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

The Council met in the Council Chamber at Government House, on Monday, the 6th February 1922, at 11 A.M.

PRESENT:

Khan Bahadur Maulavi Mohibuddin Ahmad, Deputy President in the chair, the Hon'ble the two Members of the Executive Council, the Hon'ble Minister of Local Self-Government and 18 nominated and elected members.

OATH OF OFFICE.

The following members, before taking their seats, made the prescribed oath or affirmation of their allegiance to the Crown :—

1. Mr. E. S. Roffey.

2. Srijut Bepin Chandra Ghose.

Late SRIJUT DHAIRYYA NARAYAN DAS, M.L.C.

THE DEPUTY PRESIDENT :—" I regret to have to report to the Council that, since we last met, we have suffered a sad loss by the death of one of our colleagues. I refer to Srijut Dhairyya Narayan Das, who was elected a member of the Council by the Non-Muhammadan Rural

Constituency of Goalpara. Though representing the Goalpara subdivision, he generally resided at Dibrugarh where he practised as a pleader. He attended the last session of the Council and was taken ill on his way home and died a day or two after his arrival there. He was greatly esteemed both in this Council and in the whole of the Assam Valley on account of his integrity of conduct and his quiet, unassuming demeanour. In this Council his voice was not often heard but he moved resolutions advocating measures for the benefit of his constituency and always followed the proceedings of the Council with great interest. The Council has lost a most useful and hard working member and I am sure that Hon'ble Members will wish that I should cause to be communicated to his nearest relatives an expression of the sympathy of this Council in their loss. I may mention that the Hon'ble President has already sent a message of sympathy and condolence to the widow of the deceased."

THE HON'BLE MR. W. J. REID :—" I am sure, Sir, that the whole Council will associate themselves with the remarks that you have made. Speaking on behalf of Government I should like to endorse what you have said about the services rendered by the deceased member in this Council; and speaking as an old personal friend I should like to add an expression of my personal sympathy.

" I suggest, Sir, that the Council accept your proposal by standing."

The motion was carried unanimously, all present standing.

HIS ROYAL HIGHNESS THE PRINCE OF WALES.

THE DEPUTY PRESIDENT :—" The Council will remember that during our last session we passed a resolution according a hearty welcome to His Royal Highness the Prince of Wales on the occasion of his arrival in India. I have now much pleasure in laying before the Council a message received through the Government of India in the

Foreign and Political Department. It is to the effect that the resolution of welcome has been laid before His Royal Highness who commanded that his thanks should be conveyed to the members of this Council for the loyal message.

PANEL OF CHAIRMEN.

THE DEPUTY PRESIDENT :—" I have now to announce the following names for the Panel of Chairmen for the present session :—

1. Rai Sahib Bipin Chandra Deb Lashkar.

2. Babu Krishna Sundar Dam.

3. Srijut Dalim Chandra Borah.

4. Dr. H. G. Roberts.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

MAULAVI RUKUNUDDIN AHMAD asked :—

Muhammadan ministerial officers.

" 1. Are the Government aware that there is a paucity of Muhammadan ministerial officers in the Deputy Commissioners' offices of the Assam Valley Division ? If so, will the Government be pleased to consider favourably the claims of suitable Muhammadan candidates when vacancy occurs ?

Pay of clerks of Deputy Commissioners' offices.

" 2. Will the Government be pleased to consider the advisability of revising the scale of pay of clerks of the Deputy Commissioners' offices according to the scale below :—

" Rs. 60—5—100—10—130 with efficiency bar at Rs. 100 ? "

THE HON'BLE MR. W. J. REID replied :—

"1.—The answer is in the negative. The information in the possession of the Government shows that the number of ministerial appointments held by Muhammadans in the offices of the Commissioner, Assam Valley Division, and the Deputy Commissioners of the Assam Valley Division is in excess of that to which they would be entitled were the number in proportion to the strength of the Muhammadan population.

"2.—The Hon'ble Member's attention is invited to the answers given to questions 6 and 7 (*a*) and (*b*) asked by Babu Ramani Mohan Das at the September session of the Council."

MAULAVI RUKUNUDDIN AHMAD asked :—

Kala-azar hospital at Sari-ali.

"3. (*a*) Are the Government aware that a *kala-azar* hospital has been established at Sari-ali (Dapdor mauza) of Sibsagar subdivision near a Masjid and in the midst of a populous centre? If so, will the Government be pleased to consider the advisability of removing the hospital to a suitable place?

"(*b*) Is it a fact that representations were made by the people of Sari-ali and of the neighbouring villages of Sibsagar subdivision objecting to the establishment of the *kala-azar* hospital near a masjid and in the midst of a populous centre? If so, will the Government be pleased to state what steps, if any, have been taken by the Government?

Muhammadan Boarding House at Golaghat.

"4. With reference to the answers given to question No. 1(*c*) asked by Srijut Siva Prasad Barua at the Council meeting of the 30th March 1921, and to my question No. 7 asked at the Council meeting of the 19th September 1921, regarding the construction of Muhammadan Boarding Houses at Golaghat and Sibsagar, will the Government be pleased to lay on the table the reports of the Inspector of Schools, if received?

Muhammadan candidates for Subordinate Educational Service.

"5. Will the Government be pleased to lay on the table the names of the Muhammadan candidates applying for appointment in the Subordinate Educational Service from the Assam Valley Division for the last three years, showing how many of them have got permanent appointments?"

MR. A. R. EDWARDS replied :—

" 3. (*a*)—The institution in question is not a hospital but an outdoor dispensary and no *kala-azar* patients live in it. It is believed that no harm can result from it to frequenters of the Masjid or to residents in the vicinity.

" (*b*)—A combined representation was made to the Subdivisional Officer, Sibsagar. He explained the position and it is reported that those concerned were satisfied.

" 4.—The reports have been received, and action has been taken upon them. Allotments have been made for the construction of the hostels referred to.

" The form of the reports renders it inconvenient to print them for the table ; nor, as action has been taken, would any useful purpose be served thereby. They will however be open to the Hon'ble Member's inspection, should he desire to see them, in the office of the Director of Public Instruction.

" 5.—Government regret that they cannot furnish the particulars required. No special record of applications is kept. To answer the question it would be necessary to make an examination into the appointments files for the period. As the Muhammadans of the Assam Valley have their full share of the appointments in the Subordinate Educational Service due to their community under the circular orders in regard to the proportionate representation of communities in the Public Services, such an examination could serve no useful purpose."

MAULAVI RUKUNUDDIN AHMAD asked :—

" 6. Are the Government aware that great inconvenience is felt by the third-class passengers of the Assam-Bengal Railway owing to the issue of tickets just before the arrival of the trains? If so, will the Government be pleased to move the Assam-Bengal Railway authorities to see that tickets are issued at least half an hour before the arrival of the passenger trains?

3rd-class passengers of the Assam-Bengal Railway.

" 7. Will the Government be pleased to move the Railway authorities to enforce the system of through booking of passengers and luggages from Jorhat Provincial Railway to foreign Railways?"

Introduction of through booking system from Jorhat Provincial Railway to foreign Railways.

MR. A. W. BOTHAM replied :—

"6.—The Government are not aware that any great inconvenience is felt on this particular Railway as distinct from other railways; and in this connection the Hon'ble Member's attention is invited to the reply given to a similar question asked by Rai Bahadur Pandit Jawahar Lal Bhargava in the Legislative Assembly during the session of September 1921 a copy of which is placed below.

