

*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
Friday, the 24th March 1922, at 2 P.M.

PRESENT :

The Hon'ble Mr. J. C. Arbuthnott, C.I.E., *President*, the Hon'ble
two Members of the Executive Council, the Hon'ble the Minister of
Local Self-Government and 27 nominated and elected members.

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

SRIJUT DALIM CHANDRA BORAH asked :—

1. (a) Will the Government be pleased to state the number of non-co-operators imprisoned in each district of Assam since November 1921 for :—

Number of
non-co-
operators
imprison-
ed.

(1) refusal to furnish security for good behaviour under
section 108, Criminal Procedure Code ;

(2) refusal to pay fine ;

(3) being members of assemblies declared unlawful associations
under Part II, Section 16 of the Indian Criminal Law
Amendment Act, 1908, as amended by the Devolution Act
of 1920 ;

(4) any offence under the Indian Penal Code ?

(b) In the case of imprisonment of non-co-operators for default of fine, will the Government be pleased to state the law under which the fine was imposed ?

(c) Will the Government be pleased to state if any person has been imprisoned up to date particularly for picketting sales of excisable articles and foreign goods ?

(d) If so, will the Government be pleased to state if any such picketting cases in which the accused had been convicted were instituted by private buyers or sellers of excisable and foreign articles ?

Conviction
of non-co-
operators
for using
violence.

2. Will the Government be pleased to state if it has any information as to the conviction of non-co-operators for using actual violence ?

If so, please state the number of such convicts, district by district.

THE HON'BLE MR. A. MAJID replied :—

1. (a)—A statement giving the figures available is laid on the table. No information is forthcoming regarding 1 (a) (2).

(b)—Sections 64 and 40, Indian Penal Code.

(c)—Eighty persons have been imprisoned for offences committed in connection with the activity referred to.

(d)—Forty-seven of these orders of imprisonment were passed as the outcome of complaints lodged by private buyers or sellers and 33 on police reports.

2. Government have information of the following convictions of non-co-operators for using actual violence up to the end of January :—

Goalpara	...	...	...	8
Kamrup	...	...	...	41
Darrang	...	...	...	19
Sibsagar	...	...	...	10

Return of non-co-operators sentenced to imprisonment for the period from 24th November 1921 to 31st January 1922.

Districts.	Sections under which convicted.													
	Section 107, Criminal Procedure Code.	Section 108, Criminal Procedure Code.	Section 143, Indian Penal Code.	Section 188, Indian Penal Code.	Section 151, Indian Penal Code.	Section 879, Indian Penal Code.	Section 17(1), Act XIV of 1908.	Section 17(2), Act XIV of 1908.	Section 147/341, Indian Penal Code.	Section 29, Act V of 1861.	Section 447, Indian Penal Code.	Section 194A, Indian Penal Code.	Section 505, Indian Penal Code.	Section 449, Indian Penal Code.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. Cachar	...	4	...	...	...	...	...	4	...	...	...	...	...	...
2. Sylhet	...	10	...	...	...	...	...	...	...	...	...	...	1	...
3. Khasi and Jaintia Hills	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Naga Hills	...	...	...	...	...	...	...	...	...	...	...	...	...	...
5. Jushai Hills	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6. Goalpara	...	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Kamrup	13	4	25	2	...	6	18	20	...	6	...	...	...	...
8. Darrang	8	...	19	1	...	5	40	23	...	...	...	...	...	...
9. Nowgong	...	...	...	...	1	...	15	...	...	...	...	...	...	...
10. Sibsagar	...	9	...	...	61	2	108	8	...	...	...	...	...	...
11. Lakhimpur	...	8	...	1	...	...	32	6	7	...	...	...	...	...
12. Garo Hills	...	...	...	...	...	...	10	9	...	...	...	...	...	...
Total	20	35	44	4	69	13	223	70	7	0	3	1	1	1

MUNSHI SAFIUR RAHMAN asked:—

Technical
and
weaving
school.

1. Will Government be pleased to state how the technical and weaving school at Tipkai in the Dhubri subdivision is going on? If it is not going on well, will Government see if it can be removed to Goalpara where the people of the Goalpara subdivision and the Garo Hills district may be benefited?

THE HON'BLE RAI BAHADUR GHANASYAM BARUA replied:—

1.—The Director of Public Instruction was on his way to Tipkai to enquire into this question when he was called back to attend the present Council meeting. He is not at present in a position to advise Government definitely on the subject. A report will however be called for and will be considered by Government in due course.

The school is not a Government concern. It is maintained by the Dhubri Local Board with the help of a grant from Government. There can be no question therefore of its removal to Goalpara.

SRIJUT BISHNU CHARAN BORAH asked:—

Treatment
of political
prisoners.

1. (a) Is it a fact that no special treatment has been accorded to any of the political prisoners convicted in Nowgong district and kept in the jail or in other jails? If not, will the Government please state its reasons?

(b) Are the Government aware that the punishment inflicted on the Nowgong political prisoners is invariably rigorous and more severe than in other districts under similar circumstances?

(c) If the answer is in the affirmative, will the Government be pleased to institute an enquiry regarding the severity of punishment and treatment of such prisoners in jails and revise the orders in cases necessary?

