the feeling that they may lose their professional remuneration. So far as I am aware there is no provision in the Bill as to retaining the lawyer members of the Board on behalf of the Board in the case of any litigation that may arise. So I submit that the Board should be given a reasonable opportunity to say whether in a particular case a particular lawyer member should be allowed to appear against it or not. Of course the Board itself would be in a better position to know if a particular member of the Board appears against it its interests would be jeopardised or not. It would take a lot of time for the Commissioner to ascertain whether the interests of the Board would suffer or not, but it would be very easy on the part of the Board to decide whether it should allow any pleader member to appear against it.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, I would respectfully invite the attention of the Hon'ble Members to the original provision of the Bill. Clause (e) ran as follows :—

“ If being a legal practitioner he appears against the Board before any Court in his professional capacity, without the consent of the Board given at a meeting, in any case instituted against the Board.”

The Hon'ble Mover of the amendment wants this clause restored, but the Select Committee changed it omitting the words “ without the consent of

the Board given at a meeting" for the reason that no Municipal Commissioner should appear against the Board. As I understand there were in the Select Committee Members of Municipalities and they thought from their experience that under no circumstances should a Commissioner be allowed to appear against the Board for he might utilise information which he might have derived as a Commissioner. Speaking personally, if the Board gave him the power to appear in any case against it he would be committing no offence and his case would not come under section 20. I leave it to the House to decide whether they will permit the additions suggested being made.

MAULAVI RASHID ALI LASKAR :—Sir, I cannot agree with the mover of the amendment. As it will appear from the section that it has been modified, because there was some apprehension that perhaps it would exclude pleader Commissioners from appearing for the Board, and the words "without the consent of the Board" as the Hon'ble Minister says were intentionally omitted to give no opportunity to any pleader member to appear against it. Now, what is a member and what is a Board? A member is only part and parcel of the Board; so, to allow a member to appear against the Board would, be to allow him to appear against himself—a self-contradictory proposal. Then Sir, a member is expected to be conversant with all the facts for and against the Board and under the circumstances I leave it to the Council to decide whether it is at all desirable that he should go against the Board. So I think at least this is not safe and so I oppose the amendment.

SRIJUT NILMONI PHUKAN :—Sir, though I am not a lawyer I think the decision of the Select Committee was a sound one. If the present amendment is accepted it will be a serious departure from the accepted principle of the profession, and we know that as a class what shrewd people the lawyers are; they always anticipate the opposite side not far away from the mark. So if a Commissioner being a lawyer stands against the Board it is certain that he will have the facts and figures that will come to his help and go seriously against the Board. One point that has been raised by the Hon'ble Mover is that if this amendment is not accepted many lawyers who might be very useful members of the Board may refrain from entering the Board itself. But I think that this is also a fact that there are very few cases against any Board of the Municipality, and if any lawyer member is so covetous as not to wish to forego the pleasure of having the brief for any such case then he need not serve the public. So on this ground I oppose this amendment.

SRIJUT DALIM CHANDRA BORAH :—Sir, I beg also to oppose this amendment along with the previous speakers because we are all aware that the Municipal Board constitutes one body and I do not know how a member of it would like to go against the interests of that body. We all know that a member of the Board is at least presumed to be thoroughly acquainted with all the proceedings of the Board. Thus a particular member having been furnished with all the necessary information by the Board, it is not fair for him to appear against the Board even with the sanction of his Board. It would in other words amount to misconduct or unfairness. So on this ground I oppose the amendment.

KHAN BAHADUR KUTUBUDDIN AHMED :—Sir, I think the Select Committee is right in excluding the pleader members from appearing in a case against the Municipality. The present law on this point is that if a pleader knows certain facts about a case he should leave his brief and enter the

witness box as a witness, and under such circumstances even with the permission of the Board it is not fair for him to conduct a case against the Board. On this ground I beg to oppose this amendment.

REV. J. J. M. NICHOLS-ROY :—Sir, I seem not to be able to catch the meaning of the amendment. If the clause is read as amended it will be like this—"If being a legal practitioner he appears against the Board without its previous sanction." I fail to

SRIJUT DALIM CHANDRA BORAH :—"Without its previous sanction."

REV. J. J. M. NICHOLS ROY :—Yes, "without its previous sanction." I fail to understand what it will mean if this clause is added here, for the Board, under no consideration, will allow a legal practitioner member to appear against itself. From this amendment an inference can be made that under certain circumstances the Board will allow a legal practitioner member to appear against itself and under certain circumstances it will not allow him to do so. But, as I have said under no consideration will the Board allow a legal practitioner member to appear against itself before any court. So I think this addition will not improve the clause at all, but will make it meaningless. So, for this reason I oppose this resolution.

SRIJUT BEPIN CHANDRA GHOSE :—Sir, I beg to add a few words against this amendment. For the reasons given by my predecessors I also oppose the amendment. One thing I wish to add is that supposing an elected member is the Chairman of the Municipality and the Municipal case will have to be conducted in the name of the Chairman. Now if this provision is made in the Act then the Chairman will be entitled to appear on behalf of the party opposite to the Municipality. So he is a party on behalf of the Municipality and again he appears for the opposite party also, the same man appearing on both sides. So in order to avoid difficulties of this sort the Board should not allow any pleader member to appear in any case against it. In these circumstances I oppose the amendment.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, the question has been sufficiently discussed and not a single member has spoken a word in support of it. I think it may now be put to the vote.

BABU HIRA LAL BOSE :—Am I not entitled to say a word, Sir?

THE HON'BLE MR. W. J. REID :—Not if you decide to put the question to the vote, Sir.

The motion was put and negatived.

SRIJUT BEPIN CHANDRA GHOSE :—Sir, the amendment which stands in my name in section 20 is that :—

"In sub-section (1) for the word 'Commissioner,' wherever it appears, the words 'Local Government' be substituted."

Now, Sir, the first thing that struck me in order to put this amendment is sub-section 2 of the same section. There we find that the Local Government may remove any member if his continuance in office is dangerous to the public peace or order. In the first part of the section the power has been given to the Commissioner and in the second part, *i.e.*, in sub-section 2, the power has been reserved for the Local Government. Now my suggestion is that there is no harm if the word 'Commissioner' be substituted by the words "Local Government" in sub-section 1 also. One point is that the

Commissioner has some sort of interest with the Municipalities situated in his Division and another point is that he has got some sort of influence in those municipalities. My third objection is that there is a question before the House that the posts of Commissioners may be abolished.....

THE HON'BLE MR. W. J. REID :—On a point of order, Sir, there is no such question before this Council.

SRIJUT BEPIN CHANDRA GHOSE :—I mean to say that it is one of the recommendations of the Retrenchment Committee, and is likely that that recommendation may in future be accepted by this House. So if this provision is accepted and if in future the post of Commissioner is abolished then there will be no necessity of any amendment. Now, Sir, the principle of the Local Self-Government is that a Municipal Board or any body should be under as little control from outside as possible. We have got our Local Self-Government Minister under whose direct charge all the Boards and municipalities lie and it is better that the power should be reserved to the Local Government and not to the Commissioner who is an intermediate officer. I beg therefore to appeal to the Hon'ble Members of this House, and to earnestly ask them to consider this amendment in its true light and accept the amendment proposed.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, as the Hon'ble Members will remember there was an amendment moved by Babu Hiralal Bose to the effect that in sub-section (1) of section 20 after the words 'the Commissioner may' the words 'with the previous sanction of the Local Government' be added. That amendment was negatived. I think the Council has already come to a decision as to whether the Commissioner may or may not remove people under certain circumstances. Now coming to clause (2) and clause (1) of section 20 Hon'ble Members will observe that clause (2) deals with a matter which is very serious indeed. It speaks of the removal of any Member if his continuance in office is in its opinion dangerous to the public peace or order or likely to bring the administration of the Board into contempt. It shows the anxiety of the Legislature to allow matters of such moment to be left to the Local Government and not to the Commissioner. Now of the matters which have been left to the Commissioner one is that the Commissioner may remove a member if he ceases to be an inhabitant of a particular municipality. I do not think that any Hon'ble Member would seriously suggest that this is a matter which should go up to the Local Government; another is that if he refuses to act or becomes incapable of acting as a member or if within such time as the Commissioner considers reasonable he fails to make the oath or affirmation prescribed by section 16 the Commissioner may exercise the authority vested in him. That again is a matter which need not be taken up to the Local Government because it is a question of fact about which there will not be any dispute. A third is that if, without an excuse sufficient in the opinion of the Commissioner he absents himself from six consecutive meetings of the Board the Commissioner may deal with him. That again is a question of fact as to the truth of which there could not be much dispute. All these questions are questions which may easily be disposed of by the Commissioner. If they are to be taken up to the Local Government there is bound to be unnecessary delay and the Local Government will only be troubled for nothing. I therefore submit that there is absolutely no reason why the words 'Local Government' should be substituted for the word 'Commissioner'.

