

EAST INDIA (RECONSTITUTION OF THE PROVINCES
OF BENGAL AND ASSAM).

FURTHER PAPERS

RELATING TO THE

RECONSTITUTION OF THE PROVINCES

OF

BENGAL AND ASSAM

(In continuation of Cd. 2658.)

Presented to both Houses of Parliament by Command of His Majesty.



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No. 1.

Letter from the Government of India to The Right Honourable St. John Brodrick, His Majesty's Secretary of State for India, dated 3rd December, 1903.

(Extract.)

In connexion with the amalgamation of Berar for administrative purposes with the Central Provinces, our attention has been drawn to the pressing necessity for affording to the Government of Bengal some substantial relief from the constantly increasing burden imposed upon it by the vast population entrusted to the administration, and by the growth of important industrial and commercial interests. The conclusions at which we have arrived after anxious consideration of the large and important group of problems involved and the grounds upon which they are based are fully stated in the letters to the Local Governments concerned, of which copies are enclosed. After receiving and considering the replies to these letters, we shall address you again on the subject, and we trust that we shall then be in a position to lay before you our final proposals for applying an effectual remedy to a condition of affairs which, in our opinion, is incompatible with the maintenance of the high standard of administration at which we aim, and on which the reputation of our Government depends. The question of territorial and administrative redistribution in India is, indeed, in our judgment, one of the most urgent and vital of the many problems for which we are at present endeavouring to find a solution.

Enclosure 1 in No. 1.

Letter from H. H. Risley, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bengal. No. 3678, Home Department (Public), dated Calcutta, 3rd December, 1903.

(This letter has already been presented to Parliament, *vide* Cd. 2658.)

Enclosure 2 in No. 1.

Letter from H. H. Risley, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Madras, the Honourable the Chief Commissioner of the Central Provinces, the Honourable the Chief Commissioner of Assam. Nos. 3679—3681, Home Department (Public), dated Calcutta, the 3rd December, 1903.

I am directed to enclose, for the consideration of the Governor in Council. your consideration a copy of a letter* to the Government of Bengal containing certain

* No. 3678, dated the 3rd December, 1903.

proposals for reducing the territorial jurisdiction of the Lieutenant-Governor by transferring portions of it to adjacent Provinces.

2. The objects which the Government of India seek to attain by the scheme explained in the letter are—

- (1) to relieve the Bengal Government of a part of the excessive burden now imposed upon it, and at the same time to make provision for the more efficient administration of some of the outlying districts of the Province;
- (2) to promote the development of Assam by enlarging its jurisdiction so as to give it an outlet to the sea in connexion with the Assam-Bengal Railway, and to render it possible to organize independent administrative services;
- (3) to unite under a single administration the scattered sections of the Uriya-speaking population, and thereby to afford both to Madras and the Central Provinces some relief from the difficulties arising from the great diversity of languages spoken in their existing jurisdictions.

3. I am now to invite the attention of the Government of Madras more your attention particularly to paragraphs 12-15 9-15 of the letter to the Bengal Government, 18-27

Madras in which that part of the proposals affecting the Central Provinces is set Assam forth in detail, and to request that the Government of India may be favoured with a full expression of the views of the Governor in Council your views on the scheme.

No. 2.

Letter from the Government of India to The Right Honourable St. John Brodrick, His Majesty's Secretary of State for India, dated 2nd February, 1905.

(Extract.)

In fulfilment of the undertaking given in our despatch of the 3rd December, 1903, we have now the honour to address you further on the important question of the reconstruction of Bengal. In the opening paragraphs of our Home Secretary's letter of 3rd December, 1903, we stated the leading facts which demonstrate the immediate necessity for affording substantial relief to the Lieutenant-Governor of Bengal. In the voluminous correspondence that has since passed on this subject, copies of which are annexed to our letter, the question has been examined in a variety of aspects, and every shade of opinion, whether official or non-official, has found the fullest expression; but no attempt has been made to indicate the causes some of them mainly historical that have produced and maintained in existence a state of things which is in our view incompatible with the high standard of administration that modern conditions demand. Of the area now under the Lieutenant-Governor of Bengal the greater portion was included in the grant of the Diwani of Bengal, Behar, and the tract of country then known as Orissa, to the East India Company in 1765. The province was enlarged by the addition of Orissa proper in 1803, and of Assam in 1824. From that date until the present time the jurisdiction of Bengal has remained unaltered, except for the reduction effected by the creation of the Chief Commissionership of Assam in 1874, and the transfer of the South Lushai Hills in 1898. Up to the year 1854, when the first Lieutenant-Governor of Bengal was appointed, the administration of these vast territories was carried on by the Governor-General in Council under the Regulating Act of 1773 and the Charter Act 1833. The latter of these enactments made the Governor-General of Bengal Governor-General of India and Governor of Bengal, and vested the executive government of Bengal in the Governor and Council of Fort William. Under Section 69, one of the ordinary members of Council, usually the senior, was appointed Deputy-Governor without additional salary, and the ordinary duties of this officer, who was also called upon to act as President of the Council during the frequent absences of the Governor-General on tour, effectually prevented him from either visiting the districts or exercising any real control over the officials on the spot. Even after a Lieutenant-Governor had been appointed, the traditional policy of non-intervention was, on the whole, maintained; and it was not till the conspicuous failure of Sir C. Beadon to cope with the Orissa famine of 1866 had drawn public attention to the inherent defects of the system that projects of reform were considered, but unfortunately set aside in 1868. But an era of change was already impending. In 1871 Sir George Campbell, who had been President of the Famine Commission, and in that capacity had proposed sweeping alterations in the method of governing Bengal, initiated as Lieutenant-Governor a series of measures which completely transformed the character of the administration. The Road Cess Act, the Census of 1872, the establishment of a Native Civil Service, the extension of the subdivisional system, the promotion of primary education, the collection of statistics of all kinds, involved an entire departure from the *laissez-faire* policy of his two immediate predecessors, and rendered it impossible to defer any longer the formation of the Chief Commissionership of Assam which had been proposed by Lord Lawrence in 1868. Sir George Campbell's successors continued in the main the policy inaugurated by him, one leading feature of which has been

Vide
Cd. 2658.

