

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

The Council met in the Council Chamber, Shillong, on Saturday the 7th April 1923, at 11 A.M.

PRESENT :

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

QUESTIONS AND ANSWERS.

(UNSTARRED QUESTIONS.)

SRIJIT DALIM CHANDRA BORAH asked :—

1. Will the Government be pleased to state if there are at present any families of the late Koch Raja of Assam drawing allowance or receiving grant of any description from the Government for their maintenance?

Allowance to the families of late Koch Raja of Assam.

If so, will the Government be pleased to supply the following information :—

- (i) The names of families and their residences.
- (ii) The nature of allowances, *i.e.*, whether in shape of money or in shape of grant of land or of any other description enjoyed by each family separately.
- (iii) The character of the allowance or grant, *i.e.*, whether hereditary or in perpetuity or with limited interests.
- (iv) The authorities creating those grants and allowances together with date and number of Government order.
- (v) Modification, if any, of the original orders making grant or allowance to any particular family.

2. Will the Government be pleased to state whether in case of hereditary allowance the order of its inheritance is governed by the ordinary Hindu Law of Succession and inheritance or by any other local customs or usages?

3. In case of plurality of member how is the distribution of disposition of allowance or grant made among different beneficiaries, *i.e.*, whether according to the law of primogeniture or any other custom or usage?

THE HON'BLE MR. W. J. REID replied :—

1. (i) (ii) (iii) (iv) (v)—The Bijni family in Goalpara, the Darrang family in Darrang (Mangaldai) and the Beltola family in Kamrup claim descent from the old Koch Kings of Assam. The head of the Bijni Estate is recognised as possessing certain rights in respect of an area of 130,000 acres of land in the Bijni Duar, and entitled to a periodic offer of settlement of this land under certain conditions. The Darrang family have been allowed the enjoyment of certain *lakheraj* and *nisfkheraj* estates in the Darrang district. It has as a matter of grace and in recognition of the previous standing of the family been the practice to appoint the head of the Beltola family or some other suitable member to be the *mauzadar* of the Beltola mauza and to allow him for the maintenance of the family a commission of thirty per cent. of the revenue collections. The correspondence on the subject is voluminous and Government do not think it necessary to go into further detail in this connection.

2 and 3.—It is impossible to give a detailed reply to questions couched in such general terms. If difficulties arise each case is decided on its merits.

BABU KRISHNA SUNDAR DAM asked :—

1. Will the Government be pleased to lay on the table a statement for the year 1921-22 showing :—

- (1) Revenue of the Khasi and Jaintia Hills District from :—
 - (a) Excise.

Revenue and expenditure of Khasi and Jaintia Hills District.

- (b) All other sources (other than Municipal).
 - (2) Cost of administration of the said district under :—
 - (a) Public Works (for district roads and buildings only).
 - (b) All other heads (other than Municipal).
 - (3) Details of Public Works expenditure in the said district under the following heads :—
 - (a) Opening of new roads.
 - (b) Maintenance of Gauhati-Shillong road.
 - (c) Maintenance of all other roads.
 - (d) Construction of new buildings.
 - (e) Repair of buildings.
- } (District works only).

THE HON'BLE MR. W. J. REID replied :—

1. (1) and (2)—It is understood that figures of purely district revenue and expenditure are required, and that figures of revenue and expenditure due to the position of Shillong as the headquarters of the provincial Government are not wanted. It is difficult to give accurate figures on this basis, since the accounts do not distinguish between district and provincial revenue and expenditure; but the following figures have been supplied by the Deputy Commissioner as referring to purely district revenue and expenditure. The figure against "41—Civil Works" covers only the expenditure incurred by the Deputy Commissioner. The expenditure incurred by the Public Works Department on roads (mainly, like the Gauhati-Shillong road, of provincial importance) and district buildings will be found in the reply to question 1(3).

Heads.	Revenue, 1921-22.			Amount.
				Rs.
Tribute	100
II—Income-tax	22,011
V—Land Revenue	76,988
VI—Excise	1,41,568
VII—Stamps	16,331
VIII—Forests	20,042
IX—Registration	929
XVII—Administration of Justice	6,091
XVIII—Jails...	9,365
XIX—Police	2,831
XXI—Education	3,659
XXIII—Public Health	3,048
XXIV—Agriculture	4,379
XXV—Industries	328
XXX—Civil Works	1,632
XXXV—Miscellaneous	235
Total	3,09,537

Expenditure, 1921-22.

Heads.	Amount.		
			Rs.
5. Land Revenue	5,454
6. Excise	5,972
7. Stamps	2,121
8. Forests	17,570
9. Registration	459
22. General Administration	78,063
24. Administration of Justice	2,451
25. Jails	18,612
26. Police	90,078
31. Education	34,349
32. Medical	42,827
33. Public Health	4,045
34. Agriculture	22,680
35. Industries	9,093
37. Miscellaneous Departments	44
41. Civil Works	26,757
45. Pensions	7,404
47. Miscellaneous	1,481
Government grants for educational, medical and municipal purposes.			56,602
Total	4,26,062

1. (3)—

(a) Opening of new roads	...	...	Nil.
(b) Maintenance of Gauhati-Shillong Road	...	...	1,43,690
(c) Maintenance of all other roads	...	...	1,00,287
(d) Construction of new buildings (district)	...	...	13,615
(e) Repairs of buildings (district)	...	...	18,069

KHAN BAHADUR MUHAMMAD BAKHT MAJUMDAR asked:—

1. Is it a fact that the Hon'ble Mr. Majid, Judicial Member, is going on leave shortly?

Mr. A. W. BOTHAM replied:—

1.—Yes, for six months from April 18th next.

Leave of
Hon'ble
Judicial
Member.

MAULAVI SAMIUR RAHMAN asked:—

1. Are the Government aware that the condition of the houses of many Lower Primary schools in Habiganj subdivision is in a deplorable condition for want of aid, both from Government and Local Board?

(a) Have Government considered the desirability of improving the condition of the school houses mentioned above?

Lower
Primary
Schools in
Habiganj
subdivi-
sion.

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

1. (a)—Government are aware that the condition of many of the Lower Primary school buildings not only in Habiganj but also in other subdivisions leaves much to be desired. The responsibility for the maintenance of these buildings rests upon the Local Boards and the residents of the villages in which the schools are situated. Government are not prepared to relieve the Boards and the public of their responsibilities and in any case Government have at present no funds to devote to this purpose.

MAULAVI SAMIUR RAHMAN asked:—

2. (a) Will Government be pleased to state if Government servants are permitted to use their influence as such on behalf of a candidate for election to any local body or the local legislature?

Influence
of Govern-
ment
servants in
connection
with
election.

(b) If not, have the Government considered the desirability of warning Government servants, not to use their influence in elections?

Mr. A. W. BOTHAM replied:—

2. (a)—Whole-time Government servants are forbidden to do so by the Government Servants' Conduct Rules 23(2) and (3), which read as follows:—

“23. (2) A Government servant, who is a whole-time Government servant, may not be canvassing or otherwise, interfere or use his influence in any way, in an election to a Legislative Council except that he may record a vote, if he is qualified to do so, and in that case he should, as far as possible, avoid giving any indication beforehand of the direction in which he intends to vote.

(3) A Government servant, who is a whole-time Government servant, may not, save to the extent permissible in the case of elections to Legislative Councils or unless he is himself a candidate, who is legally eligible and has obtained from proper authority such permission, if any, as is required to enable him to stand for election, take part in elections to Municipal Committees, District Boards and Local Boards.”

2. (b)—In view of the rules mentioned above Government have no reason to suppose that such action is called for.

GENERAL DISCUSSION OF THE BUDGET.

MR. A. W. BOTHAM :—Sir, one or two hon'ble members have commented on the apparent increase in the number of Sub Deputy Collectors and Extra Assistant Commissioners which appears at pages 25 and 58 of the budget. This is perhaps rather a matter of detail than of principle, but if I explain the matter now it may save hon'ble members from moving for reduction of grants under a misunderstanding. I will deal first with the figures in the columns headed "Numbers" on the left of the letter press. I would invite the attention of hon'ble members to a Resolution of this Government which will appear in next week's Gazette and which explains the recent changes in the sanctioned cadre of these two Services. These cadres have been twice overhauled within the last year and a half. The first revision occurred towards the end of 1921-22 and it is this revision which was responsible for the increase in the figures which appears in the columns I referred to. The increase was in part nominal being due merely to the inclusion within the cadres of the probationary officers who had hitherto been outside the cadres. It was partly due to our accepting the more liberal percentage for leave reserve which was recommended by the Public Services Commission. This as I say is the increase shown at pages 25 and 58. Recently Government have again revised these cadres in view of the necessity for retrenchment. They have cut out a number of posts and they have reduced the percentage for leave reserve. The result is that the sanctioned strength of the Assam Civil Service will be reduced by six and that of the Subordinate Executive Service by ten. This decision has only just been arrived at, too late to be shown in the budget. That, Sir, explains the figures in the "Number" columns. I will now ask hon'ble members to turn to the sums provided against Sub Deputy Collectors and Extra Assistant Commissioners at pages 25 and 58, and perhaps it would be as well if I explain to the hon'ble members the system of "deduct entries" which is used in dealing with these establishment provisions. In providing for regular cadres we show in the budget against each establishment the full cost of the sanctioned strength at the sanctioned rates of pay. If for any reason we do not propose to maintain the cadre at its full strength throughout the year we show the reduction in the budget not by directly reducing the figure against the establishment but by adding a "deduct entry" on account of probable savings. In these cases—I take first the case of Sub Deputy Collectors—the provision in the budget is Rs. 2,17,000 against the revised figure of Rs. 2,00,000, *i.e.*, there is an apparent increase of Rs. 17,000, but if hon'ble members will look further down the page they will find a deduct entry on account of probable savings of Rs. 25,000, the net result being a considerable reduction. Similarly, at page 58 there is an apparent considerable increase of provision against Extra Assistant Commissioners, but further down the budget hon'ble members will find a deduct entry on account of probable savings of Rs. 40,000. The net result is a small increase which is due to advances in the time-scale. I may add, Sir, that no new Extra Assistant Commissioners or Sub Deputy Collectors were appointed last year and the only officers which Government at present contemplate appointing during the present year are one or two Sub Deputy Collectors whose appointment is considered to be unavoidable.

MR. J. N. TAYLOR :—Sir, in the general discussion on the budget, several hon'ble members have referred to matters affecting the Department of Public Works and although nothing of any great consequence has emerged, still I must take this opportunity to reply to certain suggestions and criticisms, as it is the last session of the Council I shall have the pleasure of attending.

Regarding the post of Superintending Engineer which several hon'ble members desire to see abolished, I am not quite clear whether the object in view is economy or merely retrenchment, *i.e.*, whether it is to save money or to simply gratify the pleasure of running amok with a bloody axe. The post at present is held by a senior Indian officer and the immediate effect of abolition or holding it in abeyance will be that he reverts to his substantive post of Executive Engineer, and by so doing saves Government about Rs. 4,800 a year under Establishment. However had he been a less senior officer the saving effected would have amounted to a substantially smaller sum. The question regarding the abolition of this post has been taken up and pending receipt of a reply to certain proposals submitted by the Local Government no useful purpose would be served in discussing the matter further at this stage. There are certain aspects of the case which I think it would be better for me to place before the Government rather than before the Council, and I have therefore decided not to present them to the House. In Assam we carry out a certain amount of work for the Imperial Government and for carrying out these works we receive a contribution charge of 21½ per cent. on all work done. This year the Central Government have asked us to carry out works far in excess of what we carried out previously. Our receipts under this head for 1921-22 amounted to Rs. 52,000. In 1922-23 Rs. 52,300 and for this year's work at 21½ per cent. we expect to receive Rs. 80,755 if the establishment is adequate for undertaking it. The Public Works Department has already been substantially reduced in all its grades and in selecting victims for retrenchment no favour has been shown to caste or creed; the reductions have been evenly distributed throughout both in the superior and in the inferior staff. That the Public Works Department is a security service is a matter which appears to be conveniently forgotten on occasions when retrenchment budgets are under discussion. The forces of nature may lie dormant for longer or shorter periods but they are certainly not dead, and if the strength of this Department is further reduced it is well to take thought before coming to a decision what the position would be if an emergency resulting from floods, earthquakes or landslides on any important hill road were to confront this province. Assam, from an Engineer's point of view, is a province which specialises in buildings and bridges of a temporary character. These together with the mud roads, another speciality of this province, have been constructed at a moderate cost, but they require a large annual expenditure for maintenance and an engineering staff large in comparison with the original capital cost. As an Engineer, if I were asked to give an opinion, I should say that constructing Public Works with perishable materials is a sheer waste of money and so long as this practice is followed the cost of maintenance will be excessive and the staff needed to carry it out proportionately large. As a case in point I give a concrete instance. In a certain Public Works Department Subdivision and a small one at that, there are no less than three thousand seven hundred lineal feet of temporary bridging erected annually on important roads. The renewals cost Government

about Rs. 10,000 a year, and to me it looks very much like throwing money away. We get no permanent result from it, and besides this it is important to remember that in lean years like the present we find it impossible to economise in maintenance; the temporary character of our works renders it impossible; they must be maintained as usual if they are to exist. Natural laws are unfortunately independent of financial considerations, and deterioration due to attrition and decay will go on as usual whether the money needed to meet the cost of replacement and patching is forthcoming or not.