"'Copy of question No. 633, dated the 26th September 1921, asked by Rai Bahadur Pandit Jawahar Lal Bhargava in the Legislative Assembly during the session of September 1921 :—

"'Are the Government aware that the booking office windows at the railway stations are opened only a short time before the trains are timed to arrive or start?'

"'Reply by Colonel W. D. Waghorn, President, Railway Board :—

"'So far as Government are aware, arrangements for continuous booking exist at all the more important stations of the principal railways, and at others ample time is given to passengers to enable them to purchase tickets before the departure of trains.

"'The importance of this matter has already been brought to the notice of Railway Administrations.'

"7.—As the coaching receipts of the passenger traffic on the Jorhat Provincial Railway are insufficient to justify the extra expenditure which the through booking of passengers would involve, the Government regret they are unable to enforce the system proposed by the Hon'ble Member."

RAI SAHIB BIPIN CHANDRA DEB LASKAR asked :—

Number of posts held by natives, domiciled and persons of other districts in various departments in a district.

"1. (*a*) Will the Government be pleased to state how many posts of clerks, muharrirs and officers there are in each district of the province department by department, *e.g.*, Deputy Commissioner's Criminal and Revenue office, Civil office, Subdivisional Officer's office, Forest, Medical, Veterinary, Public Works Department, Police Tahashil, Registration, etc?

"(*b*) Will the Government be pleased to state out of the posts in a district how many occupied by the *bona fide* native of the district, how many by domiciled of the district and how many by persons of other districts?"

THE HON'BLE MR. W. J. REID replied:—

"1. (*a*) and (*b*)—The compilation of the information for which the Hon'ble Member asks would be very troublesome. If he wishes to know about any particular office, enquiries will be made and the result communicated. The orders in force require that vacancies in district offices should as far as possible be filled by the appointment of natives of the district."

RAI SAHIB BIPIN CHANDRA DEB LASKAR asked:—

"2.—Will the Government be pleased to supply with a copy of the quarterly Civil List to each of the members of the Council like other reports and *Assam Gazette*?"

Supply of quarterly Civil List to Council Members.

MR. A. W. BOTHAM replied:—

"2. Government regret that they are unable to comply with this suggestion.

"The expense would be considerable, and in view of the high cost of paper every attempt is being made to reduce free issue of Government publications."

KHAN BAHADUR MUHAMMAD BAKHT MAZUMDAR asked:—

"1. (*a*) Will the Government be pleased to lay on the table a copy of the rules relating to the grant of casual leave to Government officers?

Rules relating to grant of casual leave.

"(*b*) Is it a fact that the casual leave is not granted to the officers in continuation of gazetted holidays? If so, will the Government be pleased to modify the rules and allow their officers casual leave for ten working days?"

MR. A. W. BOTHAM replied:—

"1. (*a*)—A copy of the rules* is laid on the table.

"(*b*)—The rules give Commissioners and Heads of Departments a discretion in the matter of allowing casual leave in continuation of gazetted holidays, and Government do not consider that any modification is required."

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* Appendix A.

KHAN BAHADUR MUHAMMAD BAKHT MAZUMDAR asked :—

Private tuition by teachers in charge of hostels.

"2. (a) Is it a fact that the privilege of private tuition (outside the school hours) is not allowed to school masters placed in charge of hostels?

"(b) If so, will the Government take into consideration the cases of these teachers and allow them the same privilege as other teachers?

Head Maulavship of Karimganj High School.

"3. (a) Will the Government be pleased to state the reasons why the post of Head Maulavi of Karimganj Government High School has not yet been raised to the Subordinate Educational Service?

"(b) Is it in contemplation of Government to create a post in the same service for the Maulavi at present or in the near future?

"(c) Is there any Head Maulavi in the Surma Valley High schools placed in the ungraded Education Service?"

MR. A. R. EDWARDS replied :—

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

"(b)—The answer is in the negative. Their hostel duties, for which they are specially remunerated, are incompatible with the teachers concerned undertaking the work of private tuition.

"3. (a)—When the post was originally created it was placed in the ungraded service like the posts held by other classical masters unqualified in English. The reason for the retention of the post in the ungraded service is that it is still occupied by an incumbent who is not qualified in English.

"(b)—The post will be transferred to the graded service when it is occupied by an incumbent who has qualified himself in English as well as in the Islamic languages.

"The Hon'ble Member will find full particulars on the subject of his question in the rules issued with Notification No. 4898-E., dated 18th November 1916.

"(c)—The Head Maulavi of Karimganj Government High School is the only Head Maulavi in a Government High School in the Surma Valley who is still in the ungraded service."

MAULAVI ABDUL KHALIQUE CHAUDHURI asked:—

"1. Will the Government be pleased to lay on the table a statement showing the names of the members of the Maulvi Bazar Government High School Committee and the dates of their appointments to it and the number of meetings each of them attended every year? (This question was asked at the Council meeting held on the 28th September 1921.)

Maulvi Bazar High School Committees.

"2. (*a*) Is it a fact that the residents of Kamalganj thana have submitted a memorial to the Government for the establishment of a Rural Sub-Registry office at Kamalganj in the South Sylhet subdivision? If so:

Establishment of a Rural Sub-Registry office at Kamalganj.

"(*b*) Will the Government be pleased to state what steps, if any, are being taken in the matter?

"3. Is it a fact that Government have sanctioned the opening of Kazi's office at Kamalganj in the South Sylhet subdivision?

Opening of a Kazi's office at Kamalganj.

"4. (*a*) Is it a fact that want of openings in employments of Madrasa-passed candidates is mainly responsible for the fall in roll of the Sylhet Senior Madrasa?

Reservation of certain appointment for Madrasa passed candidates.

"(*b*) Will the Government please make some reservation of appointments in favour of Madrasa-passed candidates for which they are considered qualified and eligible?

"5. Will the Government please state when it is intended to open high school classes in the Sylhet Madrasa?"

Opening of High School classes in Sylhet Madrasa.

ASSAM LEGISLATIVE COUNCIL
15 FEB 1923.
GOVERNMENT OF ASSAM.

MR. A. R. EDWARDS replied :—

"1.—A statement giving the necessary particulars is laid on the table :—

"Statement referred to in supplementary reply to question No. 1(a) asked by Maulavi Abdul Khalique Chaudhury at the September session of the Council meeting.

No.	Name.	Date of appointment.	Number of meeting held, 1914.	Number of meeting attended, 1914.	Number of meeting held, 1915.	Number of meeting attended, 1915.	Number of meeting held, 1916.	Number of meeting attended, 1916.	Number of meeting held, 1917.	Number of meeting attended, 1917.	Number of meeting held, 1918.	Number of meeting attended, 1918.	Number of meeting held, 1919.	Number of meeting attended, 1919.	Number of meeting held, 1920.	Number of meeting attended, 1920.	Number of meeting held, 1921.	Number of meeting attended up to date.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Subdivisional Officer, South Sylhet ...	1st April 1914 ...	1	...	10	7	9	6	6	3	9	2	4	3	8	7	6	3
2	Inspector of Schools, Surma Valley and Hill Division.	1st April 1914 ...	1	...	10	...	9	6	6	...	9	...	4	...	8	...	6	...
3	Assistant Inspector of Schools, Surma Valley and Hill Division.	1st April 1914 ...	1	...	10	...	9	6	6	...	9	...	4	...	8	...	6	...
4	Headmaster	1st April 1914 ...	1	1	10	10	9	9	6	6	9	9	4	4	8	8	6	6
5	Deputy Inspector of Schools, South Sylhet	27th January 1915 ...	...	...	10	7	9	5	6	4	9	7	4	1	8	3	6	4
6	Senior Munsif, Maulvi Bazar	15th February 1915 ...	...	...	10	6	9	4	6	4	9	...	4	3	8	7	6	6
7	Assistant Headmaster	9th June 1917 ...	...	...	...	...	...	...	6	3	9	8	4	3	8	8	6	6
8	Khan Sahib Ala Uddin Ahmad Choudhury	2nd November 1914 ...	1	1	10	9	9	8	6	5	9	8	4	3	8	5	6	3
9	Babu Ishan Chandra Kar	2nd November 1914 ...	1	1	10	8	9	8	6	5	9	8	4	3	8	5	6	6

"2. (*a*)—Yes.