Vide Blue Book of 1868 entitled "Papers relative to the Administration of Bengal." (H.C. 256 of 1867-8.)

the more active intervention of Government for the protection of the poorer classes. The necessity for such intervention originated with the rent movement arising out of the breakdown of the Bengal indigo system; it has become more frequent and more minute since the revision of the Tenancy Act in 1885 and the gradual extension of the survey and record of rights; and there is now every prospect of its being very largely extended. Its effect is by no means confined to the revenue officers; the change of attitude towards land questions re-acts upon every branch of the administration and increases work all round by bringing the people and the officers of Government into closer contact. Apart from this, the general progress of the province, the improvement of communications, the development of manufacturing and mining industries, the growth of the city and port of Calcutta, the closer attention given to education, the large number of municipalities, the wider activity of District Boards, the demand for water-supply, drainage and improved sanitation both in town and country, and the reforms contemplated in the Police, all contribute to swell the array of important questions which claim the Lieutenant-Governor's attention. In dealing with this mass of business his difficulties are aggravated, and the burden of his work is added to by the notoriously litigious spirit of the people, which grows with the advance of popular education, by the incessant criticism of the Press, by the aptitude of the educated classes in Bengal for public agitation, and by the extensive and searching use that is made of the right of interpellation in the Legislative Council. Here we would draw your special attention to the immensely increased duties connected with the city and port of Calcutta. The Special Committee of the India Office in 1867 laid stress upon the great amount of work which devolved upon the Lieutenant-Governor by reason of Calcutta being his capital. The Census of 1872 showed a population of 633,009 within the area then administered by the Corporation of Calcutta and Fort William; the population now amounts to 847,796, an increase of 34 per cent. as compared with the enumeration of 1872 and of 24 per cent. as compared with that of 1891. If the population of the suburbs of Cossipore, Chitpore, Manicktollah and Garden Reach, and that of Howrah on the opposite bank of the Hughli are added, the total amounts to 1,106,738. The greater Calcutta comprised within those limits ranks among the twelve largest cities of the world, while the population of Calcutta proper is more numerous than that of any other city in the British Empire except London. In view of the diversity of the population and the congestion produced by its growth, the importance of the trade interests involved, the extension of jute mills and steam factories of various kinds, the development of railways, and the difficulties connected with the port and the river approaches, Calcutta and its environs present a series of problems of peculiar intricacy and importance, which make constantly increasing calls upon the time and energy of the Lieutenant-Governor. The growth in the population of Calcutta has been matched by a corresponding increase in the population of the Presidency. When Sir F. Halliday was appointed to be the first Lieutenant-Governor in 1854 the total population of Bengal was estimated at about forty millions. When Sir George Campbell became Lieutenant-Governor in 1871 it had risen to 62,335,217. According to the figures of the last Census it is now 78,493,410. If these figures are compared with those of the two next largest provinces in India, viz., 48,493,879 in the case of the United Provinces and 42,397,522 in the case of Madras, the magnitude of the disparity at once becomes apparent: and, quite apart from the peculiar difficulties and complexities of the situation in Bengal, the doubt is at once suggested whether it is possible for so immense an aggregation of humanity to be properly administered—in the close sense in which administration is expected of the head of an Indian province—by a single individual. To this question we hold that but one reply can be given. We believe that there are many parts of Bengal in which there is less touch between Government and the people than in any similarly advanced portion of India. We regard the present task, if it is to be thoroughly and vigilantly discharged, as utterly beyond the

capacity of any one human being: and we hold that a most serious responsibility would rest upon any Government which, having investigated the matter and ascertained the real source of mischief, did not unhesitatingly proceed to apply the requisite remedy. We have attempted, in statement 1 annexed to this despatch to bring together some figures which illustrate the administrative obligations of the Lieutenant-Governor of Bengal as compared with those of the heads of some of the larger provinces. A second statement illustrates the enormous growth of the work of the Bengal Secretariat since the year 1867, when Sir Stafford Northcote invited the opinion of the Government of India on the subject of an organic change in the form of government. Where the correspondence of the Secretariat has expended so greatly, it is obvious that the work of the Lieutenant-Governor himself must also have increased, though, of course, not exactly the same proportion. Fourteen years before the period with which these figures commence, Lord Dalhousie observed in his minute of the 6th December, 1853, that the Government of Bengal alone imposed upon the Governor-General "a burden which, in its present mass, is more than mortal man can fitly bear." Twenty years afterwards Sir George Campbell, being then Lieutenant-Governor of Bengal, wrote in his well-known Administration Report for 1871-1872—"It is totally impossible that any man can properly perform single-handed the work of this great Government. As the Government is at present constituted the two civil Secretaries must be more than Secretaries, they must be Ministers of Departments." Four years later again, when Sir A. Eden became Lieutenant-Governor, the work had increased so much that one of his first acts was to obtain sanction to the appointment of a third civil Secretary for the purpose of dealing with the important subject of provincial finance. One of the most unfortunate results of the overwhelming mass of work which is thus thrown upon the Lieutenant-Governor is, that in Bengal the Secretaries have far greater initiative and considerably more independent power than is exercised by the corresponding officers in other provinces. The fact that under existing conditions the work of government can only be carried on by the informal delegation to irresponsible subordinates of discretionary powers so indefinite that in all but the most important matters the source of authority is obscure, forms, in our opinion, the strongest condemnation of the system which we are now proposing to remodel. If we have succeeded in establishing to your satisfaction that the most pressing necessity exists for affording early and substantial relief to the Government of Bengal as at present constituted, it remains to be considered in what form that relief should be given. In the memorial submitted by the public meeting held in Calcutta on the 18th March, 1904, which may be taken to formulate exhaustively the matured opinions of those who are opposed to any reconstruction of the province, it is urged that the Lieutenant-Governorship should be converted into a Governorship with an Executive Council, and the authority of Sir Stafford Northcote is cited in support of the proposal. The reference is to paragraphs 3 to 5 of the Secretary of State's despatch of 16th January, 1868, which referred to the augmented demands on the Bengal Government and the administrative failure of 1866, and suggested among other remedies for the defects of the system (1) that the Government might be placed on a footing similar to those of the Presidencies of Madras and Bombay, and (2) that separate provision should be made for the administration of the outlying portions of the Province. In the course of the discussion that took place on this proposal both at the India Office and in India, the arguments in favour of a Governor and Council were stated with much force by Sir Bartle Frere in a minute dated 2nd December, 1867, composed with special reference to the constitution of the Government of Madras, by Sir William Grey, then Lieutenant-Governor of Bengal, in a minute dated 13th March, 1868, and by Sir Henry Maine in a minute dated 16th March, 1868. These opinions, however, were contested *in toto* by Sir John Lawrence in his two minutes of 20th January and 23rd March, 1868. We do not consider it necessary to reproduce the arguments that were used upon either side, but the strong opinion of Sir John Lawrence that personal administration