THE HON'BLE MR. A. MAJID replied:—

1. (a) and (b)—The instructions issued regarding the grant of special treatment to so-called political offenders give the District Magistrate discretion to accord special treatment only to prisoners sentenced to simple imprisonment. Government believe that it is a fact that all such prisoners in Nowgong have been sentenced to rigorous imprisonment. Government are not aware that the treatment accorded to political prisoners sentenced to rigorous imprisonment is more severe in Nowgong than elsewhere.

(c)—An enquiry will be made whether there are no persons amongst the political prisoners sentenced in Nowgong in whose case simple imprisonment and special treatment would be appropriate.

MAULAVI MUNAWWAR ALI asked:—

Court
Inspectors
and Sub-
Inspectors.

1. Will Government please state:—

(a) the number of Court Sub-Inspectors and Court Inspectors in this province?

- (b) their functions ;
 (c) the number of cases conducted by them during the last three years, year by year, with results ;
 (d) average monthly expenditure for maintaining a Court Sub-Inspector and a Court Inspector ?

THE HON'BLE MR. A. MAJID replied :—

1. (a)—There are 29 Court Sub-Inspectors and 9 Inspectors.

(b)—A court officer is generally responsible for the prosecution of cases under the Police Act, the Indian Penal Code, Criminal Procedure Code and the Indian Railways Act and also of cases under the Excise and Opium Acts. He has also other duties of a miscellaneous nature including :—

- (1) the maintenance of a number of court registers and the clerical work in connection therewith ;
- (2) the preparation of quarterly and annual crime returns ;
- (3) the custody of property kept in the court *malkhana* ;
- (4) the custody and production of prisoners in courts and the supervision of the court lock-up ;
- (5) the preparation and submission of finger print slips of accused persons before and after conviction ;
- (6) attendance at a weekly jail parade of convicts.

(c)—A statement is given below :—

Year.	No. of cases conducted by Court Officers.	No. of cases convicted.	No. of cases acquitted.	No. of cases otherwise disposed of, including cases pending at the close of the year.
1	2	3	4	5
1919	4,210	3,078	870	262
1920	4,733	3,501	983	249
1921	4,589	3,291	1,041	257

(d)—The average monthly cost of a Court Sub-Inspector is Rs. 120 and that of a Court Inspector Rs. 218-12.

MAULAVI SAIYID NURUR RAHMAN asked :—

1. (a) Are the Government aware that a large tract of land southward from the Shaistaganj Bazar in the Habiganj subdivision were under water for several days owing to the flood in the Khowai river in September last and in consequence of which the crop has suffered ?

Flood in Habiganj subdivision.

(b) If not, will the Government enquire of the fact?

(c) Are the Government aware that such flood often causes famine and spreads diseases such as cholera, influenza, malaria, pox, etc., in the Muchikandi thana?

(d) Will the Government make some enquiry and use some practical preventive measures against damage by flood and against the spread of diseases instead of administering medicine only?

THE HON'BLE MR. W. J. REID replied :—

1. (a) and (b)—In October 1921 flood water from the Khowai river caused damage to the standing crops both south and north of Shaistaganj Bazar.

(c) and (d)—No connection between floods in the Khowai and disease in the Muchikandi thana has been established, and Government do not propose to hold a special enquiry. It is reported that the flooding has been aggravated by the obstruction of old drainage channels, but this is a matter to be remedied by the Local Board and the proprietors of the estates affected.

Report of the Select Committee on the Assam Court Fees (Amendment) Bill, 1922.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to present the Report of the Select Committee on the Assam Court Fees (Amendment) Bill, 1922.

Report of the Select Committee on the Assam Stamp (Amendment) Bill, 1922.

THE HON'BLE MR. W. J. REID :—I beg, Sir, to present the Report of the Select Committee on the Assam Stamp (Amendment) Bill, 1922.

THE HON'BLE MR. W. J. REID :—I should like, Sir, with your permission to give the Council an indication of what we propose to do for the remaining days of the session.

On the 28th after questions Srijut Nilmani Phukan will move his resolution about the resignation of Mr. Montagu, and after that I shall ask the Council to take into consideration the Reports of the Select Committee which I have just presented to the Council and to pass the Bills as amended. Then, Sir, we have the motion of Srijut Dalim Chandra Bora, which we propose to take on the 28th. On the 29th my Hon'ble Colleague and I will have to present some demands for supplementary grants to regularise expenditure this year. A list will be circulated to Members in advance. I shall then ask leave to introduce the Assam Landlord and Tenant Procedure (Amendment) Bill. The Bill appeared in the gazette of this week and copies will be circulated. Then we have the resolution of Rai Sahib Manomohan Lahiri about the cost of the Assam Rifles.

I omitted one item of business. On the 28th Rai Bahadur Ghanasyam Barua will move that the Assam Municipal Bill be referred to the Select Committee with instructions I take it to report on it at the forthcoming session of the Council in the rains. Then on the 29th at an hour not yet settled His Excellency the Governor will prorogue the Council.

The Council was then adjourned to Tuesday, the 28th March 1922, at 11 A.M.

SHILLONG :

The 18th April 1922. }

S. E. STINTON,

Offg. Secretary to the Assam Legislative Council.