"(*b*)—Enquiries are being made in the matter.

"3.—The answer is in the negative.

"4. (*a*)—The answer is in the negative. Government are informed that the reasons for the decline in the enrolment are mainly political.

"(*b*)—Government regret that they cannot make any special reservation of appointments on behalf of Madrasa-passed candidates.

"5.—Government are not in a position to say when they will open high school classes in the Sylhet Madrasa. Further consideration of this question must await the return of better times."

SRIJUT BISHNU CHARAN BORAH asked :—

"1. Will the Government be pleased to introduce at an early date some special rules and regulations concerning the treatment of political prisoners similar to those promulgated by the Government of Bihar and Orissa ?" Political prisoners.

THE HON'BLE MR. A. MAJID replied :—

"1.—A reference is invited to the reply given to question on this subject asked by Babu Krishna Sundar Dam at this session."

SRIJUT BISHNU CHARAN BORAH asked :—

"2. Will the Government be pleased to state the proportion of *bona fide* Assamese in the Assam Civil Service and the Provincial Executive Service recruited in December 1921 ? Recruitment of assamese. in the Assam Civil Service.

"3. In view of the acceptance by the Government of India and also by the Government of Assam of the recommendation made by the Public Services Commission that the practice of promoting from ministerial establishments to the Provincial Civil Service should be abandoned, will the Government be pleased to say why an exception was made very lately in the case of the appointment of the present Personal Assistant to the Commissioner, Assam Valley Division ? Promotion from ministerial establishment to Provincial Civil Service.

"4. (*a*) Will the Government be pleased to state the total number of posts of Superintendents of Excise (*a*) in the Assam Valley and (*b*) in the Surma Valley, and (*c*) how many of these posts are filled up by *bona fide* Assamese ? Superintendent of Excise.

"(b) Is it a fact that the Superintendent of Excise, Lakhimpur district, is going to retire early? If so, will the Government be pleased to fill up the vacancy by appointing a qualified *bona fide* Assamese in his place?

Opium lessees.

"5. Will the Government be pleased to say what consideration has been made with a view to compensate the opium lessees for the loss sustained by them during the beginning of the year as assured by the Chief Secretary in reply to a question put on the subject in the last Council meeting?

Waiting room at Nowgong Railway station.

"6. Has the attention of the Government been drawn to the fact that there is no waiting room at the Nowgong station of the Chaparmukh-Silghat Railway even for ladies travelling in the 1st and 2nd classes? Will the Government be pleased to move the Railway authorities for the construction of a waiting room?"

MR. A. W. BOTHAM replied :—

"2.—The percentage is 33·33 in the case of the Assam Civil Service and 37·5 in that of the Subordinate Executive Service.

"3.—Whilst generally approving the recommendation quoted by the Hon'ble Member the Government of India decided to leave to Local Governments discretion to make exceptions in individual cases on the executive side. The particular promotion referred to was made for special reasons and in accordance with the recommendation of the Public Services Commission that officers of the subordinate services who are actually performing the duties ordinarily performed by the provincial services should be raised to the status of the latter. The posts of Personal Assistants to the Divisional Commissioners are borne on the cadre of the Assam Civil Service.

"4. (a)—There are eight posts of Superintendents of Excise, two of which are for the Surma Valley and six for the Assam Valley. Three posts are held by Assamese.

"(b)—The officer named will retire in due course, but no decision whether the vacancy will be filled by direct recruitment or by promotion from the Subordinate Excise Service has been arrived at. The claims of the Assamese community will as always receive due consideration, but fitness for the post and in the case of appointment by promotion, seniority must be taken into account.

"5.—In most districts the 'vend fee' system was introduced at the beginning of the year and there was no question of loss. Elsewhere suitable remissions were granted when recommended by the local officers.

"6.—Government are aware that there is no waiting room at Nowgong. The Hon'ble Member is referred to the answer given to a similar question asked by him at the Council Meeting of the 21st March. The matter will be referred to the Railway authority."

SRIJUT DALIM CHANDRA BORAH asked :—

"1. Will the Government be pleased to state if it has given effect to the resolution adopted by the Council in the last session of the Assam Legislative Council regarding the alteration of *kist* dates as published in the *Assam Gazette* of 19th October 1921, page 853 ? *Kist* date.

"If so, in what way has effect been given to the same ?"

THE HON'BLE MR. W. J. REID replied :—

"1.—There was no discussion on the resolution, and no attempt was made in response to the invitation of the Government to show that present *kist* dates were unsuitable or pressed hardly on the *raiyats*. In these circumstances the Government do not propose to take any action. Their invitation remains open."

SRIJUT DALIM CHANDRA BORAH asked :—

"2. (*a*) Will the Government be pleased to state if the situation at Boko has improved since the appointment of punitive police in that locality ? Punitive Police at Boko.

"(*b*) Have the Government realised or attempted to realise the cost of the punitive police at Boko from the residents of the locality ?

"(*c*) What measures the Government have adopted or propose to adopt for realisation of cost for the aforesaid punitive police force ?

"(*d*) What is the estimated cost of the punitive police force at Boko ?

"3. (*a*) Will the Government be pleased to state if the non-co-operator political offenders (prisoners) are treated by the Jail Authority in the same way as the ordinary convicts in respect of food, clothing, and lodging, and also in respect of task assigned to the prisoners sentenced to rigorous imprisonment ? Non-co-operator political prisoners.

"(*b*) If the political offenders are treated by the Jail Authority according to their rank and position in the society, will the Government be pleased to state the difference of treatment between them and the ordinary convicts in reference to matter mentioned in question 6(*a*) ?

"(*c*) Will the Government be pleased to state if it has made any provision for the political prisoners the opportunity for observance of their religious rites according to custom of different sects and communities ?

"(*d*) If so, will the Government be pleased to state the nature of provision made for such performances of religious rites ?"

THE HON'BLE MR. A. MAJID replied :—

"2. (*a*)—The situation is improving.

"(*b*) and (*c*)—The cost of the additional police is under process of realization.

"(*d*)—Approximately Rs. 6,000.

"3. (*a*) and (*b*)—Full information regarding the treatment of this class of prisoners has been given in reply to questions asked by Babu Krishna Sundar Dam at this session.

"(*c*) and (*d*) - Reasonable facilities for the observance of religious rites are allowed to prisoners of all classes. Briefly, interference with the religion or caste projudices of the prisoners is prohibited and they are permitted to perform their devotions at suitable times and in suitable places.

"Detailed instructions on the subject are to be found in the Assam Jail Manual."

REV. J. J. M. NICHOLS-ROY asked :—

Opium.

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

"(*i*) The number of opium consumers recorded in the whole of Assam, district by district ?

"(*ii*) The amount of opium consumed by the number of consumers recorded in each district, district by district ?

"(*b*) Do the Government propose to restrict the sale of opium only to the number of consumers recorded ?

"(c) Do the Government propose to issue only such amount of opium as was found by the recording of last year to be consumed by the number of consumers recorded ?