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by a single head, without a Council, is the best form of Government for many parts of India, Bengal included, is one with which we are so entirely in agreement that we must be allowed to refer to it in passing. In the discussion of the matter in Council four members out of seven were found to be opposed to the reproduction of the Madras and Bombay constitution in Bengal, although two of these made an independent suggestion to which we shall afterwards refer. The discussion was reported to the Secretary of State in a despatch dated 28th March, 1868, and the subject then dropped. The suggestion of a Council to assist the Lieutenant-Governor of Bengal having now again been revived, and having been pressed upon us as the sole available alternative to territorial reconstruction, we have carefully considered the arguments that were employed on both sides in 1868, and have re-examined the matter from every point of view in the light of the present situation. Our opinion is unanimous. We are entirely opposed to the introduction of a form of Government which we believe to be wholly unsuited to the circumstances of Bengal, and which we should regard as a retrograde measure, instead of a step in advance. The general line of reasoning that has led us to this conclusion is as follows:—If the question be asked why an Executive Council has been thought to be a suitable form of government for Madras and Bombay, the answer is, that in those Presidencies the system was introduced, and has been maintained, not so much to promote the despatch of business by subdividing work, as in order to guide and keep from error a Governor appointed as a rule from outside and wholly ignorant at starting of the conditions of Indian administration. So entirely is this recognized as the object, that the Governor is not given the power of overruling his colleagues in ordinary matters of administration, and the government of Madras and Bombay is in reality that of a triumvirate, with a triumvir of superior rank and status in the chair. The Governor's sole power of veto, indeed, is analogous to that vested in the Governor-General, who can "adopt, suspend, or reject a measure proposed before him in Council, whereby the safety, tranquillity, or interests of British India or any part thereof are or may be, in his opinion affected," even though the majority of his colleagues dissent from his opinion. We are aware of only one instance in which this power has been employed by a Governor-General, and we know of none in which it has been exercised by a Governor of a Presidency. In either case it has nothing to do with the everyday conduct of administration. As regards this, even the power of overruling his Council which the Governors of Bombay and Madras formerly acquired in an indirect fashion by means of the vote of the Presidency Commander-in-Chief has since been taken from them by the abolition of the local Commands, so that the corporate character of the administration has been both enhanced and reaffirmed within recent times. There is no parallel between these conditions, and those which would prevail in Bengal. The initial need for the system does not exist here; its merits would be reduced, and its disadvantages enormously increased. The two Councillors would be drawn from the same service, probably from the same province, as the Lieutenant-Governor. They would not be controlled by the same degree of deference that is paid to the higher rank and status of the Governors of Madras and Bombay. The Councillors would regard their opinions as of equal weight with those of the Lieutenant-Governor. If he were drawn from the same province, they might be smarting under the sense of supersession themselves. If he were an outsider, they could scarcely fail, being in enjoyment of superior power, to remember that it could also be defended by superior local knowledge; and an era of chronic dissension might be expected to set in. These dissensions would not be less, but probably more acute, owing to the fact that the Lieutenant-Governor would be, and in our view necessarily must be, himself a trained administrator, and not an English politician with no Indian experience. Many instances could be drawn from the history of Indian administration to show that differences of opinion between experts are maintained with peculiar tenacity, and are exceedingly difficult to reconcile. Looking back upon what has taken place in Bengal itself during the last thirty-five years, we have no hesitation in saying that the

principal and most beneficial measures of Sir George Campbell's eventful term of office would with scarcely an exception have been bitterly opposed by a Council composed of Bengal officers, and could only have been carried through by the Lieutenant-Governor persistently overruling his colleagues. Several of his successors would have met with similar difficulties in respect of some of the most important reforms which they succeeded in effecting. It would be necessary, therefore, if the introduction of a Council into Bengal were not to result in a *régime* of administrative paralysis, not only that the Lieutenant-Governor should be able to overrule his Council at discretion, but that the power should be freely used, his reasons being recorded in each case for the information of the Government of India. But to impose such a condition, necessary as we have shown it to be, is virtually to condemn the proposed Council altogether. For a Council which can be overruled at will is not really a Council at all in the sense in which the term is used by the supporters of the system, or has ever been used in connection with any form of collective government. Such a Council would exist merely in name, and its establishment would engender a feeling of chronic antagonism between the Lieutenant-Governor and his colleagues which would be destructive of all good administration, and would by the friction and dissension which it created infinitely increase the anxieties and responsibilities of the head of the administration instead of lessening them. It may be admitted that the introduction of an Executive Council, by rendering possible a distribution of work amongst its members, would relieve the Lieutenant-Governor of a considerable amount of ordinary business which he is now called upon to transact. It is also probable that the Councillors would assist the Lieutenant-Governor by receiving a number of interviewers whom he is now called upon to see himself, and by presiding at certain public functions of minor importance which the Lieutenant-Governor now attends. But this relief would be accompanied by an appreciable slackening in the despatch of public business, arising from the addition of an intermediate authority between the Secretaries and the Lieutenant-Governor, and from the inevitable increase of inter-departmental references. In any case it would be mainly confined to headquarters. For the experience of the Councils of Madras and Bombay is, not that their members personally replace or relieve the Governor by themselves making regular tours or occasional visits to outlying parts of the Presidency, but that they enable him to undertake these excursions by staying at headquarters and disposing of current business. This, however, is precisely the condition which it is not desirable to reproduce in Bengal. Already the impression exists that the real administration of the province is very largely taken out of the hands of the Lieutenant-Governor. With a Council possessing equal powers with the Head of the Government, and with a Lieutenant-Governor resolved upon doing his duty to a charge of extravagantly overgrown size, this impression would not only be deepened, but it would represent the reality. While the Lieutenant-Governor was away, and his absences would necessarily be frequent, his colleagues would be the real rulers of the province, and in the event of friction prevailing would make the fullest use of their powers. And here we arrive at what is, in our view, the crowning drawback of the system, namely, that what is best for a province in India is not the rule of a Committee, but the rule or at least the responsibility in the last resort of an individual. A Chief Commissionership is defended by many as a superior form of administration to a Lieutenant-Governorship for this very reason, that it brings the personality and identity of the ruler more in contact with the people. As in England, where it is the prestige of individual statesmen rather than the collective influence of the Cabinet, which provokes popular enthusiasm, so in India both Europeans and Indians desire to know where the authority is, and to see the responsibility fixed. The orders, if they proceed from a Board, do not carry greater weight because of the numbers behind them. They carry, indeed, less weight because their origin and sanction are obscure, and because they lack the personal touch which to an eastern, or even to a western serving in the east, is an almost inseparable feature of strong government. No reasoning is needed to prove that the introduction

