

[FILE No. $\frac{\text{Pm.}}{252}$ P. OF 1916.]

1917.

ASSAM SECRETARIAT.

POLITICAL DEPARTMENT.

POLITICAL—A.

January 1917.

Nos. 1-14.

Instructions regarding the employment of legal practitioners in the British courts
of the hill districts of Assam.

Excluded Areas Records.

41

REFERENCES TO FORMER CASES.

Department, date, and Nos. or File No. and year.	Brief Title of File.
1. Home, A, May 1903, Nos. 201-214 [A (Judl.).]	
2. Ditto, Jan. 1905, Nos. 227-233 [A (Judl.).]	
3. Pol., A, Feb. 1914, Nos. 91-93 (File No. F(N)—28P).	
4. Ditto, Dec. 1914, Nos. 6-10 (File No. F(N)—P60).	Similar case.
5. Deposit, P, Sep. 1915, No. 1 (File No. P.M.—62P).	
6. Judl., A, Nov. 1915, Nos. 19-26 (File No. C—27J).	
D—8.	

REFERENCES TO LATER CASES.

Department, date, and Nos.	Brief Title of File.

(To be continued on back, if necessary.)

PAPERS OTHER THAN PROCEEDINGS.

I.—Printed.

Notes and orders.

II.—Not printed.

Nil.

[File No. PM—252P of 1916.]

1917.

ASSAM SECRETARIAT.

POLITICAL DEPARTMENT.

POLITICAL—A.

JANUARY.

Nos. 1-14.

Instructions regarding the employment of legal practitioners in the British courts of the hill districts of Assam.

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NOTES.

POLITICAL—A, JANUARY 1917.

Nos. 1-14.

Instructions regarding the employment of legal practitioners in the British courts of the hill districts of Assam.

EXTRACT FROM THE JUDGMENT OF THE SUPERINTENDENT, LUSHAI HILLS, DATED THE 14TH DECEMBER 1915

EXTRACT FROM THE JUDGMENT OF THE COMMISSIONER, SURMA VALLEY AND HILL DISTRICTS, DATED THE 28TH FEBRUARY 1916.

Extract from File No. P.M.—142P., of 1916.

1. The first point which I have to mention is the fact that the Superintendent did not allow the accused the assistance of a pleader with which the Commissioner has dealt. The Superintendent did not allow a pleader because there was no pleader for the prosecution. The Commissioner has pointed out that this is not satisfactory and that the Superintendent could easily have arranged for Government to be represented by a Public Prosecutor. This is a case in which hillmen were not concerned in any way, and it was clearly a case in which a pleader should have been allowed, and yet one of our most experienced and best Deputy Commissioners in charge of a hill district failed to allow a pleader. This is little short of a scandal.

2. I drew attention previously to the fact that pleaders and mukhtears should be allowed in criminal cases, unless there is some strong objection to the contrary, as for instance that they were purely hill men and that it would not be fair to allow representation on one side only, etc., etc. The rule as at present drafted puts the matter the other way, and bars the employment of pleaders in criminal cases, except with the special permission of the Superintendent. In the case of some hill districts the rules are not clear, as the restriction as regards the employment of pleaders and mukhtears appears only under the head Civil Justice. I went into this before, and possibly, when a reference was made to the Government of India lately about the procedure in Shillong, something was said about representation by pleaders and mukhtears. At any rate, I wish the whole subject gone into afresh as a result of this rather scandalous Lushai Hills case, in which Mr. Hezlett refused a pleader for a man, not a hillman, charged with a serious offence. Chief Secretary will please immediately take extracts of paragraphs 1 and 2 of this note, and deal with the matter quite separately from the present case.

29th May 1916.

A. E[ARLE].

Extract from Chief Commissioner's orders in File No. P.M.—142P of 1916.

6. I certainly endorse the Commissioner's opinion that the Superintendent of the Lushai Hills should have allowed a pleader to appear in the present case. The fact that one was not allowed in this case will be taken up in connection with the general question in so far as it concerns all hill districts, as the present situation does not seem to be satisfactory.

