

The Council met in the Council Chamber at Government House, on Saturday, the 9th September 1922, at 11 A.M.

P R E S E N T :

The Hon'ble Mr. J. C. Arbuthnott, C.I.E., President, the Hon'ble the two Members of the Executive Council, the Hon'ble the two Ministers and 36 Nominated and Elected Members.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

SRIJUT BEPIN CHANDRA GHOSE asked :—

1. Will the Government be pleased to lay on the table a tabular statement showing year by year for the last five years the number of criminal and civil cases ?

Criminal
and Civil
cases.

Will the Government be pleased to lay on the table figures on the same subject for the current year up to August ?

2. Will the Government be pleased to consider the advisability of appointing at least 3 more clerks in the Goalpara Magistrate's office to cope with the increased work ?

Clerk for
Goalpara
Magis-
trate's
office.

THE HON'BLE MR. A. MAJID replied :—

1.—It is presumed that the question refers to Goalpara subdivision. The required statement is laid on the table. Figures for the current year are not available.

Statement showing the number of criminal and civil cases tried in the Goalpara Subdivision during the last five years (1917-1921).

Year.	Criminal cases.	Civil cases.
1	2	3
1917	523	641
1918	597	441
1919	580	961
1920	618	1,420
1921	444	2,031

2.—The local officers will be consulted in the matter.

SRIJUT BEPIN CHANDRA GHOSE asked :—

Drinking
water for
the people
of Goal-
para sub-
division.

3. Are the Government aware that the people of Goalpara subdivision in the interior suffer a good deal for want of good drinking water ?

As the Government has not given Local Boards any grant this year for rural water-supply, will the Government be now pleased to sanction grants to Local Boards out of the money that has been saved in the last Budget meeting in March from the expenditure heads of the Provincial Budget ?

THE HON'BLE RAI BAHADUR GHANASYAM BARUA replied :—

3.—Government understand that scarcity of good drinking water is not peculiar to the Goalpara subdivision.

In view of the present financial stringency Government regret that they are unable to accede to the Hon'ble Member's request.

BABU KRISHNA SUNDAR DAM asked :—

Service
Bond of
Sub-
Assistant
Surgeons.

1. Will the Government be pleased to state whether they have arrived at any final decision, and, if so, what is the same, about the compulsory period of the service bond to be executed by the Sub-Assistant Surgeons in Assam ?

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

1.—The form of security bond to be executed by Sub-Assistant Surgeons was prescribed by the Government of India, and any modification requires that Government's approval. The Government of Assam do not consider that there are sufficient grounds for moving the Government of India for amending the form.

SRIJUT NILMONI PHUKAN asked :—

Repair of
bund on
the North
Bank of
Dehing
river.

1. (a) Will the Government be pleased to state whether the scheme of repairing and raising at places of the old bund on the North Bank of the Dehing river in the subdivision of Dibrugarh for the purpose of reclamation, was looked into and found feasible ?

(b) If so, will the Government be pleased to undertake a detailed survey in this winter season for this purpose ?

MR. A. W. BOTHAM replied :—

As the Council were informed, without a detailed survey which will cost from Rs. 6,000 to Rs. 10,000 the Public Works Department are not in a position to ascertain the best means of reclaiming the area referred to by the mover. The solution need not necessarily be the repairing and raising of the old bund as has apparently been assumed. At the moment it is impossible to find the sum required.

RAI BAHADUR BEPIN CHANDRA DEB LASKAR asked :—

1. Will the Government be pleased to lay on the table a list of candidates from Surma Valley for Extra Assistant Commissionership during the last 10 years stating grounds for rejecting those candidates who failed to secure appointments?

Candidates
for Extra
Assistant
Commis-
sioner-
ship.

2. (a) Will the Government be pleased to lay on the table a list of candidates from both the Valleys already in service in Education Department, for posts in the Subordinate and Provincial Executive Services in Assam (with due recommendations otherwise secured), stating grounds of selection of those who had been selected and of rejection of those who had been rejected?

(b) Does Government favour transfer of an officer from one Department to the other? If not, will the Government be pleased to state why special favours were shown in the cases of those selected?

(c) Does Government contemplate to give special consideration in the matter of promotion in their own Department (Education) of those rejected for executive services merely on the ground of Government not favouring the idea of such transfer?

3. (a) Will the Government be pleased to state under what principles the Extra Assistant Commissioners and Sub-Deputy Collectors are nominated by the Selection Committee and approved by the Government?

Procedure
for nomi-
nation of
Extra
Assistant
Commis-
sioners and
Sub-
Deputy
Collectors.

(b) Why was the case of Babu Kamini Kumar Nath, M.A., and Inter B.L., overlooked in the nomination of the Extra Assistant Commissioners and some B. A.'s were appointed in the year 1921?

(c) Why has Cachar only one Extra Assistant Commissioner with a population of five lakhs according to the census of 1911 while Sylhet has 25 Extra Assistant Commissioners with a population of twenty-five lakhs?

(d) Will the Government be pleased to state that among the Nath community there are how many Extra Assistant Commissioners in the Surma Valley?

(e) Will the Government be pleased to state on what basis the Government appoint the Extra Assistant Commissioners and Sub-Deputy Collectors?

(f) Why were the recommendations of the last Selection Committee not accepted by the Government?

(g) If the Government do not accept the nomination of the Selection Committee, what is the necessity of forming such a committee?

(h) Will the Government be pleased to state whether some of the appointments of Extra Assistant Commissioners and Sub-Deputy Collectors are kept reserved for direct appointments by the Government?

(i) If so, what is the reason of it?

(j) Will the Government be pleased to lay on the table the Government Circular No. 9A., dated the 9th October 1917., about Government appointments?

MR. A. W. BOTHAM replied :—

1.—The Government consider that no useful purpose would be served by the compilation of the list asked for which would necessitate considerable labour. In general those candidates who failed to secure appointments were passed over in favour of others better qualified to hold the appointments in question.

2. (a)—The Hon'ble Member has not stated to what period his question relates. Here too it is considered that no useful purpose would be served by the compilation of the list.

(b)—The Public Service Commission recommended that ordinarily officers should not be promoted from services other than the Subordinate Executive Service to the Provincial Civil Service. This recommendation was accepted by the Government of India, although local Governments have discretion to make exceptions in individual cases. This principle does not stand in the way of the appointment to the Assam Civil Service of candidates qualified by age for direct appointment who may be holding posts in the Education Department. Such appointments are regarded as direct appointments and not as promotions.

(c)—Government do not propose to do so.

3. (a)—The Selection Committees nominate those candidates who are in their opinion best suited, educationally and otherwise, for the appointments to be held. They are also expected to give proper weight to communal considerations.

(b)—Appointments are not made entirely on the strength of educational qualifications, nor are the Government prepared to enter on a discussion of the merits of individual candidates.

(c)—In making provincial appointments the population of a particular district is not material. Appointments are made from the most suitable candidates among the community to be represented.

(d)—There are no Naths in the Assam Civil Service.

(e)—Government are guided largely by the recommendations of the two Selection Committees appointed for the two Valleys, but depart from them if they see good reasons to do so.

(f) and (g)—In the main the recommendations of the Committees were accepted.

(h) and (i)—Yes. Government consider it desirable to retain the power of making direct appointments in special cases.

(j)—A copy of the circular is laid on the table.

Circular No. 9A, dated Shillong, the 9th October 1917.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Commissioners, Heads of Departments, District and Sessions Judges, Political Officers, North-East Frontier, and Political Agent in Manipur.

I am directed to say that in 1903 in order to give effect to the policy of employing residents of Assam in the Public Services of the province and of securing to each district its fair share of appointments, orders were issued with Resolution No. 9890-915G., dated the 17th November 1903, which have been embodied in rule 537 of the Assam Executive Manual. In letter No. 2008-32A., dated the 25th April 1913, certain returns were prescribed in order to give effect to the declared policy of the Chief Commissioner that each community in the province should receive a fair share of the appointments in the various services, and in 1914, further instructions were issued with Circular No. 4A., dated the 13th March 1914, regarding the representation of the various communities in the Public Services. Supplementary instructions were issued in Circular No. 1A., dated the 19th May 1915, which enjoins that, if in any case it is desired to appoint to Government service a person who is not a resident of Assam, an application for sanction to the appointment should be submitted to the Local Administration before the appointment is actually made.

2. Cases have been brought to the notice of the Chief Commissioner in which certificates of domicile have been issued to foreigners which, in view of the facts, should not have been granted or accepted as proof of residence in Assam. I am now to explain that in case of any doubt whether an applicant for an appointment or for a certificate of domicile is really domiciled in Assam a reference should invariably be made to the Local Administration.

3. I am also to forward a copy of rule 537 of the Assam Executive Manual which has been revised in accordance with the orders quoted above.

Correction slip to Rule 537 of the Assam Executive Manual.

For rule 537 of the Assam Executive Manual substitute the following :—

537. (1) Save with the previous sanction of the Chief Commissioner, appointments are limited to members of families native of, or domiciled in, Assam. If in any case it is desired to appoint a person who is not a member of such a family to a post, whether permanent or temporary, an application for sanction should be submitted to Government before the appointment is made.

If in any case there is any doubt whether any applicant for appointment belongs to a family native of, or domiciled in, Assam, a reference should be made to the Local Administration.

(2) In making appointments, whether on district, divisional or departmental staffs, endeavour should be made to recruit from each race of the community in proportion to its numbers. The statements of ministerial and non-ministerial appointments compiled under the orders contained in Circular No. 4A., dated the 13th March 1914, as amended by Circular No. 3A., dated the 30th July 1915, should be consulted when new appointments are made.

(3) If qualified local candidates are available, appointments to service on the staff of a district or a division, should be limited to residents of such district or division.

The object of this rule is to secure to each district or division its fair share of appointments. It is in no way intended to imply that local candidates, once appointed, are not liable to transfer, and transfers should be made when they are required in order to break up or prevent the formation of office cliques.

MUNSHI SAFIUR RAHMAN asked :—

Furniture
for Board-
ing house
of Goal-
para.

1. (a) Are the Government aware that a combined Madrassa Boarding house for the Goalpara High School and Madrassa boys has been erected in the Goalpara Madrassa compound?

(b) Are the Government aware that the said Boarding house is without furniture; if so, will it be pleased to furnish the same at an early date?

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

1. (a)—Government are aware that a boarding house has been constructed in the compound of the Aided Madrassa at Goalpara. The cost of erection was borne by Government.

(b)—Government are informed that the boarding house is unfurnished. They are not at present prepared to give a grant for furnishing, and suggest that either the small sum actually necessary for this purpose may be provided by the Muhammadan public of Goalpara or the inmates should provide their own furniture as is at present the practice in many hostels and in the numerous cases in which pupils live in *bashas* erected in the compounds of recognised guardians.

HAJI MUHAMMAD ABDUL AHAD CHOWDHURY asked :—

Provincia-
lization of
Middle
English
Schools.

1. In view of the fact that up to date only the North Sylhet Middle English Schools have been provincialized in accordance with the decision of the Educational Conference held at Shillong in 1913—

Will Government be prepared to grant the extension of this privilege to Middle English Schools in other subdivisions of the Sylhet district?

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

1.—The answer is in the negative. Funds have not been forthcoming for the purpose.

THE ASSAM COURT-FEES (AMENDMENT No. II) BILL, 1922.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to move for leave to introduce the Assam Court-fees (Amendment II) Bill, 1922.

As the Council will observe, Sir, from the number of motions that stand in my name we are taking a somewhat unusual course, but I hope to be able to persuade the Council that this Bill if accepted should be passed forthwith. And I shall try to explain the reasons which have led us to put it forward. Like the Government of Bengal we had to frame and get our Bills, both the Court-fees Bill and the Stamp Bill, through quickly alike in the Select Committee and in the Council, and like the Government of Bengal we find that our Act as passed contains certain ambiguities. The object of the present Bill is merely to rectify these ambiguities and in no way to impose fresh taxation or introduce fresh methods of taxing. Each Member has I think received a copy of a slip which shows the original entries in the first Schedule to the Court-fees Act, the changes made by our Act which was passed in March last and the changes of wording which we now propose to introduce. The Bill deals with Articles 11 and 12 of the first Schedule to the original Court-fees Act of 1870. I shall take the two Articles separately.

Article 11 deals with probates and letters of administration, and our proposed action in respect of this is precautionary. It was our intention to alter the sliding scale on duties on probates and letters of administration covering estates of a value of less than Rs. 2,000, charging two per cent. on estates of a value of between Rs. 2,000 and Rs. 10,000, three per cent. when the value was between Rs. 10,000 and Rs. 50,000, and so on. Following the Government of Bengal we raised the limit of exemption from one thousand rupees at which it stood to two thousand. We intended the duties to be cumulative, that is to say on an estate valued at Rs. 20,000 was to be paid two per cent. on the first ten thousand and three per cent. on the second. The Government of Bengal were warned, and we also were warned, that the courts might interpret the wording of our amendment to mean that an estate valued at Rs. 20,000 was to pay nothing on the first ten thousand and only three per cent. on the second ten thousand. We are not aware that any such interpretation has been made by any court, but we are anxious to guard against the chance of this happening. Our object, and this I know had the full sympathy of the Council, was to deal as lightly as possible with the smaller estates and to increase the taxation on those of higher value.

Article 12 of the Schedule deals with succession certificates, and here the position is somewhat different. Here the question of an interpretation contrary to our intentions has actually come up. We had a reference from the District Judge of Sylhet who was addressed by the Munsiff of Habiganj, and I should like to read to the Council what these judicial officers said. The Munsiff wrote :—

“The plain object of the above amendment is to introduce a graduated scale of taxation in connection with succession certificates, exempting altogether certificates of a value not exceeding Rs. 1,000 and thus giving relief to representatives of creditors of humble means. But it seems to me that the

words used are not apt enough to express the idea. The words used establish the following propositions :—

- (1) no Court-fee is to be charged on a certificate of a value not exceeding Rs. 1,000, neither on the original certificate nor on any extension of that certificate ;
- (2) for certificates of a value exceeding Rs. 1,000 a graduated system is introduced, both for the original certificate and also for any extension of it.