of a Council with the avowed object of preventing the dismemberment of Bengal would present a permanent obstacle to the extension of Assam towards the west, the only direction in which it is possible for that province to develop, and would thereby stereotype the intolerable conditions now prevailing there as described in our letter of the 3rd December, 1903. In point of fact that paragraph greatly understates the administrative evils which arise from the system under which Assam is dependent for its most important officers upon another province. It is hardly too much to say that so long as the head of one province selects the officers who are to do the work of another and less popular province, and those officers have the right (which in existing circumstances it is impossible to deny to them) of reverting to their original province after a certain term of service elsewhere, the administration of the latter province is bound to be in a state of perpetual flux, and that its head must be content to carry on the work of government by a series of compromises and concessions, deprived as he is of the ordinary means of exercising effective control over his subordinates. We have given very close attention to this aspect of the question during the period in which the present case has been under our investigation, and the argument is one to which we attach so much weight that even if the disadvantages of retaining the boundaries of Bengal as they at present stand, and of establishing a Council for its administration, were far less patent than we have shown them to be, the permanent injury that the change would inflict upon Assam by crystallising existing conditions, would, in our opinion, afford a conclusive reason for setting aside the proposal. The suggestion that there should be constituted for the guidance of a Governor appointed from England some sort of council of advice from among the principal officers of Government was made by Sir George Campbell in paragraph 16 of his further report on the Orissa famine, and is repeated in his memoirs, where he writes that "the work of a local Government consists so much in a multitude of details that a council of the chief executive officers would be best rather than councillors with nothing else to do." As we have mentioned above, Sir George Campbell's proposal seems to have met with the approval of Sir Henry Durand and Sir John Strachey in 1868. We are now informed, although the matter is not officially on record, that an experiment on these lines has been tried on several occasions by different Lieutenant-Governors, and that actual practice served only to bring out what appear to us to be the essential objections to it, namely:—

- (a) that the members, not being Members of Council in the strict sense, cannot finally dispose of current business, however unimportant may be its character, and cannot, therefore, give the Lieutenant-Governor the most obvious form of relief that a Council ought to furnish;
- (b) that since they are only called together for the purpose of occasional consultation, much time is wasted by meetings which take place at irregular intervals; that the lack of responsibility on the part of individual members does not conduce to a final decision being arrived at; and that the composition of the council, varying as it does from time to time, deprives their discussions of the element of continuity;
- (c) that the formal creation of such a Council would increase, rather than diminish, the labours of the Lieutenant-Governor, who always can, and does at present, avail himself of verbal discussion with his officers when it seems advisable.

We would add that because, for the reasons set forth above, we have expressed an opinion strongly adverse to the administration of Bengal by a Lieutenant-Governor drawn from the Civil Service and an Executive Council, however, constituted, it must not, therefore, be inferred that we would contemplate with the smallest satisfaction the alternative of administration by a Council and a Governor appointed from England. On the contrary we think that this would be the least desirable of the many alternatives that have been put forward. Bengal, in our opinion, more perhaps

than any other province, requires the head of the Government to possess an intimate knowledge of India and the Indian people. We can imagine no part of the country where a statesman or a politician appointed from England without previous knowledge of India, would find his ignorance a greater drawback, or where he would be less able to cope with the intricacies of an exceedingly complex position. In concluding this branch of the subject we may sum up the arguments that have convinced us that the idea of making an organic change in the form of government in Bengal by giving the Lieutenant-Governor a Council must be set aside absolutely and without hesitation as a solution of the present difficulty. Stated as briefly as possible our reasons are:—

- (1) that an Executive Council exists in Madras and Bombay for the guidance of a Governor who has no experience of India.
- (2) that in the case of a Lieutenant-Governor who has such knowledge—and we consider it impossible for Bengal to be properly administered by a Governor who has not—the association of a Council with the Lieutenant-Governor would lead to constant dissension, if he were able to overrule his colleagues, and to impotence and stagnation if he were not.
- (3) That the establishment of an Executive Council in Bengal would divide, and therefore weaken, both the responsibility and the authority of the Government.
- (4) that personal methods of government are better suited to the circumstances of India, and produce superior results.
- (5) that the introduction of a Council, in so far as it involved the maintenance of the present territorial limits of Bengal, would establish a permanent obstacle to the further development of Assam and would perpetuate intolerable defects in its system of recruitment.

If for these reasons the proposal for a Council must be condemned, the only possible alternative is to reduce the territory for the administration of which the Lieutenant-Governor is responsible. Before proceeding to examine the various forms in which this kind of relief can be given, we may refer briefly to the recent history of the question, and may mention the various stages by which we have reached our final conclusion. These, it will be seen, do not indicate either any change of position or vacillation of opinion on our part. Rather may they be said to mark a progressive advance towards the ideal which we have always had in view, and which we placed before you in our despatch of 3rd December, 1903, namely, to afford relief to the head of an overgrown province who is at present labouring under an impossible burden of work. We have already shown that as far back as 1867-1868 the suggestion of an Executive Council was discussed and rejected by the then leading authorities on the question of Indian administration, and the relief, considered necessary was afforded by the formation of the Chief Commissionership of Assam. In recent times the question of giving further relief was first raised in 1892 in connection with the proposed transfer of the South Lushai country from Bengal to Assam. It was then decided that the Chittagong district should also be transferred to Assam as soon as the settlement operations then in progress had been completed. The expediency of the transfer of the whole of the Chittagong Division was reserved for further consideration, and was referred for opinion to the Governments of Bengal and Assam in January, 1896. The result of the examination which ensued was that the proposal was held over until the Assam-Bengal Railway should have been completed, and the settlement of the Chittagong district, which was still unfinished, have been carried out. The

Enclosures of Despatch to
Secretary of State, No 39,
dated the 14th July, 1897.