RAI BAHADUR AMARNATH RAY :—I beg to say, Sir, that the word 'Commissioner' in this section does not frighten me and that I did not object to its retention at the meeting of the Select Committee. But when I moved the reduction of the Ministers' salaries, one of the points made by me was that the Ministers had not much work to do. In order, therefore, to give them a little more work I would support this amendment (laughter).

The motion was put and negatived.

MAULAVI MUNAWWARALI :—Sir, in view of the fact that the previous amendments were negatived, I beg to withdraw the amendment which stands in my name. The amendment runs thus :—

"That in sub-section (1); clause (b), the following be omitted namely :—'or if within such time as the Commissioner considers reasonable he fails to make the oath or affirmation prescribed by section 16.' " I wish to withdraw this amendment.

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

SRIJUT DALIM CHANDRA BORAH :—Sir, I think the amendment suggested by me has been misprinted. I suggested the substitution of the word 'Local Government' for the word 'Commissioner.' However having had a bitter experience of rejected amendments I am not anxious to press this amendment. If I may be permitted I would like to withdraw this as well as the next amendment which is as follows :—"that the proviso to sub-section (1) be omitted."

The motions were, by leave of the Council, withdrawn.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 20 do stand part of the Bill.

The motion was adopted.

(The Council adjourned to 2 P.M. for lunch.)

The Council reassembled after lunch at 2 P.M.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—I beg to move, Sir, that sections 21, 22 and 23 do stand part of the Bill. There are no amendments against these, Sir.

The motion was adopted.

SECTION 24.

BABU HIRALAL BOSE :—Sir, the amendment I beg to move is this. That in sub-section (2), section 24, the words 'if approved by the Local Government' and 'and pending the orders of the Local Government approving his election' be omitted.

From the observations of several Hon'ble Members in this House during the previous discussions I have noticed that there may be a general impression among my Hon'ble friends that what has come out from the Select Committee should be accepted. At least some of the Hon'ble Members tried to urge that point. But at the very outset, Sir, I beg to submit that this Hon'ble House is not in any way committed to the actions of the Select Committee. This House has the full right and liberty to discuss and

either to accept or to throw out any recommendation of the Select Committee. Then, Sir, it may be said that I am not, a believer in the *bona fides* of the Government. If any of my Hon'ble friends in this House think so, I should at the very outset of my submission disabuse them of that. Of course I do not disbelieve in the *bona fides* of the Government,—that is far from my intention. I do not think that in every case the Government would as a matter of course disapprove the election of the Chairman by the Board. But at the same time I should beg to impress upon this Hon'ble House to consider that we have not come here to believe in the *bona fides* of the Government. We are assembled here to legislate and we shall legislate not on any hypothetical case but on strict facts. With this preliminary, Sir, I shall go on with the points of my amendment. In my humble opinion, Sir, this amendment at least to me it appears, is a very important one inasmuch as the provision in the Bill as it is takes away the best of its rights from the hands of the Board. The provision in the Bill which I move to be deleted is against, in my humble opinion, the rudimentary principle of self-government and stands in the way of the free will of the members of the Board in electing their own Chairman. When official Chairmen, Sir, are not wanted I do not see any reason why the Government should have this great power of upsetting the decision of the self-governing institutions and should retain this power in its own hands. We should not depend, if I am permitted to say so, on the sweet will of the Government to veto, without assigning any reason whatsoever, the election of the Chairman. Is there anything, any provision, Sir, in the Bill as it is, to show that Government will on any occasion, if such an occasion arises, give their reason for thus disapproving an election. At least I am not aware of any such provision in the law, Sir. Let the Government appoint their own Chairman, if they like. In that case we shall know our position exactly. But this sham power is given to us to elect a Chairman, while it is subject to be disapproved by the Government without however any reason being shown. Sir, I am constrained to say that this power of electing our Chairman subject to the approval of the Government appears to be something like a mockery of power, if I am permitted to say so. The power given by this Bill is neither real nor substantial, so it appears to me. We may make mistakes here and there, but that is no reason why our freedom of action should be subjected to such action on the part of the Government. Self-government, Sir, does not necessarily mean always the best Government but if I mistake not, and if I may be allowed to quote a greater man than myself, I should say, self-government is government by the people. If I am right, Sir, I think that we should be given powers, real powers when we are given this power to elect a Chairman. I do not think it should be subject to any such action on the part of the Government as is proposed in the Bill. The right is given to us to elect our own Chairman, but unfortunately the framer of the Bill at one stroke of the pen takes away that right from us. It is highly regrettable, Sir, that the Government should grant powers with the right hand and take them away with the left.

This provision in the Bill which I move to delete is thoroughly against the principle of democratic government for which the reforms are introduced. It may be noted that there is ample provision in the Bill for excluding undesirable persons in their attempts to be members and to capture the votes and consequently it is not necessary to retain further power in the hands of the Government. It is really magnanimous to grant us power without grudging ; but it would be against the spirit of the day, Sir, if you attempt

to curtail it by such checks as these. If you do so, able and self-respecting persons will not stand for election and will refrain from participation in the conduct of matters municipal if their election is likely to be vetoed in the manner provided in this Bill. So, Sir, in the name of self-government which is the aim of all of us here I beg to appeal to the Hon'ble Members of this House, both on the official benches as well as the non-official benches. If I understand aright, Sir, my Hon'ble friends on the official benches are pledged to and are trying their best to introduce self-government as best as we ourselves wish. In particular, I appeal to the Hon'ble Minister in charge of the Bill whose position is quite different from that of the other Hon'ble Members both official and non-official. The country looks up to him for full freedom in municipal affairs, and I hope, I fervently hope, that I shall in this matter get support rather than opposition from him. I am quite sure, Sir, that there are many a veteran councillor and able debaters among my friends on the non-official benches; being thoroughly conscious of that, and of my own inability almost as a beginner in this House in this sort of debate I beg to appeal to them to espouse the cause I am advocating if it be found that the principle I am enunciating is commendable to them, and pray that they will support me with all the force and emphasis at their command.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the Government are as much interested as the Hon'ble Mover of the amendment that the municipal administration should be a success. Whether the retention of this power, namely, the power of approval as regards the election of Chairman shows any intention on the part of Government that the Municipality should be a part of their Department, is a question which I leave to the Council to judge.