2nd June 1916.

A. E[ARLE].

Under-Secretary,

The following statement shows the orders in the Rules regarding the appearance of pleaders and mukhtears in hill districts.

District.	Criminal.	Civil.
North Cachar ...	No provision in the rules.	Rule 41 bars their appearance but allows discretion courts.
Naga Hills ...	Ditto.	Rule 36 Ditto.
Khasia and Jaintia Hills.	Ditto.	Rule 38 Ditto.

Pol., A, Mar. 1907, Nos. 45-84(P.M).

	District.	Criminal.	Civil.
	Lushai Hills ...	Rule 13 allows discretion. In both cases appearance is barred except with special permission.	Rule 20 allows appearance.
Judl., A, Dec. 1907, Nos. 16-31(C).	Mikir Hills ...	No provision ...	Rule 36 allows discretion.
Pol., A, Feb. 1911, Nos. 1-17(P.M).	Garro Hills ...	Rule 13 (f) allows discretion.	Rule 37 ditto.
* Pol., A, Dec. 1914, Nos. 11-18 [F(N)].	Central and Eastern Sections, North-East Frontier.	Rule 28 ditto.	Rule 44 ditto.
	Western Section, North-East Frontier.	Rule 27 ditto.	Rule 43 ditto.
	Lakhimpur Frontier Tract.	Rule 28 ditto.	Rule 44 ditto.

In the case of the last three Frontier tracts provision for barring the appearance of pleaders and mukhtears was made under the orders contained in paragraph 4 of Foreign and Political Department letter No. 976E.B.,* dated the 25th September 1914.

Pleaders and mukhtears may however appear in criminal and civil cases in British courts in the Khasi and Jaintia Hills under certain conditions laid down in this Administration letter No. 529Misc.—5353J.,* dated the 25th November 1903.

This question was taken up in 1913 in connection with a petition from the Nowgong bar and the following orders were communicated to the Commissioner, Assam Valley Districts, in our letter No. 7661P., dated the 10th December 1913, after consulting the Hon'ble Arbuthnot, the then Commissioner, Surma Valley and Hill Districts.

"While rule 36 of the rules for the administration of justice in the Mikir Hill Tracts undoubtedly allows the Deputy Commissioner discretion to give or to refuse permission to pleaders to appear, this discretion should be exercised wisely with due regard to the circumstances of any particular case. The Chief Commissioner considers that ordinarily pleaders should not be allowed to appear where both parties are Mikirs though of course an exception might be made in any case which was sufficiently serious. As regards cases in which one party is a Mikir and the other a foreigner, the Chief Commissioner thinks that permission to engage a pleader should not be withheld as a matter of course. Such cases, as in fact all cases under the rules for the administration of civil and criminal justice in the Mikir Hills, should be tried by the Deputy Commissioner himself, and will ordinarily be tried locally, and the Chief Commissioner cannot believe that the appearance of a pleader on one side and not on the other will make it more difficult for the Deputy Commissioner to arrive at a just decision. As regards cases in which both parties are foreigners, the Chief Commissioner considers that permission to engage pleaders should ordinarily be granted, and should be withheld only when there are express reasons for such a step."

Mr. Dundas was also consulted in connection with an article which appeared in the "Times of Assam," and he in his demi-official letter No. 979N., dated the 12th October 1913, said that he was very much opposed to allowing pleaders to appear in any case in his district. In Major Kennedy's demi-official letter No. 5582P., dated the 21st October 1913, he was informed that the Chief Commissioner had decided not to make any change in the existing rules, but that the Chief Commissioner agreed with him that it would certainly not be fair to allow a pleader in cases where one party was a foreigner and one a hill man.