"(d) Will the Government be pleased to state what decrease there has been in the *sale* of opium and in the *revenue* from opium from the commencement of the recording of the names of opium consumers up to the present time ?

"2. (a) Will the Government be pleased to state whether they have received any petition from the women of Khasi and Jaintia Hills to abolish the liquor traffic ? Liquor traffic.

"(b) If the answer to question (a) be in the affirmative, will the Government be pleased to lay on the table that petition, and to state the number of persons who signed that petition ?

"(c) Will the Government be pleased to state what reply was given to the said petition ?"

MR. A. W. BOTHAM replied :—

"1. (a)—The information is not available.

"(b) and (c)—It is impossible at the moment to give definite replies. The attention of the Hon'ble Member is invited to the Resolution issued by Government on the 23rd May 1921.

"(d)—The information is not available. The effects on the sale of opium of the recording of the names of consumers will be made known in due course.

"2.—The attention of the Hon'ble Member is invited to the answer given to a question asked by him at the September session of this Council. No subsequent petition on the subject has been received."

BABU KRISHNA SUNDAR DAM asked :—

"1. Will the Government be pleased to publish the results of their promised enquiry into the alleged Gurkha outrages in connection with certain incidents in the vicinity of the Kalagool Tea Estate in Sylhet as brought to the notice of the Government during the last September session of the Council ?" Gurkha outrages in Kalagool Tea Estate.

MR. A. W. BOTHAM replied :—

"1.—A departmental enquiry has been held by the Inspector General of Police and Government will shortly announce their conclusions."

BABU KRISHNA SUNDAR DAM asked :—

Political prisoners.

"2. Will the Government be pleased to state whether, and if so, what, rules and instructions have been framed and observed for a differential treatment of the political prisoners in the matter of their diet, accommodation, and disciplinary treatment in jail on a different principle from that applicable to the ordinary prisoners?

"3. Has the attention of the Government been drawn to the rules and instructions framed and issued by the Bengal and Bihar Governments for the treatment of the political prisoners in the said provinces and will the Government be pleased to state their reasons for not yet adopting the same *mutatis mutandis*?

Resignation tendered by police constables and other Government officers in connection with non-co-operation movement.

"4. Is it a fact that a number of police constables and other Government officers in the province have resigned their posts in consequence of the non-co-operation movement? If so, will the Government be pleased to give a precise statement of such resignations tendered during the three months ending 12th January 1922?"

THE HON'BLE MR. A. MAJID replied :—

"2.—A copy * of the observations and instructions and of a communiqué issued on the subject are laid on the table.

"3.—Yes. This Government carefully considered the rules and instructions issued by the Bengal and Bihar Governments. Instructions issued by this Government are suitable to the conditions and requirements of this province.

"4.—The Hon'ble Member is referred to the reply given to question No. 2 put by Rai Bahadur Promode Chandra Dutta at the meeting of the 19th September 1921. The number of resignations in consequence of the non-co-operation movement has not been considerable."

* Appendix B.

MAULAVI MUNAWWARALI asked :—

"1. Will Government please state how much has been done towards giving effect to the following resolutions adopted in the last session of the Council ? Effect on certain resolutions.

"(*i*) Resolution regarding separation of Judicial and Executive functions.

"(*ii*) Resolution regarding recruitment of District and Sessions Judges, etc., from the members of the Bars (of this province).

"2. Are Government aware—

"(*a*) That a court Sub-Inspector's or a Court Inspector's knowledge of law hardly fits him for a public prosecutor ?

"(*b*) That on that account both Government and public interests often greatly suffer ?

"(*c*) That public generally have not full confidence in them ?

"(*d*) That public do not favour the existence of Sub-Inspectors or Inspectors of Police as public prosecutors ?

"(*e*) That the general public opinion is that they should be replaced by suitable members of the legal profession who will do the work much better and at less cost ?

"(*f*) That in certain districts of Bengal the system of Police Sub-Inspectors or Inspectors acting as public prosecutors has been abolished and members of legal profession employed in their places ?

"3. Will the Assam Government please abolish the system of Police Sub-Inspectors or Inspectors acting as public prosecutors and employ suitable members of pleaders' or mukhtears' bars to act as public prosecutors in their places ?

"4. (*a*) Are Government aware that according to Muhammadan religion each Moslem must clothe himself at least up to a little below the knee ? Muhammadan prisoners' dress.

"(*b*) Are Government also aware that the sight of a Moslem prisoner, a police, or a military with his knees uncovered is painful to the religious susceptibilities of an orthodox Musalman ?

"(*c*) Will Government please do the needful in this direction as early as possible ?"

THE HON'BLE MR. A. MAJID replied :—

"1. (i)—The Commissioners have been asked in consultation with the Judges to advise how far it may be practicable to give effect to the Resolution and to formulate a scheme for their Divisions.

"(ii)—This Government are in correspondence on the subject with the Government of Bengal from whose judicial cadre the posts in question are filled.

"2. (*a*), (*b*), (*c*), (*d*) *and* (*e*)—Government are not aware that this is the case.

"(*f*)—Government have no information.

"3.—The Hon'ble Member is referred to the replies given to questions Nos. 9 and 10 asked by Maulavi Saiyid Nurur Rahman at the Council Meeting held on September 27th, 1921. Government do not propose to adopt the course of action suggested.

"4.—As regards Muhammadan prisoners the question raised by the Hon'ble Member came up for the consideration of the Assam Administration in the year 1917. The Chief Commissioner being advised that provided that *Jungiah* covers the knees, the present jail clothing fulfils the requirements of the Muhammadan regulations, had orders issued to the effect that the *Jungiahs* provided for Muhammadan prisoners should be sufficiently long to cover the knee. The regulations as to police uniform are the same as those in force in Bengal and no objection has ever been raised by the wearers, while military uniform is prescribed by the Army Department and is not subject to alteration by this Government. Government are not satisfied that there is any cause for interference and are not prepared to take action in the matter."

MAULAVI MUNAWWARALI asked :—

Revision of Forest Regulation.

"5. (*a*) Are Government aware that the Forest Laws and Regulations now in force are considered to be too rigorous by the bulk of the population ?

"(*b*) Is it in the contemplation of Government to revise Forest Laws and Regulations ?

"(*c*) If not, will Government please take to investigating into the subject immediately ?

"6. (*a*) Are Government aware that the existing Assam Revenue Manual and Rules are in many places cumbrous, defective, unintelligible, incomplete and vague? Revision of Assam Revenue Laws.

"(*b*) Is it in the contemplation of the Government to revise the Assam Revenue Laws and Rules and make them as free from defects as possible?

"(*c*) If not, will Government please do so at an early date?"

THE HON'BLE MR. W. J. REID replied :—

"5. (*a*)—The question is somewhat indefinite. The Government are not aware that there is general discontent of the nature indicated.

"(*b*) *and* (*c*)—Government do not contemplate the revision of the Assam Forest Regulation. The rules issued under the Regulation are revised from time to time as occasion arises. The rules under certain sections are actually under revision.

"6.—It is realised that the Assam Land Revenue Manual is susceptible of improvement in some respects. The Manual is now under revision by Mr. J. Hezlett, I.C.S., and that officer will be glad to receive specific suggestions from the Hon'ble Member."

RAI SAHIB PADMANATH GOHAIN BARUA asked :—

"1. Are the Government aware of a memorial of Babu Sarat Chandra Das Gupta, M.B., a temporary Assistant Surgeon at North Lakhimpur, submitted to His Excellency the Governor and the Minister, Assam, on the 25th February 1921? Memorial of Babu Sarat Chandra Das Gupta.

"If so, will the Government be pleased to state what action, if any, is being taken on it, or how it was disposed of?