Another matter which I consider needs a reply is the question of the estimates for the Council Chamber and the Murarichand College which the hon'ble member for Shillong referred to in his speech. During the March session the subject of expenditure on the Council Chamber was accorded a public funeral and its disinterment by the hon'ble member appears to have been made with the object of holding a further inquest on the late deceased in order to remove its winding sheet and place it on the shoulders of the Public Works Department (*laughter*). It may be disappointing news to some, but duty compels me to say that the Public Works Department can claim no credit for preparing either the design or the estimate of this beautiful building. Both these are the results of a Bengal Architect's labours. The Public Works Department only did the actual construction and the hon'ble members can judge for themselves whether the work was carried out creditably or otherwise. Well I trust the hon'ble member will recognise that it is his funeral and not mine; and as he disinterred the corpse, he will I trust lay it to rest again in his own way (*laughter*). But there are certain points connected with this question. The Public Works Department did prepare a design and estimate for a smaller and less pretentious building in 1921. That estimate and design bear no reference to the present building. The plinth area of this building is twice as great as the one that was projected in 1921. Furthermore the cost of acquiring this site has been nearly Rs. 45,000; the architect's fees were Rs. 16,000 and owing to the unreliability and incompetence of the local workmen, labour had to be imported from a distant province. The question of the Murarichand College was also raised by the hon'ble member for Shillong. In order to prevent any misunderstanding arising in future, I desire to say a few words about that project. The hon'ble member is confused in his ideas regarding the estimate and the grant allotted for expenditure on works during the year. The grant allotted is what Government can spare out of its finances for construction during the next 12 months and the estimate is a forecast of what the work will cost when it is finally completed. The scheme known as the Murarichand College consists of two projects, the greater and the less; the greater will cost about 13½ lakhs but it has only been roughly estimated. What we are carrying out now is known as the lesser project. It has been estimated to cost Rs. 8,50,000 and I guarantee that the estimate is correct because I prepared it and am satisfied that it will not be exceeded. This lesser project contains no provision for intermediate or science classes and if these are to be added to the project, the estimate will need revision.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA:—Sir, I wish to offer a few brief remarks with regard to the criticisms affecting my departments. My departments have been styled the nation-building departments and it is no wonder that the hon'ble members have given so much of

their attention to it. My hon'ble friend Sj. Dalim Chandra Bora has coined a new name for it and called it the "nation-wrecking departments" in the anguish of his despair. I am certain that he does not mean that we are spending too much on these departments. On the contrary I believe what he means is that we are spending only too little and that there is no hope for this country so long as the present state of things continues. I am entirely at one with him there. But the difficulty arises when we come to think of the ways and means. Retrenchment has been suggested as the remedy and the Council have given this Government the credit that they are sincerely anxious to carry out retrenchments. Fortunately for the province we have at this juncture in the present Government of Assam two financial experts and they are doing their very best to bring about a financial equilibrium, but as Mr. Roffey remarked the other day retrenchment alone will not do. We must try to increase our resources not necessarily by taxation although the possibility of that must not be overlooked. As an ordinary member of the Council—as hon'ble members are aware—I have always advocated retrenchment in expenditure, and as a Member of the Government I have been doing that, but experience of the last few months as to the working of the administrative machinery has taught me that there are certain limits beyond which it is impossible to go all at once. The process must be gradual and slow and the gain will not be immediate. We must, therefore, I repeat, cast about for means to increase our resources.

As to the suggested retrenchments in my departments it has been strongly urged that the department of Public Health should be amalgamated with the department in charge of the Inspector-General of Civil Hospitals. Hon'ble members will remember that this question was under the consideration of the Government some time ago. They have decided that the question should be held in abeyance for the present and the reasons are these. The saving that may be effected by amalgamation will not be so large as is anticipated because the amalgamation will require certain adjustments which will involve fresh expenditure and secondly—and this is the strongest reason for their coming to the decision—that *kala-azar* has spread alarmingly in this province and it is necessary that we should have a special agency to deal with it. Recently we had a survey made in the district of Sylhet and it has resulted in the startling disclosure that there are in that district alone more than 6,000 cases of *kala-azar*, and of them, I regret to say less than 20 per cent. are under treatment. We propose to extend the survey to the Assam Valley and I am afraid the result may be equally disquieting. It is for this reason that the Government have decided that the present Director of Public Health should be employed as far as practicable exclusively on *kala-azar* operations. He has been conducting these operations for years and perhaps is the greatest living authority on *kala-azar*. It would not therefore be right or just to the province to deprive it of the experience and knowledge which he has gained at its cost. In order to enable him to devote his undivided attention to *kala-azar* it has been further decided that his functions as Director of Public Health shall as far as practicable be transferred to the Medical Department and that as soon as *kala-azar* has been brought under, this question of amalgamation shall be reconsidered. I hope that hon'ble members will take this explanation as satisfactory. The next point that has been referred to is the fact that our dispensaries are without adequate supplies of medicine.

Unfortunately that is only too true, but Government are making grants for the purpose. But then hon'ble members need not be reminded that the dispensaries are primarily the concern of the Local Boards and it is to the Local Boards that people must primarily look for help in this matter. Proposals will shortly be placed before this Council for increasing the resources of the Local Boards; to them I hope the members of this House will accord their support.

The next thing referred to is the encouragement of indigenous systems of medicine. I may tell hon'ble members that this is a matter which has not escaped my attention. Something has been done in that direction in the province of Bihar and Orissa and I have obtained the reports of that province in regard to this matter. In Bengal just at present a Committee is sitting to advise on this matter and we are awaiting receipt of their report. The District Board of Noakhali has recently resolved to establish certain Kaviraji, Hakimi and Homœopathic dispensaries. If that resolution is given effect to I shall collect information about them and see if anything can be done here in that way.

The next thing suggested is that Agriculture, Co-operative Credit Societies and Industries should be placed under one head. I have not yet had time to study these departments carefully, but there are one or two things which strike me at the outset. Agriculture as the hon'ble members are aware is in charge of an officer who holds the office of Director of Land Records, of Commissioner of Income-tax, of Inspector-General of Registration of Stamps and other minor charges, while the departments of Co-operative Societies and Industries are in the hands of the Director of Industries. Now if Agriculture is placed under the Director of Industries there will be no retrenchment at the top because the Director of Agriculture will be there all the same, so that by amalgamation we do not really get any retrenchment at the top to which the Council is so anxious to apply the pruning knife. Whether any retrenchment can be effected in regard to subordinate agencies is a matter to be considered later. Coming to Industries, it has been said that very little has been effected. Well, that may be admitted. Hon'ble members will remember that just a year ago my predecessor put forward before the Council certain suggestions showing how industries could be developed in this province but for want of funds all the schemes have had to be held up. A suggestion has been made by one hon'ble member that the Sericultural Farm and the Farm at Jorhat may be abolished, while another member has said that it would be false economy to do that. However, these two farms are engaging the attention of Government.

Coming to Education the first thing that has been urged is that we should secure a firm footing for Assam in the University of Calcutta. As the hon'ble members are aware there are two private Bills now pending before the Bengal Council and the Government of Bengal want also to introduce a Bill to amend the Universities Act in July. We have taken some care to study these Bills and we have made strong representations to the proper quarters for the purpose of securing our interests, and I hope that as a result of our representations our position with respect to the University will be improved. Then it has been suggested that we should devote greater attention to mass education. That is a subject on which the Government attach

the utmost importance and there is now a Bill before this Council for legislating in regard to mass education. That Bill has been circulated for eliciting public opinion and as soon as it comes back the necessary measures will be taken.

More than one hon'ble member has pleaded for larger grants to aided schools. We had more than one resolution in regard to this subject in former sessions of the Council and the policy of Government was then stated in the clearest terms. It was stated that the Government recognised that these aided schools do deserve help; and I cannot do anything more beyond stating for the information of the Council that the total sums given to non-Government institutions as said comes to about Rs. 77,000 a year. More than one member has appealed to me to make an effort to improve education among Muhammadans which has suffered a set-back as a result of the non-co-operation movement. In the course of my tour I have noticed this and I have always tried to impress on the leaders of the Muhammadan community that they should bestir themselves and impress upon the rising generation the folly of the course they are pursuing. If any assurance were needed from the Government on behalf of the Government I give a most solemn assurance that all that the Government can do will be done to advance the education of the Muhammadans, but I must tell them at the same time that the Government cannot do very much. A good deal will depend upon the action that the community is disposed to take to create an interest in their rising generation. There are facilities provided, and it is for the people to come and take advantage of them. But for certain reasons they are not coming forward in large numbers. It has been suggested that the training schools at Jorhat and Silchar should be abolished. This is a question which I have gone into carefully and I do not think that these schools should be abolished. The Bengal Retrenchment Committee have recommended their abolition on two grounds. The first is that the emoluments given to teachers there are very small and, secondly, the class of people who are trained are not such as to receive much benefit by the training. But the conditions here are different. Here the emoluments are higher and the class of people who come for training are also better educated.

One hon'ble member has suggested the abolition of the Earle Law College while another hon'ble member has suggested that it would be false economy to do so, and the duty of the Government is clear. Another hon'ble member has suggested that the recommendations of the Retrenchment Committee ought to be given effect to. The recommendations so far as my departments are concerned relate to the Assistant Inspectors of Schools and the grading of the Inspectors in the Provincial Service. So far as Assistant Inspectors of schools are concerned, the recommendations have been given effect to in so far as we have suspended these posts for the time being. As to the grading of the Inspectors in the Provincial Service we are not sure whether by doing so we shall effect any economy, because the Retrenchment Committee have also recommended that the Director shall have to be given the assistance of an officer in the Indian Educational Service. That is a question that has not yet been finally decided. Hon'ble members may rest assured that so far as my departments are concerned I shall do all that I can to meet their wishes.

THE HON'BLE MR. A. MAJID :—Sir, in the general discussion of the budget my hon'ble friend Maulavi Rukunuddin Ahmad asked for information pointing out that there has been an increase in the number of Inspectors, Sub-Inspectors and Constables in the Armed Police Branch budgeted for. Hon'ble members will remember that the Council provided Rs. 87,000 for the reorganisation of the Armed Police in the budget for 1922-23, and a supplementary grant of Rs. 43,000 in the last September session. Accordingly the reorganisation of the Armed Police was sanctioned. The budgeted figures given on page 79 of the budget estimates represent the sanctioned strength. If we turn to the figures on page 80 it will be found that it is proposed to effect a saving in expenditure of Rs. 1,30,000. The result which will follow is that the entire number budgeted for cannot and will not be entertained. The increase in the number and provision of Assistant Sub-Inspectors is apparent and not real. The Head Constables of the unarmed branch are now designated as Assistant Sub-Inspectors but Head Constables of the armed branch continue to be designated as Head Constables. If the number of Assistant Sub-Inspectors and Head Constables are totalled together it will be found that we have provided for 275 such officers this year as against 357 of the last year. So then, it will appear that the number of the Head Constables and Assistant Sub-Inspectors has been reduced, and not increased. Then, as regards Constables, the number has been increased but the vacancies that will occur in course of the year on account of resignations, retirements, deaths, absence on leave and similar causes will not be filled up to the extent of 15 per cent. in order to effect the proposed saving. As regards Inspectors, the Inspector-General of Police has made a proposal to temporarily replace certain Court Inspectors by Court Sub-Inspectors. That proposal has received the sanction of the Government. Thus there will be a temporary reduction in the number of Inspectors. My hon'ble friend Mr. Chaudhuri enquired why we should contribute Rs. 1,09,000 towards the maintenance of the High Court at Calcutta, etc. Sir, under the new financial arrangements which have been introduced in connection with the Reforms each Government is, under Rule 14(e) of the Devolution Rules, liable to bear the charge in respect of the services rendered for it or the expenditure incurred for it by one province on behalf of another, and this has to be settled by inter-provincial arrangement. Hon'ble members are well aware that the Calcutta High Court is the highest Court for this Province. The Legal Remembrancer, the Advocate-General and other legal officers of the Bengal Government render services to the Government of Assam. A portion of the civil and criminal business before the High Court goes from Assam. In these circumstances the Government of Bengal made a demand for a share of the cost of the maintenance of the High Court and for the cost of the services rendered to us by their legal advisers. This led to a discussion and the Government of Bengal asked for a fixed payment subject to revision after three years, and the amount fixed by the Government of Bengal is approximately an annual amount of Rs. 95,000, which this Government has agreed to pay. I may further mention for the information of my hon'ble friends that my hon'ble colleague the Finance Member explained these facts in his budget speech which he delivered in the March session of this Council.

THE HON'BLE MR. W. J. REID :—Sir, I should be indeed ungrateful if I did not begin by acknowledging the generous way in which hon'ble members have recognised the difficulties under which this budget

has been framed, and the efforts that this Government have made to bring our expenditure within our income, as also the many kind references that have been made to myself. I fear that these are not all deserved, but the antidote to any harm that flattering remarks might have done is to be found in what we heard yesterday—that in Local Boards and other places where they talk the Finance Member is known as the Shylock of Shillong. I think on the whole that in these times to have earned such an epithet is praiseworthy. Well, Sir, it is a mistake to think that the Finance Department alone can achieve anything. We are only one of the departments of the Government, and the fact that we have effected economies is due to the ready co-operation of the other branches. Our warmest acknowledgments are due to His Excellency the Governor, to my Hon'ble Colleague on the Executive Council, to the Hon'ble Minister and to all the heads of the departments working under them.

The other speakers on the Government benches have dealt with particular items, and my reply can only be a general one. I trust therefore that hon'ble members will forgive me if I find it impossible to deal with every point that has been raised in the course of the discussion.

I have in the first place to acknowledge the assistance given us by the Committee on Public Accounts who discharged their office faithfully but with consideration. I have to thank also the Advisory Finance Committee for the way in which they realised our difficulties. And lastly, my warmest personal acknowledgments are due to the officers of the Finance Department, to Mr. Botham, Mr. Desai and Babu Surendra Chandra Dutta. If the budget is indeed clear and intelligible as many hon'ble members have been good enough to say it is the credit rests with them and not with me.

Before I discuss the general financial situation there are one or two matters that I should like to deal with. Mr. Roffey made certain remarks about the raising on the import duty on tea chests from two and a half per cent. to fifteen per cent. He asked several questions, but he was considerate enough to say that to a good many of these he did not expect an answer. Well, Sir, I can at least answer one or two of them. Mr. Roffey was correct in thinking that a firm interested in the manufacture of tea boxes applied to this Government, or rather made to this Government a suggestion that the import duty should be increased. When we got this suggestion we consulted the Tea Industry and found that they were very strongly opposed to the proposal. We therefore told the firm that we were not prepared to act in opposition to the wishes of the Tea Industry. As for the reasons which led the Central Government to raise the duty on tea boxes, these were given in another place by the Member of that Government responsible for the measure. Mr. Roffey asked next if we protested against the increase. I can tell the Council what Mr. Roffey already knows, that when the Finance Bill was published we received protests from the two local Branches of the Indian Tea Association against the increase. We telegraphed the protests to the Government of India, and we recommended that until the Industry had been given a full opportunity of expressing their views no further action should be taken. We took this action and we told the two Branches that we had done so.

Mr. Smiles mentioned a subject of interest to most of us. He spoke of the price of petrol, and he argued that the price in the country where the petrol is produced ought to be less than the price outside. Well, Sir, I must confess that we as a Government had very much the same idea before, and that we have been in correspondence with two Oil Companies. I am sorry to say that we have not been successful in persuading them to alter the price, but we shall make a point of bringing the remarks of the hon'ble member to their notice. We shall bring also to their notice his suggestion that no further concessions should be granted to Companies which are not prepared to give to the inhabitants of the province some benefit in consideration of the fact that oil is found and petrol manufactured within the province.