As the Hon'ble Members are aware the Government as a rule accept the election made by the members of the Municipal Board. I for one do not recollect any instance in which the Government set aside the election of the Chairman. The power has been reserved to cover cases in which a person, who in the opinion of the Government would not be a desirable person to be placed in authority, might be elected. For instance, it may so happen that a gentleman who is the Chairman of the Local Board may manage to get himself appointed as Chairman of the Municipality. The Government may take into consideration whether it would be feasible for a man to discharge the dual functions. Again, for instance suppose a public servant who has been dismissed by Government manages to get himself elected as Chairman of the Municipality, I think it is quite open to Government to say such a man should not be entrusted with the responsible duties of a Chairman. This provision is not for the purpose of taking away the freedom of the Municipal Boards in the election of their Chairman but to retain in the hands of Government a safeguard against unworthy or undesirable persons being placed at the head of the Municipal executive.

MAULVI MUNAWWARALI :—I think, Sir, sufficient safeguards have been retained by the Government to deprive undesirable persons from entering into a Municipal Board. I think that not only sufficient, but more than sufficient powers have been reserved by Government. It being so, Sir, I fail to see why the Hon'ble Minister demands for further safeguards. No undesirable persons not even a person who has been convicted under certain

sections, which, I am tempted to call rather innocent sections neither the one who is unwilling to take the oath of allegiance, can come to the Municipal Boards. Do Government require further safeguards? I think they ought not to. I therefore, Sir, do not think that the Hon'ble Mover will be in any way disposed to withdraw his amendment and I give my support to the motion.

RAI BAHADUR AMARNATH RAY :—I support the motion. There is a similar provision in the Assam Local Self-Government Act of 1915 also. The Local Boards of this province receive very liberal grants of money from the Government and I think it is the duty of the Government to see that money is not squandered. But in the case of the Municipalities the grants are almost negligible. The members of Municipalities are expected to be a much more enlightened body of men than the members of Local Boards who generally come from the villages.

In this view of things, Sir, I think that this amendment should be accepted by this House.

KHAN SAHIB ALAUDDIN AHMAD CHAUDHURI :—I oppose this motion. But before proceeding with my reasons I feel myself tempted to speak a word in the way of reply to the preliminary remarks made by the Mover of this motion. He seemed to think that the report of the Select Committee is unchallengeable and cannot be questioned. But, I submit for the information of this House that had he known what valuable advantage we got from the framer of this Bill—I mean to say, from the Hon'ble Rai Bahadur Ghanasyam Barua and how after long and thoughtful consideration over each section, sentence by sentence, word by word, we passed the Bill, I think he would not have passed the remark upon the labour of the Select Committee. I do not say that he cannot differ from our conclusion, but he can be successful only when he can convince this House about the change he proposed. I think he has heard from the Hon'ble Minister in charge of the Bill a full explanation of the purpose for which this section has been introduced and to my mind it is quite reasonable and should be upheld.

SRIJUT BEPIN CHANDRA GHOSH :—Sir, I beg to support the amendment moved by the Hon'ble Mover. The explanation given by the Hon'ble Minister in charge of the Bill is not quite satisfactory, at least to me. The Hon'ble Minister has explained that only to safeguard the interests of the municipality and only to make provision in cases of emergency, this power of approval has been reserved by Government. Now, Sir, a Municipal Chairman will be elected by the votes of the majority of the members and the members, I am sure, are not such as to elect any one and every one as a Chairman to be entrusted with certain responsible duties. The Commissioners are expected to know who will be the fit person amongst them to discharge the duties entrusted to him faithfully. Now, Sir, to safeguard the interests at least there has been made a provision in section 13, clause (v), "that a person who has during the three years immediately preceding the election been declared by notification to be disqualified for employment in the public service" should be debarred from election. There are other provisions also debarring certain persons as not eligible for election. Now those persons, who will be eligible for vote for election, will come in according to the Municipal Act. Now, Sir, Municipal Commissioners ought to be entrusted with this responsibility that they will be able to elect a man as their Chairman

who will be able to discharge his duties as Chairman faithfully and diligently. So I do not think that such provision is necessary to be made in this section.

With these words I beg to support the amendment moved by the Hon'ble Mover.

MAULAVI RASHID ALI LASKAR :—Sir, I beg to say a few words in this connection. We see that some rather practicable Government connection and control have been eliminated. So at the time of election of a Chairman the Government has nothing to do, so to say, nothing whatever, and as to the fear of Government approval or sanction—I say here Government practically means the Local Self-Government Minister who is elected by our own people. So the word "Government" so far as this Bill is concerned has at least not so much to be feared of as it would have been before the Reforms. And then, again, Sir, about the election of a Chairman by the Board I think the word election should be taken carefully. It may be that out of—say—11 members, 6 may be for and 5 may be against, there being a difference of one. The difference may practically be in quantity and not in quality. This ultimate reservation of the Government control is in practice exercised only in exceptional emergency cases. This reservation is a last resort for removing any abuse of power. So I think there is no ground for so much fear and apprehension felt by some Hon'ble members and so I am bound to oppose this amendment.

SRIJUT NILMONI PHUKAN :—I also quite agree with the last speaker. Here the Local Government has nothing to do with local bodies like the Municipalities and Local Boards. We have been given the full power to elect our own Chairman in the Municipality and if this power of approval has been reserved by Government, it is more or less a matter of procedure and formality. It does not affect materially the decision of the Municipal Commissioners. If any Government be so unwise as to float the considered decision of the Municipality, it is not to be feared at this stage by this House and I do not think the Government can be so unwise as not to respect the decision of a Municipal Body which has been formed under its own authority. So on these grounds I do not think we can have any great objection to accept the section as it is in the Bill and the amendment proposed will not mend matter much.

BABU HIRA LAL BOSE :—Sir, I wish only to submit a word or two if I may be allowed. At the beginning, Sir, I am sorry my Hon'ble friend Maulavi Rashid Ali Laskar has misunderstood me. I never said anything in disparagement of the Select Committee and it is far from my intention to have said anything like that. If he has understood me in that light I am extremely sorry.

MAULAVI RASHID ALI LASKAR :—It was not I but Khan Sahib Alauddin Ahmad Chaudhury.

BABU HIRA LAL BOSE :—I beg your pardon. I meant Khan Sahib Alauddin Ahmad Chaudhury. All I meant to say and said is that this House is not committed to any action or any conclusion arrived at by the Select Committee. I think I made my point quite clear. I have every respect for the Select Committee and I am not quite unaware of the valuable services this Committee rendered.

As regards the points the Hon'ble Minister in charge of the Bill has raised, Sir, they unfortunately do not seem to me very impressive. He

has given a particular illustration in which case the permission might be withheld, but I think, Sir, any Member in this House can reply by a opposite illustration. Suppose, for example, if I am permitted to say, a gentleman of a town is not pulling well with the District Officer there, and it is not very unlikely that the District Officer may report against him, and we know if a thing like that happens how difficult it would be to convince that the election of that gentleman ought to be upheld. Then, again, Sir, it has been said by some of my Hon'ble friends that it is a matter of mere formality. Now, Sir, if that is a mere formality why should this formality be kept in the Bill? This is a law, this is no question of etiquette or something of that sort. We are legislating and we should not act on hypotheses, we must go on concrete facts and figures. Now what are the concrete facts of this case? We are giving autonomy to Municipalities; we are giving the power to elect their own Chairman, but if the power is subjected to be approved by Government then where is that power? I leave it to the House to consider if that power is full. Of course as I have already submitted at the beginning that I do not disbelieve the *bona fides* of the Government but in legislation we must be particular.

Another gentleman has said that suppose in a Municipality there are 11 members of which 6 have voted for a gentleman and 5 have voted against him and there is a difference of one vote. My Hon'ble friend thinks that in that case if the Government interfere and refuse to sanction the election the Government would not be far wrong, if I understood him aright. If I may be permitted to say so it is well known to the members of this House that majority rules in all the civilised countries of the world. If the majority do anything it must be respected; that is the procedure in this House and we are also following this procedure—we must not forget that. If an amendment is put to the vote we are guided by the majority and not by the fact that 11 have voted for and 10 against it; we do not say that the President should interfere. Of course we must respect the majority. So I submit that if power is given the power must be full and for that the amendment must be allowed.