opinions of Sir Alexander Mackenzie, Lieutenant-Governor of Bengal, and of Sir H. Cotton, who had just succeeded Sir W. Ward as Chief Commissioner of Assam, are in your possession. Eventually it

was decided to limit immediate action to the transfer of the South Lushai Hills from Bengal to Assam. Four years later the substitution of Uriya for Hindi as the court language of the district of Sambalpur suggested the transfer of Orissa to the Central Provinces, and led to the examination of various proposals for the redistribution of existing provincial jurisdictions. These discussions were still in progress when the arrangement was concluded with His Highness the Nizam by which the Government of India acquired permanent administrative control over Berar. This led us to consider the whole question of territorial redistribution in India on more comprehensive lines, and resulted in our addressing the Governments of Bengal, Madras, the Central Provinces, and Assam in our Home Secretary's letters of 3rd December, 1903, which formed the enclosures to our despatch of that date. The effect of the scheme propounded in these letters would have been to reduce the population of Bengal from 78½ to 60½ millions by transferring the Chittagong Division, Hill Tipperah, Dacca, and Mymensingh to Assam and Chutia Nagpur to the Central Provinces, while at the same time it was proposed to add certain territory from the Central Provinces and Madras with the object of bringing all the Uriya-speaking population under a single Government. The publication of these original proposals gave rise to an immense amount of public discussion, which served to indicate that the objections upon which the people of Bengal laid the greatest stress were the loss of a Lieutenant-Governor, the deprivation of a Legislative Council, and the removal of the jurisdiction of the Board of Revenue and possibly of the High Court. In the middle of February, 1904, after the question had been discussed by us informally with the Lieutenant-Governor, His Excellency the Viceroy visited Chittagong, Dacca, and Mymensingh, and foreshadowed, in a series of speeches delivered in reply to public addresses, the formation of an Eastern Province, organized on the scale of a Lieutenant-Governorship with a Legislative Council and an independent revenue authority, and involving the transfer to Assam of a tract of country extensive enough to justify this larger project. This suggestion, we may explain, emanated from public discussion and public opinion rather than from the Government, itself, although it appeared to us to afford a satisfactory reply to the great majority of the criticisms with which the earlier and less comprehensive proposals had been received. The Bengal Government's letter of 6th April, 1904, carried the idea a stage further, and proposed to give up to the new province the whole of the Dacca and Chittagong Divisions and the districts of Pubna, Bogra, and Rangpur, forming the eastern half of Northern Bengal. At the same time Sir Andrew Fraser deprecated the transfer of any of the British districts of Chutia Nagpur to the Central Provinces, while he accepted the additions of territory from Madras on the basis of his experience regarding Sambalpur. After considering the proposals put forward by the Lieutenant-Governor and the views expressed by the Government of Madras and the Chief Commissioners of the Central Provinces and Assam, we pointed out in our letter of the 13th September, 1904, that the series of transfers recommended by Sir A. Fraser would leave the province with a population of about sixty-two and a quarter millions, or practically the same as that ascertained by the Census of 1872, while even if the transfer of certain territories from Madras were not carried out the population would amount to 59,384,000, so that the objection that the jurisdiction of the Lieutenant-Governor would still be too large would hold good with but slightly reduced force. We proposed therefore to add to the area to be transferred the districts of Rajshahi, Dinajpur, Malda and the State of Cooch Behar, and explained that this extended scheme appeared to present the following advantages:—

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- (1) It would give the new province a population of over 31 millions leaving Bengal with a little more than 54 millions.
- (2) It would provide for the whole of the western frontier of the new province a well-defined boundary, conterminous throughout its length with a well-recognised geographical and social distinction, and for a part of its length with the division

between the Bengali and the Hindi languages. This boundary would correspond with certain physical, linguistic and ethnological characteristics which the boundary proposed by the Lieutenant-Governor ignored.

- (3) That it would concentrate in the new province the typical Muhammadans of Bengal and would constitute the city of Dacca the natural capital of such an aggregation.
- (4) That it would bring with the new province the whole of the tea industry, with the exception of the gardens in the Darjeeling district, the conditions of which are peculiar.
- (5) That it would also bring under one Government the greater part of the tract within which jute is cultivated.
- (6) That it would avoid the necessity for breaking up Commissioners' Divisions.

A copy of this letter was sent to the Chief Commissioner of Assam and his opinion was invited. You will see that both local Governments have accepted our enlarged scheme readily, and without any material criticism. The Chief Commissioner of Assam mentions as an additional argument in favour of the proposed boundary that it will include almost the whole of the area over which the Tibeto-Burman tribes known collectively as Bodos have extended. Mr. Fuller lays stress upon the fact that the enlarged proposal will bring together under one Government the tea-growing areas of the Dooars and of the Assam Valley, and, by thus associating an area of free labour with an area of indentured labour, will promote the gradual substitution of natural for artificial methods in the recruitment of tea coolies. In so far as he criticises the scheme, particularly in its bearing upon the cadre and rates of pay for the new province, his criticism is one which we anticipate no difficulty in meeting satisfactorily. Similarly as regards the choice of capital we entertain little doubt that the head of the new province, if created, should consider the interests of Chittagong equally with those of Dacca, and should not reside wholly at one place to the neglect or detriment of the other. Finally, Mr. Fuller suggests that the districts of the Surma Valley, the Garo Hills, the Lushai Hills, and the State of Manipur, which are now under the direct control of the Chief Commissioner, should be formed into a new Commissionership. The effect of this would be to give the new province five Commissionerships, and *pro tanto* to enhance its attractions so far as the prospects of promotion are concerned. In his letter of the 26th September, 1904, the Lieutenant-Governor of Bengal concurs generally with the arguments put forward by us. He rather minimizes the advantages of having a river boundary on the ground that the shifting of the channel tends to produce a good deal of friction in respect of alluvial formations. At the same time he admits that the Ganges is less open to this objection than the Brahmaputra, since the *char* lands on the former do not shift so much, and disputes are less frequent and less important. As regards the arguments relating to jute and tea he says that their importance is reduced by the opinion of the Chamber of Commerce that territorial divisions do not affect the course of trade, while as the Labour Acts will remain the same, the interests of the planter will not be touched. The objection to breaking up divisions also appears to him to be of little importance. Sir Andrew Fraser has discussed the enlarged proposal with the members of the Board of Revenue and the most senior officers in Bengal, and he states that, with the exception of a single officer, who was inclined to advocate the retention of the tea-district of Jalpaiguri in Bengal, there was complete unanimity in accepting them. According to our final proposals, the new province will consist of the present Chief Commissionership of Assam and of Eastern and Northern Bengal—the Chittagong, Dacca and Rajshahi Divisions, excluding Darjeeling but including the State of Hill Tipperah and the district of Malda which now forms part of the Bhagalpur Division. It will comprise an area of 106,540 square miles and a population of thirty-one millions, of whom