"2. Has the attention of the Government been drawn to the Resolutions Nos. 1 to 6 adopted at the North Lakhimpur Teachers' Conference held on the 19th November 1921, the proceedings of which were published in the *Assam Banti* in its issue of the 25th December 1921? North Lakhimpur Teachers' Conference.

"If so, will the Government be pleased to state what steps, if any, they propose to take in the matter?"

MR. A. R. EDWARDS replied:—

"1.—The reply to first part of the question is in the affirmative. Government fully considered the case of temporary Civil Assistant Surgeon Babu Sarat Chandra Das Gupta. He is not a native of the Province and accepted employment here on the distinct understanding that it was temporary. He clearly has no claim to be made permanent and his memorial was rejected.

"2.—The answer is in the negative."

BABU RAMANI MOHAN DAS asked:—

Deputy Superintendent of Police.

"1. (*a*) With reference to the answer to the question No. 4 (question and answer published in the *Assam Gazette* of October 19, 1921, page 843) (asked by me in the last Legislative Council regarding memorials submitted by the Deputy Superintendent of Police, Assam), will the Government be pleased to state when the order of the Local Government will be announced?

"(*b*) Is it a fact that the memorials of the Assistant Superintendents of Police were disposed of in August and their revised scale of pay has been sanctioned with effect from the 30th April 1921?

"(*c*) With reference to question No. 4(*c*) asked by Babu Biraj Mohan Datta in the same Council (*vide* Gazette of October 19, 1921, page 833) regarding the grant of a lump sum to Deputy Superintendents for the purchase of uniforms, have the Government arrived at any decision? Is it a fact that the Deputy Superintendents of Police are required to purchase the same uniforms as are required by Assistant Superintendents of Police and the cost of uniforms are same?

"(*d*) Is it a fact that the members of the Provincial Excise Service (Superintendents of Excise) have been given first-class travelling allowance with effect from 1st September last? Will the Government be pleased to state what orders have been passed on the memorials of Deputy Superintendents of Police on the subject of travelling allowance?

"(*e*) Has the attention of the Government been drawn to the resolutions passed at a meeting of the police officers in Sylhet on the 23rd November 1921? If so, what action has been taken thereon.?"

THE HON'BLE MR. A. MAJID replied :—

" 1. (*a*)—Government have refrained from passing orders as they are awaiting the recommendations of the Retrenchment Committee regarding these officers and information about the scale of pay adopted in other provinces.

" (*b*)—The reply is in the affirmative. The revised rates of pay for the Indian Police Service were sanctioned by the Secretary of State.

" (*c*)—It is presumed that the Hon'ble Member refers to question No. 5(*d*) asked by Babu Biraj Mohan Dutta and the reply given thereto. The matter is still under the consideration of Government. It is not compulsory for a Deputy Superintendent of Police to purchase a full set of uniform as required by an Assistant Superintendent of Police, the purchase of great coat, overcoat, full dress and mess dress being optional in the case of the former.

" (*d*)—Yes. The question of the travelling allowance of Deputy Superintendents of Police is under the consideration of Government. Under the existing rules Deputy Superintendents of Police whose pay exceeds Rs. 500 per mensem are permitted to draw travelling allowance at 1st-class rates. Others draw at 2nd class-rates, as in Bengal.

" (*e*)—Yes. The question of the travelling allowance of Deputy Superintendents of Police and that of the pay of Inspectors are under the consideration of Government. Orders have recently been issued with regard to the proposal for the formation of an association of Police officers."

BABU RAMANI MOHAN DAS asked :—

" 2. Will the Government be pleased to state—

Pay of Subordinate Educational Service.

" (*a*) Whether any action is being taken for the improvement on the present scales of pay of the Subordinate Educational Service ?

" (*b*) (*i*) Is it a fact that the service is now being reorganised with a starting pay of Rs. 75 ; if so, (*ii*) will the Government be pleased to lay on the table a statement showing the different scales of pay of the service ?

"(*c*) If the Government propose to offer the proportionate increments, *viz.*, 50 per cent., to all the members or only to those of class I of the service in the event of the minimum pay of the service being raised from Rs. 50 to Rs. 75 ?

"(*d*) Will the re-organisation, if any, take effect from the 1st April 1921 as was proposed for the ungraded Educational Service ?

Filling up of vacancy in Subordinate Educational Service.

"3. Is it a fact that a vacancy in class II of the Subordinate Educational Service is filled up by an officer of class I only ?

"If so, can a member of the teaching staff fill up a vacancy in inspectorate of class II and *vice versa* ?

"4. If the answer to the 3rd question be in the affirmative, will the Government be pleased to state whether these graduate teachers who are serving in special institutions such as Normal Schools and the Government Madrasa at Sylhet where there are no posts of Heal Masters and Assistant Head Masters can be given the privilege of transfer to High Schools or the inspectorate or of promotion to class II wherever opportunity occurs ?

"If not, will the Government please consider the desirability of placing them on some special scales of pay ?

Lower and Upper Primary School teachers.

"5. Will the Government be pleased to state what increments the Government propose to give in case of Lower Primary and Upper Primary School teachers, and when this will be carried into effect ? Will this have any retrospective effect ?"

MR. A. R. EDWARDS replied :—

"2.—No action is being taken by Government for the improvement of the pay of the Subordinate Educational Service.

"3.—Ordinarily this would be the case.

"The answer to the second part of the question is in the affirmative.

"4.—The answer is in the affirmative.

" 5.—Grants have been given to Local Bodies to enable them to raise by approximately 20 per cent., with effect from 1st April 1921, the pay of all teachers serving in vernacular schools under their management. A condition is that the minimum pay which is at persent Rs. 8 shall hereafter be Rs. 12 a month."

BABU RAMANI MOHAN DAS asked :—

Incident at Mantala Railway Station.

" 6. (*a*) Are the Government aware of an incident that had taken place on the 30th July at the Mantala station between a constable of Madhabpur Police Station and a Gurkha like young armed police with bayonet on one side and a railway Jhandiwala on the other ?

" (*b*) Are the Government aware that the armed police showered blows on the Jhandiwala and dragged out his bayonet and attempted to use it ?

" (*c*) Are the Government aware that the same police constable of the Madhabpur Thana abused the station staff on duty for delaying issue of tickets to some of his relatives after arrival of the down train and after the quarrel was over ?

" (*d*) If not, will the Government be pleased to direct a prompt enquiry into the matter to prevent recurrence of such events between railway employees and police ? "

(This question was asked at the Council Meeting held on the 26th September 1921.)

THE HON'BLE MR. A. MAJID replied :—

6.—" Government undertook to enquire into the matter and the following reply is laid on the table :—

" ' The reports received show that both constables and pointsman were to blame for the incident and that the matter was amicably settled. Government have no information about (*c*). ' "

MAULAVI SAIYID NURUR RAHMAN asked :—

Rules regulating transfer of Police Officers.

" 1. (*a*) Will the Government be pleased to state if there is any rule as to the transfer of Police Inspectors, Deputy Superintendents, Assistant Superintendents and Superintendents of Police ?

" (*b*) If so, will the Government give the names of the Police Officers who have exceeded their prescribed period in one station ?

Treatment of political prisoners.

"2. (*a*) Are the Assam Government aware of the fact that a circular letter has recently been issued under instructions from the Bihar Government by the Inspector General to Prisons to the Superintendents of all Central, District and sub-jails concerning the treatment of all political prisoners in that province? If not, will the Government ask the Bihar Government to supply a copy of the said circular letter and lay a copy on the table and issue a similar circular letter for this province?