In the course of the debate the desire of all the speakers to be helpful was manifest, and various suggestions were made about further economies. We heard of the Indianisation of the services, of the transfer to Provincial Services of duties which are now performed by All-India Services, of the need of revising the pay of all the Services. Well, Sir, the Council know that a Royal Commission will be appointed and that all these questions will come under their review. It is clearly impossible for us to anticipate the findings of the Commission. Other speakers called the Government top-heavy, and this is a matter which will be discussed as we have notices of two resolutions concerning the number of Members of the Executive Council and of Ministers. The debate showed clearly that opinion in this Council is by no means unanimous on the point. But members will be interested to hear that one of the suggestions made in the course of the debate has already been adopted as a temporary measure. His Excellency, with whom the decision rests, has decided that only one Minister should hold office until after the forthcoming election, but in so deciding His Excellency has not finally settled the question of the number of Ministers.

We heard of specific posts which might be abolished. In this connection I would invite the attention of hon'ble members to the statement I made when replying to a resolution moved by Rai Bahadur Bipin Chandra Deb Laskar in the last session of the Council. Mr. Botham has told the Council what we have done in the way of reducing the numbers of Extra Assistant Commissioners and Sub Deputy Collectors. It was suggested that our present Excise staff have not enough to do, and that we might give them other duties such as Income-tax work. This is very much the recommendation that was made by the Bengal Retrenchment Committee, and I can tell the Council that the suggestion is one which had already occurred to us. We were examining it even before we received the Report of the Committee.

Reductions in travelling allowances were suggested, and as regards this we are going very closely into the recommendations of the Bengal Retrenchment Committee. We hope shortly to come to a decision, and we hope to effect an appreciable economy under this head. It was suggested that the Public Works Department might be abolished, the Local Boards taking over the duties that they now perform. Well, Sir, the Council may remember that in the budget discussion of a year ago I explained how we had made a definite offer to certain Local Boards to hand over these duties to them, making over also the funds available for the Public Works Department, and how our offer had met with no response. We can hardly compel Local Boards

to take over these duties if they do not desire to do so. I would only add that, as Colonel Taylor has told the Council, in no other department has reduction of staff been made more ruthlessly than in his.

There is one matter on which I must confess to having a grievance. I refer to the subject of Excise. Several speakers criticised us about this. They said that we ought to rejoice if Excise receipts altogether disappeared. Well, Sir, if Excise receipts disappear because the people no longer drink liquor or use opium or *ganja* we shall not be sorry. But so long as men use these articles, they are at least luxuries, why should they not be taxed? Why should the illicit distiller, the smuggler of opium, the seller of wild *ganja* profit and no return come to the coffers of the State? So far my grievance is not a very serious one, but when one hon'ble member who has always been scrupulously fair in his criticisms of Government accused us of encouraging the consumption of opium I am bound to protest. I would ask him to read the Excise Reports, to read the answers which will be given to the questions that he has asked, to see for himself how consumption has been reduced in the last two years. We are content to be judged by actual figures of consumption. We were told that a wave of temperance has spread over the province. It is our earnest desire that this may prove to be the case.

Some of the economies that we have effected have been criticised, but one criticism at least cannot hold. It has been said that our economies all take the form of making poorly paid officers suffer, and we were told that with this object we had reduced the pay of deserving clerks. Well, Sir, the Council had the opportunity of reading in the Gazette the resolution which expressed our decision in this matter, and I challenge any member of the Council to go to a Deputy Commissioner's office, to speak to the experienced seniors, the wiser, the more competent ministerial officers there, and to ask them whether any injustice has been done by these orders. It is true that they will not be popular with those less efficient clerks who have had great pecuniary gain only on account of length of service. But I maintain that the orders will be popular with the younger and more able men who will now find that merit brings promotion, that seniority alone is not the only road to advancement.

Well, Sir, what are the remedies for our present dangerous position? I have already touched on some of those that have been suggested. I have explained that some we cannot investigate until the Royal Commission has met. Several speakers called attention to the hope I expressed in my budget speech that it might be possible to announce fresh savings at this time. I regret that I cannot yet give definite details. I have mentioned further measures which are in prospect, some of which we hope will shortly be introduced, such as economies under travelling allowance, reductions of staff and so on. But I trust there was no misunderstanding among those who listened to my budget speech. The most I hoped to do was to make good the difference of Rs. 72,000 between our estimated receipts and our estimated expenditure for the current year. This hope we have by no means abandoned. There was only one suggestion made for new taxation, that a tax should be levied on all boats. Other speakers viewed the idea of taxation with disfavour, nor is this surprising. One or two speakers mentioned the Local Rates Bill, but I can say at once that the first speaker who did so as far as he is personally concerned need have no anxiety unless he is largely interested in tea. To the temporarily settled areas of the province leased for ordinary cultivation the Bill will make no difference.

One hon'ble member hinted that if the province of Assam was merged in Bengal, or failing that if the district of Sylhet was added to the province of Bengal, there would be a way out of our difficulties. Unfortunately we shall have no opportunity this session of discussing these suggestions. One hon'ble member recommended a five per cent. cut in expenditure all round. He said this could not hurt any one or any department. I sincerely trust, Sir, that this Council will not endorse this suggestion. It has the merit of extreme simplicity. Honestly I can find no other merit that it possesses, but I could tell the Council, if time permitted, the difficulty that we have found in taking this drastic step ourselves, in avoiding the bringing of the administration in certain branches to a complete standstill, in avoiding injustice to officers. And I would remind the Council of the support given to those views to-day by the Hon'ble Minister after his experience of the actual working of the Administration.

I am afraid, Sir, that to me no heroic remedy is apparent. The only course I can see left to us is the one outlined in my budget speech—that we must first get our budget to balance, then pay our debts and then begin to build up a surplus. I cannot admit that our expenditure must always exceed our income as certain speakers seem to think, and though they make allowance for some abnormal items of expenditure they ignore altogether one or two important ones. I have no desire to minimise the seriousness of the position, but would remind the Council that of our overdraft five lakhs are accounted for by the change of system in no longer requiring deposits from people taking settlements of excise shops. I would remind them that the Goalpara Tramway accounts for two lakhs and will account for an extra half lakh in the current year. If these sums are deducted the overdraft assumes different proportions.

At the risk of being called an optimist I still maintain that our receipts are increasing. To take only one head of receipts, several speakers questioned our land revenue estimates. I should like to show these hon'ble members the yearly statements that we get from each district in the Assam Valley of new settlements. I question whether they realise the extent to which each year new areas are brought under settlement, the extent of the annual influx of new immigrants into the province. It is true that floods or drought may cause a failure of the crops, may upset all our expectations. We do not budget for such eventualities. If they come we will face them.

Several speakers commented on the wide differences apparent in the past between budget figures and revised figures and between revised figures and actuals. I am afraid, Sir, that differences of this kind are always to be expected though I hope that in more normal times when more normal conditions prevail the differences will be far less marked than they have been. One speaker, if I heard him aright, asked why we did not work entirely on actual figures, why we bothered at all about budget figures or estimates of any kind. Well, Sir, I told the Council once before what all these terms mean. Budget figures are guess-work admittedly. They are estimates based on long experience and on the best information that is available. Revised figures are also guess-work. They are based on the actual figures of so many months of the year to which an addition is made to cover the remaining months. Floods or other calamities or any abnormal circumstances must almost inevitably mean reduced income and increased expenditure, and as for

actuals it is not until months after the year has closed that the Accounts Department are in a position to tell us what exactly has been the income and what has been the expenditure of any year.

One thing is certain. Doubtful as the position is we are at least striving to work out our own salvation. We get no help from outside. The Council may remember the debate a year ago in which I spoke on a resolution moved by Srijut Nilmani Phukan recommending a temporary remission of our contribution to Central Revenues. I mentioned our peculiar difficulties. I spoke, I trust not enviously, of the greater good fortune of the neighbouring provinces of Bengal and Behar and Orissa. Behar and Orissa have paid no contribution since the beginning. Bengal have been fortunate enough to be exempted for three years. I thought, and I believe that the Council agreed with me, that our claims to favourable consideration were no less strong. I need not dwell on the alluring prospect of what our present financial position would be if we had obtained an exemption for three years of even half of our contribution. And yesterday we heard Mr. Roffey's forcible expression of the views of the Tea Industry on the financial position and on the subject of taxation, views with which I am sure all of us sympathise. Mr. Roffey assured us that the Tea Industry did not object to reasonable taxation but that they did expect to benefit directly from at least some portion of the taxation which they pay. I have not had time to check his figures, but according to him the Government of India will this year take some forty-eight lakhs of rupees as taxation from the Tea Industry. They contribute directly and indirectly to the resources of the province in the way of land revenue and such other local taxation, but over and above this the Industry has to meet the export duty on tea, the income-tax on tea profits and the enhanced import duty on tea boxes. Of this everything goes to Central Revenues save that the province gets three pias in every rupee of profits brought to assessment to income-tax. Our provincial contribution is as every one knows fifteen lakhs a year. We are fully aware, Sir, of the present embarrassment of the Central Government. We realise that the Central Government must have sources of income. We are always I trust ready to render unto Cæsar the things which are Cæsar's. But we all of us know what this province owes to the Tea Industry in the past. Is there any one here who does not feel that there is something wrong when practically all these heavy contributions from the Industry go to Central Revenues? Is there any one here who does not agree with Mr. Smiles that if some reasonable share of these taxes came to us Assam would be a rich and progressive province and not a poor and backward one? Mr. Roffey asked that the protest of the Industry should be forwarded to the Central Government. I can assure him that this will be done.

Resolutions.

MAULAVI AKMAL HUSSEIN :—Sir, the resolution that stands in my name runs thus :—

That this Council recommends to the Government of Assam to fix by rules that Honorary Magistrates should not hold office for more than 15 years in the same station.

In moving this resolution I beg to say a few words by way of explanation as to what led me to present the resolution before the Council. It is a well known fact, Sir, that stipendiary Magistrates are not generally allowed

to remain in a particular station for a long period. The reason for this is well-known to Government, and I think it is not very difficult for you too to find out. Human mind, gentlemen, is liable to form its own likes and dislikes, its bias and prejudices for or against persons and things when they are in touch with them for a sufficiently long period. The Magistrates, Sir, whether stipendiary or honorary, are not above this weakness which is common to average humanity. Although it is the general practice with the Government not to retain a stipendiary Magistrate for a long time at a certain station in consideration of the above fact I know not why this practice is not resorted to by the Government in the case of Honorary Magistrates. I do not of course mean that the Government should transfer the Honorary Magistrates from one place to another. But what I beg to submit to you is that in consideration of the above fact alone, if not for anything else, the Government should limit the period of an Honorary Magistrate presiding over a Bench at a particular place.

With these few words I beg to place this resolution before you for your consideration.

MAULAVI ABDUL KHALIQUE CHAUDHURI :—Sir, I moved amendments to this resolution and sent a copy of the same on the 5th instant. I beg leave of the House to accept my amendments. Sir, it was the practice of the Hon'ble House formerly to send the admitted copy of resolutions by post to the hon'ble members. This time we got the copy of the resolution on the night of the 4th instant. So, I think, the question of two clear days' notice does not arise here.

THE HON'BLE MR. A. MAJID :—Sir, I object to the amendment being moved as sufficient notice was not given.

THE HON'BLE THE PRESIDENT :—The amendment is too late so I disallow it.

MAULAVI AKMAL HUSSAIN :—Sir, may I ask whether the amendment has been accepted?

THE HON'BLE MR. A. MAJID :—The Hon'ble the President has disallowed the amendment as it has not come in time.

THE HON'BLE THE PRESIDENT :—Yes, I have disallowed the amendment.

MR. R. N. CHAUDHURY :—Sir, the matter does not seem to be a very difficult one and I think that it should be supported by this Council, the very reason being the principle that officers are transferred from district to district.

SRIJUT NILMANI PHUKAN :—I do not see, Sir, how this resolution can be accepted in its present form.....

MR. R. N. CHAUDHURY :—I am speaking. I do not know why this resolution cannot be accepted in this form. Is there any objection whatsoever as to the form? The form seems to be all right. The hon'ble mover wants that after 15 years an Honorary Magistrate should be transferred from one place to another. He should not sit tight in one place for

more than 15 years. Difficulties would arise in this way : if an officer remains tight in one place those who do not regard him much might receive no favour at his hands. This circumstance can only be understood behind the screen, and not in this open Council. An Honorary Magistrate likes his post because I understand he gets an exemption from the operations of the Arms Act. If there is any other charm why should not everybody accept an honorary post? If anybody bothers himself about securing such a job, he should become a stipendiary Magistrate because he would understand the value of his time. An Honorary Magistrate would be wasting his time in trying to mete out justice to people. If this is considered to be the real reason why the Honorary Magistrates work as such, then it should surely strike an ordinary imagination that Honorary Magistrates should be transferred and not allowed to remain in one place, just as is the case with the higher officials. A fixture in one place may not do great harm, but we know that this is a principle which has been accepted and worked up to by the Government with regard to the highest officials, for instance the Governor of a Province or High Court Judges. These appointments are changeable after five or three years. I therefore urge on principle that Honorary Magistrates should be transferred after a certain period, that period may be 15 years or less it does not matter much what, but the question of transfer remains there cogent indeed.

SRIJUT NILMANI PHUKAN :—Sir, from the wording of the resolution I find that we cannot lend our support to it. To me it appears that the measure means to imply that no Honorary Magistrate should hold office for more than 15 years. This I think is the intention but the hon'ble mover has expressed the language of the resolution in such a way that it will not be possible for us to say that an Honorary Magistrate should be transferred like any other officer in the usual way and what is important at his own cost. For this technical reason we must rather oppose the motion. Perhaps Mr. Chaudhuri forgot that the word "honorary" was used there. It would be sheer cruelty to Honorary Magistrates to ask them to travel at their own expense on transfer and to earn a livelihood in another place independent of Government service. I cannot therefore support the motion.