Now suppose a person dies leaving one hundred debtors each owing him Rs. 1,000. His legal representatives may take out one hundred certificates one after another each of Rs. 1,000 without paying any Court-fee at all, and thus defeat the plain idea of the statute. The courts will be helpless in this matter as a taxing statute must be construed strictly and in aid of the subject. Cases of the above type will frequently come to our notice. In the particular case I have at present (Extended Certificate case No. 46 of 1922 of this Court) the original certificate was issued for a debt of Rs. 759 under the old Article 12. The applicant asks now for an extended certificate for a debt of Rs. 432. The debt mentioned in the original certificate and that mentioned in the present certificate together exceed Rs. 1,000. Under the words of the law as it stands we cannot charge any court-fee for the extended certificate while we clearly see that the policy of the law is being defeated."

On this the learned Judge observes.—“ I think the Munsiff's view of the existing law to be technically correct. A case has just come up before me in which the same difficulty arises. The original certificate under section 8 of the Act was for Rs. 410, and there is now an application for an extension in respect of a debt of Rs. 2,194-13. As the law is worded the applicant altogether escapes payment of any court-fees. Had he reversed the order of applications he would have been liable at two per cent. on Rs. 2,194-13 and three per cent. on Rs. 410, for a total fee of about Rs. 56.” And then the learned Judge gives an analysis of a hypothetical case of a total debt of Rs. 21,000, and calculates what would be paid according to the method and the order in which application was made for the certificates.

Here, again, Sir, our object has been to make things easy for the man whom the Munsiff calls “ the creditor of humble means ” and to put the taxation on the bigger man who can afford to pay it. The Article as now expressed gives effect to our intentions.

Lastly, Sir, if leave to introduce the Bill is given I propose to move two amendments, and it will probably save the time of the Council if I explain now what the object of these is. The Bill as circulated contains provisions which follow those of the Act just passed by the Government of Bengal and give it retrospective effect. On further consideration we found that our case differs from the Government of Bengal case. No judicial finding had been given in Bengal against the intentions of the Bill. Here from the extracts I have just read from the letters from the Judge and from the Munsiff of Habiganj it is clear that such questions have come up. It is probable that there have been actual decisions, and we think that it would be unfair to go again into cases in which duties have already been assessed and possibly paid. So, Sir, we have decided not to reopen that question, and the object of the amendments is to take away all retrospective effect and to provide that the Bill shall come into operation from the 1st day of October.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to introduce the Bill. Next, Sir, with your indulgence and the indulgence of the Council I beg to take the somewhat unusual step of moving that the Bill be taken into consideration without too closely adhering to our standing orders or to our ordinary procedure.

The motion was put and adopted.

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

THE HON'BLE MR. W. J. REID :—Then, Sir, I beg to move that after section 1 (2) of the Bill the following shall be added :—

“(3) it shall come into force on the first day of October 1922.”

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—With the same object, Sir, I beg to move that section 4 of the Bill be omitted.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—I move further, Sir, that the second sentence of the Statement of Objects and Reasons be omitted.

The motion was put and adopted.

THE HON'BLE MR. W. J. REID :—Then, Sir, I move that the Bill as amended be passed.

The motion was put and adopted.

THE ASSAM LANDLORD AND TENANT PROCEDURE (AMENDMENT) BILL, 1922.

THE HON'BLE MR. W. J. REID :—According to the agenda, Sir, I ask the Council's permission to make a statement about the Landlord and Tenant Procedure (Amendment) Bill, 1922. The item must appear strange, but I shall try to explain what the intentions of the Government are.

The Bill as originally framed encountered much criticism. In fact it has found very few friends. I still think that some of the criticisms were based on a misunderstanding of its scope and intentions. As I tried to make clear before, when addressing the Council in March, the Bill was a purely emergency measure framed to meet an emergency which had then arisen. Of that, Sir, I think there can be no doubt. At that time tenants were refusing to pay land revenue to Government and were equally refusing to pay rent to their landlords. In deference to the decision of the Council the Bill was circulated for the purpose of eliciting public opinion, and we felt that before it was again presented to the Council it was essential that we should find out what the present state of affairs is in the Goalpara district, and whether the emergency which then existed still exists. So far as the collections of land revenue are concerned the emergency has disappeared, the measures which Government was compelled to take having had the desired result. Well, Sir, wishing to have first-hand information I paid a hurried visit to Dhubri last month and while there I interviewed deputations of both landlords and tenants. I may say frankly that at present no such state of emergency exists as existed last February. In fact I might almost say that if the Bill had been passed into law the Government would not at the present moment feel justified in making use of its provisions. At the same time I found that relations between land-

lords and tenants, particularly in the Sadar subdivision of the Goalpara district, are unhappy. I obtained figures showing rent collections, and the only conclusion one can come to from them is that in certain areas landlords are unable to collect any rents at all. I was also told by the local judicial officers that in the Sadr subdivision such a thing as an uncontested rent suit is practically unknown. The landlords told me that while it was no longer preached that rents should not be paid the effects of the preaching still continue and are very much in evidence. The tenants are thoroughly upset. There are particular areas of limited extent in which tenants refuse to pay any rents at all, while tenants in neighbouring parts of the estate are watching events, not out and out declining to pay rent but saying that they will not pay at present, that they will wait for the results of the suits which have been instituted and of any appeals against these suits which may be preferred.

The deputation representing the tenants contended that their people were meek and dutiful, anxious to pay their lawful rents, that they were only victims of poverty, that they did not dispute the claims of the landlords, that they only asked for sympathetic treatment, for time to be allowed for payment, for some remission of the compensation which can be demanded under the Rent Act, and so on. The impression I formed was that this was decidedly an exaggerated picture. Well, Sir, there is only one thing which will settle agrarian troubles in Goalpara and that is the framing of a regular Tenancy Act for the district. This the Government fully realise. In fact we had intended to make a beginning in the coming cold weather with the preparation of a record-of-rights which we think is an essential preliminary. Financial embarrassments have prevented us from doing what we intended. And in view of the very marked opposition to the Landlord and Tenant Procedure (Amendment) Bill even as an emergency measure the Government have decided not to proceed further with it. Instead I desire to put before the Council a suggestion which was made to me at Dhubri, was accepted by the landlords as some measure of relief and was not objected to by the tenants. The suggestion is that sections 150 and 151 of the Bengal Tenancy Act should be extended to the district of Goalpara. Section 150 says:—

“When a defendant admits that money is due from him to the plaintiff on account of rent, but pleads that the amount claimed is in excess of the amount due, the court shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the defendant pays into court the amount so admitted to be due.”

Section 151 says:—

“When a defendant is liable to pay money into court under either of the two last foregoing sections, if the court thinks that there are sufficient reasons for so ordering, it may take cognizance of the defendant's plea on his paying into court such reasonable portion of the money as the court directs.”

These are the words of the sections, Sir, but the position is somewhat complicated by a ruling of the Calcutta High Court which is doubtless familiar to those members who belong to the legal profession. The ruling quoted briefly says that section 150 of the Bengal Tenancy Act is limited in its operation to those cases in which the plea of the tenant is one in respect of which the burden of proof lies upon him; in other words where it is a plea of confession and avoidance. The section does not therefore apply to a case where the rate of rent is in dispute. Now, Sir, if we are to follow this ruling

the section will be of very little avail because in many cases it is the rate of rent which is in dispute. Our object is simply this—that where there is a dispute between a landlord and a tenant about rent, and where the landlord sues, if the tenant admits that he owes anything to the landlord the court shall require him to deposit that amount or, using its discretion under section 151, to deposit a portion of that amount before it goes further. And therefore we propose that section 150 should be amended so as to run as follows:—

“When a defendant admits that any money is due from him to the plaintiff on account of rent but pleads that the amount claimed is in excess of the amount due the court shall, whatever may be the nature of other matters in dispute between the parties, refuse to take cognizance of the plea unless the tenant pays into court the amount so admitted to be due.”

I put it to the Council, Sir, that this is a very modest measure of relief to give to the landlord, that it is a measure to which no honest tenant can reasonably object. We hold that it is to the interest of landlords and tenants alike that some stop should be put to the present unhappy state of affairs. It is clearly hard on the landlords that they should be unable to collect any rents at all from certain areas. I think every one will agree that it is a bad thing for tenants to get into the habit of paying nothing at all, even what they know to be due and will admit to be due from them.

Well, Sir, ordinarily I should have proposed to the Council that section 150 as modified and section 151 should be adopted in the Bill in place of the sections as they originally appeared, and to effect this I should in the first instance have moved that the Bill be referred to a Select Committee of the Council. But we are advised that under the Local Legislature (Previous Sanction) Rules we require the previous sanction of the Governor General in Council before a measure of this kind can be introduced in Council, and that means considerable delay. We shall in the ordinary course have no further sitting of this Council until February and I personally, after what I have seen, feel that it would be most inadvisable, if the Council agree to accept these two sections, to postpone their introduction for so many months.

× The points, Sir, which I have so far tried to make are that these two sections of the Bengal Tenancy Act as modified should be extended to the Goalpara district, that this should be done as early as possible, and that we are unable to effect this by the ordinary process of legislation because of the Previous Sanction Rules. If I have carried the Council with me so far, I should like to indicate another way by which the desired result can be attained. That is to make use of sections 5 and 5A of the Scheduled Districts Act which enable a Local Government, with the previous sanction of the Governor General in Council, by notification in the *Gazette of India* and also in the local gazette, to extend to any of the Scheduled Districts, or to any part of any such district, any enactment which is in force in any part of British India at the date of such extension, and also provide that the operation of the enactment may be subject to such restrictions and modifications as that Local Government thinks fit. It is true, Sir, that the Scheduled Districts Act says nothing about legislative councils, but I trust it is hardly necessary for me to assure this Council that the last thing that we as a Government desire to do is to carry through legislation behind the backs of the members of this Council. I have explained why we have suggested a somewhat

unusual course. We are confident that if we ask the Government of India to extend these sections, and if we are authorised to say that the proposal has been passed by this Legislative Council, the Government of India will accede to the request.

I hope, Sir, that I have not trespassed unduly on the patience of the Council. I feel very strongly that the landlords ought to have some help. I think that they can legitimately claim what we have suggested, nor can I personally see, as I said before, what hardship there is to an honest tenant. Any tenant may deny that he owes anything, in which case the matter has to be decided. Further I hold that the acceptance of these proposals will mean a diminution in the number of rent suits. The landlords will in many cases be glad to accept sums admitted to be due to them instead of having as at present to bring suits against all defaulters. They will select carefully those defaulters against whom they must proceed. I am sure every one will agree that anything which tends to diminish the number of rent suits is to the ultimate advantage of the tenants.

BABU BIRAJ MOHAN DATTA :—Sir, are these two sections of the Bill going to be published in the Gazette?

THE HON'BLE MR. W. J. REID :—Sir, what we wish to find out without actually putting the matter to the vote—though I shall be quite prepared to do that—is whether the Council generally approve our proposals. If the Council generally approve we shall address the Government of India and ask for sanction, under the Scheduled Districts Act, to extend these two sections in this modified form to the district of Goalpara. We do not propose to extend them to Sylhet or any other district. If we receive the assent of the Governor General in Council a notification will be published simultaneously in the *Gazette of India* and the *Assam Gazette*, and these provisions of law will then have effect in the district of Goalpara.

BABU BIRAJ MOHAN DATTA :—Sir, I do not understand the position. Provided the Council approves of the proposals put forward, will the Bill be withdrawn?

THE HON'BLE MR. W. J. REID :—The Bill will be withdrawn, Sir. We shall proceed no further with it. In fact we have decided to withdraw the Bill in any case in deference to the opinions which have been received.

BABU KRISHNA SUNDAR DAM :—Sir, I beg to say a few words. I fully welcome the statement of the Hon'ble Finance Member to the effect that the Landlord and Tenant Procedure (Amendment) Bill will now be dropped and in its place two sections taken from the Bengal Tenancy Act will be made operative in exercise of the powers conferred upon the Government by the Scheduled Districts Act. I understand from the Hon'ble Finance Member that these two sections will be applicable only to the Goalpara district and they will not be so in the case of the district of Sylhet. Even if these two sections were made applicable to the case of landlords and tenants in Sylhet I think there will be no objection, because so far as these sections go they are just and fair generally in the interests of the landlords as against dishonest tenants.

As to the procedure to be adopted now for making these sections of the Bengal Tenancy Act operative in Goalpara, the Hon'ble Finance Member has made it sufficiently clear to this Council that the Government have

absolute powers under the Scheduled Districts Act, even without the consent of this Council to extend those two sections of the Bengal Tenancy Act, but out of courtesy to this Council, they have not exercised those powers, but have laid the whole thing before the Council, and for this our thanks are due to the Government and to the Hon'ble the Finance Member.

Having said so much, I cannot help regretting that it does not stand to the credit of this province that it should be within the jurisdiction of the Scheduled Districts Act. The effect of this Act.....

THE HON'BLE MR. W. J. REID:—On a point of order, Sir. I am grateful to the Hon'ble Member for supporting the proposal, but I suggest, Sir, that this is hardly a suitable occasion to discuss the effects or the propriety of the Scheduled Districts Act.

BABU KRISHNA SUNDAR DAM:—Sir, what I meant to say is that the procedure which is now being followed by the Hon'ble the Finance Member will, we hope, be followed also in the future. If in future also the Government will see that no measure is made operative in this province under the Scheduled Districts Act, without giving the Council an opportunity to discuss it, we shall be only too glad. Beyond this I have nothing to say.

I should like also, Sir, to say a few words about the statement that the original Bill was said to have been required as an emergency measure. On behalf of the people of my Valley I cannot but offer our hearty and grateful thanks to the Commissioner, Mr. Webster, and to the District Judge, Mr. B. N. Rau, for the bold and well-reasoned opposition which they offered to the Bill, shewing how the conditions and circumstances of our district did not really require such legislation and that there was no fear of such breaches of law for political differences as was feared in the Goalpara district. However we, people of Sylhet, are not concerned now, and I should repeat my thanks to the Hon'ble the Finance Member for dropping the Bill.

THE HON'BLE MR. W. J. REID:—The Council, Sir, have listened with great patience to my somewhat lengthy explanation, and as no one has said anything or shows any signs of saying anything further, perhaps we as a Government may assume that the procedure which I have indicated has the approval of this Council.