The motion was put and negatived.

BABU HIRA LAL BOSE :—Sir, I beg to move that sub-section (3) of section 24 be omitted and the following inserted in its place :—(3) "The members, other than officials appointed under sub-section (2) or sub-section (3) of section 10, at a meeting shall elect one of their own number to be Vice-Chairman."

This is exactly the draft clause, the original clause (3) as it was in the draft Bill. In my humble opinion, Sir, clause (3) of the original draft Bill has a better outlook than what has come out of the Select Committee. Regarding the Select Committee I have already made my submission in the preceding amendment and I do not think I need go over it again. All I need say is that we are to see whether the Select Committee has made any improvement in the original clause. The original clause to my mind appears to be more suitable than the one accepted by the Select Committee. It gives more freedom to the elected members. Of course it gives certain power to the nominated members. Whether that should be allowed I leave to the House to decide. If the House is satisfied with what the Select Committee have done, well and good, but in my opinion we should not give that power in point of self-government.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the object of the amendment is to exclude the officials who may be appointed under section 10 from voting in the election of the Vice-Chairman. As the Hon'ble members are aware the Government pay a large amount of rates and there is no reason why they should not have the right of voting like other members. In the next place eighty per cent. of the Municipal Commissioners are elected and it is only twenty per cent. who are nominated by the Government; and even the twenty per cent. need not be officials, for some members would have to be nominated to represent the minorities. So there would be only a few official members on the Board and they cannot in any way influence the election if the elected members think that a particular member should or should not be elected. So I do not see any reason why official members should be excluded from voting in the election of the Vice-Chairman.

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Sir, I have not understood one thing, *i.e.*, all nominated members may not be officials.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—They may be or may not be.

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Government members ought I think be allowed to vote because Government pays a large amount of taxes and also gives grants.

MAULAVI RASHID ALI LASKAR :—Sir, the amendment if accepted makes no practical difference. The question is simply whether the nominated members should be given the right to vote for the election of the Vice-Chairman; they have no right themselves to stand for election but simply to vote for or against a man who stands for election. This much only and they are not more than twenty per cent. So I think there is no harm in allowing them the right to vote.

So the question before the House is whether these people should be given this much liberty in order to take part in the discussion and to give their votes. Another thing I gathered from the remarks of the Hon'ble Mover was that according to him the spirit underlying the Select Committee should have been to eliminate all sorts of Government control. The section in original Bill was just similar to the amendment of the Hon'ble Mover, but the Select Committee simply gave the power to the nominated members to take part in the discussion and to give their votes. That is the only difference, that being so, I feel inclined to oppose this resolution.

MAULAVI MUNAWWARALI :—I beg, Sir, to point out one anomaly which will arise if this amendment is accepted. Looking to clause No. 2 we find that there is no such amendment proposed.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—There is one by Srijut Dalim Chandra Borah.

MAULAVI MUNAWWARALI :—(Continuing) that is to say the Chairman would be elected by the votes of both the officials and non-officials, but the question arises in the case of the election of the Vice-Chairman. Here the proposal is that the official members should abstain from giving their votes. It would have been better for the Hon'ble Mover to have been consistent and to have proposed a similar amendment regarding clause No. 2. I therefore do not think it will be consistent on my part to give my support to this amendment.

SRIJUT BEPIN CHANDRA GHOSE :—As to the anomaly raised by my Hon'ble friend I think there is a motion to be moved by Srijut Dalim Chandra Borah under sub-section 2 : the anomaly goes there.

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Sir, can an official Member be elected a Chairman?

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

RAI BAHADUR KRISHNA CHANDRA CHAUDHURI :—Then this amendment is anomalous.

The motion was put and negatived.

SRIJUT DALIM CHANDRA BORAH :—Sir, I proposed an amendment* similar to that which has just been disposed of by the Council. I had a mind of dealing with this amendment in some detail, but having heard the opinion of the Hon'ble Minister in charge of the Bill and having also heard the views of some Hon'ble members, I am not much encouraged to deal with this resolution as I intended to do at the outset. Now, Sir, my intention was that in the election of both the Chairman and the Vice-Chairman the official appointed by Government should not be allowed to participate in it, but since Hon'ble members would appear to be in favour of allowing this official member to participate in the election of the Vice-Chairman I do not think that they would be willing to support me and to disallow the official members from voting at the election of the Chairman. So it is quite needless for me to bring up this question before this House. But I must say that I cannot refrain from making one observation in reply to the opinion expressed by the Hon'ble Minister in connection with the votes or with the power of the official members in voting at the elections of the Chairman and Vice-Chairman.....

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—May I rise to a point of order, Sir. Has the Hon'ble Mover proposed an amendment? If there is no amendment proposed there can possibly be no discussion, but if he intends moving the amendment he may continue his discussion.

SRIJUT DALIM CHANDRA BORAH :—It may be contended that since the Government contributes to the Municipal funds.....

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I again rise to a point of order, Sir. Is there any amendment, I ask, before the House?

SRIJUT DALIM CHANDRA BORAH :—I could not catch what the Hon'ble Minister was saying, Sir?

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—What I do submit, Sir, is that there is no amendment yet before the House, and that the Hon'ble Member has not yet moved his amendment. If he does not wish to move it, he can have no right to discuss the amendment, but if he wishes to move his amendment he has of course the right to speak.

SRIJUT DALIM CHANDRA BORAH :—I certainly wish to move my amendment but very concisely. My contention, Sir, is that the officials appointed by the Government need not be allowed to participate in the election of the Chairman and the Vice-Chairman of the Municipal Boards. It may be contended that since the Government contributes a large sum of money towards the funds of the Municipal Board, the official Members appointed by the Government should be allowed to participate in the election of the Vice-Chairman. My reply however to such a contention is that the

* That in sub-section (2), after the word 'Schedule' the following words be inserted namely :— 'other than officials appointed under sub-section (3) of section (10).'

power already reserved by Government and the control to be exercised by the Government are quite enough and any particular official member need not be specially authorised in that connection.

In conclusion I beg to submit, Sir, that in dealing with resolutions we should observe some etiquette as the rules require.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, the object of this amendment is to exclude official members nominated by the Government from participating in the election of the Chairman. Now that the House has agreed to their taking part in the election of the Vice-Chairman, I do not think there is any reason why they should be debarred from taking part in the election of the Chairman. As I had occasion to say in connection with another amendment the Government is a tax-payer, pays heavy rates and has a right to be represented on that Board, and there is no reason why the Government should be prevented from having a voice in the election of the Chairman. Under the present Act 80 per cent. of the Commissioners will be elected and any vote that the official may give will not be of any avail unless he has on his side a considerable number of the elected members. If therefore the official members can be allowed to take part in the election of the Vice-Chairman I don't see any reasonable objection could be taken to their taking part in the election of the Chairman also.

The motion was put and negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I beg to move, Sir, that sections 24, 25 and 26 do stand parts of the Bill.

The motion was adopted.

SECTION 27.

SRIJUT BEPIN CHANDRA GHOSE :—Sir, a similar amendment was moved by me this morning under section 20 which was lost. I therefore do not like to move this amendment and beg to withdraw it.

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

"That in sub-section (1), for the word 'Commissioner' wherever it appears the words 'Local Government' be substituted."

SRIJUT DALIM CHANDRA BORAH :—Sir, the amendment standing in my name runs thus :—

"That in sub-section (4) after the word 'Chairman' the words 'or a Vice-Chairman' be inserted and the words 'and a Vice-Chairman without such approval' be omitted."