"(*b*) Have the Government seen the Press communiqué issued by the Government of Bengal, Revenue Department (Jail Branch), dated 30th December 1921, concerning the treatment of special class of prisoners published in the *Amrit Bazar* of 1st January 1922? If not, will the Government see it and issue a similar Press communiqué to all the Superintendents of Jails in the Assam Province?"

THE HON'BLE MR. A. MAJID replied:—

"1. (*a*)—There is a rule to the effect that Police Inspectors should ordinarily remain for not more than ten years in one district or five years in one subdivision. There is no such rule regarding the other officers mentioned.

"(*b*)—No Inspectors have exceeded the prescribed period.

"2. (*a*) *and* (*b*)—Government have seen in the press the papers to which the Hon'ble Member refers. As regards the issue of similar instructions by the Government a reference is invited to the reply given to questions on this subject asked by Babu Krishna Sundar Dam at this session."

MAULAVI SAIYID NURUR RAHMAN asked:—

Memorials of Sanitary Inspectors.

"3. (*a*) Is it a fact that the Sanitary Inspectors have submitted a memorial regarding their grievances and asking for a revision of their pay?

"(*b*) Has any action been taken on their memorials?

"(*c*) If not, will the Government take early steps on them?

"(*d*) Is it a fact that owing to the inadequacy of pay suitable candidates are not forthcoming for some of the vacancies in the posts of Sanitary Inspectors?

"(*e*) If so, will the Government take early action to make the service more attractive to really qualified men?"

MR. A. R. EDWARDS replied :—

"3. (*a*), (*b*) and (*c*)—Government understand that certain memorials have been received and are under the consideration of the Director of Public Health.

"(*d*)—The answer is in the negative. Only three out of nineteen posts are vacant, the reason being that qualified Assamese candidates are not yet forthcoming.

"(*e*)—This question does not arise."

MUNSHI SAFIUR RAHMAN asked :—

"1. Will the Government be pleased to arrange for the publication in the local Gazette of the results of the various University Examinations of the two valleys in order of merit if possible? (This question was asked at the Council meeting held on the 26th September 1921.)" Publication of University results.

MR. A. R. EDWARDS replied :—

"1.—The Director of Public Instruction has submitted a report. He advises that the Education Department neither desire nor object to the re-publication proposed. The re-printing would however involve the Press much work, as the lists are frequent and numbers are high, running in the case of the Matriculation examination to many thousands. Nor would it be possible to confine the re-publication to Assam names, as local candidates present themselves at Bengal centres and there is no ready means of identifying them. Publication in the *Assam Gazette* would, in any case, be belated and it is doubtful whether, in the circumstances, it would be justifiable.

"Government have given to the matter the fullest consideration. In view of the rise in prices and financial conditions, the strictest economy has to be exercised in the use of paper and in printing. They regret that, in the circumstances, they do not see their way to accepting the suggestion made by the Hon'ble Member."

BUDGET FOR 1922-23.

THE HON'BLE MR. W. J. REID :—"I beg, Sir, to present to the Council the budget of the province for the year 1922-23. Each member as he did last year will find in the bundle of papers on his table an explanatory memorandum, certain abstract statements of provincial receipts and expenditure with the demands for grants which will be presented later, and the civil estimates in detail. The explanatory

memorandum mentions every new item of expenditure of any importance that appears in the budget, and I hope that Hon'ble Members will find the information in the detailed estimates more full and given in a more convenient form than it was last year. One minor change is that expenditure under the head "26—Police" has been subdivided to show separately the cost of the Civil Police and that of the Assam Rifles.

"I need not repeat at length the explanation given last year of the budget procedure. There will be no discussion of the budget to-day, but the first two days of the March session of the Council will be devoted to a general discussion of the budget as a whole and of any principles involved therein. Subsequently separate demands will be presented to the Council by the Member or Minister in charge of each department for the grants for the carrying on of these departments. We again ask for at least two days' notice of motions that any grant or item in a grant be omitted or reduced, but if Hon'ble Members who intend to move reductions or omissions could arrange to give us longer notice either formally or informally this will enable more complete replies to be given than would otherwise be possible. If further information on any item in the budget is wanted any of the officers of the Finance Department will be happy to furnish this as opportunity offers.

"There is one new feature which must be noticed. In accordance with the recommendation of this Council that a Finance Committee of members of the Council should be appointed to advise the Finance Member on the preparation of the budget six members of the Council were invited to meet the Finance Member in Shillong on the 12th of January. Of the six members invited four attended, and the complete budget estimates were laid before them. A note of the proceedings of the meeting will be found appended to the explanatory memorandum. I take the earliest opportunity of stating publicly that the members of the Finance Committee are in no way responsible for the budget, and that as they were informed at the meeting they exercise as members of this Council the fullest right to criticise it. Their advice was valuable as indicating the way in which the budget proposals of Government were likely to be received by the Council, and in normal times every attempt would have been made to give effect to their suggestions.

"Hon'ble Members will find in the explanatory memorandum a brief exposition of the financial position which can only

be regarded as most unsatisfactory. For this they were to some extent prepared by the note which was presented to the Council in September last and is reproduced as an annexure to the memorandum. To repeat the information given in paragraph 4 at page 6 of the memorandum the opening balance of 1922-23, which is the same thing as the closing balance of the current year, has been taken at Rs. 12,56,000. Receipts are estimated at Rs. 2,24,38,000, and it is proposed to spend Rs. 2,36,58,000. If this is done practically the whole of the provincial balances will be absorbed. For this state of affairs the falling off in Excise and Stamp receipts, which affects the current year's revenue and must similarly affect that of next year, is mainly responsible. Before attempting to discuss this I wish to make it clear that the responsibility for failing to forecast with greater accuracy what the receipts would be rests with the Finance Department and with me personally as Finance Member. I admit in advance the justice of many of the criticisms which will be levelled against my department, and desire only that the responsibility should be laid on the member of the Government who is responsible. I know that the Council will be generous enough to make allowance for the abnormal times through which we are passing and for the difficulty if not the impossibility of making reasonably accurate forecasts both for the current year and the coming one. I can at least assure the Council that nothing has been concealed, and am confident that however much the shortcomings of the department and the provisional decisions of the Government may be criticised Hon'ble Members will accept facts and lend their assistance to the Government in the overcoming of the present difficulties.

For the falling off in Excise and Stamp receipts to which most of our present embarrassments are due various causes are responsible. The Excise policy of this Government has been on more than one occasion stated to the Council, and in so far as receipts have diminished because of an advance in temperance, whether spontaneous or induced by the legitimate efforts of genuine temperance reformers aided by the restrictive measures adopted by the Government, we welcome instead of regretting the results. Similarly in so far as receipts from Stamps are less because the people are more and more settling petty disputes in the villages instead of taking these to court our feelings are those of satisfaction. We were prepared for a gradual but steady decrease in Excise revenue but did not expect so abrupt a fall as has occurred. Nor, in so far as the fall is due to

intimidation and improper interference with would-be vendors and would-be purchasers, can the Government regard it but with displeasure and a fixed determination to put a stop to such practices. It will also be readily realised that the existence of such conditions and the uncertainty of the time required to counteract these effectually make it impossible at the moment to forecast with anything approaching certainty, and compel the Finance Department, which ordinarily is guided mainly by the actuals of the past, to estimate with the utmost caution.