MAULAVI RASHID ALI LASKAR:—I rather object, Sir.

THE HON'BLE MR. W. J. REID:—I was only assuming that the Council approved my proposal, as silence proverbially gives consent.

KHAN SAHIB MAULAVI ABDUL LATIF:—Sir, one can reasonably have no objection to the introduction of sections 150 and 151 of the Bengal Tenancy Act, but I would suggest that other sections of the Act relating to enhancement in rates of rent, etc., that are advantageous to the raiyats might also be introduced. In my opinion the present Landlord and Tenant Procedure (Act VIII of 1869) is unsuitable and insufficient to the present condition of the people. In my humble opinion if a better relation between the landlords and tenants is in contemplation of the Government, the matter of recasting the whole of the Landlord and Tenant Procedure should be taken in hand as early as practicable.

THE HON'BLE MR. W. J. REID :—Sir, I am in the most complete agreement with what the Hon'ble Member has just said about the necessity of having a tenancy law for Goalpara. In fact I said so expressly in my opening speech. But I certainly cannot ask the Council to agree, without full discussion and full consideration, to the introduction under this unusual procedure of provisions which affect so markedly the rights at present enjoyed by both landlords and tenants as those sections which he mentioned. I repeat that we as a Government are fully convinced of the necessity of framing a regular Tenancy Act for the Goalpara district, and as soon as we are in a position to do so we hope to undertake the task.

BABU BIRAJ MOHAN DATTA :—Sir, in the interests of the landlords as well as the tenants, I beg to suggest that early steps be taken to initiate proceedings for the preparation of a record-of-rights, and that the rent law of 1869 be revised in such a way as to safeguard the rights and privileges of every body, so that the need for proceeding to legislate under such emergency powers may be eliminated for ever.

MR. R. N. CHAUDHURI :—Sir, may I rise to support the motion of the Hon'ble Finance Member? The question before the Council, as I understand,.....

THE HON'BLE MR. W. J. REID :—May I say, Sir, that if, as I said, silence gives consent there is hardly any need for support until opposition manifests itself.

MR. A. J. G. CRESSWELL :—Sir, I do not quite understand the position. Do these provisions apply only to the permanently-settled tracts, or according to the proposed Bill, also to the temporarily-settled lands?

THE HON'BLE MR. W. J. REID :—It is proposed, Sir, as I explained, to extend these provisions to the whole of the Goalpara district.

SRIJUT BEPIN CHANDRA GHOSE :—Sir, I beg to add a few words in this connection. The constituency I represent, *i.e.*, the Goalpara subdivision, does not think that the proposed two sections of the Bengal Tenancy Act are at all necessary for the purpose. As far as I know from my practical experience as a Pleader almost cent. per cent. rent cases in the Goalpara subdivision are decided *ex parte*. Not a single case, so to say, is contested there. Of course I am not sure about the Dhubri subdivision, and I hope the Hon'ble Finance Member during his short tour has come to learn about my statements of the Goalpara subdivision. Now, Sir, these tenants of the Goalpara subdivision cannot pay rent because they are very poor and it is not the case that they do not pay the rent in defiance or anything like that. The landlords institute the rent suits against these tenants because the tenants are unable to pay their rents. This is evident from the fact that the cases are decided *ex parte*. Now, Sir, the case of the tenants who cannot pay the rent which is due to the proprietors is left for the House to consider as to how it will be difficult for them to deposit the amounts which they admit or that their cases will not be heard by the court, that is they want to get justice unless they pay the amount admitted by them. Is this the way in which justice is to be administered by our Government, Sir? Now, Sir, we understand that justice is not to be sold in any way and that people should get free justice. I would not have objected to the introduction of these two

sections if I could have honestly believed that the tenants were unwilling to pay their due rents to their landlords. But that is not the case in the Goalpara subdivision particularly I say. When such is not the case with the tenants, I fail to see the necessity of introducing these two sections. So I appeal to the House, Sir, in these circumstances, in the hope that the Council will consider my views as regards the introduction of these two sections to make them applicable to the Goalpara district.

With these few words, Sir, I oppose the proposal.

MR. R. N. CHAUDHURI :—Sir, as a representative of the landlords of Goalpara, I must, in duty bound, say a few words in support of what has just been said by the Hon'ble the Finance Member. The question at issue is very simple and I need not trouble the House by repeating it over and over again. The Government does a favour to the Council by allowing the latter to give its assent to a procedure that could be availed of by the Governor himself. Here the leniency shown by His Excellency is rather in favour of the Council than the other way about. The landlords of Goalpara are people who have got lands just as the other peoples hold land. The jotedars are also included in this category and we have no objection or hesitation in receiving even tenure holders in this category. In the circumstances, the whole burden of guilt is put on the zemindars : that is miraculous to the House and also miraculous to the public. How could it be? Everybody having interest on land must be recognised as a landlord, and in the circumstances the zemindar may be taken to mean a landlord on a bigger scale. If that be the position what was the position in the earlier stage of the zemindars ; when they invested their fortune in land. (Those persons who particularly did not want to invest money in lands invested it in merchandise and such other like things and in a short space of time became millionaires by means of profiteering, while the zemindars remained poor. They have nothing but a good name as zemindars and get nothing. Tenants do not pay rent. That is a fact which is not at all challenged by anybody. The fact remains that the rents are not paid at all. When the zemindars ask for payment of rent there are frivolous pretexts. If it is the case that everybody belonging to middle class is a zemindar, then the difficulty will be same for all. The cause is very simple and it is the cause of every one. These sections, namely, 150 and 151, if introduced would be no good to the landlords in one sense because there will be so many ways to avoid their effects by all those who are concerned. Everybody knows what pretexts the lawyers can bring forward, and in how many ways a case could be defended. The original Bill was harmless and that would have been beneficial to all. If there is no difference between zemindar and landlord on a small scale then what was the harm, what was the difficulty that marred the introduction of that Bill against which such a violent outcry was made only on hearsay evidence, by persons who had no knowledge of the spot and who knew nothing about the disturbances

THE HON'BLE THE PRESIDENT :—There is no use in the Hon'ble Member discussing the Bill. The Bill has been withdrawn.

MR. R. N. CHAUDHURI :—But I am supporting the cause.....

THE HON'BLE MR. W. J. REID :—I should like to say, Sir, that the Government have no desire to have their action in introducing or withdrawing the Bill defended by the Hon'ble Member.

MR. R. N. CHAUDHURI :—I understand then, Sir, that all that has been said by the Hon'ble the Finance Member has been accepted and that these two sections will be introduced.

SRIJUT NILMONI PHUKAN :—Sir, a few months back in this very House this very Bill was about to be hurried through, due, perhaps to the nervousness of some zemindars of Goalpara district who wanted Government to take this emergent step. But to-day we find from the statement of the Hon'ble Finance Member that no emergency any longer exists, and he has been kind enough to make a tour in the district to understand personally on the spot what was the real grievance of the zemindars and the tenants on this point. Now from what we have heard from him at present, either the zemindars had exaggerated their case or the tenants said that they were always ever ready to pay their rents without giving the least trouble to their landlords. From what has been said on this point by several members both landlords and tenants I find that the sense of the House should be for a measure which will permanently settle this dispute between landlord and tenant. I already find that there is an indication made by the Hon'ble Finance Member in that direction. Government is proposing to introduce a Tenancy Act for that district and also a Record of Rights Act very soon and we also find that the cause of fear is no more for both the zemindars and the tenants. If in certain areas of the Goalpara district, where we find also absentee landlords during the year, the position is not improved, this is not the fault of the tenants nor of the Government. When there is no such emergency I do not see any reason to introduce section 150 or 151 even though these sections may be harmless. I fully believe that half measures are wrong in principle and hazardous in actual practice. If we are going to have a full Tenancy Act there is no need, I contend, for this patch-work.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—I should like just to say a few words, Sir, with regard to the objections which have been preferred by the Hon'ble Member for Goalpara. I do not claim to have any experience of that part of the country, but I will accept his statement as it is, that in the Goalpara subdivision all rent cases are *ex parte*. But if that is so the extension of these sections will not affect his people in the least. If he will permit me to read the sections as modified he will see what I mean.

Section 150 says :—

“When a defendant admits that any money is due from him to the plaintiff on account of rent but pleads that the rent claimed is in excess of the amount due, the Court shall, whatever be the nature of the other matters in dispute with the parties, refuse to take cognisance unless the defendant admits in the Court that the amount was due.”

So that it is clear that before the section can come into operation there must be a dispute between the landlords and the tenants, but in the case of *ex parte* cases there is no dispute, so that no question of deposit will arise and the tenant will not be affected. The same holds good with respect to section 151 also.

Then there is another thing. The Hon'ble Member says that he is not aware whether the cases in Dhubri subdivision are *ex-parte* or are contested; but we have just heard from the Hon'ble Finance Member that he has learned from the Judicial officers there that there is not a single case there which is not contested. The extension of these two sections is therefore necessary there. As to what Mr. Nilmoni Phukan has said, he seems to think that half measures are of no use and that since we are going to have a Tenancy Act for Goalpara we had better not extend the two sections now. But we must have regard to the complaints of the landlords. As he himself has said the Hon'ble Finance Member personally went down to Dhubri and made enquiries of the landlords and tenants as well, and he was assured by the landlords that if these two sections are extended there will be some relief for them. At the same time the tenants did not oppose the extension. That I think is a complete answer to the objection that has been raised by Mr. Nilmoni Phukan.

SRIJUT BEPIN CHANDRA GHOSE :—Sir, I cannot understand.....

THE HON'BLE THE PRESIDENT :—Do you wish to make a personal explanation? You are not entitled to a right of reply otherwise.

SRIJUT BEPIN CHANDRA GHOSE :—In reply to what has just been said by the Hon'ble Minister as regards the Goalpara subdivision I beg to say that of course the cases are decided *ex parte*, and where the tenants are not refractory, where the tenants do not contest and where the tenants do not refuse to pay the rent to the landlords I do not understand what is the necessity of extending these two sections.

THE HON'BLE MR. W. J. REID :—May I suggest, Sir, that the Council pass to the next business of the day as I think that that is the most suitable way to conclude the debate.

THE HON'BLE THE PRESIDENT :—As there is no resolution or motion before the House the next resolution will be taken up.

RESOLUTION.

ESTABLISHMENT OF A TECHNICAL SCHOOL AT JORHAT.

MAULAVI RUKUNUDDIN AHMAD :—Sir, the resolution that stands against my name is :—

This Council recommends to the Government of Assam that funds be provided in the next Budget estimate to establish the proposed "Technical School" at Jorhat.

Sir, it must be in the recollection of this House that in the last September session of the Council I had the opportunity of putting in an interpellation on the technical school at Jorhat, and of being told by the then Hon'ble Minister in charge of Education that a proposal for the establishment of such a school had been made, but for reasons financial and otherwise no pledge could be given as to when steps would be taken to begin the work. In my last budget speech also I had pressed for the same technical school explaining how the finance question could be solved. The present resolution is therefore only to expedite matters. I am sure it will only be superfluous for

me to speak at length on the necessity of such an institution. There is no denying of the fact that technical education has been the crying need of the country, and so far back as Sir Bampfylde Fuller's regime there was such a proposal and which materialised, if my information is correct, only in the opening of a couple of artizan schools in the Hills. In my opinion the question has not received such due consideration as it ought to have received. Although the demand for technical education has been a chronic one it is regrettable to note that the attitude of the Government towards this question has hitherto been one of apathy and indifference. The Government might have realised the importance of it and might have been ready and willing to help the people in the matter but nothing has yet been put into practice to show that any substantial interest in the matter of technical education is evinced by the Government, except granting of a few scholarships at the Ahsanullah School of Engineering, Dacca. In these days of economic strain, people are daily growing wiser, not to be swayed by the brilliance and glitter of an expensive general education of a more paying nature, and the education that will be imparted in the proposed technical school at Jorhat will surely go a great way towards ameliorating the condition of the unemployed youths of Assam and of granting them larger amenities in life. In this place, Sir, I respectfully beg to draw the attention of the House to an article on "Technical education in Assam" recently published in the *Sylhet Chronicle* dated the 28th August 1922, where it is written in my opinion in utter despair that :—"It is highly to be regretted that when technical education and industrial developments are deemed to be essentially necessary for our country's economic regeneration, and when other provinces are showing signs of awakening in this direction the Assam Administration alone is quite asleep over the matter, etc., etc."

Sir, whenever the question of technical education has been discussed the more important question of finance has invariably come in and discussion has proved more or less academic while materialisation loosely passed over and brushed aside. But now in my opinion the question of finance for the proposed technical school is no longer so very complex as it was before. The munificent gift of one lakh made towards the advancement of technical education by that large-hearted merchant prince of Assam, I mean Mr. B. Borooh, will help to a very great extent to provide for the establishment of the proposed technical school at Jorhat. Besides I believe the income of the endowment left by that large-hearted gentlemen Mr. Williamson will be available towards this object. It will therefore require only comparatively small help from the Government to start this very desirable institution.

The next question that may arise in this connection is the question of the location of the proposed school at Jorhat. The town of Jorhat has in its possession several buildings which have hitherto been used for the Distillery but are now lying vacant and which may with advantage be utilised for the proposed school.

Then again a technical school must have as its necessary concomitant a well-equipped workshop, the establishment of which means extra expenditure. The little town of Jorhat boasts of a workshop attached to the Jorhat Provincial Railway, and the existence of the workshop means so much saving of establishment charges. As a matter of fact the Jorhat workshop has long been training youths in fitting and artizanship though the training course

is not very systematic and regular. The conference that was held last year with regard to the proposed technical school also suggested Jorhat as the suitable place for the aforesaid school. Taking all these facts into careful consideration we may easily come to the conclusion that the establishment of the proposed school will not make a heavy drain in the current budget.

With these words I commend my resolution for its unanimous acceptance by the House.

MR. R. N. CHAUDHURY :—Sir, I would object to the passing of this resolution because everything should not go to Jorhat. That is the main cause of my objection.