The question was again taken up in 1915 and discussed at a conference held on 13th September 1915, at which the Legal Representative and the Chief Secretary were present. The Chief Commissioner then decided that there was no need to trouble the Commissioners with regard to the rules authorising the employment of pleaders in hill districts. At present the employment of such persons without the permission of the court both in criminal and civil cases was barred in the Garo Hills, the Lushai Hills and the Frontier Tracts. In the Naga Hills, the Khasi and Jaintia Hills, the Mikir Hills and the North Cachar Hills there was nothing one way or the other on the subject in the rules for the administration of criminal justice. In these circumstances the Chief Commissioner considered that the Deputy Commissioner or Subdivisional Officer would be bound by the rule, which laid down that the spirit of the Criminal Procedure Code should be followed, to allow pleaders to appear on behalf of accused unless there were good reasons to the contrary. In Chief Commissioner's opinion this was a fairly satisfactory arrangement and no alteration was considered necessary.

Judl., A, Nov. 1915, Nos. 19-26 (File No. C-27). Reference was also made to this subject in our letter No. 9193J., dated the 29th November 1915, to India, on the subject of the administration of criminal and civil justice within the town of Shillong.

Nalini—12th June 1916.

Chief Secretary,

Please see the office note above with reference to Chief Commissioner's orders on page 1.

It will be seen that the general question has been discussed very recently, *i.e.*, in September last. The decision then arrived at will perhaps govern this case also.

21st June 1916.

G. C. KERWOOD.

Chief Commissioner,

Chief Commissioner's recent decision will be found at page 4 of notes in File No. P. M.—62P, Deposit, P, September 1915, No. 1.

Perhaps we might issue a circular pointing out that pleaders should normally be allowed if desired by foreigners implicated in criminal cases and that they should be allowed if desired by hillmen accused of serious offences.

22nd June 1916.

B. C. ALLEN.

The recent Lushai Hills case was a bad one and furnishes a handle to critics.

2. I should like to discuss the matter with Hon'ble Mr. Reid, Chief Secretary and Legal Remembrancer when the first-named comes up shortly. The Hon'ble Mr. Reid may first see Political Department Proceedings for September 1915.

23th June 1916.

A. E[ABLE].

Legal Remembrancer,

Please see and then send to Commissioner.

26th June 1916.

B. C. ALLEN.

Chief Secretary,

Seen. Thanks.

27th June 1916.

A. MAJID.

Chief Secretary,

I shall be glad to discuss at any time appointed.

4th July 1916.

W. J. REID.

Chief Commissioner,

Would 11 A. M. on Thursday suit Chief Commissioner?

4th July 1916.

B. C. ALLEN.

11-30 please on Thursday.

4th July 1916.

A. E[ABLE].

Chief Commissioner,

Chief Commissioner only asked for Mr. Reid and Legal Remembrancer. I do not know whether Chief Commissioner would also like Colonel Gurdon to attend, as there are hill tracts under him. If so, perhaps Chief Commissioner would let Personal Assistant send for him to save time. He is at the hotel. I am sorry I did not think of this before.

6th July 1916.

B. C. ALLEN.

Chief Commissioner,

Memorandum for approval.

6th July 1916.

B. C. ALLEN.

6th July 1916.

A. E[ABLE].

Chief Commissioner,

I venture to resubmit this, as I think that possibly Chief Commissioner meant 'former' not 'latter.' It is when foreigners are accused that they particularly seem to need help.

Yes.—A. E.—7-7-1916.

7th July 1916.

B. C. ALLEN.

7th July 1916.

A. E[ABLE].

Chief Secretary,

If any change in the rules as regards criminal and civil justice in hill districts has to be published in the Gazette, it might possibly be better not to amend the rules so as to make them similar in all districts, as this might call attention to a delicate subject. If, however, publication in the Gazette is not required, it is a different matter.

2. If it is decided not to amend the rules, the circular, in so far as it concerns the districts in respect of which there is no authority to bar the appearance of pleaders in criminal cases, should say that in regard to these particular districts section 340 of the Criminal Procedure Code should be followed, as the rules intend that the spirit of that Code should be followed.

7th July 1916.

A. E[ABLE].

Chief Commissioner,

A change in the rules would require notification in the Gazette. I put up therefore two draft circulars.