"The falling off in land revenue receipts last year has already been explained to the Council. There has been a considerable recovery, and in normal circumstances the recovery should be still more marked next year. But it is impossible to ignore the fact that among the activities of those whose avowed aim is the overthrow of the Government has been included a deliberate attempt to induce cultivators in certain areas to withhold the payment of land revenue. It is needless to say that no such attempt can be successful. The Government have ample powers and will not hesitate to use these. The just demands of the State can and will be realised in full, but there may meantime be an addition to our immediate financial embarrassments as short collections will affect the closing balance of the current year. Also, and this does not concern the Financial Department alone, any determined refusal to pay land revenue or resistance to the officers whose duty it is to collect it must inevitably result in severe hardship if not actual ruin to the deluded victims of those who instigate a course of action so foolish. On behalf of the whole Government I earnestly appeal to all members of this Council, whose presence here proves that their aim is to co-operate with and not to subvert the Government, to use their utmost personal endeavours to counter the pernicious teachings of which all are aware. I need hardly say that conditions in a province leave their mark on its finances, and that unrest and disorder must lead among other things to increased charges for the maintenance of the public security.

"One bright feature of the budget is the improvement in Forest receipts notwithstanding that that department is no longer credited with the income from grazing dues. The profits of the department in the current year will probably be even greater than would appear from the figures before the Council owing to the very successful *kheddah* operations which Mr. Milroy is now conducting in the North Cachar Hills.

"Faced as we are with a diminished income and with heavy commitments which cannot all be reduced the only policy to be pursued is one of retrenchment. As the Council were told in September we have been working on these lines, while as regards the coming year the members of the Finance Committee at least are well aware how many desirable schemes have had to be postponed. It must be said with sorrow that for the moment development in almost every direction must be checked, and that at a time when development is most urgently required. Reserved and Transferred subjects have suffered alike. I would not have the Council think that the position is hopeless or that the province is bankrupt. For one thing a glance at the statement of loans and advances at page 16 of the memorandum will show that we have outstanding as advances a sum of over 20 lakhs of which the greater part will ultimately be recovered. Incidentally too the fact that we have taken over the provincial loan account has saved us the payment in the current year of well over a lakh of rupees to the Government of India as interest. That our Excise revenue should ever again approach its former figure is not to be desired even if this were possible. What we would wish is to be able to fix our normal expectations at the present time, to allow for a gradual but steady reduction, and to adjust our expenditure and regulate our rate of progress by the normal growth of our other receipts. As already stated all new items of expenditure proposed for the coming year are mentioned in the explanatory memorandum. These were selected after prolonged discussion and are all in themselves eminently desirable, while some at least are in the opinion of the Government essential to the good administration of the province. The Council will however have the opportunity of discussing these both at the time of the general budget discussion and when the demands for grants are presented.

"A word must be said about the Retrenchment Committee which in accordance with the expressed wish of this Council was appointed nearly a year ago. The report of the Committee was received too late to be considered when the budget was framed. It will be laid on the table at the earliest possible moment, and at all events each member will have a copy before the discussion of the budget is undertaken. The recommendations of the Committee will receive the most careful consideration from the Government, but it is hardly necessary to point out that some of the recommendations made may prove to be for the abolition of posts which it is not in the power of this Government to abolish, and that even if posts can be abolished the officers holding them cannot be removed

from service without compensation in some shape. In fact even were it possible to adopt all the recommendations of the Committee many of the resulting economies might be found to be ultimate rather than immediate.

"Of the measures required to meet the present situation I have discussed the obvious need of restricting expenditure, but this alone will not suffice. We propose following the example of the Government of Bengal, to add to our revenue by increasing stamp duties, and it will fall to me to lay before the Council Bills to amend the Court-Fees Act and the Stamp Act. We have followed the proposals of the Government of Bengal throughout in view of the fact that our courts like theirs work under the Calcutta High Court and that our main commercial transactions are with Calcutta, and I think the Council will agree that apart altogether from considerations of revenue we should have been compelled to copy any changes of this nature made by the Government of Bengal. It is impossible to forecast with accuracy what the additional receipts from the increased duties will be if the Bills are passed into law by this Council. In Bengal where the interests affected are wider and courts not to be found in this province are at work it is estimated that the present receipts will be increased by nearly one-half. In the budget we have not ventured to count on more than an addition of three lakhs. Finally, we have asked the Government of India to accord to us the measure of relief that they have accorded to the neighbouring province of Bengal, and to remit for the next three years the annual contribution of fifteen lakhs which we make to the Central Government. Should our request be favourably received it is our fixed determination to use the respite thus allowed us in again building up a provincial balance, and to this end to commit ourselves as far as possible to no fresh recurring expenditure which cannot be met from an indicated growth in receipts. One result of placing ourselves once more on a sound financial basis and having a balance at our credit will, be that it will be possible to think of borrowing as a province, and of financing schemes of development from capital account and not as heretofore solely from revenue."

The Council was then adjourned to the 7th February 1922, at 11 A.M.

SHILLONG,

The 7th February 1922

A. MELLOR,

Secretary to the Assam Legislative Council.

APPENDIX A.

Rules regulating the grant of casual leave to officers in Eastern Bengal and Assam.

1. Casual leave is not recognised by the Regulations, and an officer absent on casual leave is not treated as absent from duty. The grant of such leave is, however, subject to the conditions specified in the note to Article 332 of the Civil Service Regulations. Government will make no arrangement to supply the place of officers absent on such leave. The officer granting the leave and the officer taking it will be held responsible if the public service suffers in any way from the absence of the officer on casual leave.

2. Casual leave may not be combined with any other kind of leave, and ordinarily may not extend to more than ten consecutive days, or to more than ten days in any one calendar year. Commissioners of Divisions and Heads of Departments are, however, authorised to sanction casual leave in excess of ten days in special cases. If casual leave is taken in extension of gazetted holidays, those holidays must ordinarily be counted as part of the leave, but Commissioners and Heads of Departments may, in exceptional cases, allow a departure from this rule.

Superintendents of Police are authorised to grant casual leave to head constables and constables serving under them according to the following scale :—

1. To natives of the districts in which they are serving ... ... 12 days.
2. To natives of the province serving outside their native districts ... ... 15 days.
3. To natives of Bengal ... 18 days.
4. To natives of the United Provinces and other Provinces ... ... 21 days.

3. Casual leave should only be granted for adequate reasons. The concession of casual leave must not be converted into an unauthorised system of privilege leave. The Lieutenant-Governor trusts that Commissioners and Government Officers of all grades will not allow the privilege to be abused.

An officer who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

The officers empowered to grant casual leave to their subordinates may also grant to those subordinates leave of absence during holidays. In all cases in which the officer asking for casual leave, or for leave of absence during holidays, desires to absent himself from the jurisdiction of the officer empowered to grant the request, this fact must be clearly stated in the application.

4. The undermentioned authorities are authorised to grant casual leave to the officers named in the following list. When Commissioners grant leave to District Officers a report should be sent to the Chief Secretary to Government at the time when the leave is granted :—

Sanctioning authority.	Subordinate officers.
Board of Revenue ...	Director of Land Records, Commissioner of Excise and Registrar of Co-operative Credit Societies.
Commissioners of Divisions ...	Deputy Commissioners.
Inspector General of Police ...	Gazetted Officers of the Department.
Ditto Registration ...	Inspectors of Registration Offices.
Inspector General of Civil Hospitals	Civil Surgeons.
Ditto Prisons	Superintendents of Central Jails.
Sanitary Commissioner ...	Deputy Sanitary Commissioners.
Conservator of Forests ...	Deputy and Assistant Conservators and Extra Deputy and Extra Assistant Conservators.
Director of Public Instruction ...	Inspectors of Schools, Principals of Colleges and Heads of Institutions which are not subject to the control of Inspectors.
Director of Land Records ...	Settlement Officers.
Settlement Officers ...	All officers directly subordinate to them.