There is no technical school in Goalpara nor is there a technical school in any other district. In our part of the country everybody wants a technical school. A technical school is good for the lower class people and to some extent for the middle class people also, except for zamindars about whom many words have been said for nothing. I say again that everything should not go to Jorhat. If we got a technical school in our part I would not have objected. Besides, the Jorhat school will not benefit the people of Goalpara or Sylhet in any way. Had there been a proposal for the establishment of a technical school in every village I would have gladly supported it, but as there is no such thing I oppose the resolution vehemently, and I think this is the view of many of us.

MR. A. MOFFAT :—Sir, I have pleasure in rising to support this resolution. I think one of the most crying needs of the day is to provide work for the young men who are leaving our schools. We daily have applications for work for tea gardens and carpentering is the only thing that they are fit for. I think if a technical school was started even if it did not turn out the men as qualified engineers or carpenters, even if it taught them to dirty their hands it would be a step in the right direction. If we could get men with some technical training we could find posts for at least some of them—we could not provide posts for all of them. If there was such a school it would be the means of providing the young men of the district with some work, some employment, and I strongly support this resolution. If it is the first technical school more honour to it. I certainly think that something of the sort should be attempted and that young men should be trained to earn their living with their hands.

MUNSHI SAFUIR RAHMAN spoke in Bengali as follows :—

Sir, আসাম ভেদীতে Technical স্কুল হওয়া বিশেষ আবশ্যক কিন্তু কেবল জোরহাটই বে ইহার উপযুক্ত স্থান ইহা আমি স্বীকার করিতে পারিনা। জোরহাটে খরচ পত্র এত অধিক যে গরীব বিদেশী ছাত্রগণ সেখানে কোন রকমে খরচ চালাইয়া উঠিতে পারে না কারণ আমি জানি যে গোয়ালপড়া ইত্যাদি স্থান হইতে প্রাইমেরী স্কুলের শিক্ষকগণ বাহারা বৃত্তি লইয়া জোরহাটে আইসে তাহারা অনেকে খরচ চালাইতে না পারিয়া ফেরত গিয়াছে। তাহারা অনেক সময় বলে যে জোরহাটের অপর একটা নাম জুইহাট, গরীব ছাত্রের

সেখানে শিক্ষার উপযোগী স্থান নহে। আমার বিবেচনার আসাম ভেগীর মধ্যে যেখানে cheap living ও উপযুক্ত শাল ফরেষ্ট ইত্যাদি আছে এবং যে স্থানের লোক Technical work সম্বন্ধে অশিক্ষিত রহিয়াছে সেই সব স্থানের লোকের সুবিধার দিগে দেখা উচিত।

আমি বোধ করি গোয়ালপাড়া এবং গারো হিলের মধ্যস্থানে একরূপ উপযুক্ত স্থান আছে বাহাতে সমস্ত আসাম ভেলীর, বিশেষ করিয়া Lower Assam, কামরূপ, গারো হীল এবং গোয়ালপাড়ার সুবিধা হইতে পারে। গোয়ালপাড়ার লোকের মধ্যে পূর্বে অনেকে ভাল ২ carpenter ছিল। এক্ষণ সেই সকল লোক মরিয়া যাওয়ার এবং Government, রাজা এবং জমিদারের কোন সহায়ত্ব না থাকার সেখানে সামান্য করাতির কাজ করিবারও লোক দেখা যায় না। আশা করি এ সম্বন্ধে Government অনুদান করিয়া Technical school এর স্থান ঠিক করিবেন।

BABU KRISHNA SUNDAR DAM :—Though I am in sympathy with the spirit of the resolution and with all that has been said by Mr. Moffat out of sincere sympathy for the large number of young men turned out by our universities and seeking in vain for a livelihood, still I find it difficult to support this resolution as it runs. This resolution together with certain others standing in the name of the Hon'ble Maulavi Rukunuddin Ahmad asks for provisions in the next budget for certain purposes. I would have had no objection in supporting this resolution if in place of the words 'in the next budget' there were the words 'as soon as funds permit', considering the fact that there are other promised schemes requiring prior financial help. Take for instance the promise of a medical school in the Surma Valley for which the Government have not yet been able to find funds. Considering that other matters entitled to prior consideration by Government have been postponed how can this House now commit itself to such items as have been brought forward by the Hon'ble Maulavi Rukunuddin Ahmad. I am sure the members of the Surma Valley who have always a grievance that they have not got the medical school in their Valley cannot support this resolution. I would have no difficulty in supporting it if the Hon'ble Member would substitute for "next budget" the words "as soon as funds permit", because it is not convenient nor prudent for the members of different districts with different demands on the Finance Member to confine him to any specific expenditures in specific localities with specific resolutions. Suppose the Finance Member says that he would accept all the resolutions now, it will mean that we shall be prevented from again asking the Hon'ble Finance Member to provide for, say medical schools and many other things in many other districts, if the accepted resolution absorbed all the funds available to him.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, I expected that the resolution would be confined to what it purports to be from the wording, but apparently the discussion has developed a little beyond its limits. I think I shall be justified in not touching on the points to which the resolution does not immediately refer, but I feel it my duty to make a few statements with regard to some misconceptions that seem to be entertained. A technical school has been apparently understood by some members

to be something too limited and intended to serve that limited purpose, *viz.*, that of turning out carpenters or some people of that type. That some technical schools are intended for such work there is no doubt, but there are various other kinds of technical schools which perform different functions; the name given to the Jorhat school as a technical school should not therefore be taken as a common name having such a definite meaning but only as a proper name. The Weaving School at Gauhati for instance is a technical school, but it teaches only weaving—and allied subjects. There is another Weaving school at Shillong—that is also a technical school. Then there are three other schools, one at Kohima, one at Shillong and one at Tura intended to train carpenters, blacksmiths, etc. To the Shillong school we have added a leather class also. These have been named “Industrial Schools” though they are also technical schools. We have arranged to start another technical school at Sylhet which we propose to call a “School of handicrafts.” Though a technical school, its scope may possibly go beyond mere carpenters’ and smiths’ work. The name proposed for the Jorhat technical school is “His Royal Highness the Prince of Wales’ Technical School.” That school is intended primarily to train a higher class of mechanical engineers, *viz.*, foremen mechanics and only matriculates will be admitted. Though a technical school therefore it is somewhat different from what some Hon’ble Members seem to take it to be.

The estimated cost for this school, non-recurring, is about Rs. 70,000. We estimate it at Rs. 66,000, but to leave a margin I put it at Rs. 70,000. The recurring cost is estimated at Rs. 21,000 odd. The Hon’ble Member from Goalpara suggests that the school should be located in his district rather than at Jorhat. The reasons for the decision of Government to locate the school at Jorhat are two. The first is, we have a number of buildings there which are now lying idle and which we shall be able to utilise. If we had to construct those buildings afresh it would cost us perhaps more than a lac of rupees. In the second place that is the only place in which we have a Government railway workshop. For this school a railway workshop will be necessary. We shall have to locate it, if not at Jorhat, in some place like Lumding or Dibrugarh where we have other workshops but not Government ones. But in these places there are no ready buildings and the construction of new buildings and acquisition of a site will be necessary and all these will be additional items of expenditure which in our present stringent financial condition we cannot venture to undertake. Of course the suggestion that there should be technical schools in every subdivision or in every district is very welcome, and we hope that a time will come in the course of our development when we may aspire to have such schools in every subdivision; but that millenium we should leave for the future generations and not claim for ourselves. At the present moment we are only trying to meet our immediate wants by having only one school of that type for the whole province and to make the best use of the materials that we have. It is therefore that the school will be located at Jorhat. Last winter I went there and with the Superintending Engineer and other officers connected with the buildings referred to and arranged how the buildings will be distributed between the school and other departments concerned. We also proposed in our Industries budget a sum to be allotted for this school to meet a portion of the non-recurring expenditure. But the unusual and unexpected financial

stringency which we were called upon to face towards the end of last year compelled the Finance Department to cut out that amount. In view of the acute financial position we can have no reason to complain against the decision of the Finance Department; but the earliest opportunity will be taken to make some advance as soon as finances are easier.

I am glad that the Hon'ble Mover has brought forward the resolution and afforded me an opportunity of knowing the sentiments of the Council in regard to Industrial Education. For the interest evinced by the Council I am thankful to the Hon'ble Members. I would only say that Government are anxious to see some progress being made towards the establishment of this school, but financial difficulties are standing in the way.

In reply to the resolution therefore I wish to say that the proposed school is one of the accepted projects of Government and the donation of Mr. B. Barooah has been accepted on the understanding that the school will be established as early as funds permit. It is a matter of great disappointment both to myself and to the Hon'ble Finance Member not to have been able to do anything till now. Even now the Finance Department is not in a position to say whether it will be possible to provide funds in next year's budget. That does not mean that it has declined to do so, but it wishes to see the actual position of the finances at a later stage of the year before committing itself to a promise. If finances permit the Finance Department will make some provision but if the finances do not permit no undertaking can be given now that funds will be provided in next year's budget. The position therefore is that Government at the present moment are unable to give any undertaking but the Council may rest assured that as soon as we find it possible to go ahead we shall do so.

MAULAVI RUKUNUDDIN AHMAD :—May I ask the Hon'ble Member whether he would accept the resolution if I omit the words 'in the next budget' and substitute 'as soon as possible'?

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—To that extent I have already accepted it.

SRIJUT NILMONI PHUKAN :—Sir, it is a few decades since a great Englishman with his practical turn of mind gave a princely donation for the technical education of the youths of this province. And again we find to-day another large-hearted and patriotic gentleman of this province in the person of Mr. B. Barooah donating a princely sum for the same object. And we have heard from the Hon'ble Minister that the matter has already received consideration at the hands of the Government and that the institution will be an accomplished fact if the financial condition of the Government improve. There is no question of locating the institution either in this place or that place. The question is whether such an institution is necessary at all for the young men of this province. I think there can be no two opinions on that point. As one of the Hon'ble Members has already said this institution may reasonably satisfy the needs of many tea gardens of this province. I quite agree with him. There are no less than about 900 tea gardens. If the technical needs of these tea gardens could be satisfied by the youths of this province that will be something. And again as the Hon'ble the Minister has already expressed, this will be a technical institution of a little higher type, and that is another point. It is meant to satisfy not merely local needs. I think if the young men trained in this central technical school go about ransacking the whole province and

establishing small industries and technical institutions in every place, that will satisfy the local demands. I am glad to know from the Hon'ble Minister that he is willing to accept this resolution in a modified form which has already been accepted by the Mover. In that sense, I am sure the whole House will unanimously support this resolution. With these few words I leave this matter for the decision of the Council.

MAULAVI RUKUNUDDIN AHMAD :—Sir, I have accepted the amendment.

THE HON'BLE THE PRESIDENT :—The question is :—

That this Council recommends to the Government of Assam that funds be provided as soon as possible to establish the proposed "Technical School" at Jorhat.

The resolution, as amended, was put and adopted.

ABOLITION OF FEE LEVIED FOR AUDIT OF ACCOUNTS OF CO-OPERATIVE SOCIETIES.

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

That this Council recommends to the Government of Assam that the fee levied on Co-operative Societies for statutory audit of accounts by Government officers be abolished.

Sir, It has been well said "In co-operative work the term 'audit' has not the restricted meaning which is attached to it in connection with the examination of the books of firms and companies by chartered accountants." The auditor of Co-operative Societies is not only "to examine the balance sheet", but he has a "more comprehensive duty to discharge; a duty, moreover, which requires the possession of local knowledge and of sympathy, as well as a grasp of the aims and objects which co-operators must keep steadily before them." In one word, he is to follow the vicissitudes of the society, if I may use that expression. So he should be the person whose presence will both chasten and elevate the society. He is an important link between the Registrar with whom the ultimate responsibility rests and the society which requires a constant guide to lead the way. His services cannot be dispensed with.

Now, my resolution is concerned only with the question of payment for audit. It is true a system of free state audit has been deprecated by very eminent authorities on the subject. But exception has also been made in cases of countries like India where the movement is yet to take root. In these cases it cannot be called a demand by a socialist—at least the House will not take me for one. In this connection I make no apology in quoting the Registrar of Co-operative Societies, Central Provinces, at length. After elaborately examining arguments against this system he says: "And yet, so long as the co-operative movement in India, or any part of it, is in the school room, it would be, in my opinion, mistaken policy to exact fees or audit carried out directly by Government. Audit by Government

servants, as all experience shows is, at best, an unsatisfactory substitute for an audit carried out by those who have the necessary local knowledge and are, in other respects, competent for the work. The mere fact that audit by Government is carried on at the expense of the general tax-payer must limit the expansion of a State Audit Department. If the functions of Registrars and Government Inspector—Auditors are to be confined more and more to teaching and training co-operators to do things for themselves and to pay their own pay, then it is clear that the provision of a well-trained Government staff is a measure of State economy undertaken, not for the special and exclusive benefit of co-operators, but on behalf of India as a whole. The State, therefore, should pay for it, and must adjust its means, or, in other words, the strength of its department, to the end in view. At some future time Indian co-operators will so strengthen their present position as to be able to conduct all audit and inspection for themselves." Sir, it is exactly on this ground that I propose a system of free State audit for Assam where the co-operative movement is still in its infancy. So, it would be unwise to 'dose' this child 'indiscriminately with a single patent medicine.' I do not for a moment think that the co-operative movement in Assam should be under perpetual tutelage. Far from it. It must attain age in the near future when its independent actions will make for better initiative and yield larger fruits. But it is an undeniable fact at this moment that our people have hardly realised the utility of this movement, far less grasped its principles to act upon them. Besides, they have a foolish suspicion of the motive of Government philanthropy. At this stage of development State encouragement is indispensable in every respect. This is the reason which has prompted me to move this resolution. This is, I think, the reason for which the people of the Surma Valley in their co-operative conferences at Sylhet and Silchar passed resolutions protesting against the levy of audit fees.

The doings of the Co-operative Department of Government also bears me out. Its main aim is to help the ignorant peasants out of the clutches of unscrupulous *mahajan*, to teach them the lesson of thrift, and make them feel the power of co-operation. To make the programme attractive the Government have granted many privileges also. As for example, the exemption of fees under the Registration Act, Stamp Act and the Income-Tax Act. In the Provincial budget we find that the Government contributes money towards the maintenance of staff for many co-operative societies.