I understand that a copy of these orders should be communicated confidentially to Mr. Dundas and that he is to be told that he may use his discretion as to the extent to which they are applied.

It seems doubtful if copies of the conference proceedings need go to any one.

16th July 1916.

B. C. ALLEN.

Please bring up: the second draft is not at all understood and is obviously out of order.

16th July 1916.

A. E[ARLE].

Chief Commissioner,

18th July 1916.

B. C. ALLEN.

The headings of the drafts seem to require attention. Otherwise they seem in order, as corrected by me.

2. Mr. Dundas should be told that he will have discretion for the present. It is not the permanent discretion.

19th July 1916.

A. E[ARLE].

TO THE DEPUTY COMMISSIONERS, GARO HILLS AND LAKHIMPUR, AND THE SUPERINTENDENT, LUSHAI HILLS, Nos. 78-80P.T., DATED THE 19TH JULY 1916.

ASSAM VALLEY DISTRICTS,

TO THE COMMISSIONER, ————— Nos. 81-82P.T., DATED THE 19TH JULY 1916.
SURMA VALLEY AND HILL DISTRICTS,

TO THE DEPUTY COMMISSIONERS, NAGA HILLS, KHASI AND JAINTHIA HILLS, SIBSAGAR, NOWGONG AND CACHAR, Nos. 83-87P.T., DATED THE 19TH JULY 1916.

ASSAM VALLEY DISTRICTS,

TO THE COMMISSIONER, ————— Nos. 88-89P.T., DATED THE 19TH JULY 1916.
SURMA VALLEY AND HILL DISTRICTS,

My dear Dundas,

(Demi-official No. 4525P.) I am desired to forward for your information a copy of a letter, No. 78-80P.T., dated the 19th July 1916, to the address of the Deputy Commissioners of the Garo Hills and of the Lakhimpur districts and the Superintendent of the Lushai Hills, regarding the employment of pleaders in civil and criminal cases in the hill districts. The Chief Commissioner permits you to exercise your discretion for the present as to the extent to which you will give effect to these orders.

26th July 1916.

G. C. KERWOOD.

FROM THE DEPUTY COMMISSIONER, GARO HILLS, No. 77J., DATED THE 27TH JULY 1916.

Under-Secretary,

The Indian Stamp Act (I of 1879) and the Court-fees Act (VII of 1870) were extended to the Garo Hills and other hill districts under Notification No. 992J., dated the 13th September 1897, with the proviso that these Acts should not apply to any persons who were assessed to house-tax instead of land revenue except in such localities or classes of cases as the Deputy Commissioner, with the sanction of the Chief Commissioner, might withdraw from the operation of this proviso. The Deputy Commissioner, Garo Hills, in his letter No. 185R., dated the 23rd October 1897, said that there were no such localities or classes of cases which might be exempted from the operation of the proviso quoted above.

The Stamp Act of 1879 was repealed by Act II of 1899 and the latter Act was also extended to the hill districts (including the Garo Hills) under Notification No. 503J., dated the 19th February 1903, with the proviso noted above.

It will thus appear that the house-tax-paying Garos are exempted from the payment of court-fees. The Deputy Commissioner now suggests that the house-tax-paying Garo should be required to pay the usual court-fees in a case in which he employs a pleader or a mukhtear. This proposal has not come through the Commissioner who may be requested to express his opinion on the subject.

Nalini—5th August 1916.

Deputy Commissioner seems to suggest an exception to the proviso. Commissioner should be consulted.

M. K. Gupta—5th August 1916.

Consult Commissioner.

7th August 1916.

G. C. KERWOOD.

MEMORANDUM TO THE COMMISSIONER, ASSAM VALLEY DISTRICTS, No. 4793P., DATED THE 10TH AUGUST 1916.

FROM THE COMMISSIONER, ASSAM VALLEY DISTRICTS, No. 458G.S., DATED THE 23RD AUGUST 1916

Under-Secretary,

The Commissioner agrees with the Deputy Commissioner and the proposal may perhaps be sanctioned.