My reason for submitting this amendment is that both the Chairman and the Vice-Chairman are the elected representatives of the people. They are elected by the Municipal Boards. In the case of the removal of the Chairman the sanction of the Local Government is necessary whereas, in the case of the unfortunate Vice-Chairman such sanction is not necessary. He can summarily be ousted from the Municipal Board by a resolution passed in their committee. So I think that the status of both the Chairman and the Vice-Chairman in the matter of election and selection should be equal, although there would appear to be a difference of status in respect of their official duties. I therefore commend my amendment to the acceptance of the House.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I would invite a reference to clause (4) of section 27. This clause deals with the removal of the Chairman or the Vice-Chairman by a resolution of the Board.

Now the removal of the Chairman has been made subject to the approval of the Local Government and what the Hon'ble Mover of the amendment wants is that the removal of the Vice-Chairman should also be made subject to the approval of the Local Government. Well, the amendment takes away from the Municipality a right which this Bill gives to it. I leave it to the Council to decide whether they will accept this or not.

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

“That in sub-section (4) after the word ‘Chairman’ the words ‘or a Vice-Chairman’ be inserted and the words ‘and a Vice-Chairman without such approval’ be omitted”.

The motion was negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that sections 27, 28 and 29 do stand parts of the Bill.

The motion was adopted.

SECTION 30.

SRIJUT BEPIN CHANDRA GHOSE :—Sir, I beg to move “that in line 2 of section 30 after the words ‘Vice-Chairman’ the words ‘or to a fit member of the Board’ be inserted.”

The main object of inserting these words is that in case the Vice-Chairman be unable to be present in the Municipal Board then the Chairman will be able to find another member on whom he can delegate his duties. And I think the Hon'ble members will not find anything in it to raise any objection for the insertion of these words.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, section 30 deals with delegation of duties and powers by a Chairman to certain officers, to the Vice-Chairman, to the Secretary, Health Officer or Engineer or other officer of the Board. Now the object of this section is that the Chairman might divest himself of certain powers in favour of certain officers who are specially qualified to exercise them. The Hon'ble Mover of the amendment wants that after the words ‘Vice-Chairman’ the words ‘or to a fit member of the Board’ be inserted. That is to say, the Chairman should have the power to delegate his duties to the Vice-Chairman or to a fit member of the Board. Well, Sir, the question may arise whether a Chairman is right in considering a particular member fit. If, however, the House thinks that this amendment should be adopted I have no objection, Sir.

SRIJUT DALIM CHANDRA BORAH :—I think, Sir, that it is a reasonable amendment and there should be no objection to it. At present the Chairman is only entitled or empowered to delegate his powers to the Vice-Chairman. But circumstances may arise when he may be in need of delegating his power to a fit member of the Board. It may be inconvenient for him at a particular time to convene a meeting and get the orders of the Board. So it is better to enable him to delegate his power to a competent member of the Board in urgent cases.

MAULAVI RASHID ALI LASKAR :—In my opinion, Sir, this amendment is not a very reasonable one as it is stated to be. If power is to be delegated to any member, then the sanction of the Board should be obtained. Without the consent of the Board no other member should be given this power. It will be objectionable. I therefore oppose this amendment.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, may I make a suggestion to the Hon'ble Mover? If he will agree to prefix the words 'with the approval of the Board' to the words 'to a fit member of the Board' I will be prepared to accept it on behalf of Government.

The section in that case would read as follows :—

"The Chairman may, by a written order, delegate to the Vice-Chairman or with the approval of the Board at a meeting to the Secretary, Health Officer or Engineer or any fit persons," etc., etc.

SRIJUT BEPIN CHANDRA GHOSE :—He will have to delegate the power with the approval of the Board?

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

SRIJUT BIPIN CHANDRA GHOSE :—Yes, that will do.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Then the amended section would read :— "The Chairman may by a written order delegate to the Vice-Chairman or with the approval of the Board at a meeting to the Secretary, Health Officer or Engineer or other Officer of the Board or to a fit member of the Board," etc., etc. That amendment, Sir, I am prepared to accept.

The motion, as amended was put and adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 30 as amended and sections 31 and 32 do stand parts of the Bill.

The motion was adopted.

SECTION 33.

MAULAVI MUNAWWAR ALI :—Sir, I request your permission to allow me to take up (a) and (b) of my amendment together. It will be more convenient, I mean the two amendments under section 33.

THE HON'BLE THE PRESIDENT :—Yes, you can do so.

MAULAVI MUNAWWAR ALI :—Before placing these amendments, Sir, for the consideration of the House I beg leave to allow me to withdraw the words 'and shall give at least one day's notice thereof' in (b).

MR. A. MELLOR :—The Hon'ble Mover, Sir, wants to amend the wording of his amendment. There is no rule under which he can withdraw part of the amendment; but if the Hon'ble the President agrees the amendment can be made.

THE HON'BLE THE PRESIDENT :—Yes, the amendment can be made.

MAULAVI MUNAWWAR ALI :—Then, Sir, I beg to move that in sub-section (1) after the words 'each member' the words 'at least' be inserted.

Also that in sub-section (1) for the words 'the date which is appointed for the monthly meeting,' the following be substituted, namely, 'the expiry of the month.'

The clause as it appears in the Bill contemplates that a date should be fixed for a monthly meeting. I have raised a point to draw the attention of the House whether there should be a fixed date for the monthly meeting. I think that the date cannot be fixed because if the date is fixed then probably there might not be sufficient business in hand for that meeting, or it might be that just after the expiry of the fixed date, a day or two after that, there might be sufficient business. So I proposed to substitute 'the expiry of the month' for the words 'the date which is appointed for the monthly meeting.' So, then, my amendments taken together, the section will be like this :—"If there shall be no business to be laid before the Board at any monthly meeting the Chairman shall instead of calling the meeting give notice of the fact to each member at least three days before the expiry of the month."

I prefer to have 'the expiry of the month' to see whether there would be any business to be transacted. If my arguments are acceptable to the House this might be adopted, otherwise I do not like to press it.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—The original clause in the Bill was :—

"Ordinary meetings of the Board shall be held at such intervals as may be prescribed". The Select Committee changed it into its present form. The Hon'ble Mover has said why this change should be made. It is for the House to decide whether they should accept the amendment or not.

SRIJUT BEPIN CHANDRA GHOSH :—Sir, I do not understand the force. Supposing there is no fixed date : in that case how the notice should be given 3 days before the date fixed. In every month the Chairman will have to fix a date. If a particular date is fixed say the 15th of every month, then I think there will arise no difficulty in the matter.

THE HON'BLE THE PRESIDENT :—I would like to know whether the House accept the amendment.

MAULAVI MUNAWWARALI :—May I say a word or two in this connection, Sir ? If the date is fixed, that very fixed date may be a holiday. The difficulty may arise in that case. So I do not see why we should fix the date permanently like this. The clause as it stands in the Bill contemplates that there should be a fixed date like this.

RAI BAHADUR MANOMOHAN LAHIRI :—In this connection I beg to refer the Council to section 295 (1) which runs as follows :—

"The Board at a meeting specially convened for the purpose may by subsidiary rules consistent with this Act and with any rules made thereunder by the Local Government provide for the time and place of their meetings and of the meetings of Committees, the business to be transacted at such meetings and the manner in which notice of such meetings shall be given."

So that under that section a date is to be fixed and that is why the words "the date which is appointed for the monthly meeting" have been inserted in section 33.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—
The amendment may now be put to the vote.

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

(1) That in sub-section (1) after the words 'each member' the words 'at least' be inserted.

(2) That in sub-section (1) for the words 'the date which is appointed for the monthly meeting' the following be substituted, namely :—'the expiry of the month.'

The motions were negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that sections 33 to 46 do stand parts of the Bill.

The motion was adopted.

SECTION 47.