MR. W. D. SMILES :—Sir, as an Honorary Magistrate I take grave exception to the remark which fell from one of the hon'ble members to the effect that we only become Honorary Magistrates to escape the Arms Act. I myself escape the Arms Act on two other accounts and I certainly did not become an Honorary Magistrate to escape the Arms Act. Another point raised was about the transfer of Honorary Magistrates. It is my hope to make my home in Assam for another 20 years and also to remain in the same place, so that I do not see why the question of transfer should come into the thing at all. The hon'ble member also mentioned the question of the administration of justice and the consequent waste of time. Well, Sir, nobody can waste his time if he is to administer justice. I am willing to give up my time if I can help in the administration of justice in any way, and I am sure that other Honorary Magistrates in the Province feel the same. The hon'ble member was also good enough to compare Honorary Magistrates with the position of the Governor. I cannot aspire to compare myself to such a position. The only objection to this seems to be the question of favouritism. At the end of fifteen years perhaps we might favour some of

our friends in the district at the expense of others. Well, it is said that the young know everything, the middle-aged suspect everything and the old tolerate everything. So long as the question of Honorary Magistrates only applies to the middle-aged and the old and so long as they suspect and tolerate everybody, it will not make any difference to the administration of justice.

THE HON'BLE MR. A. MAJID :—Sir, I do not think that I need say much after what I have now heard from the previous speakers. My friend, Mr. Chaudhuri, took rather a narrow view of the functions of Honorary Magistrates and my friend who just preceded me has exposed the incorrectness of that view. I am not sure that the hon'ble mover supports his resolution as he has thought it fit to have his resolution amended. Perhaps I should explain to the Council the existing practice under which we appoint Honorary Magistrates. Since December 1909 we have appointed Honorary Magistrates for periods of three years only. This, I maintain, Sir, is quite a good practice; it enables us to eliminate persons who are unsuitable for the work and to re-appoint those who are competent and take an interest in the work. It is a pleasure to me to acknowledge with gratitude, Sir, that we have Honorary Magistrates who have at great personal inconvenience and sacrifice rendered service as Honorary Magistrates. Before December 1909 we appointed Honorary Magistrates without any limitation of time and these Magistrates may be regarded as having been appointed for life. Since 1909 we have not followed that practice; and we have been appointing Honorary Magistrates only for a period of three years at a time and I trust the Council will consider this existing practice to be sound and commendable. We have in all 61 Honorary Magistrates of whom 18 were appointed under the old practice and the remaining 43 were appointed for three years. If the resolution which has been put forward is carried, the Council will consider what may be the effect. A public-spirited gentleman who has rendered service without remuneration for 15 years at great personal sacrifice and inconvenience and has gained a lot of experience would be precluded from continuing to do work as an Honorary Magistrate even for a day after 15 years. I trust that the Council will not countenance or endorse this resolution which has such undesirable effect.

BABU KRISHNA SUNDAR DAM :—Sir, I propose to say just one word after having heard the Government Member's reply to the resolution. The Hon'ble Member seems to think that what is wanted in Honorary Magistrates is only experience and ability to discharge their duties thoroughly well. But an equally important point to be considered is the confidence which Honorary Magistrates can command with the public in the discharge of their public duties. Whether Magistrates are stipendiary or honorary it is not enough that they should be able simply to administer pure justice. A Magistrate permanently stationed for any length of time in one particular place is likely to acquire and create prejudices for and against himself and this circumstance ought to be considered by the Council seriously in fixing the maximum period for which a particular magistrate would be allowed to hold a particular office. As regards what has been said by one European member of this Council—and he happens to be an Honorary Magistrate himself—that Honorary Magistrates work at a sacrifice and get nothing in return, I should like to say that they enjoy substantial privileges and substantial honours which the post of Honorary Magistrate necessarily carries with it. The public have a right to expect that the Government will not

allow such honours to be monopolised for a fairly long time by certain chosen members simply because of their ability. The principle involved in the appointment of Honorary Magistrates is not only that Government should effect economy in the administration of justice but also that competent members of the public should be allowed to associate themselves with the administration more and more. This would be an advance consistent with the present Reform policy of the Government. So I support the view that a certain time limit should be fixed beyond which a particular person should not be allowed to hold the office of Honorary Magistrate in a particular station.

SRIJUT DALIM CHANDRA BORAH :—I beg, Sir, to say a word on this resolution. If I understand him aright, I think the object of the hon'ble mover is to compel the Honorary Magistrate to retire from his post after 15 years. If there is any Honorary Magistrate among the hon'ble members here my remarks are not applicable to him and I hope he will excuse me if any part of my speech be unpalatable to him. I assure the hon'ble mover that his resolution cannot dissuade the Honorary Magistrates to give up their appointments after certain fixed period. They are ready to go from station to station at their own expense provided they get cases for trial. When such is the case it is better that we should not offend a certain class of honorary officers, rather we should be grateful to them for serving the public gratis. There are Honorary Magistrates who are willing to work from morning to evening; and at the same time there are Honorary Magistrates who with their own hands fill up the forms of warrant and summons issued to witnesses and accused for facilitation of their work and for pleasing their superiors; all what they want are only cases. They want to be appointed and allowed to serve as Honorary Magistrates as long as they can. The consideration for rendering such honorary service is the fulfilment of their avidity for the appellation of Hakim. Their wives and children call them Hakims and lots of parties frequent their houses. Whatever restrictions be put on their attempts I do not think that we shall be able to prevent them from acting as Honorary Magistrates in their own station or in the interior. In the big stations the work is under the supervision of many supervisors, but in the interior there is none to check that work. So I say if we are not able to prevent them from working as Honorary Magistrates either in their own station or outside the station, or in the interior, it is better not to dissatisfy such a class of persons but to withdraw the resolution.

MAULAVI RASHID ALI LASKAR :—Sir, I for one do not see what charm there is in this honorary post of the Honorary Magistrate that one would not like to enjoy his well-earned rest after fifteen years of honorary service. Any way I am against such a sort of permanent settlement in honorary posts. I am also afraid that if such permanent settlement is allowed some sort of hereditary system for their children to inherit the office will come into being. Sir, if the resolution is moved for fear that Honorary Magistrates of long standing may have some prejudices for and against in the locality, then this resolution as it stands will not mend the matter much. Even a period of fifteen years is under such circumstances enough for one to do havoc in the locality. Though I am in favour of the principle of the resolution I do not see how I can support it. So I would request the hon'ble mover to withdraw the resolution as the amendment is already disallowed.

KHAN SAHIB SHARAFAT ALI CHAUDHURI :—Sir, in my humble opinion the Honorary Magistrates should not be kept in one place for more than three years. If it is essentially necessary, an Honorary Magistrate after his term of three years may again be reappointed for another three years. There should be some time limit in every service and in every department. There is such a time limit in every department of the Government, but there is no time limit for Honorary Magistrates. The position of mofussil Honorary Magistrates is not probably known to all the hon'ble members. They are the lords of the mofussil because nobody goes there to check their work, they do what they like in the interior. As for myself I am deadly against Honorary Magistrates who are influential zemindars also being continued in their honorary office in their own zemindary for a long time. So I strongly support the resolution. When Government servants are sometimes not allowed to remain in one place for more than three years, when officers like the Magistrates, Deputy Commissioners, Deputy Magistrates and Sub Deputy Collectors, etc., are being transferred after two or three years and no such Government servant is kept in one and the same place for more than five or six years, I request the Government to see to it that there should be some time limit to Honorary Magistrates also. If Government want to keep any Honorary Magistrate for a longer time in one place they can do so, but the appointment should be made in the first instance only for three years. That is my suggestion. If any Honorary Magistrate is doing good service as Honorary Magistrate he may be reappointed for another three years. Then after six years according to my suggestion he should not be given this chance. The chance should then be given to another person. With these words I support the resolution.

BABU HIRALAL BOSE :—Sir, at the very beginning I had no intention to say anything on this resolution, but seeing the turn it has taken and the way in which a set of gentlemen holding honorary posts under Government are being attacked behind their back I think it is not very generous on the part of the councillors to do so and I must say something. There might be some black sheep among them as there are black sheep even among the highest judicial officers. That is no reason therefore why we should attack a set of gentlemen, who are none the less gentlemen after all, and enjoy the respect of the Government and of the public. I think my hon'ble friend Mr. Phukan, is perfectly right in saying that the resolution as it stands cannot be supported, because whatever might be the intention of the hon'ble mover the language of the resolution in my humble opinion is very defective. The hon'ble mover of the resolution and those hon'ble members who have supported him have, if I might be pardoned for saying so, forgotten, if I mistake not, that Government never appoints an Honorary Magistrate for a period of more than three years. If that is so and if these gentlemen deserve to be appointed a second time, where is the harm in so doing? So I think, Sir, that both on principle and in view of the defective language of the resolution I must oppose it, and request this House not to accept the resolution.

MAULAVI MUNAWWARALI :—I wish, Sir, to add a few words. One of the hon'ble opposers of this resolution said that there was a technical objection on account of which he could not support it. I for myself do not notice any such objection. There is no technical objection involved in this resolution. The only objection that might be urged against it is that

the intention of the mover probably is not well carried out in its wording. Now I should like to analyse the resolution. It sets a time limit of 15 years beyond which the office of the Honorary Magistrate cannot be held by the same man at the same station. Sir, the resolution does not say whether retrospective effect is to be given or not. As it stands it must be taken that the period of 15 years is to be counted from the date on which this resolution is given effect to. So the present Honorary Magistrates are not in any way affected in so far as the period through which they have acted as such will not be counted. I do not know if the resolution involves an idea of transfer. I think it does not because the word 'Honorary' indicates that the person holding the office is not expected to undergo any pecuniary sacrifice beyond the time that he devotes to it. The criticism that has been levelled against the Honorary Magistrates by several of the hon'ble members I consider rather hard, and certainly uncharitable. The principle involved in the appointment of Honorary Magistrates is that certain persons of approved property and qualifications who are in a position to devote their time and energy for the benefit of the State might be utilised in the service, thereby relieving the State of a burden of salary which would have to be given to stipendiary Magistrates. This is also a facility to better class people to render useful public service. The objection and the only objection that can be urged is that the appointment should not be given to one and the same man for too long a time in the same way as stipendiary Magistrates are not allowed to remain in the same place for a very long period of time, because even judicial persons come into contact with the persons of the locality and get into familiarity and might not in the long run be able to do justice on account of familiarity and too much friendship so that the object of this resolution is quite good. But the defective wording of the resolution makes my position a bit difficult and I do not know whether I can give my support to it as it stands now. The hon'ble mover of the resolution would be well advised to frame the resolution so as to carry his meaning. I should therefore think that the hon'ble mover might see his way to withdraw this resolution this time and that he may bring forward a fresh resolution next time.

RAI BAHADUR BIPIN CHANDRA DEB LASKAR :—Sir, I do not see my way to support this resolution.....

BABU HIRALAL BOSE :—Sir, I rise to a point of order: the hon'ble mover has withdrawn his resolution.

MAULAVI AKMAL HUSSEIN :—After hearing all that has been said by the hon'ble members I withdraw the resolution for the present. I hope to bring forward a fresh resolution in a modified form in the next session of the Council.

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

Khan Sahib Alauddin Ahmad Chaudhuri being absent, the following resolution standing in his name was deemed to have been withdrawn :—

That this Council recommends to the Government of Assam that the Government should move the proper authority to increase the number of Assam representatives on the governing bodies of the Calcutta University.

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

That this Council recommends to the Government of Assam that the Government of India be moved to bear the entire cost of maintaining the Assam Rifles.

Sir, the other day I had occasion to congratulate the Inspector-General of Police for reducing substantially the budget provision of this item. To-day I am again going to move a further reduction—rather a total reduction—and as such it may apparently appear unreasonable. But at the outset I should say that I move this resolution not with an eye to retrenchment or economy, but I feel it my duty to move this resolution on a matter of principle. This question of Assam Rifles had come into prominence during the life of this Council all these years and I am glad to see that this question has been discussed in a manner which I am sure will ultimately bring a proper solution. In connection with a motion regarding the budget demand on "Armed Police" this question had been brought in by several members and I also had to take some part in the discussion. In the September session of the Council in connection with the Police demand I said "The position of the Assam Rifles is still to my mind anomalous. We clearly feel that the charges for the Assam Rifles should be entirely Imperial". I hold that opinion still and as such I am emboldened to move this resolution. And if we go through the discussions that we had during that occasion we will find that in connection with the motion for reduction regarding the Armed Police this very question was discussed and the motion for reduction was opposed on the ground that for the internal peace of the province the "Assam Rifles" were not the proper thing. And actually I found in the discussion of that motion the Hon'ble Finance Member to have made the remark "The fact is that in 1920-21 our actuals were concerned with only three battalions. At that time two battalions were paid for by the Government of India, the expenditure being charged as political." I want to give emphasis on the word *political*. If this expenditure can be considered as political then under the Devolution Rules I think *political charges* must come under the Central Government's expenditure. As such I think these charges on Assam Rifles must be borne by the Central Government. I may quote at length from the discussions on the motion for reduction of the Armed Police in this connection. Actually in connection with that motion we brought in this question of the Assam Rifles and there I found the following in the explanatory note of the budget "Under the present conditions of the province there is a pressing need for increasing the strength of the Armed Police Reserve. This branch of the force which is intended to restore or maintain order in case of emergency has proved to be inadequate in most districts and consequently the services of the Assam Rifles have to be requisitioned very frequently." And because it is not a desirable thing to bring in Assam Rifles, in such cases the position of the Armed Police was strengthened. That was a reason. And again I find in that explanation "The Assam Rifles are not trained for this sort of work and for many reasons the Governor in Council would prefer in respect of civil disturbances to regard them strictly as a reserve and not to have to call upon them at the first sign of disturbance." I said then :—

"That is also desirable. But my point is this—if these Assam Rifles are not to be called at the first sign of disturbance, then why are they already used for that purpose. And if they are actually used

for that purpose and if they are partly maintained by our Government on account of this reason only,—because, unfortunately we are contiguous to Frontier Tracts and therefore occasionally require greater attention of the Police to quell any internal disturbances,—and if for that reason we are substantially spending about six or seven lakhs to provide for the Armed Rifles, then why this additional expenditure should be incurred by the Government at this time of stress. So, on principle I should either strengthen the Civil Police or omit the item of Assam Rifles altogether from the Budget. If we pay for the Assam Rifles, and if they are occasionally used to quell internal disturbances, then I do not see why in addition to that we should have an Armed Police Reserve. These are my arguments and on the strength of this I am not at all prepared at this moment to strengthen the hands of the Police by a permanent establishment only for temporary emergency. If these temporary emergencies arise, the Assam Rifles may be usefully utilised, and if they are not to be usefully utilised for internal purposes, then why the Provincial Government should maintain them."