Nalini—25th August 1916.

Chief Commissioner,

The proposal is, I venture to think, a perfectly sound one and can be sanctioned under paragraph 2 of Proceedings No. 96 and notification in Home, A, May 1903, Nos. 201-214.

Home, A, July 1898, Nos. 94-110

Hon'ble Mr. Reid may be asked* whether he wishes the orders in force in his division modified in any way from Proceedings No. 107. It will be seen that stamp and court-fees are already levied in a considerable number of cases in Shillong.

* His attention may be drawn to the orders now passed in the case of the Garo Hills.—A. E.—27-8-1916.

27th August 1916.

B. C. ALLEN.

27th August 1916.

A. E[ARLE].

To THE COMMISSIONER, ASSAM VALLEY DISTRICTS, No. 5324P., DATED THE 1ST SEPTEMBER 1916.

To THE COMMISSIONER, SURMA VALLEY AND HILL DISTRICTS, No. 5325P., DATED THE 1ST SEPTEMBER 1916.

FROM THE COMMISSIONER, SURMA VALLEY AND HILL DISTRICTS, No. 7963, DATED THE 30TH NOVEMBER 1916.

Chief Secretary,

Please see Commissioner, Surma Valley and Hill Districts' reply. As he agrees, we may perhaps issue draft put up.

The inclusion of "Khasi and Jaintia Hills" in the draft in spite of what Commissioner says is intended to make the practice there uniform with that in other hill districts, although in view of the letter, No. 18L.&L.—2173J., dated the 30th May 1898, it is perhaps not strictly speaking necessary, as the cases in which court-fees are to be charged, mentioned in that letter, may be held to cover the case of a "house-tax-paying hillman in the Khasi and Jaintia Hills."

12th December 1916.

C. S. GUNNING.

Chief Commissioner,

The draft put up may issue.

14th December 1916.

B. C. ALLEN.

14th December 1916.

A. E[ARLE].

To THE COMMISSIONER, SURMA VALLEY AND HILL DISTRICTS, No. 7909P., DATED THE 18TH DECEMBER 1916.

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ASSAM SECRETARIAT PROCEEDINGS.

POLITICAL DEPARTMENT.

POLITICAL—A.

JANUARY 1917.

Instructions regarding the employment of legal practitioners in the British courts of the hill districts of Assam.

No. 1.

Extract from the judgment of the Superintendent, Lushai Hills, in case King-Emperor *Versus* Fazal Ali, sections 202, 161, 201, 202, 213, Indian Penal Code.

* * * * *

He* has been treated very considerably throughout the trial by being allowed out on bail, and has, I think, been given every opportunity to defend himself against the charges. I did not allow him a pleader, because there was no pleader for the prosecution, and in fact no one at all to conduct the prosecution, as Intaj Ali was not allowed to be present during the examination of the witnesses, and because I thought the accused was well able to conduct his own defence. Copies were given him of all papers he asked for and I have little doubt he was able to get what legal advice he required. I do not think that the accused has any cause to allege that he has been prejudiced in his defence by not being allowed a pleader. He has conducted his defence well, and has made the most of points in his favour.

* * * * *

DATED AIJAL,

The 14th December 1915.

No. 2.

Extract from the judgment of the Commissioner, Surma Valley and Hill Districts, in criminal appeal No. 5 of 1915.

* * * * *

3. There is one other preliminary matter which must be noticed. One of the grounds of appeal taken is that the appellant was not allowed the assistance of a pleader and was thereby prejudiced in his defence. In this connection the explanation of the learned Magistrate* is not wholly satisfactory. It is true that the rules for the administration of criminal justice in the Lushai Hills leave it to the discretion of the Magistrate to allow or prohibit the appearance of a pleader in any case, but I may say at once that in my opinion the Superintendent would have exercised a wiser discretion had he acceded to the request of the appellant. The charges were most serious ones, and the appellant was entitled to any assistance of which he properly could avail himself. The Superintendent could, in case he judged this necessary, have arranged for Government to be represented by a Public Prosecutor. I do not however consider that the accused was in actual fact prejudiced in his defence through not being allowed the services of a pleader. The record shows his cross-examination of the witnesses to have been both capable and searching, and it is probable that this local