BABU HIRA LAL BOSE :—Sir, I beg to move that the word 'Commissioner' be omitted and the words 'Local Government' be substituted in its place in section 47. This is a very short amendment, Sir, and there is not much to say on it. This is with reference to the provision in the Bill for the previous sanction of the Commissioner to be obtained preparatory to institute a suit against a certain person. Now, by this amendment I propose that the power of authority to give sanction should be the Local Government and not the Commissioner. In view of the fact, Sir, that we have now the ministry of local Self-Government and as I have said on several occasions to-day, the Municipalities should be rather under the direct control of the Local Government as advised by the Minister in charge. There is nothing in particular in throwing that power on the Commissioner.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, if the House agrees, I have no objection to accept this amendment.

THE HON'BLE PRESIDENT :—The question before the House is "That in sub-section 47 for the word 'Commissioner' the words 'the Local Government' be substituted".

The motion was adopted.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 47 as amended do stand part of the Bill.

The motion was adopted.

SECTION 48.

SRIJUT NILMONI PHUKAN :—Sir, I have already submitted a note of dissent on this section in the Select Committee's Report. There I said "I hold that no member of a Board or a Committee shall have even 'with the permission of the Local Government' any share or interest in any contract of any kind whatsoever to which the Board is a party."

The section allows all reasonable privileges. I do not wish to add more. Sir, even now I adhere to that opinion. To my mind section 48 is rather a disabling section. It emphasizes on the side of disqualification. It does not contemplate conferment of any right, but rather taking away of some rights from the Commissioners. As such, I do not like to give Commissioners certain privileges whereas the section contemplates taking away some of the ordinary rights of a Commissioner as individual. However, the section already provides liberally for enjoyment of those rights by a Municipal Commissioner. All those rights which in the ordinary course of business a Municipal Commissioner ought to enjoy have been given by the section itself. It is undoubtedly a fact that a Municipal Commissioner cannot detach himself completely from the ordinary business world. So the section provides that he will have every right to act as a sleeping partner in the ordinary business of life. So when all these privileges so to say have been given, I do not see why this additional privilege should be given. The section runs—"No member of a Board or a committee shall have without the written permission of the Local Government, etc., etc." I want to delete the words 'without the written permission of the Local Government' because the Local Government or for the matter of that the Act itself has already given him all reasonable concessions. So I cannot see why in addition to that he should have interests in these things. So on these grounds I think my amendment "that from section 48 the words 'without the written permission of the Local Government' be deleted" should be accepted by the House and actually it was in contemplation in the original draft Bill. I need not go far from that in moving this amendment. I am sure the House will accept it.

RAI BAHADUR MANOMOHAN LAHIRI :—Sir, I beg to oppose this motion. Now, Sir, under section 20(g) "the Commissioner may remove any member who has acquired any interest in any contract with the Board without the permission of the Local Government." This implies, Sir, that a member can take such a contract with the permission of the Local Government. So if this amendment were allowed it would clash with section 20(g) which has already been accepted. Further, as my Hon'ble friends are probably aware that in Assam we have a certain class of people who are the agents of Companies who supply coal, oil, etc., to the Boards. If this amendment were accepted it would tend to exclude this class of people from becoming members of the Boards, which is not at all desirable. So on these grounds I strongly oppose the amendment.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, for the reasons which have been stated so ably by the Hon'ble member who has just spoken I am unable to accept this amendment.

The motion was put and negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that sections 48, 49 and 50 do stand parts of the Bill.

The motion was adopted.

SECTION 51.

BABU HIRA LAL BOSE :—Sir, after maturer consideration and having had the opportunity of consulting some of my Hon'ble friends I have

decided not to put the amendment and I beg permission of the House and the Hon'ble the President to withdraw it.

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

“That in sub-section (2) the following be added as clause (d) :—

‘(d) local rate collected within the Municipal area’”

KHAN BAHADUR KUTUBUDDIN AHMAD :—Sir, the amendment that stands in my name is—

51A. “The Board may borrow, with the previous sanction of the Local Government, money at a time not exceeding its last three years’ actual income, from any bank on such terms as may be sanctioned by the Local Government.”

In moving this amendment I beg to submit that there is no express provision in the present Bill as to the power to borrow by the Municipality. At present Government have been pleased to grant loan to a Municipality when there is a big project in hand. When the ordinary fund of such a Municipality cannot meet that expenditure the Government have been pleased to grant a loan for carrying out such project under the Local Authorities’ Loans Act. Before granting such loan Government have been pleased to enquire about the financial position, as to the importance and urgency of such project, and Government have been pleased to enquire at least three years’ income and expenditure of that Municipality. It may so happen in future that more than one Municipality may have big projects in hand at the same time and apply to Government for loans. It may so happen that Government are unable to grant loans to all of them at the same time, in that case, in the absence of any borrowing power, one of the Municipalities will either have to abandon a project or to hold it over, although the project may be important and essential. In order to meet cases of this kind I think that the Municipalities may be given distinct powers of borrowing money from any recognised bank, and if that power be given a certain amount may be fixed so that members of the Board may know to what extent they can borrow with certain safeguards and limitations. Similar provision has been made in the Calcutta Municipal Act as well as in the Burma Municipal Act (VI of 1922). The Members of the House will find that similar provision has been made in section 40 in this Bill which has just been accepted. In that section distinct power has been given to the Municipality to purchase, take on lease or by gift any land, or to sell, let, exchange or otherwise dispose of land. So I beg to submit that such a distinct provision may be made for the borrowing of money.

RAI BAHADUR MANOMOHAN LAHIRI :—Sir, I do not see any necessity for this amendment. Section 39 already provides that the Board may enter into and perform any contract necessary for the purposes of the Act. Sir, this includes the power of borrowing so it is unnecessary to give the same power by another section.

THE HON’BLE MR. W. J. REID :—I am sorry, Sir, that I did not hear the Hon’ble Mover and am not quite clear what he means. But the Council know, as this has been stated publicly on more than one occasion, that Government are always willing to lend money to local and Municipal Boards for approved purposes. I doubt whether any bank would lend money on better terms than Government will, and I do not see why this provision should be necessary. I think that a certain number of

Boards have made applications to us for loans, and I think (the Financial Secretary is not here) that they have always been accepted. I certainly announced publicly last year that where a Local Board or Municipality wished to borrow and could satisfy us that they had the wherewithal to repay the loan with interest we would lend the money. We make no profit. We have at present overdrawn our balances, that is we have to borrow money ourselves from the Government of India, and we charge Boards exactly the same interest that we pay to the Government of India. I do not know as I said that any Bank would treat a Municipality better than the Government do.

SRIJUT DALIM CHANDRA BORAH :—Sir, I think the amendment is defective. For one thing it does not say specifically what is meant by the actual income. Whether he means the free income of the Board or the general income of the Board including the Government grant, is not known. In the second place the amendment is restraining and restricting the power of lending and borrowing. I think every Board knows its responsibilities and resources and every Board will incur debts when necessary, *i.e.*, for any project of urgency and importance. So from the point of indefiniteness and on account of the restraint and limitation put upon the Board I think the amendment should be summarily rejected.

KHAN BAHADUR KUTUBUDDIN AHMAD :—Sir, my Hon'ble friend Rai Bahadur Manmohan Lahiri has referred me to section 39. In that section it is not clear that the Board should borrow money from the Government only. My submission is that it may so happen that more than one Municipality apply for the loan simultaneously, and it may so occur that Government may have to express their inability to lend money to all such Municipalities at the same time. Under the circumstances the Municipality should have the power of borrowing from a bank which is the next best if the project was important and of pressing urgency. This is what I meant but the Hon'ble Finance Member was absent at the time when I addressed on this point.