Sanctioning authority.	Subordinate officers.
Director of Agriculture ...	Gazetted officers of the Department, including Veterinary officers.
Commissioner of Excise ...	Inspectors of Excise.
Magistrates and Collectors, Deputy Commissioners.	Assistant Commissioners, Officers of the Provincial Civil Service and of the Subordinate Executive Service and Deputy Inspectors and Sub-Inspectors of Excise serving in their districts.
Chief Engineer	Superintending Engineers.
Superintending Engineers ...	Executive and Assistant Engineers.
Executive Engineers	Officers of the Subordinate Service of the Public Works Department.
District Registrars	Sub-Registrars.
Civil Surgeons and Superintendents of Medical Schools.	Assistant Surgeons and Civil Hospital Assistants.
Deputy Inspector General, Criminal, Railway and River Police.	Non-gazetted officers of the Criminal Investigation Department and Finger Print Bureau.
District Superintendent of Police ...	Non-gazetted officers of the District staff subject in the case of Inspectors to the approval of the District Magistrate.
Superintendents, Police and Constables, Training Schools.	The teaching staff, subject in the case of Inspectors to the approval of the Deputy Inspector General of the Range.
Superintendents of Railways and River Police.	Non-gazetted officers of their staff, subject in the case of Inspectors to the approval of the Deputy Inspector General, Crime, Railway and River Police.
Divisional Forest Officers ...	Non-gazetted and Ministerial Officers of the Division.
Superintendents of Jails ...	Subordinate Jail Establishment.

Sanctioning authority.	Subordinate officers.
Inspectors of Schools	Inspecting staff (except Sub-Inspectors of Schools subordinate to the Deputy Inspectors of Schools) subordinate to them. Headmasters of Institutions, subject to the control of Inspectors.
Headmasters of High and Training Schools.	Subordinate teachers, subject to report to the Inspector.
Principals of Colleges and Secretaries to Madrassa Committees.	The staff subordinate to them.
Deputy Inspectors of Schools ...	Sub-Inspectors of Schools subordinate to them and teachers of Middle (including Circle) and Primary schools, subject to report to the Inspector.

5. Ministerial officers may be granted leave by the head of their office.

6. Before a Civil Surgeon or a Superintendent of a Central Jail avails himself of casual leave, he should report to the Commissioner of the Division, through the Magistrate of the District, the period of such leave and the date of his departure. He should also report the date of his return to duty.

7. Superintendents and Assistant Superintendents of Police should forward requests for casual leave through the Magistrate of the District. Should the Magistrate record an objection to the grant of the leave, the leave applied for cannot be granted. If the leave is granted, it will still be necessary that the Police Officer should take the Magistrate's orders before leaving the district. The Magistrate should invariably inform the Commissioner when he consents to the grant of casual leave being made to Superintendents. District Engineers and District Surveyors should forward their requests for casual leave through the Chairman of the District Board.

8. A District Officer, a Civil Surgeon, and a Superintendent of Police, before taking casual leave, should notify to the district office their addresses during the period of such leave.

9. Every authority which grants casual leave shall cause a register of such leave to be maintained. The register should be regularly examined by inspecting officers.

APPENDIX B.

GOVERNMENT OF ASSAM.

The Governor in Council.

GENERAL AND JUDICIAL DEPARTMENT.

JUDICIAL BRANCH.

No. J./55—262G.J.

FROM

A. W. BOTHAM, ESQ., C.I.E., I.C.S.,

CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM,

To

THE COMMISSIONERS OF DIVISIONS.

Shillong, the 14*th January* 1922.

SIR,

THE Governor in Council has had under consideration the treatment to be accorded in jail to the class of prisoners generally referred to as political prisoners, and I am to forward for communication to magistrates the following observations and instructions.

2. When passing sentence of imprisonment upon what are generally referred to as political offenders, *i.e.*, persons sentenced for any of the offences under the Criminal Law (Amendment) Act, the Seditious Meetings Act and sections 124A, 153A, and cognate sections of the Indian Penal Code, and n any proceedings under section 107, Criminal Procedure Code (for acts of a political nature), and section 108,

Criminal Procedure Code, magistrates will of course, as they do in other cases, exercise the discretion vested in them and decide, after full consideration of the degree of moral turpitude involved, the probable consequences of the offence, the special circumstances of each case, etc., whether the imprisonment awarded should be rigorous or simple.

If the sentence awarded is one of simple imprisonment, the trying magistrate should consider carefully whether it is desirable to accord special treatment to the prisoner. In doing so the magistrate should pay due regard to the antecedents of the prisoner, his motives so far as this can be ascertained and the peculiar circumstances of each case. Where the District Magistrate is the trying magistrate, he may direct that the special treatment indicated in these rules shall be given to the prisoner; but where the trying magistrate, other than the District Magistrate, is of opinion that it is desirable to accord special treatment to the prisoner his recommendation shall be submitted to the District Magistrate and shall be subject to confirmation by him, but pending his decision effect shall be given to it.

3. As regards the cases of political prisoners who have already been sentenced to imprisonment if the District Magistrate, after giving due regard to the considerations mentioned in the preceding paragraph, is of opinion that the prisoner deserves special treatment, he may send up the case, if it is one of rigorous imprisonment, for the orders of Government and if it is one of simple imprisonment may himself pass orders for special treatment to be given.

4. The privilege of special treatment may be withdrawn at any time by the District Magistrate for misconduct or other sufficient cause.

5. (*a*) All political prisoners, whether accorded special treatment or not and whether sentenced to rigorous or simple imprisonment (other than those who are habitual criminals or have been previously convicted of, and sentenced to imprisonment for, a criminal offence under the Penal Code), shall be, as far as possible, kept apart from all other classes of prisoners.

(*b*) Special care should be taken that juvenile political prisoners are so kept apart.

6. Political offenders to whom special treatment is accorded should be treated as follows :—

(1) They should be kept apart from all other classes of prisoners as far as is possible, and should be granted accommodation in separate cells or wards if they desire and if practicable.

(2) They should be allowed to have their own food from outside, and, if they so desire and it is practicable, to cook it or the prison rations themselves, and to provide their own clothes and bedding.

(3) They should be allowed to have at their own expense such religious books and standard literature as they desire subject to these being considered by the Superintendent of the Jail to be suitable.

(4) They should be allowed one visit in a week from relatives and friends and to receive and send one letter a week. This must be done in such a way as not to interfere with the proper management of the jail. The correspondence shall be subject to rule 466 of the Assam Jail Manual.

(5) They should be paraded apart from other classes of prisoners and allowed separate times for exercise.

I have the honour to be,

SIR,

Your most obedient Servant,

A. W. BOTHAM,

Chief Secretary to the Government of Assam.

PRESS COMMUNIQUÉ.

Representations have been made both by individuals and in the public press that persons convicted of offences of a political character should not be treated as ordinary prisoners in jail. The Government of Assam recognize the force of this contention in cases where the court finds that there was no violent or other morally criminal element in the offence, and they have decided to introduce a special form of prison treatment which will be applied, so far as the courts decide that it is appropriate, to prisoners whose offences are purely political. The offences which have been committed against the criminal Law Amendment Act and other Laws of similar character range from more demonstrations by political theorists to excesses by hired hooligans and the decision as to the jail treatment applicable on conviction will in each case rest with the magistrates. The necessary instructions have been issued to all officers concerned, and immediate effect will be given to the new rules.

SHILLONG,

The 20*th January* 1922.

A. W. BOTHAM,

Chief Secretary to the Government of Assam.