Sir, this was my reason and the reduction was opposed from the Government side more or less on this ground also that the Assam Rifles is not a desirable thing to bring in. So from the trend of thought of the House I can safely say now that it would be better if we had not mixed up Assam Rifles and Armed Police any more and actually the Hon'ble Mr. Majid in that discussion called the Armed Reserve to be "a body of men kept at the headquarters ready at any time to proceed to any place to deal with a local disturbance or to maintain order without the aid of the Army". He quoted all the instances of disturbances during those years and he urged that the Assam Police Reserve could not be curtailed. From all these arguments I can conclude then that the Assam Rifles are not at all necessary for internal purposes. Then the only question remains whether the Assam Rifles which are actually kept here for external purposes, for frontier purposes, should be maintained or at all helped by the Provincial revenue. Actually, the protection of the Frontier is the function of the Assam Rifles and that is also borne out by several members. In that connection Mr. Grayburn said :—

"I think the Hon'ble Mr. Majid has made out a very good case for the grant of Rs. 1,74,000 for the Armed Police. He has told us the extra Armed Police are necessary to relieve the Assam Rifles in coming into the Valley to quell internal disturbances. The Assam Rifles are stationed on our Frontiers really for trouble on the borders. If the Armed Police force is not increased, it seems to me that at the time of internal trouble the Assam Rifles will be sent to quell the internal trouble. Then what will be the probable result of all this? The past history of the Hill Tracts I believe has been a series of raids. The next point is that when the gentle savage of the hills find that the guards are being taken away continually, they will find the opportunity to start raiding again."

All these observations point to strengthen my present resolution and in the latter part of the discussion we also find the Hon'ble Finance Member to have stated :—

"We have in addition to the plains districts the hill districts and the Frontier Tracts. The one we administer. In the other we exercise a measure of control. And I maintain, Sir, and no one, I think, will

dispute it, that neither the Deputy Commissioner of the Naga Hills nor the Political Officer at Sadiya nor the Political Officer at Balipara could maintain internal peace in his charge without the Assam Rifles. We are not for the moment concerned to defend the Assam Rifles or even with the necessity of maintaining such a force."

Sir, I quote at length all these remarks only to show that the Assam Rifles are really intended to protect the Frontier Tracts. It is not at all necessary for internal purposes. My point is this that at this moment we have been sufficiently relieved by the Government of India of this charge. We are thankful to the Government of India for what they have already done in this direction but we shall be more thankful if this charge is entirely borne by the Central Government. And I have reason to move this resolution on other grounds also. We know also that there are other Frontier Tracts in India. Does the Government of the Punjab contribute similarly for the maintainance of the North-West Frontier Tract? Of course I do not know exactly what is the position—I am open to correction—but so far as I understand they do not contribute anything. Then who maintains that Frontier Tract? And are our Frontier Tribes more troublesome and more unruly than the Waziris or other hill tribes of that place? Then if that can be a question for the Military Department why the same principle might not be adopted here also. And if I remember aright that was the case here formerly. We remember in our province we had several regiments. Why were these regiments kept here? I think only for these frontier purposes. We had formerly Military Police which is now called Assam Rifles. So in addition to the few Military Police Battalions we had regiments also. And I think when it is an All-India question, when this frontier is not the frontier of Assam alone but of the whole Indian Empire, the Military Department should guard this frontier. And if the whole Empire contributes some 60 crores for this purpose why these few lakhs should not be spent by them also in guarding this nook of the Empire. And besides this we have paid the Central Government in so many ways, so lavishly so to say, that we have ample reason to think that the Central Government would not grudge us the remission of these few lakhs which now comes to about 4 or 6 lakhs. So I hope the whole House will agree with me in this matter, and so far as I understand, so far as I could gather from discussions on this subject during the last two years, I can positively say that we have every right to get this remission from the Government of India. We are paying, as has already been said in the budget discussion by several members, by Mr. Roffey and others, that we are paying at this time 48 lakhs per annum out of our tea, and it is quite reasonable to ask for a remission of this amount. Moreover, if as I said it is a political expenditure it clearly comes under the charge of the Central Government and why should we pay even a single farthing for it. So I hope the whole House will agree with me in accepting this resolution.

THE HON'BLE MR. W. J. REID:—Sir, the hon'ble mover of the resolution referred to the discussion of last September in which the subject of the Assam Rifles came up indirectly. It came up directly on two other occasions, once in March 1921 when Mr. Ramani Mohan Das moved a resolution similar to the present one, again a year ago when Rai Bahadur Manomohan Lahiri moved a resolution which the Council adopted, that the Central Government should pay seven-tenths of the cost of the force if this

amounted to anything more than twenty lakhs of rupees. Well, Sir, in the first instance under the present arrangement the Government of India are paying considerably more than this seven-tenths which commended itself to the Council. Fourteen lakhs is seven-tenths of twenty lakhs, and if hon'ble members will look at the budget figures they will see that the entry for the current year is Rs. 4,62,000—to get comparative figures you have to add the fourteen lakhs contribution—so that the total cost we estimate for this year is Rs. 18,62,000, of which the Government of India are paying us Rs. 14,00,000. Well, Sir, both times when the question of the Assam Rifles came up before this Council I tried to state the duties performed by them and the reasons for which we maintain the force. I tried to make it clear that they were maintained primarily for the safety of the frontier, and secondly for internal security. The hon'ble mover of the resolution quoted me at some length, but if he will not mind my saying so he misquoted me, or at all events misinterpreted me. He seemed to me rather to assume that internal security meant only security in the plains districts. I have always tried to make it clear that we have to maintain internal security in the hill districts also. We do not maintain this force to keep order in the plains. We maintain it as I said, firstly to guard the frontiers of the Empire, and secondly in order to keep quiet and peaceful our less civilised subjects in some areas either under our administration or under our control. Mr. Phukan spoke of the fact that the cost of two battalions was originally classed as "Political," and correctly argued that all "Political" expenditure is a Central charge. That is so, Sir, and that is why the cost of the two battalions on the frontier and the one battalion in Manipur are really Central charges. But the Government of India give us more than that, which would amount roughly to three-fifths of the total cost.

Well, Sir, this matter has come up on many occasions. We did hold the opinion that the Central Government should pay a larger share of the cost of the Assam Rifles than they do, and we suggested a larger contribution from them, but we failed to get them to agree to this. Finally as there was nothing else to be done we accepted their offer to give us an annual contribution of fourteen lakhs towards the cost of this force, we being responsible for all additional charges. If it should prove necessary to recruit a sixth battalion we shall be able to claim a further contribution from the Government of India. We have absolute control over the force, its strength, disposition and administration. These terms are being embodied in a formal agreement which we expect will shortly be executed. This being so I would ask the Council if it is worth while to try and reopen a matter which has been settled in this way. I do not want to be misunderstood. If we can get an increased contribution from the Government of India on this or on any other account we shall be only too glad to accept it, but honestly I doubt whether we have a strong case on this particular account.

I know that the Council are anxious lest the strength and the cost of this force should go on increasing. The best reply to this is found in our budget figures. The actual expenditure in the year 1921-22 was Rs. 7,38,000—I want to say again that in each case the sum of Rs. 14,00,000 should be added—the revised figure for 1922-23 was Rs. 5,71,000, and the budget figure for the current year is Rs. 4,62,000. I told the Council how severely the Inspector-General of Police has reduced the force and reduced expenditure. He has cut the strength down to what some of us consider the limit of safety,

and while I cannot hold out any hope that there will be a further reduction in the charges on this account there is no likelihood of expenditure increasing by leaps and bounds, or in fact of any additional expenditure being incurred unless the direst necessity compels us to that course.

MAULAVI RASHID ALI LASKAR :—Sir, I should like to say a few words in this connection. The hon'ble mover in my opinion has rightly pointed out that the Assam Rifles are purely meant for frontier defence and not for internal exigencies. Then, again, we should see where they were utilised in the past. We see that they were used more often overseas and outside India than within the province.....

THE HON'BLE MR. W. J. REID :—The hon'ble member is mistaken, Sir; they were never used overseas.

MAULAVI RASHID ALI LASKAR :—I am open to correction. I was not sure about that.

Then, again, Sir, I learn from what the Hon'ble the Finance Member said that we have got entire control over them, that we can use them in any way we like. But this solace is only sentimental while the expenditure is practical and unbearable in the present state of the budget. The resolution as it stands does not mean that the Assam Rifles should be removed from this province. Let them remain here as part of the Indian Army, and if any necessity occurs we may take their help and we shall be very ready to pay for the expenses incurred in these exigencies. And in other parts of India where there is no such phenomenon if such exigencies occur the Military are taken there and their expenses are borne by the Central Government. Then, Sir, after all what is this resolution? The opposition from the official side appears as if the resolution would be carried at once the expenditure will be thrown over the Central Government. That is not so. The resolution is simply a request to the Government of India. They may or may not hear it. If they hear it well and good, and if not, there is nothing lost. So I support this resolution.

REV. J. J. M. NICHOLS-ROY :—Sir, I want to ask a question in this connection. If the whole amount be paid by the Central Government will the Government of Assam have any control on the Assam Rifles? Will they have the use of them at any time that they need?

THE HON'BLE MR. W. J. REID :—It is not easy to answer the question, Sir. It is extremely unlikely that we should be allowed to keep control of a force for which we paid nothing. And it is pretty certain that if our force became a military one and the Government of India paid for it it would form part of the forces under His Excellency the Commander-in-Chief and we should have no control over it.

REV. J. J. M. NICHOLS-ROY :—Sir, I wish to ask another question if the Hon'ble the Finance Member will answer me. Do the other Provinces contribute towards the military police or soldiers used for protecting the frontiers?

THE HON'BLE MR. W. J. REID :—Again, Sir, the question is not easy to answer, but I believe that the Government of Burma are in very much the same position as we are. The Central Government pay the greater portion of the cost of the Burma Government's Military Police, and I believe that the Provincial Government pay a certain amount as we do, but I cannot say for certain.

REV. J. J. M. NICHOLS-ROY :—Sir, we are in a somewhat peculiar position. Firstly it seems rather necessary that the Assam Government should have some control over the Assam Rifles because the latter are used for protecting the frontiers of this Province; and at the same time we are in a very difficult position financially. As we have already heard in this Council the Government of India have done a great deal of injustice to the Assam Government by not remitting the contribution that this Government is contributing to the Central Government, when we are in such difficult financial straits. We have heard that the Government of Bihar and Orissa have not paid any contribution to the Central Government and that the Bengal Government also have been excused from paying their contribution. This Council has already agreed on the Government of India paying seven-tenths of the cost of the Assam Rifles not because the Council felt it was right for this Government to pay the balance of three-tenths but because we were put in a tight corner and could not do anything else. The India Government would not listen to our pleadings and now that we are on the verge of bankruptcy it seems only right for us to beg once more and go to the door of the India Government and tell them that while some of the other provincial Governments are gaining a surplus budget we are not yet able to go so far. I do not see any harm in passing this resolution so that we may go to their door, knock hard at it and make them feel that we need this amount and that the Central Government should bear the whole cost themselves. Well, if the time comes in the future when we have plenty of money we would have no objection at all to give a contribution to that Force. I think therefore that this resolution should be carried for the sake of principle as also for the sake of making the Government of India hear once more our appeal and consider our financial difficulties.

BABU KRISHNA SUNDAR DAM :—Sir, I do not quite understand the Rev. Mr. Nichols-Roy's anxiety for the control of the Local Government over the Assam Rifles. As for myself, Sir, I shall only be too glad to see this Government deprived of all control over the Rifles, because I should like to warn Mr. Nichols-Roy of the great risk which the people of the province would run with a Military Finance Member or Military Governor who would be only too prone to give undue attention to the Assam Rifles. The question which the whole House would have to consider is this. The Hon'ble Finance Member has said that the Assam Rifles are necessary for guarding the frontiers of the Empire and also for preserving or rather keeping down in peaceful habits the people of the Hills. We are thankful to him for the statement that the Rifles are not so much required in the interests of the people of the plains who contribute the whole of the revenues of the Province. So we have to consider seriously whether the Government of India have any just right to inflict upon this Government the duty of guarding the frontiers of the Empire whatever may be the amount of our contribution—seven, five or four lakhs. This question, as has been noticed by other members, came up before the Council on other occasions and much was already said in support of the same, and I think that I need not say any more on this occasion, but I hope that the House will support this motion.

MR. R. N. CHAUDHURI :—Sir, on a matter of principle I rise to oppose this resolution. This question was brought up before the Council in its session of September last, and I do not see why the Council should change the attitude it adopted at that session on this very topic. It is useless for us to rake up the question once again and so soon

and show our activities of membership in this Council. I consider that it is a sheer waste of time to say that the matter concerns not the Assam Government but the India Government. This argument is a mere fallacy inasmuch as we see with our own eyes that the Assam Rifles are stationed here in our midst to protect our frontiers, and not the surroundings or frontiers of Simla. If we ask the India Government to bear the whole cost of the Assam Rifles, then it may be possible that the Assam Rifles might be sent to some other part of India. It is as much a Provincial question as it is a Government of India question, as we also receive our due share of benefit by the presence of this force in the province. I would suggest that in order to save the valuable time of this House, the matter should be cut short and members should come forward and say simply 'Yes' or 'No' as the case may be.

SRIJUT DALIM CHANDRA BORAH :—Sir, I rise to lend my support to this resolution and in so doing I beg leave of the Council to refer hon'ble members to the last Royal Message which contains a declaration to the effect that the defence of the Empire against foreign aggression is a Royal concern. If this be the case the object of the Assam Rifles is to defend part of the Empire against foreign aggression. If I am not mistaken in this view then I say that it is the Royal concern to maintain that force. It has already been pointed out by the Mover that we contribute to the Imperial Government in various directions, and these contributions are sufficient enough in order to compensate them against any loss which they might suffer in keeping up the Assam Rifles. It is contended by some gentlemen that if the Assam Government do not pay any part of the cost for the maintenance of the Assam Rifles then at a future time of need the Assam Government will not be able to utilize the Rifles against internal or foreign aggression. I ask if that is going to be the case, who will be the sufferer? I say that the loss and suffering would be that of His Royal Majesty. It is also contended that the charge is steadily decreasing. That may be so, but nevertheless it is the duty of the Imperial Government according to the Royal Message to bear the whole charge.