In view of so many valuable privileges conferred on societies no direct charges should be made at this stage for assistance rendered by Government in the shape of audit. Under the former Act (XII of 1904), no charge could be made in respect of any audit made by the Registrar or his staff. We seem to follow Bengal and the United Provinces. Bombay charges fees on societies with a working capital exceeding Rs. 50,000. That was the rule in Assam too, but never acted upon. Even now some of the other advanced provinces do not charge any fees.

The fees are no doubt very small. The Government Rule prescribes that the fees are to be realised by the Inspector. The cost of realisation, in the shape of pay and travelling allowance of the staff, is certainly heavier than the income. From the societies in the whole province, numbering, I think, about 600, the collection of fees would not perhaps exceed Rs. 3,000 or Rs. 4,000.

This income in comparison with the expenses of collection is certainly not much. True it is that no separate staff has been entertained for the collection of audit fees but the Inspectors on whom the duty has been imposed can devote more time in nourishing the societies in their charge if they are relieved of the additional duty.

Government also spends several thousands of rupees for the maintenance of the Department which is meant for the welfare of the people. But the people when called upon to pay direct taxes often fail to appreciate the indirect advantages offered and privileges conferred. There are other contributory causes for the unpopularity of this audit fee. No fees are charged by Government for audit of the accounts of municipal and local boards. The Central Government also do not charge any fees for audit of the accounts of provincial Governments.

For all these reasons the levying of this fee does not seem to be a happy thing. Besides the amount of audit fee collected is said to be employed in entertaining three district auditors on Rs. 50 to Rs. 75. Government capable of bearing the cost of the entire Department can easily bear the cost of maintaining this staff of three low-paid officers. Again societies are organised practically through the Government agency. People who had no idea of any fees to be charged later, have begun to think that the Government started these societies with the motive of deriving an income.

In conclusion, I beg it to be clearly understood that the payment of audit fee on principle should ultimately be a direct concern of the societies themselves. But at the present moment when the people are yet lukewarm over the movement and foolish notions prevail as to the motive of the Government and when the audit fees collected do not appear to be a substantial amount, it would be a wiser thing to do away for the time being with this audit fee which tends very little to effect departmental economy but has much to take away from the popularity of the movement for which the Government is no less anxious than the people themselves.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, I generally agree with the Hon'ble Mover that to instil a new system into an untrained people we have to give them extra privileges and gradually educate them by proving its beneficial results. At the same time I hope the Hon'ble Mover will not deny that we should also gradually educate the people to look upon the co-operative institutions as their own and not Government concerns. We should look forward to a time when we could leave the societies to themselves. As the Hon'ble Mover admits, there are still misconceptions about these institutions in many quarters. Many think that these are only Government institutions and even the non-co-operation movement affected to some extent these very useful institutions by deluding people to look upon them as such. In this state of things I hope the Hon'ble Mover will agree with me that we must make a beginning of training the people to learn that these societies are meant for their own benefit and that they are their own concerns; that in time they will have to look after them themselves. The committee on co-operation in India which is ordinarily known as the Maclagan Committee recommended this to be gradually impressed on societies. The Committee also recommended that as societies prove themselves fit to take the affairs more and more into their own hands the degree of control exercised by the

Registrar over the non-Governmental staff will devolve on the societies themselves.

By non-Governmental staff they of course refer to the auditors who are entertained at the cost of the co-operative societies to which the Hon'ble Mover is objecting. It is in acceptance of that principle that this Government, after giving a sufficiently long term of years for the accounts to be audited at Government cost, are making a beginning in trying to educate the societies gradually to keep and pay for their own auditors. In several other provinces in India such fees are levied for the purpose of appointing qualified auditors to supplement the Government staff employed for audit. Our staff kept with the fees referred to is also not meant to supersede the Government staff but only to supplement it and it is only employed in the first audit of primary societies. The Government audit in those cases is very much simplified and it may be called a super-audit which is made only to guide and examine the audits made by the societies' auditors themselves. The result of this arrangement is that the entire staff required to do the work of auditing is not maintained at Government cost but the societies also bear a portion of the cost. In Bengal the same thing is done and they are levying fees at a certain rate per cent. on the working capital employed in the business of the society. Our rates are also levied on the same principle, that is at a percentage of the working capital, but are lower than those of Bengal. In the Central Provinces each member of a primary society has to pay an annual subscription of Re. 1 towards such audit fees. If we had levied fees at this rate our income would have come to more than Rs. 30,000 annually, but now the total amount of fees assessed under our scale is only Rs. 3,178-6. It will thus be seen that we are asking the societies to pay only a very small part of the cost of audit, and this is with the intention of bringing it home to the members that these societies are their own concerns. The three district auditors entertained with these fees are not sufficient but they act as a useful supplement to the Government staff, and materially assist the Inspectors in doing their work. If these fees are abolished and the district auditors are discharged, the appointment of additional Inspectors would become necessary and this in our present financial condition we cannot undertake. By removing this nominal fee therefore we would not be doing any real good to the societies, rather we would be doing them harm. In the circumstances, Sir, I have to oppose this resolution. Co-operative societies enjoy several concessions, concessions in stamp duties, income-tax and so forth. Therefore the small amount they are paying for their own benefit should not be objected to by them.

REV. J. J. M. NICHOLS-ROY :—Sir, may I know from when were the fees levied ?

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—I cannot be definite, but I should think it is not more than 3 or 4 years at most.

SRIJUT NILMONI PHUKAN :—Sir, I do not think any Hon'ble Member would want to speak on the subject. So I want to make a brief reply to what the Hon'ble Minister has already said. I quite agree on principle with the Hon'ble Minister on this point. I hope I shall not be misunderstood by the Council. I do not want to do away with the audit system. This has not been my object in moving my resolution. There will be an audit system but the audit for the time being should be made by the Government just as

it is being done in other Departments. I certainly do not propose the removal of the existing Inspector auditors or other auditors that are being used by the Department. I quite agree with the Hon'ble Minister in what he said about the recommendations of the Co-operative Societies Committee. But I only differ from him in this that the time is not ripe in this province at this moment for asking the societies to have their own auditors, that is to pay for the audit of their accounts. The co-operative movement so to say has just begun in our province and people generally do not feel much enthusiasm over the matter, and it is the Co-operative Department of the Government which has to try its best to make the people interested in it. At this moment when they do not really see the utility of paying something for their own benefit I fear that this movement itself may get a check for this levying of the fee. I moved this resolution fully believing that it will be taken in the spirit in which I have moved it, and also I have moved this resolution with the full knowledge that many societies have actually objected to these audit fees. It may be a trifling matter, but still they objected. But whether it would be quite in keeping with the principle of the co-operative movement to raise such a suspicion in the minds of the people that after all their movement has been checked by the levying of the audit fees to some extent. It is only with that view that I moved this resolution, and if it is accepted by the House then I think the Government will be pleased to consider this matter, and if not, I should be prepared to withdraw it.

REV. J. J. M. NICHOLS-ROY :—I want to ask another question, Sir, if I may. Are fees levied on new societies also ?

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—The fee is levied on all societies after they are started ; it is a levy on the capital amount of the societies at a certain percentage.

Sir, with regard to the concluding remarks of the Hon'ble Mover, I have not the least doubt as to his good intentions. But as I have already pointed out it is also necessary to educate the societies about their own responsibilities and it is a part of the duty of gentlemen in the position of the Hon'ble Mover who are in touch with these societies, to influence the societies to understand the position and the intentions of the Government, to explain to them their interests and the reasons of this levy, and to explain to them also that by keeping their own auditors they will keep the audits more in their power and control ; for although these auditors are under the ultimate control of the Registrar their appointment, transfer and dismissal are intended, as far as possible, to be made in accordance with the recommendations of the societies and the central banks which finance them. I would look to the Hon'ble Mover to educate the people to appreciate the movement rather than to ask the Government to relax these small measures of educational utility. To keep the people behind the times and to let them have a longer period of freedom in a matter in which they should not be free will tend only to make them forget their responsibilities and more complaining later than now about the payment of such fees. It is the duty of one and all of us to convince the people of the utility of this great movement of co-operation and to educate them as to how it should be carried on. So, while I may undertake that an increase of fees will not be contemplated in the near future I hope the Hon'ble Mover will not press the Government to remit the small amount

levied now which has a double purpose, firstly to help the societies themselves, and secondly, to make a beginning in another educational side of the movement.

SRIJUT NILMONI PHUKAN :—In that case, Sir, I beg to withdraw my resolution.

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

OMISSION OF PROVISIONS (a), (b) AND (c) FROM SECTION 97 OF CHAPTER VI OF THE ASSAM LAND AND REVENUE REGULATION.

RAI BAHADUR BEPIN CHANDRA DEB LASKAR —Sir, I beg to move :—

That this Council recommends to the Government of Assam to omit provisions (a), (b) and (c) from section 97 of Chapter VI about partition and union of revenue-paying estates of the Assam Land and Revenue Regulation.

Sir, it appears from the Settlement Rule 48 on page 78 of the Assam Land and Revenue Manual that the minimum revenue of a patta can be 8 annas in the Surma Valley and Re. 1 in the Assam Valley. But it appears in section 97, provision (a), of the Assam Land and Revenue Regulation that in consequence of a partition revenue of any patta should not be less than Rs. 5. This provision discourages the partition. It means that a patta with a revenue of less than Rs. 10 cannot be divided even in two shares. Sir, as mauzadar, I have been doing the collection work of the Government revenue since 1903-04. Therefore I have sufficient knowledge to understand where the difficulty lies in collection of the Government revenue. I always find that the pattas which fall in arrears are 80 per cent. or more, *ezmali*. If some of the landholders of *ezmali* pattas pay their revenue in due time of the kist and some do not pay, in that case the collecting officers are compelled to issue attachment orders against all the shareholders, even those who paid their shares in due time, because there is no record in the Settlement Office or with the Mauzadars or Tahsildars showing the revenue of each shareholder of the *ezmali* pattas. If with difficulty attachment orders are issued excluding the names of sharers who paid the revenue in due time the other sharers object saying that those who paid revenue in due time paid less than what was due to them. Therefore the collecting staffs are compelled to issue attachment orders against all the the shareholders as they are jointly liable for the Government revenue. As the attachment orders are issued against the sharers who paid their share of revenue in due time, they being displeased with the collecting officers discontinue the regular payment of their shares of revenue. But if partitions are allowed freely the shareholders will get opportunity to separate the pattas by partition and it will be much convenient for the collecting staffs to realise revenue from the settlement-holders, also it will be convenient for the settlement-holders to pay the revenue of their shares, and so for the fault of one others will not be injured.

Provision (b) of section 97 of the Assam Land and Revenue Regulation is another bar to the free partition. If the sharers who hold more than half of the patta do not agree with the partition the partition cannot be held according to the provision (b). This seems to me to be injurious. I do not find what can be the reasonable objection if a small shareholder is willing to separate his share only in order to be saved from the trouble. If provisions (a) and (b) are omitted then the provision (c) will be useless. So I do not think it necessary to say anything about the provision (c).

I hope all the Hon'ble Members will agree, hearing the reasonings that the provisions (a) and (b) are injurious to the shareholders as well as to the revenue collecting staff. If this resolution is accepted the Government will not have to incur any expenditure or trouble. So the provisions (a), (b) and (c) can safely be omitted. In conclusion I firmly believe that there will be no opposition and the Government will be kind enough to accept the resolution.

THE HON'BLE MR. W. J. REID:—I confess, Sir, to finding it a little difficult to reply to the Hon'ble Mover of this resolution. If it is meant to suggest that our partition law is capable of improvement I agree most heartily. A good many of us know, those of us at least who have had to deal with the partition law of Assam, that we are hampered by the fact that the provisions covering partitions throughout the province in permanently-settled and in temporarily-settled tracts alike are contained in a few brief sections of the Assam Land and Revenue Regulation. In Bengal, and I fancy in other provinces, there is an elaborate partition law which governs such matters. I can say from my experience as Commissioner, from having had to hear appeals and decide intricate questions, that it is frequently a matter of great difficulty to know exactly what the law is. So much, Sir, I am prepared to admit.

But when we are asked, and when this Council are asked, to agree in a hurry that certain particular provisions of the law should be abandoned I for one feel that it is hardly fair treatment. I question whether the Council will wish to be asked to give a decision on such a point. I do not wish in the first instance at any rate to go too much into detail. The three provisions which the Hon'ble Mover would like to see abrogated are these. The first is:—

“Provided that no person shall be entitled to apply for perfect partition if the result of such partition would be to form a separate estate liable for an annual amount of revenue less than five rupees.”

He said, speaking as a mauzadar—and his opinion in that capacity is deserving of every respect—that defaults occurred almost entirely among the shareholders in joint *pattas*. I think I am right in imagining that he is speaking only of the district of Cachar with which he has an intimate acquaintance. In Cachar there are no permanently-settled estates. His proposal would not only put right what he thinks a wrong in the Cachar district but it would affect very materially the whole of our partition law in the district of Sylhet and in the other permanently-settled areas in the province. I may remind the Hon'ble Mover that at the time of the last Cachar re-settlement every effort was made by the Settlement staff to break up these *ejmali pattas* but it was not always possible to do so. I suppose the Hon'ble Mover would think that it was unreasonable of the joint lessees, but in certain cases they valued the privilege of being left together and showed no desire to be partitioned.

The second provision is:—

“No person shall be entitled to apply for imperfect partition of an estate unless with the consent of recorded co-sharers holding in the aggregate more than one half of the estate.”

If we accepted the proposal that this provision should disappear it is at least conceivable that it might be inconvenient for the majority of the shareholders in a joint estate to have one or two discontented shareholders taking partition proceedings. At all events the principle that the opinion of the majority is to have no weight at all is one which this Council will hardly accept unreservedly.

The Rai Bahadur's objections to the third proviso I am entirely unable to understand. The proviso says :—

“A person may claim partition only in so far as the partition can be effected in accordance with the provisions of this Chapter.”

If we withdraw that on what principles are we to give partition at all?

The resolution was put and negatived.

REVISION OF THE SCALE OF PAY OF HEALTH OFFICERS.