THE HON'BLE MR. W. J. REID :—If I may be permitted to speak again, Sir, I apologise to the Hon'ble member for misunderstanding what his argument was as indeed I did not hear what he said. I would suggest that the contingency that he has in mind is a very remote one. The demands that we receive for loans are not very numerous. As a matter of fact it is a matter of regret to me that Local Boards and Municipalities do not ask for loans more often than they do at present, that they do not go in more for capital expenditure financed by loans instead of paying for everything out of revenue. I cannot of course give a guarantee that Government will always be in a position when a demand is made to lend the sum required, but I can say that in the vast majority of cases we shall be able to lend the money. I do not know whether it is a fair comment, but I think that the Khan Bahadur's Municipality is at the present moment negotiating for a fairly large loan for a project of great importance to the town of Nowgong.

THE HON'BLE THE PRESIDENT :—The question is that after section 51, the following be inserted :—

“ 51A. The Board may borrow, with the previous sanction of the Local Government, money at a time not exceeding its last three years' actual income from any bank on such terms as may be sanctioned by the Local Government.”

The motion was negatived.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I beg to move that section 51 do stand part of the Bill.

The motion was adopted.

SECTION 52.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I beg to move, Sir, that the following be inserted as clause (xiii a) after clause (xiii) of sub-section(2), namely :—

“(xiii a) the payment of contributions towards any public fund raised for the relief of human suffering within or without the Municipality.”

This is simply with a view to enable the Municipality to make contributions if it likes for the relief of human suffering whether arising within or outside the municipal limits. I would cite the case of the Khulna Relief Fund as an instance. That was a fund started for the relief of the distressed people of Khulna, and if a Municipality had the funds it could very well make a contribution. It is to enable the Municipality to do this that this clause has been proposed.

SRIJUT DALIM CHANDRA BORAH :—The proposal is a laudable one and should be accepted by the House.

The motion was adopted.

BABU HIRALAL BOSE :—I beg to move, Sir, that in sub-section 2, clause (ix), for the words ‘by the Commissioner’ the words ‘by the Board in its meeting’ be substituted.

Sir, this is a very short amendment and I may submit that there is no policy involved in it. The only question in my humble opinion is the question of convenience. Firstly, the Board should be in a better position than the Commissioner to know the real condition of the poor people within its jurisdiction, to determine what amount should be paid to what person, and in my opinion the Board would be the best authority to find out what is the amount of the fund at its disposal as also the necessitous condition of the people. Of course the Commissioner perhaps will make a certain rule for all the Municipalities in his Valley, but it will be convenient for each particular Board to frame a rule or decide by itself what amount should be given to each individual case on a particular occasion. As you will see, Sir, there is no policy involved in this question. It is only a question of convenience and the funds at the disposal of the Board who will be in a better position to decide than the Commissioner.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA :—Sir, if the House is in favour of the proposal I shall have no objection to accept it. The only reason why the sanction of the Commissioner was necessary here was to ensure some sort of uniformity in all the municipalities in regard to such matters. I would however suggest the following verbal amendment to the Hon'ble Mover's motion, viz., that the words ‘at a’ be substituted for the words ‘in its’ as contained in the amendment.

SRIJUT HIRALAL BOSE :—I have no objection to accepting this alteration.

The motion, as amended, was adopted.

SRIJUT DALIM CHANDRA BORAH :—Sir, the first amendment moved by me under this section is :—

“That in sub-section (2), clause (ii), after the word ‘trees’ the words ‘and bamboos’ be added.

Sir, this amendment might seem ridiculous to some Hon’ble Members because I am dealing with trees and bamboos. I think this Bill has made a distinction between trees and bamboos. If this be the case then I contend that while on the one hand it is necessary to apply the municipal fund to the planting, preservation and felling of trees, I think on the other hand it is equally essential to apply the municipal fund to the planting, preservation and felling of bamboos. If trees are removed on grounds of sanitation or for other purposes then occasion may arise for the removal of bamboos that cause a nuisance to the public road. I therefore suggest that a similar provision should be made in the case of bamboos. Of course I do not know whether such a distinction has been made between trees and bamboos. If bamboos are included in the term “trees” then I withdraw my amendment, but if that is not the case, then I must let my amendment stand as it is.

THE HON’BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, we do make a distinction between trees and bamboos and if the Council agrees I have no objection to the words ‘and bamboos’ being added.

The motion was adopted.

SRIJUT DALIM CHANDRA BORAH :—Sir, my next amendment is :—

“That in clause (xii), after the word ‘industrial’ the words ‘agricultural and other technical’ be inserted.”

Sir, I find that provision has been made in the Bill for everything that is possible under the sun with the exception of expenditure for agricultural and other technical training, and I think therefore that it will not be too much for provision to be made in this connection. It is to my mind essential that we should impart agricultural training and training in other technical matters to our youths. The Board may not incur any expenditure on that account but there is no harm in making provision to that effect.

THE HON’BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I have no objection to the amendment being accepted if the House so desires it.

The motion was adopted.

THE HON’BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I beg to move, Sir, that section 52 as amended and sections 53 to 58 do stand parts of the Bill.

The motion was adopted.

SECTION 59.

BABU HIRALAL BOSE :—Sir, the amendment that stands in my name with reference to section 59 is this :—

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.”

Now, Sir, I am extremely sorry to say that an inaccuracy has crept into my amendment and I do not know how it happened. Before sending in the amendment I consulted a certain book of the original draft Bill from which I found that clause (b) in section 59 was expunged and the clauses were re-numbered. I also cannot understand how (e) found its place in my amendment. Perhaps that was a printing error. My intention in sending this amendment was that in no case the aggregate tax under sub-clauses a, b, c, and d, or under any of them shall exceed 30 per cent. of the annual value of the holding. Of course I do not know whether I shall be permitted by the Chair or the House to amend my amendment in this way. If not, of course it would be most unfortunate, and I have nothing to say. It is a very important section and you will all perceive that there is no amendment from any Hon'ble gentleman under that section. It is very important in this way that it gives unlimited power to the Board to levy taxes. So if the Hon'ble House and the Chair kindly permit me to amend my amendment in this way I shall make

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—In regard to this amendment, Sir, I have to make a suggestion. I find, Sir, that Srijut Bepin Chandra Ghose, Rai Bahadur Amarnath Ray and Maulavi Munawwarali have amendments under this section which had better come before the amendment proposed by Babu Hiralal Bose. Babu Hiralal Bose's amendment should come after these as it relates to a latter part of the section.

THE HON'BLE MR. W. J. REID :—In addition, Sir, there is another argument. The amendment moved by Babu Hiralal Bose is very much akin to the amendments to section 60. They are all proposals to limit the amount of taxation. Probably it would be more convenient to the Council if these were all discussed at the same time and more or less in conjunction.

SRIJUT BEPIN CHANDRA GHOSE :—With the leave of the House I beg to withdraw the amendment that stands in my name under section 59.

(The amendment was as follows :—

"That in sub-section (1) after clause (a) the following clause be added, namely,

'(b) a tax on persons exercising any profession or art, or carrying on any trade or calling, within the limits of the municipality'').

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

RAI BAHADUR AMARNATH RAY :—Sir, the question involved in my amendment is an important one, and I am not fit to take it up now. I cannot do justice to the subject at the fag-end of the day, as I feel tired. Then, Sir, we have not enough work for the next four days. So I hope the Hon'ble Members will have no objection.....

THE HON'BLE MR. W. J. REID :—I am afraid, Sir, that I must protest—I am sorry to do so—against this. We have got through a great deal of business to-day, but till we can see that our business will be finished this session we should not rise so early.

THE HON'BLE PRESIDENT :—I am sorry I cannot allow the request of the Hon'ble Rai Bahadur Amarnath Ray.