BABU HIRALAL BOSE :—Sir, I think I must support the resolution on more than one ground. I think he has very ably put before this House why the services of the Assam Rifles are more of an imperial nature than provincial. If I have understood the Hon'ble Finance Member aright, he says that the services of the Assam Rifles are requisitioned more for imperial than for provincial purposes. Of course they are kept here for the defence of the frontier, as well as for the internal peace in the province; and the Finance Member also said that the major portion of the expenditure is already being borne by the Central Government. That is very good. But considering our financial position, Sir, I thoroughly agree there will be no harm in moving the Central Government—whether we are entitled to the remission or not—in this matter. Even if we do not succeed there will be no harm. I do not therefore think that the Government should oppose this resolution; on the contrary our Government should feel jubilant at this resolution to move the Government of India in this matter. Let us go to the Government of India and if we get the remission well and good, otherwise we shall not lose anything.

MAULAVI RUKUNUDDIN AHMAD :—Sir, in my opinion I shall be failing in my duty if I do not speak a few words on this resolution. A resolution like this was moved for the first time in this House by Babu Ramani Mohan Das in 1921 when I had the honour to support it. The protection of our frontier, Sir, means also the protection of the Indian Empire. That is why the cost of the maintenance of the Assam Rifles should be borne by the Central Government. During last year's budget discussion when we discussed about the reduction of the provision for the Armed Police Reserve we were given to understand that in quelling internal disturbances the Armed Police force would be employed. As I have already mentioned in my budget speech I consider the Assam Rifles to be an imperial concern. That is why I asked the Government to throw the cost of this Assam Rifles on the Central Government. Now, Sir, a very reasonable argument has been brought forward by the Hon'ble Finance Member that if we do not contribute something for the maintenance of the Assam Rifles we would forfeit the right to control the Assam Rifles. This argument should not be ignored altogether. But at the same time taking the financial situation and the words of the resolution into consideration I do not see that there can be any objection to beg at the door of the Central Government again to give us relief for some time by not asking for any contribution, at least for some years to come. With these words I beg to support the resolution.

MAULAVI MUNAWWARALI :—I beg, Sir, to support the resolution wholeheartedly. It has been said, Sir, that we should request the Government of India to make more contribution, because by doing so, even though we may not have very strong reasons for urging it, there is no harm. But, Sir, to press for a thing without strong reasons and without justification would not be wise. I do not agree with the hon'ble speakers who want to urge this question for the sake of urging it merely. I support this resolution because I think there are very weighty reasons and justification for doing so. Some of the hon'ble speakers have confused the Government of India with Provincial Governments. Well, Sir, the Government of India has the concern of all Provincial Governments. It is to look after the welfare of the Local Governments that the Central Government exists. The Hon'ble the Finance Member has stated in reply to a query put to him by the Rev. Nichols-Roy that probably we would not have any control over the Assam Rifles if the Imperial Government were to bear the entire cost. I do not see my way to agree with him inasmuch as the India Government is not like a Provincial Government a distinct entity. The Government of Bengal has justly claimed a contribution towards the maintenance of the High Court. That is right and proper, for it is a distinct entity. But the Government of India is not a distinct entity. We are within the Government of India and whatever concerns us is also their concern. We urge before the Government for this contribution on justice and equity and on the broad political policy which has been just now enunciated by one of my worthy friends. Sir, this is an imperial as well as a provincial concern. The Imperial Government should not grudge bearing the whole cost of this force. In this, we stand on justice, equity and very strong reasons. Our grounds are strong and on those grounds I think we are justified in requesting the Central Government to contribute what is just and proper to contribute.

SRIJUT LOHIT CHANDRA NAYAK :—Sir, this question has repeatedly been dinned into our ears for the last two years, and if it has been dinned so repeatedly, Sir, it is because the members have felt intensively on the subject. There is no doubt that the position of the Assam Rifles is somewhat anomalous. This subject is to my mind a Provincial as well as a Central subject. It has to be taken into account that the hills of Assam constitute two-thirds of the area of Assam, and if we want the police to maintain peace in the plains it is also necessary that we should have a police force for the maintenance of peace in the hills which constitute two-thirds of the area of this province. Assam Rifles act as special police for the latter purpose. Now, Sir, if by not contributing anything towards the maintenance of the Assam Rifles we go so far as to lose all control over the Assam Rifles our position will be quite helpless. I think logic simply says that we cannot follow such a course. If there be any disturbance in the hills there will be none to quell that disturbance. So I think, Sir, that the cost of maintenance of the Assam Rifles is one to be borne proportionately by the Government of Assam as well as by the Government of India. The Government of India has been contributing about fourteen lakhs of rupees every year, which is more than seven tenths of the cost of maintenance. On the grounds referred to above, Sir, I do not see my way to support the resolution because considering the question from the two sides it is quite proper and natural that some portion of the cost of maintenance should be borne by the Assam Government. Therefore it is not right I think to send to the Government of India a proposal which we know for certain never will be accepted by that Government. So I oppose the resolution.

SRIJUT BIPIN CHANDRA GHOSE :—Sir, I beg to add a word or two in support of the resolution. What I want to say is that we are not discussing whether we are under an obligation to contribute to the Assam Rifles or not. That is not the question under discussion. The resolution simply says—let us approach the Central Government, let us move the Central Government that the entire cost may be borne by them. Now, Sir, considering our financial condition, the present financial condition, it is not possible for a province like Assam to contribute even three-tenths of the entire cost necessary for the Assam Rifles. Now the main purpose for which the Assam Rifles is kept is to guard the frontier pass. Sir, to guard the frontier pass is to protect India from outside invasion. So if that be the object for which the Assam Rifles is kept it is the duty of the Central Government and not of the Provincial Government to bear the entire cost. Now, another point mentioned by the Hon'ble the Finance Member is that the Hill Districts are also parts of Assam and have got to be protected, that in times of disorder the Assam Rifles have to be used there. But occasions of this nature are very rare and when such occasions arise at all, then I think the province will be liable to bear the cost, and not at all times every year. So I think, Sir, that under the circumstances it is better to approach the Central Government and request them—there is no harm in it—that under our present financial conditions the Central Government should bear the entire cost of the Assam Rifles. In view of these few suggestions, Sir, I beg to support the resolution.

MR. D. M. SOMERVILLE :—Sir, I beg to oppose the resolution, and on the ground that we get service from the Assam Rifles for which I think we ought to pay. One hon'ble member who spoke cited the case of the

High Court to which we are asked to contribute, and rightly contribute, for services rendered. I think on the same reasons we should contribute something for the cost of the Assam Rifles. The argument that if we wanted their services in time of need we might get them and pay for them is unsound. I think it is better to pay for an insurance policy.

SRIJUT BISHNU CHARAN BORAH :—Sir, I am at a loss to understand why this resolution intended to bring increased revenue to the province should be opposed. Our demand is after all a very small one. It is only for about Rs. 4,68,000. Whether we have been able or not to make out a strong case for asking the Central Government to bear the entire cost of maintaining the Assam Rifles I think the unsatisfactory condition of the province is itself a sufficient justification for making this request. Besides in view of the remissions of the annual contributions granted to some of the provinces by the Central Government I think we are quite justified in our demand. I consider it our duty to lay our grievance before the Government of India and accordingly support this resolution.

SRIJUT NILMANI PHUKAN :—Sir, I wish to make a very brief reply. In doing so I first have to apologise to the Hon'ble the Finance Member for misquoting him, not misquoting exactly, but for apparently misinterpreting him. I think the Hon'ble Finance Member thought that in thinking of the armed police for internal peace I forgot the hill districts. The hill districts are as much my concern as the plains districts. My only point was that the hill districts are not properly regulated districts, they are a sort of *quasi*-political area, and as such if the armed police may do well the work of keeping the internal peace in the plains districts the Assam Rifles should be utilised for the very same purpose in the hills. The internal security of the hill districts should be as much our concern as that of the plains districts. Only in the method of doing these I differ from him. I know it is not very easy to keep the internal peace in the hill districts as it is in the plains districts, and because it is very difficult we appeal to the Government of India to strengthen our hands by lending certain military forces for the purpose. As I already said I moved this on a matter of principle and I am glad to find that many of my hon'ble friends have taken the matter in that light. I am especially indebted to my friend Mr. Borah for quoting a line from the Royal charge to the Viceroy and Governor General of India.

If the keeping of the internal and external peace of the Empire falls on the shoulders of the Governor General, why should not that protection be given to one part of it because it is unwilling to contribute for that. I do not think any provincial Government has any military department. But there is the great military department of the Government of India for which, as I have already pointed out, they spend 60 crores annually. Then do the members here, who opposed this resolution, expect reasonably that any further contribution should go from the provincial Government because of the services rendered by this military force? Then, again, another question has been raised, and very sensibly, that if we do not contribute at all for the upkeep of the Assam Rifles, are we in a position to control them? I do not understand what sort of control we want to have over this military force. I know whether we pay or not—for it can be considered as an Imperial concern—I understand even if we do not pay a single farthing for it, then for the loss of a single human life, the Imperial Government will be most willing

to spend lakhs to right that wrong. So if there is such an emergency, there is also a provision, I think, in the civil law of the country, civil law of the province, that the Military might be asked to protect the civil Government. There is a law. Suppose we do not possess any control over the Military—for every moment there is no need for them, we want them at a time of emergency—I do not think the India Government, the Imperial Government, will refuse assistance at times of need because we have not consented to pay a farthing into the coffers of the India Government. So on that point I do not agree with some of my friends who are entertaining some doubts. Again, one of my hon'ble friends, Mr. Chaudhuri, has shown his "active" opposition in my present "activity" in moving this resolution. I am sorry I could not follow him properly and I do not expect to do so even now. What was our position regarding the Assam Rifles a few years back? We had three battalions. The two battalions were added subsequently for the rising on the frontier tribes whose areas were added subsequently. Then where is the guarantee that if the frontier line receded farther and farther, we shall not have to pay for it? So my point is that as the Armed Police is considered to be necessary for keeping internal peace of the plains districts, these Assam Rifles should also be utilised for the keeping of internal and external peace of the Hill Districts and I only say this much that this cost must be met from the Imperial Exchequer. I again hope the whole House will support me in this matter and I think the Government will have no objection in accepting this inoffensive resolution.

THE HON'BLE MR. W. J. REID :—I have only one word to say, Sir. I do not know that I violently opposed the resolution. I meant rather to suggest to the Council that we had bargained for some time, that we had made what we thought a fairly good bargain, that we are incorporating this in a formal agreement, and I asked whether it is worth while reopening this question. This is now the fourth occasion on which we are discussing it. I should like the Council also to consider whether it is an altogether dignified position to take up that we are merely to prefer requests to the Government of India, that if they are accepted well and good, if they are not accepted no harm is done. This is for members to consider. It struck me that the case was put very completely, first by Srijut Lohit Chandra Nayak and then by Mr. Somerville. I think Srijut Lohit Chandra Nayak has some personal experience of conditions in the hills. I think that a good many members of this Council have short memories. They must have heard in their youth of raids and things of that kind. It is undoubtedly true that the protection of His Majesty's subjects is a matter of Imperial concern. It is practically certain that even if we had no force of Assam Rifles and raids occurred and heads were taken and property looted, vengeance would ultimately be executed. But would this afford complete consolation to the victims of these raids? Is it not sounder and more practical as Mr. Somerville suggested to pay an insurance premium and get protection? As for those members who suggest that it does not matter whether we have control of the force or not, I think they hardly realise what they say. By control I meant not only fixing the rates of pay of the force, their conditions of service and so on, but the power to utilise the force as we please and when we please. I can tell the Council my experiences as a Deputy Commissioner when I have had to use both the regular forces on a very small scale and the Assam Rifles. In the latter case if trouble arose the Deputy Commissioner on his own responsibility could deal with it immediately. In the former if he demanded

the slightest assistance the wires hummed from one end of India to the other. That is the position, Sir. It is for the Council to decide what they will do with this resolution.

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

AYES—23.

NOES—7.

Maulavi Abdul Khalique Chaudhuri.	Mr. J. R. Cunningham.
„ Abdul Rahim Chaudhuri.	Srijut Lohit Chandra Nayak.
„ Akmal Hussein.	Mr. R. N. Chaudhuri.
„ Haji Abdul Ahad Chaudhuri.	Mr. F. H. Featherstone.
„ Munawwarali.	Mr. E. S. Roffey.
Khan Bahadur Muhammad Bakht Mazumdar.	Mr. D. M. Somerville.
Maulavi Rashid Ali Laskar.	Mr. D. S. Withers.
„ Rukunuddin Ahmad.	
Munshi Safur Rahman.	
Khan Sahib Sharafat Ali Chaudhury.	
Srijut Bishnu Charan Borah.	
„ Bipin Chandra Ghose.	
Rai Bahadur Bipin Chandra Deb Laskar.	
Babu Biraj Mohan Datta.	
Raj Kumar Chandra Narayan Singh.	
Srijut Dalim Chandra Borah.	
Rai Sahib Har Kishore Chakrabatti.	
Babu Hiralal Bose.	
„ Krishna Sundar Dam.	
Srijut Lohit Chandra Nayak.	
Rai Bahadur Manomohan Lahiri.	
Rev. J. J. M. Nichols-Roy.	
Mr. W. D. Smiles.	

The resolution was accordingly adopted.

The Council adjourned for lunch till 2-45 P.M.

The Council reassembled after lunch at 2-45 P.M.

THE HON'BLE THE PRESIDENT :—I would like to inform hon'ble members that after the conclusion of the meeting there will be the election of the Public Accounts Committee this afternoon.

MAULAVI ABDUL KHALIQUE CHAUDHURI :—Sir, the resolution that stands in my name is this :—

That this Council recommends to the Government of Assam to move the proper authority to take necessary steps to abolish the post of one of the Executive Councillors in this province from the beginning of the next term of the Council.

Sir, the present Government which consists of two Executive Councillors and two Ministers with their Secretaries and Under-Secretaries has been widely described as unnecessarily large. It has been pointed out that in pre-reform days the Government consisted of the Chief Commissioner and two Secretaries with two Under-Secretaries, and that admitting the increase of work resulting from the new constitution, and from an enlarged and more active legislature, the increase of the two Executive Councillors and two Ministers appears to be without justification. Regard being had to the financial condition of the province and the exceedingly heavy expenses necessary for the maintenance of the present form of reformed Government—retrenchment in expenditure is necessary. To meet the expenditure, the Assam Retrenchment Committee recommended the abolition of some posts. The Hon'ble Finance Member has made almost 5 per cent. reduction in the whole expenditure, but his reduction is done at the bottom. I think, Sir, that an all-round reduction is essentially necessary. Reduction must be done from the top to the bottom. Sir, I beg to move this resolution simply in the interests of economy and prompted by the reply dated the 11th September 1922 given to Mr. Bipin Chandra Ghose to his question No. 2 regarding the filling up of the post of Education Minister, that the question was very carefully considered by His Excellency the Governor with whom it rests. He decided that so long as there were two Members of Council there ought to be two Ministers : but the possibility of reducing the strength of both Executive Councillors and Ministers will not be lost sight of.