BABU RAMANI MOHAN DAS :—Sir, the resolution that stands in my name runs as follows :—

That this Council recommends to the Government of Assam that early steps be taken to revise the scale of pay of the Health Officers of Assam as follows :—

Rs. 100— $\frac{15}{2 \text{ years}}$ —250 and a selection grade of Rs. 250—10—300

Sir, in moving this resolution I trust that I shall have the sympathy and support of the Council and also of the Hon'ble Minister in charge of Sanitation. I am so thoroughly impressed with the urgency of ameliorating the prospects of this class of officers that I have no hesitation in asking for unanimous support of this Council in the matter of this resolution. I shall state my reasons as briefly as possible.

The Health Officers are a class of public servants on whom we greatly depend for the success of one branch, and that a very essential branch, of the nation building departments entrusted to the care of Hon'ble Minister in charge of Sanitation. The real well-being of our country which has become a hot bed of *kala-azar*, malaria, cholera, phthisis, influenza and small-pox, depends much more on securing better sanitary arrangements than on providing adequate medical arrangements for treating the afflicted. The wisdom of ages has been concentrated in the well known saying 'prevention is better than cure' and in obedience to that principle I suggest that we should not ignore the preventive department while recognising the just claims of the curative or medical department.

In making this statement I trust I shall not be supposed to be minimising the value of the services of the medical profession for whom I have very great respect. Who is not aware of the heavy toll of human lives exacted year after year owing to the inadequacy of arrangements for which somebody is certainly responsible? In combating the ravages of the dreadful epidemic diseases carrying off thousands of lives which are the only national asset for a poor country like Assam, we want the Health Officers to enter into the struggle with the enthusiasm of a missionary and martyr who will not be content with simply performing certain routine duties and to continue the struggle to a finish till their labours and investigations eradicate finally these diseases and make this country a country worth living in, in the same way as the enthusiasm and labours of the sanitary experts have succeeded in the western tracts of the world, in the regions of the Panama Canal and the malaria ridden tracts of Italy. But while we expect the Health Officers to live up to this high ideal, I would be expecting something impossible if I could not convince them that the nation, for whom they are going to fight

and die, is also prepared to stand by them and to do justice to their legitimate claims and grievances. Mere routinism on the part of the Health Department will not avail us much and I am afraid that if the Health Department has any legitimate grievances, it cannot be stirred up,—and it is idle to expect otherwise—to exert itself beyond more routine duties.

The Health Department is a profoundly discontented department and this discontent is not unreasonable. These officers have the same qualifications as the Sub-Assistant Surgeons, being recruited from the same class and in addition they have to acquire additional qualifications which will fit them for the Sanitary Department, but in the estimation of the public, make them unfit for the medical profession. The result is that after retirement, a Sub-Assistant Surgeon commands a big private practice, which along with his pension assures him a comfortable existence whereas the Health Officers are thrown entirely on their pension to live on. In the course of service the Sub-Assistant Surgeons is allowed the benefit of private practice, special allowance for cholera duty if attached to a cholera hospital, jail allowance, hostel allowance, police hospital allowance or itinerating duty allowance and in addition house rent, but the unfortunate Health Officer gets nothing of these but only a fixed sum of Rs. 25 which is far less than an equivalent to the attractions offered to the Sub-Assistant Surgeons. There is no reason why this adverse differential treatment should be meted out to the Health Officers when we are exposing them to the risk of being presumed as failures of the medical profession. I, therefore, most earnestly appeal to the Council to accord a hearty support to this resolution and to sanction the not very considerable grant that will be necessary to give effect to it, in the full confidence that this amount will be repaid to us many times over by the redoubled zeal and exertion on the part of the Health Department and definite and tangible results of their successful administration in the matter of saving human lives in this part of India.

My object is only to equalise as far as possible the prospects of the Sub-Assistant Surgeon and the Health Officer recruited from the same class. There has been a revision in the pay of both these classes of officers, but increment has been given to the Sub-Assistant Surgeons from a date prior to that on which the Health Officers were given increment and thereby branding the latter with inferiority and needlessly creating irritation and disaffection. The Sub-Assistant Surgeons can look up for promotion to Assistant Surgeoncy and thereby share in the prospects of the better class but the Health Officers, I think, will have to remain as Health Officers.

My present resolution, as I have said already, is meant only to equalise the prospects of these classes of officers, and if the scale of pay of the Sub-Assistant Surgeon is again revised for the better in the near future, I shall have again to move a fresh resolution for bringing the scale of pay of the Health Officers on a line with that of the Sub-Assistant Surgeons.

I may assure the Council that I am moving this resolution with a full sense of my responsibility and from a deep conviction of the necessity of equalising the prospects of both these services and I have, therefore, no hesitation in urging the acceptance of this resolution.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, with the consent of my Hon'ble colleague who has not had time enough to study the file and deal with the resolution, I am replying on his behalf. The main point urged by the mover for making a further revision of the scale of pay of the Health

Officers is that they have not the same prospects and emoluments as the Sub-Assistant Surgeons as they are debarred from private practice, and do not get the benefit of certain allowances. In urging the point he is perhaps thinking of only a few Sub-Assistant Surgeons who hold charge of dispensaries at Subdivisional headquarters. There are many Sub-Assistant Surgeons in the moffasil in the employ of Government who, like the Health Officers, have very little or no private practice. Even if they have the privilege I do not think they have the chance. With the Sub-Assistant Surgeons who are in the employ of local boards, the condition is still worse: their pay is smaller and their private practice is almost *nil*. Compared with these the position of the Health Officer is much superior. His scale of pay is always Rs. 25 more than the scale of the pay of Sub-Assistant Surgeons in Government service right up to the selection grade. In the present circumstances of the provincial finances Government do not see their way to accept the resolution. In fact Government do not consider that the Health Officers are at present at all badly treated.

The resolution was then put and negatived.

MAINTENANCE OF MIDDLE ENGLISH SCHOOLS.

RAI BAHADUR AMARNATH ROY:—Sir, the resolution standing in my name involves a question of principle, and I believe the Hon'ble the Minister of Education has hardly had time to examine it. The matter is not urgent and may wait. It will do if I bring it up in February or March. I, therefore, beg leave of the Council to withdraw it.

THE HONBLE THE PRESIDENT :—The question is that the following resolution be withdrawn :—

That this Council recommends that the Government may be pleased to take over from the Local Boards the maintenance of all Middle English schools under them, or, in the alternative, to so modify the second paragraph of rule 184 of the rules framed under the Assam Local Self-Government Act as to permit the Boards to add to the list of Middle English schools maintained or aided by them according to their discretion.

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

INCREASING THE SEATING CAPACITY OF THE SHILLONG GOVERNMENT HIGH SCHOOL BUILDING.

REV. J. J. M. NICHOLS-ROY :—Sir, the resolution which I want to move is this :

That this Council recommends to the Government of Assam that provision be made in the next budget for carrying out the plan of increasing the seating capacity of the building of the Shillong Government High School.

In my last budget speech I mentioned the urgent necessity of increasing the seating capacity of the building of the Shillong Government High School, and I hoped then that Government would make provision during this year to carry out the plan that has already been approved, but I find that I have

hoped in vain. The urgency of the case will be understood from the fact that at present the school does not have a building of its own large enough to accommodate all the classes. The accommodation of the school now is in these buildings :

(1) *The school building.*—In this there are 10 class rooms, and a school hall. These class rooms are small for some of the bigger classes. Seats meant for three boys have frequently to accommodate five. The hall should be free for examination purposes; but it now accommodates Class A (40 boys) together with one, and sometimes two, optional classes.

(2) *The Young Men Christian Association Hall*—a little distance from the main building. This is rented.

(3) *A small building attached to the Fuller Industrial School.*—This frequently has to accommodate as many as three optional classes together.

(4) *A small building beyond the Middle English School, Mawkhar.*—This building is only big enough for one class, but it has to accommodate two.

These buildings are widely scattered, and so supervision cannot be made effective. At each change of periods classes held in the different halls outside the main school building are left for a few minutes with no one in charge, because with the change of period there is a change of teachers and these periods occur 6 times in a day.

The importance of this school can be understood from the fact that this is what may be called the only cosmopolitan School in Assam about 495 scholars of many different tribes—Manipuri, Lushai, Assamese, Bengalee, Khasi, Garo, Cachari, Gurkha, Naga, Anglo-Indian, up-country.

These speak as many as 18 different languages and dialects. The presence of scholars from so many different tribes means many optional classes. This fact intensifies the already difficult problem of accommodation.

The Head Master says: "We have to hold these optional classes anywhere, in the hall, the library, the teachers' common room or anywhere we can."

During the examination time half the school has to be dismissed for want of accommodation.

Sir, I want the Council to understand that this need of accommodation has been realised since 1919 by the Director of Public Instruction himself, and by Sir Beatson Bell, the Chief Commissioner, who, when visiting the school on the 29th of June 1919 said: "The problem of increased accommodation is most pressing and I shall give favourable consideration to any good scheme which is sent up."

In April 1919, Mr. Cunningham, the Director of Public Instruction, remarked in the Inspection Book thus :

"The needs of Shillong High School should be regarded as genuinely urgent, firstly on the ground that the school is more unsatisfactorily accommodated than any of the important Government High Schools in the Province, and secondly because it is situated at the headquarters of the Province, and should be well provided for in every way."

In September 1921 the late Hon'ble Minister of Education, in his inspection remarks said: "I visited the Government High School, Shillong, on the 12th September 1921. This is probably the most interesting of all schools I have hitherto visited, and probably the most neglected. It is a pity that such an useful institution in the headquarters of the Province should have received such scanty attention in the matter of accommodation." Continuing he said. "The need for early solution of this question has been realized from time to time to be pressing, by all who visited the school and it is urgently necessary that if possible something should be done before the opening of the next session. The Director of Public Instruction is requested to be pleased to come to the rescue of this school with the least possible delay and if he can find the money in his budget to begin to solve the problem at once. The urgency of the matter compelled me to deal with this case at some length."

Now, Sir, one more year has passed and nothing has been done. The plan for increasing the accommodation of the school has been prepared and approved by Government since November 1921. I believe, Sir, the Council has realised the urgency of the case, and I hope that the Government will accept this resolution without its being put to the vote of the Council.

MR. J. R. CUNNINGHAM:—Sir, all that Mr. Nichols-Roy has said is unfortunately true. The school is very badly in need of increased accommodation and this has been realized by Government. A project has been framed and it will be financed as soon as funds permit. Beyond this Government can give no undertaking and cannot accept the Resolution. The need is recognized as urgent and it is solely a question of funds. On the question of the nature of the resolution, I would say that it hardly seems suitable to the Council that such a Resolution should be brought before it. It deals with a small matter which is purely of local interest.

REV. J. J. M. NICHOLS-ROY:—In reply, Sir, I may say that I realise that the Government has not put this plan into effect simply for want of funds. I have brought this resolution simply to expedite matters because I know that the necessity of providing sufficient accommodation in the school is great. As for the resolution being of a local nature I must say, Sir, that there are several such resolutions that are of the very same nature. I wish to add that since the Shillong High School is not a High School for Shillong only but for the whole Province of Assam, there being students in the High School from all parts of the Province, therefore the whole of Assam has a claim on the Shillong High School and the Shillong High School has a claim on the whole Province. It is for that reason I have brought forward this resolution. If I had the slightest suspicion that it was merely a local question, which does not concern the rest of the Province then I would certainly have refrained from bringing such a motion before this House. I have brought forward this motion principally to impress on Government the need for early steps. I am sure nobody here would like to see those students who apply for admittance to the School turned away simply on the ground that there is no accommodation for them. It is only about two years ago I think if I remember correctly when about 40 students were so turned away. They were not admitted into the school simply for want of accommodation, if I correctly remember the information given me by the Headmaster. I am open to correction. But if that be true, then I think necessary steps should be taken to give effect to this resolution.

MR. J. R. CUNNINGHAM :—Sir, I want to say that in point of fact the accommodation such as it is suffices for the full number of classes or class sections for which the school is provided. No one has had to be turned away simply because there was not a seat on the benches for him. As I have already said Government have realised the position, and it is now only a question of funds. I cannot say that Government will be in a position to provide the funds this year or next.

REV. J. J. M. NICHOLS-ROY :—I do not want to put this resolution to the vote of the Council, but I would request the Director to enquire from the Head Master whether it was not a fact that some students were not received in to the school simply for want of accommodation. That was my understanding. If this information is true, then I must ask that funds should be provided in the next year's budget to give effect to my resolution. But if what I have stated is not true, then I shall be prepared to withdraw my resolution. If the Director would promise me that he would make this investigation, and after he has so investigated and found the position to be true, then I must ask that this resolution be given effect, to and funds provided in the next year's budget.

MR. J. R. CUNNINGHAM :— Sir, if the Hon'ble Member will not be contented with my word on the subject on the assurance that I am myself in cognisance of the facts, then I shall be prepared to refer the matter to the head master, but I would ask him to accept my statement. It is a fact that the accommodation provided suffices to allow for the full number of sections for which the school is provided and that students have not been turned away merely for want of accommodation.

REV. J. J. M. NICHOLS-ROY :—Well then, Sir, I do not want to press this resolution. I brought this before the Council because I was impressed with the necessity of accommodation. Moreover the Government members who visited the school realised the necessity of providing more accommodation to the school. Well, if the facts are as the Director of Public Instruction says, I will withdraw the resolution, but I again request him to investigate the matter.

MR. J. R. CUNNINGHAM :—I am afraid, Sir, I cannot accept a hypothetical withdrawal.

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

THE ASSAM STUDENTS AND JUVENILE SMOKING BILL 1922.

REV. J. J. M. NICHOLS-ROY :—Sir, I beg to move for leave to introduce the Assam Students and Juvenile Smoking Bill. The reason why I want such a measure as stated in this Bill to be passed in our province for our young people is because of the evil effect of tobacco using upon the mental and the physical constitution of the young. I have, through the knowledge acquired during the last twenty years by the study of the evil effects of tobacco, a very unhappy feeling when I see our young people becoming victims to the habit of smoking which is so detrimental to their physical and intellectual development. I know, Sir, very few have taken time to study this subject and therefore it is not a matter of great surprise if indifference is shown by some in regard to this matter. I hope, Sir, to be able to make such

an impression upon the Members of this Council of the bad effects of tobacco on the constitution of the young people that they will not only have no objection to the introduction of this Bill, but that they will consider the measure proposed is rather too mild. For this purpose I will simply quote some statements of some eminent physicians and public-spirited men in regard to the effect of tobacco upon the young people.