* Superintendent of the Lushai Hills.

knowledge and his experience in dealing with witnesses of the class in question stood him in good stead. Moreover, a perusal of the written statement or argument which was filed in his behalf shows that this was not the work of an ignorant man, and raises the presumption that in preparing it he had the benefit of legal advice and assistance even if given by correspondence instead of orally. It is an interesting fact that the Hon'ble Mr. Chanda has in arguing the case before me taken several of the points to which attention was called in the written statement.

The 28th February 1916.

W. J. REID,
Commissioner, Surma Valley and Hill Districts.

No. 3.

PROCEEDINGS OF A CONFERENCE HELD AT GOVERNMENT HOUSE ON
JULY THE 6TH, 1916.

PRESENT :

The Hon'ble the Chief Commissioner.
The Hon'ble Colonel Gurdon, C.S.I.
Mr. W. J. Reid, C.S.I., Commissioner, Surma Valley and Hill Districts.
The Legal Remembrancer.
The Chief Secretary.

The Chief Commissioner after some discussion came to the conclusion, all agreeing, that the rules with regard to the employment of pleaders should be made uniform in the hill districts, the principle adopted in the present rules for the Garo Hills, the Lushai Hills and the Frontier Tracts, under which the permission of the Court was required both in criminal and civil cases, being extended to the other hill districts.

At the same time it was decided that there could not possibly be any objection to Chief Commissioner, who for these areas discharges the functions of a High Court, issuing a circular to Magistrates explaining how their discretion should be utilized.

It would be laid down that pleaders should be allowed to foreigners when they were accused or complainants in criminal cases particularly in the former case if they wished to employ them, unless there were strong reasons to the contrary, and that a similar practice should be followed in all serious cases in which the natives of the district were concerned, if they actually desired to employ pleaders. In this connection section 340 of the Criminal Procedure Code is relevant.

It was explained by Mr. Reid that there would be very few cases in the Naga or the Lushai Hills in which natives of the district would wish to employ pleaders.

In civil cases more discretion could be allowed, but here it would usually be desirable to allow pleaders in cases of importance either for plaintiff or defence, Mr. Reid pointing out that it would be for the Court to see that justice was done to the hillmen in the event of pleaders being employed against them.

The Chief Commissioner was doubtful whether these orders should be applied to the Sadiya Frontier Tract, and it was suggested that they might be communicated confidentially to Mr. Dundas, and he might be permitted to use his discretion.

The 6th July 1916.

B. C. ALLEN.

No. 4.

No. 78-80P.T., dated Shillong, the 19th July 1916.

From—The Hon'ble Mr. B. C. ALLEN, I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Deputy Commissioners, Garo Hills and Lakhimpur and the Superintendent, Lushai Hills.

As you are aware, under the rules for the administration of criminal and civil justice in ^{your district} the Lakhimpur Frontier Tract pleaders have to obtain the permission of the court before they can appear either in criminal or civil cases. I am now to communicate to you the following instructions from the Chief Commissioner who, as you know, in hill districts occupies the position of the High Court, as to the way in which you should exercise the discretion conferred upon you by the rules in cases tried by you or your regular assistants as distinct from those tried by village authorities.

2. In criminal cases in which persons who are not natives of the district are concerned they should be allowed, if they wish to do so, to employ pleaders unless there are strong reasons, which should be placed on record, while permission should be

refused. This principle should be followed whether the foreigner is complainant or accused, and in the latter case particularly strong reasons would be required to justify the refusal of a pleader. A similar practice should be followed with regard to natives of the district, at any rate, in all serious cases, if they actually desire to employ pleaders though presumably it is but seldom that they would wish to do so.