RAI BAHADUR AMARNATH RAY :—Sir, in the Municipal Act now in force, that is, the Bengal Act III of 1884, there is a provision for a tax upon persons, a tax upon persons occupying holdings within the municipality according to their circumstances and property within the municipality. The present Bill does away with this provision and we in the district of Sylhet are almost unanimous that some such provision should be retained. In our municipal areas we have not many substantial holdings, and it is apprehended that if the tax upon persons is done away with then every municipality in the district of Sylhet will suffer heavily. But there was some objection to the provision of the Bengal Act. According to this provision only persons who occupied holdings within the municipality could be assessed with the personal tax. Now occupation does not mean physical occupation but occupation as an owner or a tenant. It was found in many cases that persons who were making incomes in municipal areas, as for instance, clerks of pleaders and others could not be assessed for the reason that they occupied no holdings themselves. In order to obviate this difficulty I have adopted a provision, to be found in the United Provinces Municipalities Act of 1916, with a slight modification. It is this—"A tax on inhabitants assessed according to their circumstances and property within the Municipal area"; that is to say, some persons whom the existing provision does not touch will come within the purview of this amendment. Now it will be optional with the municipalities to adopt either the tax on holdings or the tax on persons. To secure this end I have added a proviso—"Provided that both the tax on holdings and the tax on inhabitants shall not be in force at the same time in the same ward except to this extent that in a ward where the tax on inhabitants is in force the public buildings, offices, etc., shall be assessed with the tax on holdings only." It will be discretionary with the members of the Municipal Board as to which should be enforced in a particular municipal area. I do admit that the tax on holdings is on the whole a more satisfactory form of taxation than a tax on persons, but as I have stated the conditions in my district are peculiar and every municipality will suffer heavily if a provision like the one I have proposed is not adopted.

I shall refer Hon'ble Members to the definition of the word 'inhabitant' in clause 15, section 3, of this Bill—"Inhabitant used with reference to a local area means any person ordinarily residing or carrying on business or occupying immovable property therein." It is such persons who should be properly taxed. As I have said that it would be optional,—within the discretion of municipality. So I think there will be no opposition to its adoption by this House.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, I know that there is a strong feeling in the district of Sylhet, coming from those who are interested in Municipal affairs that our Municipal Act should contain a provision for the imposition of a tax on persons. I know that there are circumstances under which a Municipality may find itself compelled to impose a tax on persons because a tax on holdings would not raise a sufficient amount to enable it to meet its demands; and I will be prepared to accept the amendment which has been moved by the Hon'ble Mover. My only difficulty is with regard to the proviso. It says—"Provided that both the tax on holdings and the tax on inhabitants shall not be in force at the same time in the same ward except to this extent, that in a ward where the tax on inhabitants is in force the public buildings, offices, etc., shall be assessed with the tax on holdings only".

The effect of this might be that in a particular ward the tax on persons might be put at a very low figure and the public buildings and offices might be assessed at a very high rate. That is the only difficulty with regard to this amendment. If the Hon'ble Mover can make a suggestion to get rid of this difficulty I would be prepared to accept his amendment.

THE HON'BLE MR. W. J. REID :—I must confess, Sir that it is at my instigation that the Hon'ble Minister has raised this point, because the Finance Department are in this instance closely concerned with the decision of the Council. It is we who have to pay the tax, and I say that if the Hon'ble Mover of the amendment can find some guarantee, some safeguard, we shall raise no objection.

THE HON'BLE RAI BAHADUR AMARNATH RAY :—I am ready to withdraw this proviso.

THE HON'BLE MR. W. J. REID :—I do not ask this. There is no reason why the Government buildings should not pay a fair assessment. I do not suggest for a moment that Municipalities should be deprived of reasonable taxation on these holdings. I only want to ensure that the assessment is reasonable.

RAI BAHADUR AMARNATH RAY :—I may be allowed to amend this partly, Sir,—it now stands thus :—'A tax on inhabitants assessed according to their circumstances and property within the municipal area according to a scale prescribed by rule.' At present, Sir, the tax on holdings is assessed on public buildings even where the personal tax is in force. In the proviso there is practically nothing new.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—May I suggest to the Hon'ble Mover if he is willing

RAI BAHADUR AMARNATH RAY :—We cannot assess this tax on public buildings. I beg leave of the Council to amend the proviso in this way :—

Provided that both the tax on holdings and the tax on inhabitants shall not be in force at the same time in the same ward except to this extent that in a ward where the tax on inhabitants is in force the public buildings, offices, etc., shall be assessed with the tax on holdings only according to a scale to be prescribed by rule.

THE HON'BLE MR. W. J. REID :—So far as the Finance Department is concerned, we would gratefully accept this amendment.

MAULAVI MUNAWWARALI :—I wish, Sir, to say a word or two in this connection. Sir, I think the labour of the Council will be minimised to a great extent and I shall be saved the trouble of moving my amendment if the Hon'ble Mover would see his way to accept a slight modification in his motion, he says "a tax on inhabitants assessed according to their circumstances and property within the Municipal area." In my amendment, Sir, I say "a tax upon persons occupying holdings within the municipality according to their circumstances, and property within the Municipality." That is to say, I want the insertion of the words "tax on inhabitants occupying holdings, etc." Only the words "occupying holdings" I want to be added. I hope, Sir, that the Hon'ble Mover will have no objection.

RAI BAHADUR AMARNATH RAY:—I may accept it, but that will practically restore the existing conditions. As the amendment I propose is an innovation, the Council might hesitate to accept it. I think it will be better if I accept the amendment of Maulvi Munawwarali.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA:—I was prepared to accept the amendment of Rai Bahadur Amarnath Ray on the understanding that it would be a tax on inhabitants according to their circumstances and property within the municipal area. The suggestion made by Maulvi Munawwarali that it should be on persons "occupying holdings" is one which I cannot accept. I refer Maulavi Munawwarali to the definition of the word "inhabitant" in the Act, that is, section 2, clause 15:—

"Inhabitant" used with reference to a local area means any person ordinarily residing or carrying on business or occupying immovable property therein."

The Hon'ble Member will see that there are difficulties in assessing certain persons who earn within the municipal area but do not possess any holdings, for example pleaders' clerks, who may have no holdings of their own but reside with their pleaders. They cannot be assessed to a personal tax or any tax at all because they have no holdings within the municipal area. I think I have had occasion myself to advise Government with regard to this. Then take for instance the case of the shop assistants. The shop assistants who live outside the municipality but come within it to work for a living would also in this way be exempted. It is to bring people of such and similar description within our power of assessment that this word has been used. So I cannot accept the change suggested by Maulavi Munawwarali.

REV. J. J. M. NICHOLS-ROY:—Sir, does the word 'inhabitant' includes the owner of holdings also?

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

REV. J. J. M. NICHOLS-ROY:—If it does, then the owner of the holdings will be taxed on his income from the holdings and in that case it will be a hardship on him if the proviso is to be left out.

RAI BAHADUR AMARNATH RAY:—I have added these words at the end:—"according to a scale to be prescribed by rule."

REV. J. J. M. NICHOLS-ROY:—If that proviso is added, then we will have no objection to that.

MAULAVI MUNAWWARALI:—Sir, I beg to say that if the House is of opinion that the insertion proposed by me should not be accepted, I would be glad not to press it.

THE HON'BLE MR. W. J. REID:—Perhaps the Rai Bahadur's amendment may be put.

THE HON'BLE THE PRESIDENT :—The amendment is as follows :—

That in sub-section (1) after clause (a) the following clause be inserted—the subsequent clauses being re-numbered consequentially :—

“(b) A tax on inhabitants assessed according to their circumstances and property within the Municipal area ;

Provided that both the tax on holdings and the tax on inhabitants shall not be in force at the same time in the same ward except to this extent that in a ward where the tax on inhabitants is in force the public buildings, offices, etc., shall be assessed with the tax on holdings only according to a scale to be prescribed by rule.”

The motion, as amended, was adopted.

The Council was then adjourned to Wednesday, the 7th March, at 11 A. M.

SHILLONG.

10th March 1923.

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A. MELLOR,

*Secretary to the Legislative
Council, Assam.*