We think it unnecessary to do more than state that a Government of five is not justified by the work that has to be done. We often see that a vacancy in the post of a ministerial officer is instantly filled up but in case of absence of an Executive Councillor Government do not think it necessary and perhaps justify on account of the paucity of the work, to hurry up the filling of the vacancy. I anticipate the argument that there is work for all, but, Sir, so there will be even if the present number be doubled or tripled. We should consider the question from the point of view of unavoidable and urgent necessity, when we are face to face with sure bankruptcy, cruel retrenchment and heavy taxation. People are luxurious when they have sufficient means, but it is foolish to be luxurious on one hand and parsimonious on the other. The present state of our finances far from justifying luxuries, nay even comforts, is hardly sufficient to meet the dire necessities.

There may be another argument against reduction : that if the number in the Cabinet is smaller the deliberations and decisions might lose the character of democracy and might sometimes be liable to mistakes. But, Sir, number without quality is a plague in the modern political world often doing more oppression in the name of democracy and liberty than the hated autocracy could dream of. It is the quality and not the number that should prevail.

The present number is a boon in itself and I do not object against the present number because of its number, but because of the unsuitability of the ground where it is placed and because of the inability of the poor people to maintain them. We poor people cannot welcome even a boon if it keeps us hungry and out at elbows.

Under these circumstances I commend this resolution to the serious consideration of the House and the Government.

THE HON'BLE MR. W. J. REID :—Sir, the hon'ble member has given notice of another resolution which deals with the number of Ministers, and it is not altogether easy to do justice to these resolutions separately.

We are aware that the strength of the present Government of Assam has been a good deal criticised, and naturally the matter has not escaped our attention. But the question of the strength of the Executive Council is not one which we are called upon to decide. The number of Members has been fixed for us, and if hon'ble members will look at section 92 of the Government of India Act they will find that when a temporary vacancy occurs the Governor in Council is bound to fill the vacancy by appointing a temporary Member of Council. This being so, Sir, I am unable to make any statement on behalf of the Government on this resolution. The views of the Council as shown in the debate will be forwarded to the Government of India. If the resolution is pressed to a division the official members will not vote.

MR. R. N. CHAUDHURI :—Sir, I ought to say a few words in connection with this resolution. I am fully aware of the section which is referred to by the Hon'ble Finance Member but this resolution is for a recommendation to the proper authority to take necessary steps to abolish the post of one Councillor. There are at present four people of whom one has to go. If that is so of course the Government of Assam has no authority as provided by section 92 of the Government of India Act. But this is only a recommendation to the Government of India in the shape of a resolution, and it is a modest one if reasons can be given for that purpose. The first reason that occurs to me is whether under the circumstances as the Reform promises there should be a certain number, four people, *i.e.*, two Members and two Ministers. Will reduction of an individual member take away the benefit of the Reforms, or if any number is taken away will the whole benefit of the Reforms be taken away from us? I have not studied the whole thing but if it is so that any reduction from the four will take away the benefit it is for me to say that I cannot support the resolution. But on the other hand if that is not so and if there is no work to do, and if there is no justification that there should be any number, two or three—in Bengal I understand there are three and in other provinces more than that—I am entirely at one with the resolution. The retention of the full number of Councillors depends on whether there is sufficient work and Government is the chief person to consider this. The consideration therefore lies not only with the Council but also with the Government who can well certify as to the necessity of keeping Councillors which is the subject matter of discussion. Now in consideration of providing for so many persons one would venture to think if it possibly could be done from the

funds. From the beginning of the Reforms it has been shown over and over again that the amount that is necessary for budgeting for the upkeep of the whole province is less than the amount that is necessary for the province. This deficit can be well balanced either by means of extra taxation or by borrowing money. If there be means of borrowing then we must also be prepared for the crucial time when we would be required to pay back that money. So that even then the question of taxation will arise because we have got to pay back that money, and this country would be unable to bear the burden of taxation. I am opposed to any taxation unless taxation is necessary for the purposes of amelioration. If the proposal means that by reducing the number of Councillors there will be no taxation, then I heartily come forward to support it. But is that really so? Of course we have not yet heard the Government opinion on this question, nor have we yet had any proposal for reducing the pay of the Councillors. At this stage I must withhold my vote until after I have heard what the Government have to say in matter.

SRIJUT NILMANI PHUKAN :—Sir, in my opinion this resolution involves a great constitutional issue. Under the Government of India Act I believe that one at least of the Members of the Executive Council should have administrative experience of 12 years. If that condition must be satisfied, I am afraid that for a long time to come it will not be possible to infuse a little of the popular element in the Executive Council which is no doubt desirable. For the first time in the history of our province we have been given the Cabinet form of Government. If therefore at the very beginning of that form of Government we fight shy of it I do not believe that we shall be in a position to say that we have really become fit to take up the responsibilities of self-government or better democracy which we hope will some day come to this country. From the Report of the Joint Committee we find that "the Committee is of opinion that before the policy of His Majesty's Government can be fulfilled the electorate must grow and practical experience in the conduct of public affairs must be enlarged." Will this resolution contribute to the spirit of the reforms? Instead of enlarging the Cabinet we are going to curtail it. This I think is quite contrary to the spirit or system of cabinet form of Government. I do not for a moment consider that this important question should be decided in the light of the exigencies of the moment, if by doing so we save a few thousands. If I am asked to decide the question on this point I would be unable to do so. To my mind for some time to come this difficulty will be present. The whole difficulty of the system to my mind seems to lie in the statement that there is still a waste in the system of Imperial Services and Provincial Services. I am one of those who think that the purposes for which the Imperial Services were established are daily diminishing. So that the time will come when the All-India Services may be abolished, whether the Services consist of European or Indian servants. The Imperial Services as a whole would have to go without distinction of caste, creed or colour. I am not one of those who believe that one head is better than two or even three heads. We must not decide this question in a superficial manner. We must look to the larger interests of the country as a whole in future. We are here not for ourselves but for generations to come. I don't think we shall be justified at this moment when we are trying an experiment to go against constitution. I am therefore opposed to this resolution.

KHAN SAHIB SHARAFAT ALI CHAUDHURY :—Sir, I entirely support my hon'ble friend Mr. Phukan. We are assembled here to perform the work of Reforms for responsible government, and these four posts were created for such work. This is just the beginning of the great Reforms which has been given to us by the British Government. We all know that the Ministers and Council Members are very hard worked. Do you think that it would be wise at the very first stage of the Reforms when we have been given four Members to pilot our Government with His Excellency the Governor, do you think that it would be wise to ask for any reduction of this number? This is the first time that we have been given the opportunity of enjoying these posts. So why go and reduce their number. We must on the contrary thank the Government that our friends and colleagues are enjoying such responsible posts. Most of us are mere children in the art of Government and the Reforms, and we do not know anything about them. For instance the Hon'ble Finance Member in the last session produced the budget estimates for the year 1923-1924 and some of my hon'ble friends in the Council said that it was a bulky thing and that they could not go through it. Without going through the budget very minutely could it be possible for any one to come to any conclusions or to know anything and everything item by item in the budget within a month or so? Without studying the budget carefully some of my friends make drastic suggestions for retrenchments and so on, and I consider this is not right, but rather it is superficial. They have suggested that one post of Minister and one post of Executive Councillor be abolished. Now who are the Ministers? They are not European gentlemen, but our Indian brethren, our brothers. They are not European gentlemen, they are our Indians. Now, who are the Councillors? One is a European gentleman while the other is an Indian gentleman. He is ours and one of us. We should be thankful to Government, we should be always thankful to them for this, for giving Indians such appointments to enjoy. But my hon'ble friends without considering all these want to curtail the number of these officers. They want to reduce one Minister and one Member. Sir, I strongly, very strongly oppose this resolution.

BABU KRISHNA SUNDAR DAM :—Sir, I am sure that the Hon'ble Executive Councillors and Home Ministers will thank from the bottom of their hearts Khan Sahib Sharafat Ali Chaudhury for the able defence which has been put forward by him on their behalf, although I should like to say that he did so at the sacrifice of the tax-payers and also the other councillors. He has poured forth his lamentations that we are about to cut the throats of the Executive Councillors and Ministers, but perhaps he forgot that we are also responsible in a manner for cutting the throats of the tax-payers. But of this later on. Again, he has presumed, I think this is simply a presumptuous presumption on his part, that members of the Council have spoken on the budget without reading the budget or understanding its purport, and this inference of his is derived simply from the fact that some of the members offered suggestions for reduction in the number of Executive Councillors and Ministers which he does not like. I should like to remind the hon'ble Khan Sahib Sharafat Ali Chaudhury that this question of reducing the number of Executive Councillors and Ministers is an All-India question. It has agitated the people all over India, it has been discussed in almost every Council. So the question is not so easy for decision as the hon'ble Sharafat Ali Chaudhury

seems to think it is on his very first entry into the Council. Sir, Maulavi Rashid Ali Laskar said that we should be lion-hunting instead of seeking mosquitoes, and now is the occasion for him to show the bravery and courage with which he can come forward and grapple this question. I compliment the hon'ble mover of this resolution that he has brought it forward at the very time that it should be brought forward. A few months more and we shall soon retire, and therefore it is in the fitness of things that we have been called upon to give decisive opinion on a question which has been vexing us and the people of the country ever since the beginning of the Reforms. And therefore it won't do to shirk the responsibility or to give indifferent answers. Now, Sir, Khan Sahib Sharafat Ali Chaudhury and Mr. Phukan have dwelt at length upon the admirable features of the Reforms and they have also mentioned the constitutional changes that will be effected by carrying this resolution. Looking at the question purely from the academical point of view I am in full agreement with them but I cannot forget the warning given by His Excellency the Governor not long ago that we shall be liable to be called "wicked and dishonest" if we seek the reforms for which we cannot pay. So I shall ask the hon'ble members of this House not to run us all into the misfortune of that verdict from our countrymen. Here you have two hon'ble members who have spoken on the question from the constitutional standpoint. They ought to have considered other points also; other serious considerations also should have entered into their mind, namely, the Valley, question, the financial question and the communal question. I raise all these questions before the House because I know consciously or unconsciously these considerations also enter into the decision of this question. Take for instance that there is one Executive Councillor who happens to be a Hindu. There will be heart-burning among the Muhammadans because they did not get the benefit of a Muhammadan Member and the Government will be troubled about it. Likewise perchance if he happens to be a gentleman from the Surma Valley there will be similar heart-burning among the people of the Assam Valley. So we are to give our opinion having regard to all these questions. If we think that we should not proceed upon Valley lines or upon communal lines and that we should proceed simply upon the financial aspect of the question then there will be only one answer. But if we proceed upon Valley considerations and communal considerations...

MAULAVI MUNAWWARALI:—On a point of order, Sir, is the hon'ble member speaking to the point?

BABU KRISHNA SUNDAR DAM:—Why not? I am perfectly in order. These are questions that legitimately arise in the consideration of this question. I know some of us will be troubled about this, so that it is necessary that we should be clear and precise whether we want that the appointments should be made upon communal basis or Valley basis or.....

MAULAVI MUNAWWARALI:—I ask for a ruling, Sir.

BABU KRISHNA SUNDAR DAM:—I ask the members to return their honest verdict on the questions involved, having regard to all the points. Now, Sir, I look at the question simply from the financial aspect. As I have already said during the budget discussion, I think that the financial situation of the province is desperate and hopelessly beyond remedy. If members agree to this view of the financial situation of Assam then I believe there is only one

conclusion for them to arrive at on this resolution, that there should be only one Executive Councillor. Let us again look at the question from the standpoint of the works to be done by the Members of the Government. I doubt very much Sir, whether the administrative works which are discharged by the Executive Councillors and Ministers have really increased to any extent beyond what it was in the pre-Reform days. We have also to get a clear idea of the functions of Members and Ministers before we give our verdict upon a question like this. In my opinion the Ministers and Executive Councillors have simply to deal with questions of policy, to advise the Government on matters of policy. They are not expected to go into details, as the heads of departments are required to do. Take for instance the question of education. We cannot expect that our Minister should go into the details of the working of that department. These should be left to the hon'ble Mr. Cunningham as they have been all along. The Minister is simply concerned with questions of policy of public instruction and he is to advise the Government not only relating to transferred subjects but also about reserved subjects in the Cabinet. If the true functions of the Ministers and Executive Councillors are confined to advising the Government on questions of policy I do not see how the Reforms will suffer as Khan Sahib Sharafat Ali Choudhury apprehends by the reduction in the number of Members in a province where there is little room for advice. I have said, Sir, all that I have got to say, and I shall again urge upon the members to appreciate the real urgency and importance of the question with which they have to deal now, from all stand-points.