3. In civil cases more discretion can be allowed, but here it would usually be desirable to allow pleaders, if desired, in cases of importance either for plaintiff or defendant or for foreigner or hillman, for in the event of a foreigner employing a pleader in a case against a hillman, the court would presumably have no difficulty in seeing that the interests of the hillman were not unfairly prejudiced thereby. The term "pleader," I am to explain, should be taken to include mukhtears or any other agent ordinarily recognised by the court.

The Chief Commissioner attaches much importance to these orders and I am to ask that they may be strictly followed in future.

No. 5.

No. 81-82 P.T., dated Shillong, the 19th July 1916.

Memo. by—The Chief Secretary to the Chief Commissioner of Assam.

Copy of letter No. 78-80 P. T., dated the 19th July 1916, forwarded to the Commissioner, ^{Assam Valley Districts} Surma Valley and Hill Districts.

No. 6.

No. 83-87 P. T., dated Shillong, the 19th July 1916.

From—The Hon'ble Mr. B. C. ALLEN, I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Deputy Commissioner, ^{Naga Hills and Khasi and Jaintia Hills} ^{Sibsagar and Nowgong.} Cachar.

As you are aware, the rules for the administration of criminal justice ^{in your district} the Mikir Hills Tract are silent with regard to the employment of pleaders in criminal cases. ^{the North Cachar Hills}

In the absence of definite instructions, Magistrates are however bound by the rule which lays down that the spirit of the Criminal Procedure Code should be followed and in such matters section 310, Criminal Procedure Code, is applicable. In civil cases it is distinctly provided that professional pleaders or mukhtears may not appear except with the special permission of the court. I am now to convey to you the orders of the Chief Commissioner, who, as you know, in these areas occupy the position of the High Court, with regard to the employment of pleaders both in criminal and civil cases tried by you or your regular assistants as distinct from those tried by village authorities.

2. In criminal cases in which persons who are not natives of the district are concerned they should be allowed, if they wish to do so, to employ pleaders unless there are strong reasons, which should be placed on record, why permission should be refused. This principle should be followed whether the foreigner is complainant or accused, and in the latter case as already indicated, section 310 of the Criminal Procedure Code which gives an accused person the right of representation by pleader, obtains. A similar practice should be followed with regard to natives of the district, at any rate, in all serious cases, if they actually desire to employ pleaders, though presumably it is but seldom that they would wish to do so.

3. In civil cases more discretion can be allowed, but here it would usually be desirable to allow pleaders, if desired, in cases of importance either for plaintiff or defendant or for foreigner or hillman, for in the event of a foreigner employing a pleader in a case against a hillman the court would presumably have no difficulty in seeing that the interests of the hillman were not unfairly prejudiced thereby. The term "pleader," I am to explain, should be taken to include mukhtears or any other agent ordinarily recognised by the court.

The Chief Commissioner attaches much importance to these orders and I am to ask that they may be strictly followed in future.

No. 7.

No. 88-89 P.T., dated Shillong, the 19th July 1916.

Memo. by—The Chief Secretary to the Chief Commissioner of Assam.

Copy of letter No. 83-87 P.T., dated the 19th July 1917, forwarded to the Commissioner, ^{Assam Valley Districts} Surma Valley and Hill Districts.

No. 8.

No. 77P., dated Tura, the 27th July 1916.

From—Lieut.-Colonel H. M. HALIDAY, I.A., Deputy Commissioner, Garo Hills,

To—The Chief Secretary to the Chief Commissioner of Assam.

I have the honour to acknowledge receipt of your letter No. 78-80P.T., dated the 19th July 1916, on the subject of the employment of pleaders and mukhtears in the Tura court. The orders of the Chief Commissioner have been carefully noted by me and communicated to my Extra Assistant Commissioner. I would respectfully suggest that, where a pleader or mukhtear is employed by a house-tax-paying Garo, ordinarily exempted from payment of court-fees, he should be required to pay such court-fees in that particular case as are required to be paid by plains Garos and others of the district, and by all foreigners.

No. 9.

No. 4793P., dated Shillong, the 10th August 1916.