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eighteen millions will be Muhamnadans and twelve millions Hindus. In view of its geographical position and in accordance with analogies which are already familiar in the nomenclature of Indian Provinces, we think that it might properly be called "The North-Eastern Provinces" (the Provinces alluded to, though not directly specified, being those of Eastern Bengal and Assam). The Province of Bengal, while ceding these large territories on the east, will gain on the west Sambalpur and the five Uriya States of Patna, Kalahandi, Sonpur, Bamra, and Rairakhol from the Central Provinces, and will surrender to the Central Provinces the five Hindi States of Jashpur, Sarguja, Udaipur, Korea, and Chang Bhakhar. It will thus be left with an area of 141,580 square miles and a population of fifty-four millions, the Hindus numbering forty-two millions and the Muhammadans nine millions. The statistical details are given in Statement III. We think that it may fairly be claimed for this scheme of reconstruction that it meets all reasonable objections that have been brought against the original proposal, including those taken by Sir Henry Cotton and the High Court in 1896 and examined in the Bengal letter of 6th April, 1904. Our present project will divide the territory now comprised in Bengal and Assam into two compact and self-contained provinces, each of them fairly homogeneous in character, situated within definite boundaries, and equipped for administrative purposes on the scale which modern conditions demand. It promises in fact to afford a final settlement of the difficulties which have to be met, and we have in consequence no hesitation in recommending it for your acceptance. You will have seen from the sketch of our proposals which is given above, and from examining the tabular statement, that we have abandoned those portions of our original scheme which contemplated the transfer to Bengal of certain areas now included in the Madras Presidency and the transfer of Chutia Nagpur to the Central Provinces. The question as affecting Madras is fully and effectively stated in the letter from that Government of the 20th June, 1904. It is shown there that the transfer would give rise to serious difficulties in connexion with the linguistic and racial conditions and the geographical conformation of the tract in question, that it would greatly complicate and confuse its judicial arrangements, and that it would place the administration of its peculiar land revenue system in the hands of officers who would have no acquaintance with the principles on which it is based or with the language on which the bulk of its records are and must continue to be maintained. The force of these arguments is greatly enhanced by Sir Andrew Fraser's letter of the 12th September, 1904, in which he abandons the view provisionally expressed in his letter of 6th April, 1904, and strongly deprecates the transfer of this territory on the grounds that the change would disturb a well-recognized state of affairs without due necessity; and would throw an additional burden on the already over-burdened administration of Bengal. After careful consideration we accept the unanimous opinion of the Governments of the two provinces concerned, and we have decided to abandon this portion of the scheme and to leave matters exactly as they are. The arguments against the transfer of any of the British districts of Chutia Nagpur to the Central Provinces are stated effectively in the Bengal letter of 6th April, 1904, and paragraph 3 of the Central Provinces letter of 16th March, 1904, mentions the objections to transferring the districts of Manbhum and Singhbhum. The Chutia Nagpur Division consists of a series of plateaux rising in successive steps of 800, 1,200, 2,000 and nearly 3,000 feet from the plains of Bengal. The highest elevations are found on the west of Ranchi District and in the tributary states, and this western mass of hills, with the ranges which fringe the plateau on the south, renders the Division practically inaccessible by any direct route from the Central Provinces. It follows that anyone wishing to go from Nagpur to Ranchi, or *vice versa*, must travel by way of Purnia and make an enormous detour, while Palamau on the north of the division can only be approached through Allahabad. In short, all the lines of communication run to the south-east and connect the division with Calcutta and not with Nagpur. The commercial connections of the division, and especially those of the important coal interests, trend in the same direction. A series of coal-fields, which are

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now being gradually opened up, runs right across the north of the division from Karharbari in the east of Hazaribagh to the Daltonganj coal-fields in Palāmau. In the former district there are extensive deposits of mica which have been largely developed within the last few years, and copper, antimony, lead, gold, and other minerals have been discovered and worked from time to time. In paragraph 4 of their letter of 19th March the Chamber of Commerce expressed themselves as opposed to the transfer of Chutia Nagpur to the Central Provinces on the ground of the mining and industrial interests involved. We attach weight to the opinion of the Chamber on this point, and we find in it nothing inconsistent with the statement made in paragraph 3 of the same letter, that trade will not be affected by any change in the seat of administration, for the jute trade, which is more particularly referred to in this latter remark, is carried on without any interference from Government. Mining, on the other hand, is conducted under official supervision, the degree of which tends to increase as the enterprise develops and the mines become deeper and more dangerous. If the Mines Act were administered from Nagpur, we should expect the Calcutta agents of the various mines to raise very strong objections to the change. It is pointed out in the Bengal letter of 6th April, 1904, that if the districts of Ranchi and Singbhum are transferred to the Central Provinces there will be difficulty in finding a division to which they can conveniently be attached. The objection reproduces in a slightly different form the general objection which we have noticed above, based on the inaccessibility of any portion of the division from the Central Provinces. It might have been added that if a part of the division were transferred it would be difficult to determine to what division the districts left behind should be attached. It may further be observed that to transfer Singbhum to the Central Provinces would conflict with the idea of uniting the Uriya-speaking people, and unless the district were to be broken up would impose upon the Central Provinces the duty of administering the large Bengali-speaking pargana of Dhalbhum in the east of Singbhum. In fact, if Sambalpur is to be transferred to Bengal there is nothing to be said for transferring Singbhum to the Central Provinces. In the Bengal letter of 6th April, 1904, the Lieutenant-Governor proposes to hand over to the Central Provinces the five Native States of Jashpur, Sarguja, Udaipur, Korea and Chang Bhakhar, which form a solid block of territory on the west of the districts of Palāmau and Ranchi, marching on the north with Mirzapur and on the west with Rewah and Bilaspur. The language spoken is Hindi. The Chief Commissioner of the Central Provinces concurs in the proposal. One of its chief advantages will be that it will render it possible to improve the administration of these States by placing them under the Political Agent of Raipur, who is already in charge of the fourteen Native States in the Chattisgarh Division. Owing to their distance from Ranchi and the difficulties of travelling in a country very imperfectly supplied with roads, and also to the fact that since the development of railways and coal-mining the ordinary work of the Commissioner of Chutia Nagpur has been greatly increased, these States have not received so much attention as might be desired. The most distant of them, Chang Bhakhar, has only once been visited by the Commissioner some forty years ago. We believe that the arrangement proposed will commend itself to the Chiefs themselves. To be brought into intimate relations with a European officer of high standing will appeal to their ideas of dignity, and we believe that some of them, at any rate, are connected by the ties of family and caste with the Chiefs who are under the Political Agent at Raipur. The part of our scheme which involves a transfer of territory from the Central Provinces to Bengal is examined in the Bengal letter of 6th April, 1904, and paragraphs 9-14 of the Central Provinces letter of 16th March, 1904. It will be seen that both Bengal and the Central Provinces agree in suggesting that the Sambalpur District (with the exception of the Chandarpur-Padam-pur estate) and the five Uriya-speaking States of Patna, Kalahandi or Karond, Sonpur, Bamra, and Rairakhol, should be transferred from the Central Provinces to Bengal. The object of the transfer is to facilitate the administration of Sambalpur, which, owing to the prevalence of the Uriya