It has been about 12 years since Sir James Meston introduced a Bill in the Imperial Legislative Council for imposing an excise duty on all imported tobacco. Then he saw the evil effect of cigarettes upon the youths of India. In his speech he said :—“The flood of cheap cigarettes and cigarette-tobacco which is pouring into India is bound to have its effect upon the public health of the people and more particularly on the health of the young.” He also said that it was “having its effect” than. Sir, it is alarming to see the spread of tobacco and cigarette smoking among the young people. It is high time for the leaders of the country to wake out of the sleep of indifference and study the bad effects of the tobacco habit upon our young people.

Dr. Overton, M.A., M.D., Sanitary Supervisor, New York State Department of Health, says of tobacco :—“The essential part of tobacco is a strong narcotic poison called nicotine.....It (nicotine) is a powerful poison producing stomach sickness and great weakness of all the cells of the body, especially of the heart. Two or three drops will kill a man.” Speaking of its effects on the body and on the young he says :—“When used continuously the body becomes somewhat accustomed to nicotine, so that it does not produce so great a feeling of sickness. Then instead of producing a feeling of weakness it acts more to benumb the cells and to quiet the body. This is really the first stage of poisoning, although it seems like a stimulation. If a little more tobacco than usual is used the benumbed and pleasant feeling changes to one of sickness as though it were being used for the first time. It always continues to have bad effects upon the muscles, heart, lungs, eyes and brain. Tobacco is especially injurious to young persons hindering their growth and lessening their strength.”

THE HON'BLE THE PRESIDENT :—I would like to draw the Hon'ble Member's attention to Standing Order No. 39 which provides that if a motion for leave to introduce a Bill is opposed the President after permitting if he thinks fit a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate put the question thereon.

REV. J. J. M. NICHOLS-ROY :—Yes, Sir, I shall be brief.

Dr. A. B. Olsen, M.D., D.P.H., in his address in October 1915 delivered to the British Anti-Tobacco and Anti-Narcotic League at Manchester, said :—“The toxic effects of nicotine are more marked upon the immature bodies of the young and the plastic growing nerve cells of the brain and body are also far more susceptible to its blighting influence. Tobacco readily reaches the blood and produces a vitiating effect that may lead to anæmia. In the case of the growing boy who requires the full amount of healthy nourishing blood even a partial anæmia is a serious condition and its effect is to dwarf the growth of the body and stunt the development of the brain.” Then he went on to describe the effects of the experiments of this tobacco habit on the

students of Yale University, and said :—“Some years ago the students of Yale University were divided into three groups :—

- I. Non-smokers,
- II. Smokers for 1 year or more
- and
- III. Irregular users of tobacco.

As regards weight, group I showed an average superiority of ten per cent. over group II, and 66 per cent over members of group III. In height those of group III were found to be 11 per cent. and group II 24 per cent. shorter than members of group I, again comparing boys of the same age. The difference of the girth of the chest was still more marked, group III being 22 per cent. and group II 26·7 per cent. less than group I. But the most marked difference was in vital capacity, group II standing 49·5 per cent. less than group I, in all cases boys of the same age being compared.”

“Dr. Hitchcock of Amherst College found that in the case of non-smokers the weight was 24 per cent. greater, the height 37 per cent., chest girth 42 per cent. and the lung capacity 75 per cent. more than in students of the same age who smoked. What is true of physical development was found to be equally true of intellectual progress and but a very small percentage of those who smoked compared with non-smokers, reached the highest standard of scholarships.”

Dr. J. H. Kellog, M.D., Physician-in-chief and Manager of one of the greatest institutions in America, tells us that tobacco contains many other poisons besides nicotine. He says in his tract on the poisons of tobacco :—“Although the chief poison of the leaf (tobacco) is nicotine, the smoke contains many other poisons.” Professor Bruce Fink in his book on tobacco tells us what Dr. Solly, Surgeon of Saint Thomas Hospital, England, and expert in diseases of the brain and the nervous system, says of smoking :—“I know of no single vice which does so much harm as smoking. It is a snare and a delusion. It soothes the excited nervous system at the time to render it more irritable and feeble ultimately. I have had large experience in brain diseases..... I know of no other cause or agent that so much tends to bring on functional disease, and through this in the end to lead to organic disease of the brain.”

Dr. A. C. Clinton, San Francisco, California, Physician to several boys' schools, says :—“I am often called to prescribe for palpitation of the heart. In 9 cases out of 10 this is caused by the cigarette habit. Cigarette smoking gives boys enlargement of the heart, and it tends them into consumption and to insane asylums. I have seen bright boys turned into dunces, and straightforward, honest boys, made into cowards by cigarette smoking. I am speaking the truth that nearly every physician and teacher knows.”

Dr. D. H. Kress, M.D., said that in 1902, 67 young men who considered themselves in *the pink of health* appeared for examination to enter the Medical Department of the United States Army. Out of these 43, nearly two-thirds, were rejected having what the doctors pronounced *tobacco heart*. Again he says :—“That such a condition exists in our most highly civilised countries is certainly sufficient reason for alarm, and should lead to a careful investigation of its causes with a view of correcting them.” Sir, I can add

many more testimonies of noted men. With all these testimonies of noted men and men of science, of the evil effect of tobacco on the physical and mental constitution of the young, which testimonies can be multiplied a hundred-fold, there is no wonder that in April of 1900 the Japanese Statesman, Hon'ble S. Nemeto, in introducing the Bill in the Japanese Diet prohibiting the use of cigarettes and tobacco in any form by young men under twenty years of age, said :—" If we expect to make this nation superior to the nations of Europe and America we must not allow our youths in common schools, who are to become fathers and mothers of our country in the near future, to smoke. If we desire to cause the light of the nation to shine forth over the world we ought not to follow the example of China and India." He added :—" Recently even children in our common schools have come to smoke cheap imported cigarettes, the consequences of which, we fear, may bring our country down to the miserable condition of countries like China and India, because tobacco like opium contains narcotic poisons which benumb the nervous system and weaken the mental power of children addicted to smoking, and thus give a death blow to the vitality of the nation. Therefore from the standpoint of our national policy we must strictly prohibit the smoking of tobacco by children and young people."

Sir, though the scientific investigation in regard to the evil effect of tobacco has been only of recent years yet the evil effect of tobacco has been recognised in European countries since the first introduction of it into Europe. King James I of England wrote a book "Counterblasts" against tobacco which was meant to stop the use of it. Pope Urban excommunicated from the Church those who used it. The priests of Turkey declared smoking a crime, and Sultan Amuret IV, put smokers to death. In the early part of the seventeenth century the nostrils of smokers were slit open in Russia. In 1861 the Minister of Public Instruction in France issued a circular forbidding the use of tobacco by pupils in the public schools. In 1875 Dr. Albert L. Gibon, Medical Director of the United States Naval Academy, Annapolis Md. succeeded in having the use of tobacco prohibited at the Academy. Now the use of tobacco is prohibited among juveniles in America and England. In the athletic schools in Oxford and Cambridge also smoking is prohibited. In our own land now we have the Punjab Juvenile Smoking Act, and also the Bengal Juvenile Smoking Act. The draft Bill before the Council now is on the same lines as the two Acts, there is very little difference.

Sir, I hope that we realise now the urgent need of such a measure for the good of our young people, hence of our country, and that the Council will give me leave to introduce the Bill. And if I am allowed this privilege I will refer it to a select committee, and therefore the details thereof need not be discussed now.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Sir, as I said the position of the Government is this. They do not oppose the introduction of this Bill and they do not express any opinion on its merits but they reserve to themselves the fullest liberty to oppose it or criticise it at a later stage. As regards permission to refer the Bill to a select committee I am sorry I must oppose that if it is asked for.

BABU KRISHNA SUNDAR DAM :—Sir, I think I should oppose this resolution. I do not mean that no useful purpose will be served by this Bill unless.....

MR. A. J. G. CRESSWELL :—Sir, are we permitted to discuss the provisions of this Bill now ?

THE HON'BLE THE PRESIDENT :—I refer the Hon'ble Members to Standing Order No. 39. There will be no discussion of the Bill at present. The motion is for leave to introduce the Bill.

BABU KRISHNA SUNDAR DAM :—May I suggest, Sir, that the Bill has been already introduced ?

THE HON'BLE THE PRESIDENT :—No. Standing Order 39 says :—
“If a motion for leave to introduce a Bill is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion may without further debate put the question thereon.”

I take it, that the Hon'ble Member wants to oppose the introduction of the Bill.

BABU KRISHNA SUNDAR DAM :—I oppose the introduction of the Bill and on that point I wish to say something. The first thing I should say is that I cannot place too much faith in such legislations. The mover of the Bill has said many things and quoted the opinions of many doctors of Japan, America and elsewhere. But I think on these very grounds I can introduce a Bill against tea drinking and many other kinds of food and drink. Besides, I do not see why the Bill should be called Students and Juvenile Smoking Bill and why it should not be styled Juvenile and Senile Smoking Prevention Act because I for myself believe that if older people are allowed to smoke it will be very difficult for their children not to imitate their example. Besides, the Bill in its scope covers students and all other young people also. But I heard the Hon'ble Rev. Nichols-Roy speaking mainly about students. Now, if the Bill is intended for students alone I think their case may very well be left to the Director of Public Instruction and the Minister of Education and the rules of the Department. But if he means to bring within the purview of this Bill other young people, then I have serious objections to urge against the Bill because I cannot forget for a moment how our village-boys—cowherds and fishermen's children and peasant boys—leave their homes early morning on independent duties or as help-mates of their elders and spend whole day in hard work with no other solace than that of a simple smoke.

MAULAVI MUNAWWARALI :—Sir, I really regret very much that a Bill of this nature should have been opposed at this stage. I think such legislation is urgently required. It has been suggested by our Hon'ble friend Mr. Dam that we should not put very much faith in legislation. If it were so I think there would not have been any necessity for our being in this chamber to-day. We have all assembled here with a view to legislate effectively and that because we have faith in legislation. It has also been argued that if a Bill of this nature were to be introduced a Bill of a similar nature, for example against tea drinking, etc., also might be introduced by him. If we, Sir, cannot do away with all the evils at once, if it is not within our power to do so, can we not at least strive after doing away with them one by one or piecemeal. It is, I think, with a view to this that our Hon'ble friend, Rev. Nichols-Roy has, as a prudent man, introduced this Juvenile Smoking Bill.....

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—I rise to a point of order, Sir. Am I right in understanding that under Order 39 the mover and the opposer may explain their reasons and that is all, and that no further discussion is allowed.

THE HON'BLE THE PRESIDENT :—I think the discretion rests with the President. I do not think it is desirable to have a general debate on the introduction of the Bill. It is not contemplated under Standing Order 39.

MAULAVI MUNAWWARALI :—I am Sir really not entering into a discussion. I am only opposing the opposition.

THE HON'BLE MR. W. J. REID :—The Council, Sir, are in some doubt as to what the exact procedure is. This is the first time that we have a private Bill introduced, and we should be grateful for your ruling.

I am inclined to think that if the motion is merely for leave to introduce the Bill, giving to each member of the Council the fullest right to criticise it afterwards, to press for any modifications of details and so on, at least a large section if not a majority of the Council will accept that motion. But if the acceptance of the motion means that we accept the Bill as it stands, then I cannot help thinking that a good many will vote against it. If it is clearly understood that the motion is only for leave to introduce the Bill, and that at a subsequent stage every provision, every clause may be discussed the position will be considerably clearer. I understood the Hon'ble Minister to say that he did not object to the introduction of the Bill, but that he reserved the fullest right on behalf of Government to criticise it subsequently. I imagine that a good many members find themselves in exactly the same position.

REV. J. J. M. NICHOLS-ROY :—I have only moved for leave to introduce the Bill into the Council. But this does not mean that the Council should receive the Bill as it is. That is the very reason, Sir, why I want to refer it to a Select Committee.

THE HON'BLE THE PRESIDENT :—You can only ask for leave to introduce the Bill at the present stage ?

REV. J. J. M. NICHOLS-ROY :—Yes, that is all I want, Sir.

THE HON'BLE THE PRESIDENT :—The question is that leave be given to introduce the Assam Students and Juvenile Smoking Bill, 1922.

The motion was put and adopted.

REV. J. J. M. NICHOLS-ROY :—Then Sir, I introduce the Bill.

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

REV. J. J. M. NICHOLS-ROY :—Sir, I wanted to refer this Bill to a Select Committee, but I will not do this at present and will reserve this motion until the next Council.

BURIAL OF CARCASSES OF CATTLE OR OTHER DOMESTIC ANIMALS.

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

That this Council recommends to the Government of Assam that the burial of carcasses of cattle or other domestic animals within an area proclaimed to be infected with any cattle epidemic be made compulsory and breaches penalised.

Sir, I need not dwell at length on this point. It is a well known fact that hundreds and thousands of cattle every year are carried away by different pests in the country, and the Veterinary Department also is not equal to the task. That is a well known fact. The few Veterinary Assistants that are posted in every district or subdivision are not enough to do the real work of the Veterinary Department. But at the same time the ignorance of the cultivators also contribute to a great extent to this calamity. They hardly realise that these infectious diseases often aggravate the difficulty and make them incur the loss they sustain every year in the death of their plough-cattle. At the same time they do not get proper veterinary aid when they are in need of it. So, under the circumstances I think some such remedies might be proposed.

It has come to me from one of the Veterinary Assistants who has been posted at Dibrugarh. This year there was a number of deaths of cattle in different places of that subdivision. He found his time and energy almost unequal to the task. He also found that the village people did not understand what measures they were to adopt. The few Veterinary Assistants there could not go from place to place at the desired time and naturally cattle died in hundreds in many villages. So he at last suggested in some tea plantations that these cattle might be buried and that would check the spread of the disease to some extent. That was done by some of the planters, and he told me also that it proved effective. Of course I cannot speak as a veterinary expert, but from what I have heard from him and what has been said to me by the Deputy Commissioner there I believe that this will have some preventive effect. But the village people they are generally ignorant of the nature of the disease and they never believe that infections could be carried from place to place. They have a superstition that these diseases are often the curse of Heaven. Under the circumstances unless some sort of compulsion is resorted to I do not think the matter will much improve. This is a simple remedy, if it is a remedy at all. I think the whole House will agree on this point, that some sort of legislation might be passed by which it will be possible to declare areas reported to be infected by veterinary experts to be infected areas and enforce the burial of the carcasses of animals in those areas and to penalise breaches to some extent. I think in that case there will be some check of that disease at this moment when the Veterinary Department is itself not in a position to cope with the disease properly.