Memo. by—The Under-Secretary to the Chief Commissioner of Assam, Political Department

Copy of letter No. 77J., dated the 27th July 1916, from the Deputy Commissioner, Garo Hills, forwarded to the Commissioner, Assam Valley Districts, in continuation of this Department memorandum No. 81-82P.T., dated the 19th July 1916, for the favour of an expression of his opinion:

No. 10.

No. 458G.S., dated Gauhati, the 23rd August 1916.

From—A. H. W. BENTINCK, Esq., M.A., I.C.S., Offg. Commissioner, Assam Valley Districts,

To—The Under-Secretary to the Hon'ble the Chief Commissioner of Assam, Political Department.

With reference to your memorandum No. 4793P., dated the 10th August 1916, forwarding a copy of letter No. 77J., dated the 27th July 1916, from the Deputy Commissioner, Garo Hills, for expression of my opinion on the suggestion made therein, regarding payment of court-fees by the Garo litigants, I have the honour to say that I agree with the Deputy Commissioner in thinking that a house-tax-paying Garo ordinarily exempted from payment of court-fees should be required to pay such court-fees as are required to be paid by plains Garos and others of the districts in the cases in which a pleader or mukhtear is employed.

No. 11.

No. 5324P., dated Shillong, the 1st September 1916.

From—C. S. GUNNING, Esq., I.C.S., Under-Secretary to the Chief Commissioner of Assam, Political Department,

To—The Commissioner, Assam Valley Districts.

I am directed to acknowledge the receipt of Mr. Bentinck's letter No. 458G.S., dated the 23rd August 1916, and to sanction, under the provisions contained in this Administration Notifications noted in the margin, your proposal that a house-tax-paying Garo who employs a pleader or mukhtear in any case should be required to pay such court-fees in that particular case as are required to be paid by plains Garos and others in the district of the Garo Hills and by all foreigners.

No. 12.

No. 5325P., dated Shillong, the 1st September 1916.

Memo. by—The Under-Secretary to the Chief Commissioner of Assam Political Department.

Copy of letter No. 5324P., dated the 1st September 1916, forwarded to the Commissioner, Surma Valley and Hill Districts, for information, in continuation of the correspondence resting with this Department memorandum No. 88-89P.T., dated the 19th July 1916. He is requested to report whether he wishes the order on this subject in force in his division to be modified in any way.

No. 13.

No. 7963, dated Silchar, the 30th November 1916.

From—The Hon'ble Mr. W. J. READ, C.S.I., I.C.S., Commissioner, Surma Valley and Hill Districts,

To—The Chief Secretary to the Hon'ble the Chief Commissioner of Assam.

I have the honour to refer to Mr. Gunning's memorandum No. 5325P., dated the 1st September 1916, enquiring whether the orders in force in this division regarding the payment of court-fees should be modified on the lines followed in the case of the Garo Hills district, and to say that in my opinion similar orders might be passed for this division. This will make no change in the existing practice in the Khasi and Jaintia Hills. In the other hill districts the appearance of pleaders or mukhtears is an extremely rare occurrence.

No. 14.

No. 7909P., dated Shillong, the 18th December 1916.

From—C. S. GUNNING, Esq., I.C.S., Under-Secretary to the Chief Commissioner of Assam, Political Department,

To—The Commissioner, Surma Valley and Hill Districts.

I am directed to acknowledge the receipt of your letter No. 7963, dated the 30th November 1916, and to sanction, under the provisions contained in the marginally-noted notifications, your proposal that a house-tax-paying hillman in the Khasi and Jaintia Hills, the Naga Hills, the Lushai Hills, and the North Cachar subdivision of the Cachar district, who employs a pleader or mukhtear in any case, should be required to pay such court-fees in that particular case as are required to be paid by plainmen in those hills and by all foreigners.

Assam Administration Notification No. 992J., dated the 13th September 1897.

Assam Administration Notification No. 503J., dated the 19th February 1903.

Assam Administration Notification No. 4949J., dated the 12th November 1904.