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language, presents great difficulties to the Central Provinces, and also as far as possible to bring all the Uriya-speaking people under one government. The whole of the territory transferred will be added to the Orissa Division, the Commissioner of which has comparatively light work, and can easily undertake larger responsibilities. In paragraphs 12 and 13 of his letter referred to above the Chief Commissioner of the Central Provinces mentions certain objections entertained by the Chiefs of those States to the change. We sympathise with their reluctance to be placed under a native Assistant Superintendent, but we understand that the Lieutenant-Governor proposes to appoint a European Political Officer to take charge of the entire group of Uriya-speaking States, and we believe that this will go far to reconcile the Chiefs to the change proposed. Before dealing with the various objections which have been taken to the particular scheme of reconstruction which we here recommend, it will be convenient if we examine an alternative plan which has attracted some attention and may possibly be put forward for your serious consideration by the opponents of our own proposals. Its leading features are—

- (1) The transfer of the Chittagong Division from Bengal to Assam.
- (2) The formation of a Chief Commissionership of Behar which would include the Patna Division, the Hindi-speaking districts of Chutia Nagpur (namely, Hazaribagh, Palamau, and Ranchi), the Benares Division of the United Provinces, and, possibly, the districts of Monghyr and Bhagalpur.
- (3) The transfer of Orissa to the Central Provinces, and the conversion of that province into a Lieutenant-Governorship.

In our view the scheme is open to the following objections, which greatly outweigh any supposed advantages that may be claimed for it—

- (1) The proposed Commission would not be large enough to recruit for itself, and would therefore have to borrow officers as Assam does now. If it were attached for recruiting purposes to the United Provinces, as considerations of language would seem to suggest, it is probable that officers of those provinces would be nearly as unwilling to serve in the new province as Bengal officers now are to go to Assam.
- (2) It would take from Bengal all of its best districts and would make the province universally unpopular.
- (3) It would establish a final and insurmountable obstacle to the territorial expansion and administrative development of Assam. Even with the addition of the Chittagong Division that province would not be large enough for independent recruitment, while the nature of the country excludes the possibility of its further extension eastward within any time that it is possible to look forward to. There would thus be two anomalies instead of the one that exists now—on the east the unpopular Commission of Assam recruited from Bengal, and on the west the Commission of Behar and Chutia Nagpur recruited under similar though perhaps less conspicuous disadvantages from the United Provinces.

The proposal to attach Orissa to the Central Provinces is examined and condemned in paragraphs 10 and 11 of our Home Secretary's letter of 3rd December, 1903. To the objections there stated it might be added that it is undesirable at present to raise the Central Provinces to the status of a Lieutenant-Governorship, and that this could only be done at the cost of stereotyping the existing condition of Assam. The formation of a Chief Commissionership out of Orissa and the adjacent Uriya-speaking country has been referred to as an arrangement which would commend itself more especially to the Uriyas. We observe, however, that the proceedings of the public meeting held at Cuttack on 22nd April, 1903, put it only in the second place, while the memorial sending up these proceedings seems in paragraph 20 to express a preference for remaining with Bengal. However this

may be, if for the reasons stated above the districts of Ganjam and the Agency tracts of Vizagapatam must continue under the administration of Madras, it is clear that the Chief Commissionership would have less than seven and three-quarter millions of population, and would be altogether too small either to give effective relief to Bengal or to support a full service of its own. Its formation, moreover, would preclude us from proposing the creation of a Lieutenant-Governorship in Eastern Bengal and Assam, and we should still be left with two weak Chief Commissionerships, each dependent upon other provinces for its supply of officers. We now proceed to examine the various objections which have been or may be taken to the scheme of reconstruction which we recommend for your acceptance. In doing so we shall base our remarks upon the memorial of the residents of Calcutta, its suburbs and the various districts of Bengal, which was submitted to us on the 5th October, 1904, by Raja Pyari Mohun Mukerjee in his capacity of Chairman of the public meeting held at the Town Hall in Calcutta on the 18th March, 1904. It had been originally arranged that the meeting should take place on an earlier date, but it was purposely postponed, as is stated in the 3rd paragraph of the memorial, in order that it might deal with the enlarged proposals indicated by the Viceroy's speeches at Chittagong, Dacca, and Mymensingh. The resolutions carried at the meeting were submitted to us on the 27th April with a list of the Committee appointed to draw up the memorial. The latter document has since been adopted as the basis of a recent speech by Sir Henry Cotton protesting against the partition of Bengal, and it may therefore be taken to represent the final expression of the views of that section of the educated community of Bengal which is opposed to any division of the province. Considering the strength of the Committee employed to draft the memorial, the time that its authors have had to devote to its composition, and the fact that the Chairman himself, an influential zemindar and pleader of the High Court who represented the landlords with much ability in the Legislative Council which passed the Bengal Tenancy Act, is one of the shrewdest and most experienced adherents of the advanced school of politicians in Bengal, we can only attribute its weakness and lack of substance to the fact that the larger scheme of reconstruction foreshadowed in the Viceroy's speeches in Eastern Bengal a year ago has met all the genuine objections and has left the opposition with no basis but one of sentiment upon which to continue their stand. We take their points in order:—

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Appeal to public opinion.—The memorial opens by referring to the alarm with which the scheme of reconstruction is viewed and the unparalleled agitation to which it is said to have given rise. It goes on to urge that an opposition so strong and so universal should not be ignored. The reply to this is that the opposition, in so far as it did not proceed merely from members of the literary class, was in the main manufactured by the methods referred to in the Viceroy's speeches, especially that delivered at Dacca, and in the Bengal letter of the 6th April, 1904.