MAULAVI MUNAWWARALI:—I beg Sir, to oppose the motion. I consider that the reduction of the number of Executive Councillors—a proposal like that would be an unpatriotic proposal, an unconstitutional proposal and would be simply hampering the progress of the nation. If I were called upon to move a resolution of the nature I would have been prompted to word my resolution like this "That the Government be pleased to reduce one Member of the Executive Council, to be replaced by a third Minister." I think, Sir, the entire object of the Reforms is to increase the popular elements on the Cabinet. It is the constitution and the constitution alone which is the most essential thing and on the nature and character of the constitution of the Government depends the prosperity or otherwise of the nation. If the nation is to be a democratic one it must have its popular element in the constitution in larger number. It would be nothing but doing a great disservice to the nation if we are to reduce the number of the Indian elements on the Cabinet. Sir, it would also betray—permit me to use the expression—it would also betray a superficial knowledge of the constitution of a democratic Government if this resolution were to be pressed for. Sir, I may also be permitted to say that the resolution itself is more or less of a revolutionary character. It seems to be revolutionary inasmuch as to me it appears that perhaps it aims at wrecking the reforms, although I am not willing to ascribe a sinister motive to it. Yesterday in my budget speech I requested the Government to do one thing as an antidote of all the difficulties that have cropped around us—which have been brought about by a dire financial crisis on the Assam Government—I simply wanted the Government to work out the Reforms. If the Government were to work out the Reforms, the deficit would vanish at once. If the Government were to balance expenditure to the extent the Reforms require I think we would be a solvent Government at once. It therefore seems to me that the

resolution has been moved in a spirit not quite patriotic nor in the anxiety to relieve the situation. If it were so, the question that would have been brought forward would not have been this but one for the reduction of the salary of the Ministers and that of the Executive Councillors. The effect of it would be to cut the throat of the Reforms. Is not the objective of the Reforms to increase gradually the Indian elements on the Cabinet? Now, Sir, permit me to examine the situation. The mover of the Resolution wants one Member and one Minister. Well, I invite him to look at the question as a patriotic Indian statesman. One Governor, one Minister and one Executive Councillor—the Government would get only one Indian because for a long time to come to fill up the position of a Finance Member to satisfy the requirements of the Government of India Act an Indian may not be available. He has got only one Indian element on the Cabinet: but two and two—in that case he has got three Indian elements on the Cabinet, that is, an Indian majority. Therefore, two and two are the irreducible minimum. It has been also said whether we have power to maintain them or not, whether there is a necessity. Well, there is an overwhelming necessity. The necessity for it cannot be too much exaggerated because it is an achievement for the Indians. It is an achievement which after long years of toil and weary constitutional agitation has been achieved. Well, if you throw it away, that does not betray a good intention. Last of all, I request the hon'ble members to look upon the question not from sentimental points of view but from the point of view of a reasonable political man. It would be doing a great and distinct disservice to the country and to the nation to think otherwise.

With this view, Sir, I invite the hon'ble members to take a stand-point just thinking over the matter like a business-man—what is good or what is bad.

REV. J. J. M. NICHOLS-ROY :—After all that the several hon'ble members, Sir, have said, I think I have only a few words to say. I do not agree with some of the hon'ble members who spoke before me saying that this resolution would be the means of cutting the throat of the Reforms, or that it is unpatriotic, or that it is meant to wreck the Reforms. The resolution has been brought forward no doubt on account of the financial distress that we are having now. Had it not been for this financial distress, such a resolution would not have been brought forward in this House. And in my opinion, it does not make much difference whether the Members of the Cabinet are two or three or four provided that those Members of the Cabinet are persons elected according to the spirit of the Reforms that will bring self-government as we desire. But I do not see my way to support the resolution on account of the condition of our country now. We are not fully ready yet for real self-government. There must be some Members who will be appointed by the Government who have had experience in political affairs and in the administration of the country. It is stated that one of the Members of the Executive Council should be an Indian. What is the reason for that statement? It is only meant to give training to an Indian to enter into greater responsibility. And I believe the object of the Reforms is to bring in more Ministers and have one constitutional Governor as a President or as a ruler or whatever he may be called. If this resolution be carried in the House, then there will be only one Executive Councillor and he may not be an Indian; and therefore the object for which

the Reforms have been introduced may be lost. To me the solution of the problem is not in reducing the staff but in reducing the salaries. If the salaries of the Indian Members be reduced I think the problem will be solved. I think I read somewhere in the Report of the Bengal Retrenchment Committee that it is not necessary, not very necessary, that the salaries of the Indian Members should be the same as the salaries of the European Members; and I think it is not necessary; for the European element, according to the spirit of the Reforms, is only a temporary one, and moreover the circumstances under which the Europeans have come into this country are different from the circumstances of the Indians. And if the salaries of the Indian officers be different from the salaries of the European officers, the solution of the problem would be at hand; but as long as we are crying for equal salaries saying that "equal salaries" mean equal authority and equal prestige, I think, we are wrong altogether. Equal salaries not always mean equal prestige, or equal authority and unequal salaries do not always mean unequal prestige and authority. And therefore I say that the only solution of this financial distress that we have is to reduce the pay of the Members of the Cabinet which we have. Therefore this resolution ought not to be carried in the House.

SRIJUT DALIM CHANDRA BORAH :—Sir, I beg to say a few words on this resolution. In order to be consistent with the budget speech that I delivered the other day I give my whole-hearted support to this resolution. This resolution no doubt aims at a constitutional change which it is not in the power of the Assam Government to give effect to. But I would remind the hon'ble members that this resolution does not require Government to make the necessary change, but simply to recommend to the higher authorities to make a constitutional change. I did not quite understand the hon'ble members who opposed this resolution and I do not mind to follow them. All that I could gather from their speeches is that they are afraid that they or their children and relatives will be deprived of the benefit of those exalted posts of Members or Ministers. I for my part find it quite difficult to carry my view to such a disgraceful narrowness. Since it is a Reform Government it is not necessarily meant that any Member or Members or Ministers be maintained.

In order to give dignity to the Reforms in conformity with the requirements of the Government of India Act the administration must be equipped with Members and Ministers. But their number must be regulated according to the bulk of the work and the revenue of the country. The Bengal revenue is several times larger than ours, the population several times greater than ours, the area several times larger than ours, and the recommendation of the Bengal Retrenchment Committee is for the maintenance of two Members and two Ministers. It is quite true that we must have a superabundance of the popular element, but we must have funds enough to maintain that element. We must consider this question purely from a disinterested point of view without making ourselves a prominent element. We must talk here whatever we talk in perfect accordance with the wishes and aspirations of our constituents. I am quite sure that none of the constituencies will admire us if we advocate the retention of two Members and two Ministers. Thus we are not justified in observing that the resolution is an unpatriotic one or has some sinister motive in view.

SRIJUT BIPIN CHANDRA GHOSH :—Sir, I beg to add a few words in connection with this resolution. The question before the House is one of importance and deserving serious consideration of the House. Many of the hon'ble speakers think that if we adopt the resolution we shall do an act of unconstitutional nature and we shall be acting unpatriotically. Perhaps they were afraid that if we adopt this resolution by removing one of the Members of the Executive Council we shall ruin the spirit of the Reforms. Of course on this point I am sorry I cannot agree with them. They are afraid that we the Indians do not at all know how to administer our own Government. Before the invasion of India by the British did not our Indians govern our own mother-country? Did not the Indians know how to finance their own schemes? In this point, Sir, I am sorry I do not agree with them. Now the only question which troubles me and which I am afraid prevents me from supporting this resolution is that the resolution as it stands is not to my liking, and I think it will not help us much. The resolution says that one of the Executive Councillors should be removed. Now, the spirit of the Reforms is that the administration should be Indianised gradually. Now if one of the Executive Councillors is removed necessarily, I am afraid, it must fall to the lot of the Indian Member. Now if the resolution had been put in a way, in such a way that "steps should be taken in order to constitute the Executive Council of the Government of Assam with one Executive Councillor who must be an Indian" I would have been the first man to support the resolution, but I am afraid if the resolution stands as it is and is carried the man who will be removed will be the Indian Member which is against the principles of the Reforms. So it is very difficult for me to support this resolution and I strongly oppose it.

BABU HIRALAL BOSE :—Sir, much has been said with regard to this resolution and I think I must oppose it on the grounds as put forward by Rev. Nichols-Roy and Mr. Phukan. The first thing I beg to impress upon this House is this that the resolution as it stands to my mind appears to be discourteous. We know, Sir, the Government of India Act by which the constitution was made was not of our creation. The law was created by some higher authority and it is not for us to change the constitution. Now the resolution as it goes on like this—"That this Council recommends to the Government of Assam to move the proper authority to take necessary steps to abolish the post of one of the Executive Councillors in this province from the beginning of the next term of the Council." I emphasize the words from the beginning of the next term of the Council. Is that within the range of possibility? I put it to the House, who is to make this change? Certainly not this House and not this Government. It is some other Government and some other Legislature. Now is there sufficient time before the next term that this can be done? If that is not within the range of possibility I think the resolution as it stands is defective and I would like to request my hon'ble friend the mover to withdraw the resolution and to put it in another form. Then, again, Sir, I entirely agree with the hon'ble Rev. Nichols-Roy and in pursuance of the general observations which I made yesterday in connection with the budget discussions that it is not the post that we should reduce but considering our financial crisis we should rather try to reduce the salary of the post. Of course it might be argued that while the All-India officer who will hold the post of Executive Councillor will draw a higher pay, the prestige of the other Member or that of the Ministers will suffer. But I think, Sir, that is an erroneous idea because in my humble opinion salary does not make

prestige, it is the power that makes the prestige. I think the Members of this hon'ble House know that the Viceroy is under the direct supervision of the Secretary of State. Now I will ask them to compare the salary drawn by the Secretary of State and that drawn by the Viceroy. They will find that there is a great difference. The Viceroy receives a much higher salary than the Secretary of State but nobody can question the authority of the Secretary of State; his prestige is not lowered thereby because he gets a lower salary. So I submit that a reduction of salary does not mean a reduction of prestige, and that in view of the financial crisis that we are passing through there will be some gentlemen from among the Indians who will volunteer to act on a lower salary to save the spirit of the Reforms.

Now, Sir, another point which has been very ably put by my hon'ble friends Mr. Phukan and Rev. Nichols-Roy is that the democratic and representative form of Government which has been introduced by the Reforms will tend to disappear. Now before the creation of this constitution Assam was ruled by a Chief Commissioner with the help of certain other officers, but now if I understand aright the whole Executive power of His Excellency the Governor has been transferred to the Ministers and Members of the Executive Council and His Excellency the Governor is now only the head of the Government while the details are worked out or rather the policy is guided by the four officers. If that be so and if we reduce one Minister and one Member of the Executive Council then what would be the fate of the Cabinet? It has been very ably put by my hon'ble friend Maulavi Munawwarali, and I do not wish to go over it again. The result would be that we shall wreck the Reforms, we shall dispossess ourselves of the benefit of a democratic and representative Government. We want a democratic Government and our representatives on the Cabinet. If the Members of the Cabinet are reduced to two then it would be a farce, democracy would be taken away and I am afraid as my hon'ble friend Srijut Bipin Chandra Ghose has said the Indian Member will be taken away, and for obvious other reasons it is necessary that the Indian Member should be retained. If the Indian Member is taken away then for some time we shall be deprived of the presence of the Indian element in the Cabinet except the Minister which will be a sad thing against the spirit of the Reforms. So I submit, Sir, that if we want to have a democratic and representative form of Government in future which is the aim of the Government to give us, then I say that we must have both the Ministers as well as both the Members of Government

SRIJUT DALIM CHANDRA BORAH :—Sir, I rise to a point of order. The resolution deals with Members of Council and not with Ministers and I think the hon'ble gentleman is not justified in commenting on the number of the Ministers.

BABU HIRALAL BOSE :—I submit, Sir, that other hon'ble members including the Hon'ble gentleman have likewise touched on the subject of the appointments of Ministers and I believe the Hon'ble Finance Member also did the same. However, it does not matter as I have finished with that point. I submit, Sir, in conclusion that the salary should be reduced and that posts of the Members should not be abolished.

MR. SMILES :—Sir, we have heard the Hon'ble Member for Finance express the Government opinion on this resolution.....

HON'BLE MR. W. J. REID :—No, Sir, I expressed no opinion.

MR. SMILES :—.....stating that he would remain strictly neutral. The only question seems to be not one of salary but one of work. There is nothing to do with the salaries of the Viceroy or the Secretary of State. The question is 'Have we enough work in this Province for four big posts or have we not?' The question in the future need not be considered now when we have no money. Only the rich remember can afford sentiment. Personally, Sir, I think there is plenty of work in Assam now for four highly paid men. We can employ one good man all the time in trying to get our fair share of money from the Imperial Government. Putting more work on to one man does not necessarily mean economy. It may mean signing things in a hurry and without due consideration. You may save a few thousand rupees in salaries but you may lose lakhs in other ways.

SRIJUT LOHIT CHANDRA NAYAK :—Sir, the question before the House is abolition of one of the two posts of Executive Councillors. This is a burning question of the day in all the Provincial Councils. Now, Sir, the question involves not only a constitutional issue but also financial and racial issues. You have got to consider this question from all these stand-points. I do not want to lay any blame at the door of the hon'ble member who has moved this resolution because he was actuated to do so by financial considerations. Now, Sir, that is not the only consideration which must be taken to decide this important question. To make any reduction in these posts would only be to oppose the spirit of the Reforms. The Reforms enjoin the association of Indians in large numbers in all branches of the administration, that is to say, to train Indians in the art of self-government. If one of the two posts is abolished then I think it would take a long time—12 years according to the Government of India Act—for an Indian to be installed in this post, and if, at all, one post is decided to be abolished it would be that held by the Indian in the Executive Council. It is therefore not desirable that we should in this way go against the spirit of the Reforms. Now, Sir, in the present Cabinet form of Government we have three Indians and two Europeans so that the Indian element has preponderated in such a way that Indians may be given a proper training in the art of self-government. If that be the case I do not see any reason why we should press so heavily for the reduction of the number of Executive Councillors. On these grounds I oppose the resolution.

MAULAVI ABDUL KHALIQUE CHAUDHURI :—Sir, I beg to say a few words in reply. I have heard the arguments for and against my resolution. As no one can walk out of his own shadow the remarks of the members in opposition seem to be actuated from their personal fear of lessening the chance of their occupying the enviable position. However, I leave the matter to the judgment of the House.

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

AYES.—4.

Maulavi Abdul Khalique Chaudhuri.
Srijut Dalim Chandra Borah.
Babu Krishna Sundar Dam.
Mr. Rajendra Narayan Chaudhuri.

NOES.—20.

Maulavi Akmal Hussein.
Haji Muhammad Abdul Ahad Chaudhuri.
Maulavi Munawwarali.
Khan Bahadur Muhammad Bakht Majumdar.
Maulavi Rukunuddin Ahmad.
Munshi Safur Rahman.
Khan Sahib Sharafat Ali Chaudhury.
Srijut Bishnu Charan Borah.
„ Bipin Chandra Ghose.
Rajkumar Chandra Narayan Singh.
Rai Sahib Har Kishore Chakrabatti.
Babu Hiralal Bose.
Srijut Lohit Chandra Nayak.
„ Nilmani Phukan.
Rev. J. J. M. Nichols-Roy.
Mr. E. H. Featherstone.
Mr. W. D. Smiles.
Mr. E. S. Roffey.
Mr. D. M. Somerville.
Mr. D. S. Withers.

The resolution was accordingly lost.

The Council then adjourned till Monday the 9th April 1923 at 2-30 P.M.

SHILLONG :

The 12th April 1923.

A. MELLOR,

Secretary to the Legislative Council, Assam.