MAULAVI MUNAWWARALI :—Sir, before the discussion is formally entered into I beg the Hon'ble Mover of the resolution to give us an analysis of his resolution, so that the House may know and make up their mind whether to vote for it or not. In the first part of his resolution reference is

made to 'burial of carcases,' and in the second part to 'an area proclaimed to be infected'. Thus there are two parts. Does he want that we should vote for these two? Does he mean that the area infected should be proclaimed first and then that the burial should be enforced?

SRIJUT NILMONI PHUKAN :—Sir, that is exactly what I mean. The area infected should be proclaimed first and after the proclamation the burial of carcases should be made compulsory.

MR. R. N. CHAUDHURI :—Sir, how can I support a resolution of this kind? It recommends a sort of compulsion on certain persons to bury carcases of cattle. Well, Sir, there might be cases where an animal belongs to none and in that case it will be rather hard if anybody is asked to bury the carcases which belongs to none. It is known to Hon'ble Members here that there are so many Brahminical bulls—bulls that are dedicated for the benefit of deceased persons under the Hindu faith—bulls which belong to none. If there be a legislation of this kind any villager might be asked to bury these bulls.

Apart from this illustration, on principle we are opposing this resolution as we are opposed to this legislation because we do not think that legislations of a compulsory nature are desirable. There are so many legislations of that nature. We have got the Indian Penal Code which is exhaustive and so many other regulations of a compulsory nature. If a legislation of this nature is enacted it will be hard for the poor villagers to keep an eye to all these laws and regulations. Such a legislation will not affect the gentlemen who live in towns and cities, where carcases are taken away by municipal servants. In Calcutta a special class of persons (sweepers) are engaged to take away the carcases. So far as I can understand it is impossible for the villagers to engage such men. The only thing if such a legislation is passed will be that the panchayat and chowkidar will go on asking explanations why this or that carcase has not been taken away for burial. We do not like to give further trouble to the villagers who are simpletons. On the other hand, these simpletons really require some protection from the legislators and they should not be troubled too much. They have not very much knowledge of the various kinds of legislation.

Then as to the selection of area. It has been pointed out that we can certainly find some means of selecting areas, and that Government may be asked to proclaim those areas. But then who is to ascertain whether a bull or cow was diseased. First of all we have to ascertain whether a carcase carries infection. I hope that the legislation will be limited to infected carcases, and that carcases that are not infected would not be affected by the contemplated legislation. So, it will be hard again in that case to diagnose whether a particular cow or bullock died of a certain disease in an infected area.

Then as regards the penalising of breaches. The Mover said that breaches should be penalised. Well, we can very well understand what the feelings of the Hon'ble Mover would be if he were the person to be penalised. If penalties become so cheap and so innumerable then it is not worth while living in this world.

However, taking an impartial view of the whole thing I am opposed to a legislation of this kind. We can certainly diminish the number of days of our meetings if we can give up all such ideas of legislation. I hope that will

be the view of many of us here, and in that view I would ask the Mover to withdraw the resolution, and I hope he will do it.

MR. A. J. G. CRESSWELL:—Sir, having lived in the moffasil for a number of years, I feel sure that no one having the welfare of the people at heart can offer any opposition to the suggested legislation. I therefore support the resolution. Naturally there will be a number of complications with which we shall have to contend. In other countries there are provisions whereby once a district has been proclaimed an infected quarter, all carcasses in that particular district must be either burnt or buried. Those of us who have been in the province for many years have often seen a whole herd of village cattle destroyed in a few days merely because the people have been too lazy to destroy the carcass of an animal which has died from anthrax or rinderpest. Presumably there must be members here who personally have sustained very serious loss in this respect either among their horses, cattle or other animals. Our Veterinary Department has advanced in every respect and many of us have at last gained considerable confidence in our Veterinary officers as far as the ordinary epidemics which visit the various districts are concerned. It is impossible of course for our Veterinary officers to be everywhere, but generally speaking when there is an outbreak of rinderpest or some other disease the people now send for the Veterinary officer who comes out and naturally issues instructions to the village authorities to burn the carcasses if possible. Where this has been done—and this to some extent has been done in my district—the people have proclaimed that there has been a considerable diminution of the epidemic. Opposition is likely to be offered in parts of Sylhet as also other parts of the province where in the rainy season it is quite impossible to bury a carcass. But that is only in a small portion of the province. On the other hand there are many places where it is quite possible for every carcass to be destroyed. Personally, one would like to see a law requiring *all* carcasses to be buried or burnt, but that possibly is beyond the question. I therefore support the resolution inasmuch as I take it to mean that some legislation should be undertaken in order to insist on carcasses being either burnt or buried in a district which has been proclaimed as an infected area.

BABU RAMANI MOHAN DAS:—Sir, I am sorry that I cannot accord my support to this resolution as it stands. I do not think that the Hon'ble Mover of the resolution and the Hon'ble supporter who just spoke on the subject intend that the carcasses of cattle or any other animals even in places other than in infected areas should be thrown here and there instead of being burnt or buried. My contention is that whether in an infected area or not the carcass of an animal must be burnt or buried. If compulsion of this nature cannot be made, which may be difficult in places, it is simply impossible to pass a resolution like this and make legislation of this kind.

BABU KRISHNA SUNDAR DAM:—Sir, I am glad to find that the Hon'ble Mover anticipated the objections which are likely to come from the people of Sylhet. As he is very well aware, a large part of the district is submerged during the rainy season, and I ask the Hon'ble Mover of the resolution what is to be done when during rains a cattle epidemic breaks out and cattle die in numbers. There is also an additional difficulty which is this. There are many ryots and small settlement-holders with cattle with small pieces of land which are all cropped or cultivated and who have got no

spare land to bury their dead cattle. Suppose such a ryot or owner loses a cow, well, on whose grounds is he to bury the same? Certainly I shall be the last person to let another person's dead cattle to be buried on my grounds. If such a legislation as has been suggested must be accepted at all, it is certainly necessary also that the Government should acquire land and legislate for setting apart burial grounds for the villages. That is a contingency to be considered if this resolution is going to be accepted. Having regard to the difficulties which are likely to arise in my part of the country, I oppose the resolution.

MAULAVI MUNAWWARALI :—Sir, I really, admire the Hon'ble proposer for the very good sentiments he has expressed just now in moving his resolution. At least I admire him for his goodness of heart, that he wants to see us freed from all sorts of infections that the atmosphere can breed about us. But, Sir, having admired him I cannot resist the temptation of asking him whether before he sent up this resolution he calculated the enormous difficulties that would beset the enforcement of such a legislation. The chief difficulty would be the provision of money. It would involve the maintenance of a very large body of persons to enforce this provision of the law and it would involve the additional difficulty of finding out burial places. Sir, as has just now been rightly pointed out by my Hon'ble friend Mr. Krishna Sundar Dam—and I quite agree with him—that not for the worlds would he give up his land to another man to bury the carcasses of his cattle. I remember, Sir, to have interpellated the Government some time ago about the existence or non-existence of burial places in the municipalities of this province, and the Government afterwards informed me that many of the municipalities were still wanting burial grounds. If it is not possible for municipalities to have burial places for human beings, how much more difficult must it be for the villagers and the country at large to find burial places for the enormous number of cattle that die annually during an epidemic. Further, incidentally but not seriously, I would ask him whether he had at all calculated the national loss that would be incurred inasmuch as the hide business would almost die out because he would bury the whole carcase. Furthermore, there is the question of the bone business—this again, incidentally not seriously, I do not wish to say anything more, but will in all humility and wholeheartedness oppose this motion as suggesting an impracticable measure.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, as has been disclosed in the discussion and realized by the Mover himself the proposal involves legislation. The Director of Agriculture has pointed out that there are some practical difficulties in enforcing a law of the sort suggested if legislation were undertaken. Government, however, have an open mind and though they are not prepared without further examination to accept the resolution they are prepared to agree to have the question fully examined if the discussion on the resolution shows that there is a general demand for such legislation and the Council agrees to accept the resolution.

MAULAVI RASHID ALI LASKAR :—Sir, I had no mind to speak on the resolution but seeing that many serious objections are found to be raised against this resolution I intend to add a few words in support of the resolution. First of all it is suggested that at least no one would allow, or no Hindu would allow, the burial of dead cattle on his land. I say if he is compelled to allow a dead carcase to rot on and be eaten up by ferocious

birds and pollute the neighbourhood for some days I do not see what earthly objection can he have to have it safely buried under the ground. Then again it is said that as several labourers would be required for burying the carcase. If dragging a dead carcase from its shed can be done by someone then it can also be done easily in burying it underground. Then generally we see only one or two cattle first get infected and the ignorant tenants and cultivators do not know what dangerous effect it has and so they let the carcasses rot on and the disease and germs only spread throughout the village and the only capital of the cultivators is swept away in a hurricane so to say. And then to my mind this is the only reason of poverty of the cultivators of the country. Then it has been said that it is against the business policy. I say it would be really a queer business after all if we allow cattle dying by hundreds and thousands because it would be beneficial to the hide and bone business. We should see as far as possible to prevent the infection spreading. Besides, on consultation with some Veterinary Assistant, I understand that they say that it is sometimes through the export of hides of infected cattle that the disease spreads from one place to another. If this is the case it is better that hides, bones and everything should be buried rather than allow this sort of business to be carried on. Then it is asked whether it is a remedy. I think everyone will agree that if it is not the only remedy it is one of the remedies for the prevention of the disease, so I think the Government should kindly take into serious consideration this matter and if possible to legislate for this.

SRIJUT NILMONI PHUKAN :—Sir, first of all I should thank the Hon'ble Minister who has been kind enough to say that he will be prepared to accept the resolution if the House thinks it fit to do so.

THE HON'BLE RAI BAHADUR GHANASYAM BARUA :—Sir, may I be allowed to correct a mistake? I did not say that Government will accept the resolution. I said that the matter shall be fully examined.

SRIJUT NILMONI PHUKAN :—Then excuse me. I misunderstood the Hon'ble Minister. However, I move this resolution on the grounds traversed by my supporters and also the opposers. It is because the poor village people suffer every year in this way due to their ignorance, more to their ignorance than anything else, that I have moved this resolution, and certainly legislation will entail some sort of compulsion. Again, the question has arisen in course of the debate that there will be no suitable grounds for burial of these carcasses. But may I ask the House how these carcasses are disposed of at the present moment? If they are thrown everywhere, in those very places they might be buried. If the carcase of a neighbour's cattle is thrown into my compound, if I allow it to rot there for days together, I should be too glad to permit him to bury it there. If they are disposed of in the rainy season somehow or other that may be done even if the resolution is given effect to. Of course in the Surma Valley there might be some difficulty in the rains, at least more difficulty than in the Brahmaputra Valley. In the Brahmaputra Valley there are ample high lands in each village where even now without legislation people throw the carcasses of the cattle generally. My point is this that if these poor peasants, poor cultivators, are to be protected, are to be helped by their more enlightened brethren, then is it not also our duty to help them in matters where due to their ignorance they have been suffering? It is not cruelty, I think, done to them if this measure is

taken. Rather it will be a blessing to them though they may not welcome it. Again, as regards certain points raised by my friend Hon'ble Mr. Munawwar Ali, I had to say something but that has been ably replied by my friend Mr. Rashid Ali. Exactly, I have made this suggestion not with an eye to commerce or any private business. Rather quite contrary to that. We know how these village people dislike the hide merchants, and we know how these cultivators dislike bone merchants because these bones have been carried away from their fields thousands of miles away. If these carcasses were buried in the fields how they should improve the fields of these cultivators. I think the expert opinion will also be that it will improve the soil if the carcass is buried in the field. So this resolution, if carried, and given effect to, I am sure, will benefit the cultivators to a very large extent, and that will help the Veterinary Department in various ways. Because, if these people once realise that this small legislative measure has improved the situation then they will realise that it is within their own power to check these epidemics to a great extent. So I ask the House in this matter to give their unanimous consent and save the poor cultivators from this difficulty to a great extent.

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

Ayes.	Noes.
1. Mr. J. R. Cunningham.	1. Mr. A. J. Lainé.
2. Maulavi Abdul Khaliq Chaudhuri.	2. Maulavi Abdul Rahim Chaudhuri.
3. Khan Sahib Abdul Latif.	3. Babu Har Kishore Chakrabatti.
4. Srijut Siva Prosad Barua.	4. Mr. R. N. Chaudhuri.
5. Babu Hiralal Bose.	5. Babu Krishna Sundar Dam.
6. Mr. A. J. G. Creswell.	6. Rai Bahadur Bepin Chandra Deb Laskar.
7. Mr. E. W. Hobson.	7. Babu Biraj Mohan Dutta.
8. Mr. A. Moffat.	8. Maulavi Akmal Hussain.
9. Srijut Nilmoni Phukan.	9. Rai Bahadur Manomohan Lahiri.
10. Mr. E. S. Roffey.	10. Maulavi Munawwarali.
11. Maulavi Rashid Ali Laskar.	11. Haji Muhammad Abdul Ahad Chaudhuri.
12. Rev. J. J. M. Nichols-Roy.	12. Khan Bahadur Muhammad Bakht Majumdar.
13. Maulavi Rukunuddin Ahmad.	13. Maulavi Saiyid Nurur Rahman.
14. Raj Kumar Chandra Narayan Singh.	14. Rai Bahadur Amarnath Ray.
15. Mr. W. E. H. Grayburn.	15. Rai Bahadur Nalini Kanta Rai Dastidar.
	16. Munshi Safur Rahman.

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

The Council was then adjourned to Monday, the 11th September 1922, at 11 A.M.

SHILLONG,

The 13th September 1922.

S. E. STINTON,

Offg. Secretary to the Legislative Council, Assam.