Loss of national unity.—Under this head it is alleged that the division of the Bengali nation into separate units and the disruption of its historical, social, and linguistic ties will seriously interfere with the intellectual, social, and material progress of the people. This states in somewhat indefinite language the professional politicians's objections to the scheme; Bengal united is a power, Bengal divided will pull several different ways. That is the belief of those who regard the question solely from what we venture to think the rather narrow standpoint of certain vague political aspirations. When we describe this point of view as narrow, what we mean is that it cannot be for the lasting good of any country or any people that public opinion or what passes for it should be manufactured by a comparatively small number of people at a single centre and should be disseminated thence for universal adoption, all other views being discouraged or suppressed. The present agitation furnishes a notable illustration of the system under which a particular set of opinions expressed practically in the same words is sent out with a mandate from Calcutta to be echoed in the form of telegraphic protests and formal memorials from a number of different places

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all over Bengal. We would further draw attention to the remarkable fact, mentioned by the Lieutenant-Governor of Bengal, that the opinion of certain large landholders in Faridpur and Backerganj in favour of reconstruction comes to the notice of the Government of India only incidentally through a reference in paragraph 5 of the letter from the Bengal Chamber of Commerce of 19th March, 1904. From every point of view it appears to us desirable to encourage the growth of centres of independent opinion, local aspirations, local ideals, and to preserve the growing intelligence and enterprise of Bengal from being cramped and stunted by the process of forcing it prematurely into a mould of rigid and sterile uniformity. In course of time, if the subtle tendencies which determine social expansion and intellectual advancement are only given a fair field, it may be expected that such centres will arise among the Muhammadans at Dacca, among the natives of Behar at Patna, and among the Uriyas at Cuttack. While an opportunity will thus be given for the formation in natural ways of that local opinion which in other countries has been found to be a healthy element in national life, there is no reason to suppose that the administrative reconstruction contemplated will prove fatal to any sense of community of interests and racial sympathy that may exist among Bengalis as such. The ablest of the letters received by the Government of Bengal, that from the Bengal Landholders' Association, says distinctly—"We do not apprehend that any portion of Bengal is likely to be so lost in Assam as to lose its identity." Our conclusion on this portion of the case is, that in so far as the idea of national unity which the memorialists wish to preserve is a genuine growth rooted in the common bond of race, religion, and language, and not the artificial product of professional agitation, universal experience teaches that the mere adjustment of administrative boundaries will present no obstacle to its development. If national sentiment is animated by any real vitality of its own, it ought to be as independent of the boundaries of provinces as the Chamber of Commerce assures us is the case with trade.

Loss of constitutional and other privileges.—This objection is also stated in very general terms. It is to the effect that the districts proposed to be separated from Bengal will lose several constitutional, educational, and other privileges which they have long enjoyed. No attempt is made in the subsequent paragraphs of the memorial to develop this general proposition more fully, and it would seem that the promoters of the memorial have realized that, if a new province is formed under a Lieutenant-Governor on practically the same lines as Bengal, it is impossible any longer to allege that constitutional or other privileges will be withdrawn. It is, in fact, easy to show in detail that all conceivable privileges will be retained under the enlarged scheme now put forward and thus to meet the various objections which have been put forward at different stages of the discussion. The main points for consideration are the following:—

(a) *Legislative Council.*—It seems to us to be beyond question that a province with a population of 31 millions, the majority of whom are already represented on the Bengal Council, should certainly have a Legislative Council of its own. We agree generally in the statement of this aspect of the case which is contained in the Bengal letter of 6th April, 1904, and we see no objection to an assurance being given that in the new province there will be no recourse to legislation by regulation, except in the case of districts like the Naga, Lushai and Garo Hills which are in much the same position in respect of their legal status and the character of their population as the Sonthal Parganas and the Chittagong Hill Tracts in Bengal. Such recourse would indeed be impossible without a declaration by the Secretary of State under the Government of India Act, 1870, which certainly would not be made.

(b) *Board of Revenue.*—The objections to the loss of the Board of Revenue are examined in the Bengal letter referred

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to above. We agree with the Lieutenant-Governor in thinking that the new province should certainly be provided with a revenue authority before which parties may appear in person or by Counsel. As to the particular form which this authority should assume, we are disposed to think that in the first instance at any rate a Financial Commissioner would be sufficient. Lord Lawrence, writing in 1868, expressed his preference for such an officer in place of a Board, and the arguments which we have used above as to the respect paid to personal authority in India point towards the same conclusion. If a single Financial Commissioner should prove unable to cope with the work, there will be no difficulty in appointing a second, either permanently or for a period, as has been done in the Punjab on several occasions.

- (c) *High Court*.—The objections to the original scheme of transfer which were based upon the supposed deprivation of the jurisdiction of the High Court are stated and examined in the Bengal letter of 6th April, 1904. The enlarged proposals now made do not in themselves involve any change in that jurisdiction, nor need such a change be suggested so long as the existing number of judges can cope with the work of both provinces. But the time may come when, even with the full staff that can be appointed under the existing law, the High Court will be unable to dispose of the cases coming before them. In order to enlarge the Court it would then be necessary to have recourse to legislation in Parliament, and the whole question of the best form of judicial arrangements for the two provinces would necessarily arise. With the growth that may reasonably be anticipated for the city of Dacca, when it becomes the headquarters of a large province, a strong bar will certainly arise there, and the eastern province, having by that time developed a provincial spirit, may demand an appellate tribunal of its own, and may not be inclined to favour the suggestion that the Calcutta High Court should be expanded to the extent necessary to enable it to do the work of both provinces. In view of this possibility it seems to us that it would certainly be premature, and might even be embarrassing to give the guarantee asked for in paragraph 5 of the letter from the Chamber of Commerce of the 19th March, 1904, that the jurisdiction of the High Court over the transferred districts will at no future time, however remote, be interfered with in the slightest degree. Whatever opinion we might form on the subject now could in no case be deemed binding on our successors.

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- (d) *Backwardness of Assam*.—The suggestion that Assam is a backward province, and that this will re-act upon the districts which it is proposed to associate with it, is merely a form of the argument referred to in the Bengal letter. There is, of course, no reason whatever to suppose that the standard of administration in the new province will be lower than that to which the people of Eastern Bengal are now accustomed. In fact we have every reason to hope that, with the closer supervision that Eastern Bengal will receive from the Lieutenant-Governor of the new province, the system of government will be incomparably more efficient than that which now prevails in these remote and frequently neglected districts.

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- (e) *Language and race*.—The question whether linguistic and racial unity will be affected is discussed in the Bengal letter and paragraph 44 of the memorial. It is urged by the

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memorialists (1) that their language is sure to deteriorate if the people of the east and west are placed under two separate governments; and (2) that Brahmans and Kayasths of the one province would object to intermarry with those of the other. To the first objection it may be replied that Bengali will be the dominant language in the new province, and no cause is indicated or suggested which would tend to bring about its deterioration. As to the second, the present state of affairs is correctly described in paragraph 44 of the memorial from the inhabitants of Dacca, who are best acquainted with the facts. The conclusion arrived at in the Bengal letter that mere administrative division does not of itself produce social division is in our judgment entirely sound, and completely disposes of the allegations of the memorialists.

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(f) *Loss of educational advantages.*—Under this head we have nothing to add to the full examination of the question that is contained in the Bengal letter.

(g) *Loss of facilities for employment.*—This question is discussed in the Bengal letter, where the Lieutenant-Governor writes as if the transfer would not materially affect any individual interests and suggests that the Government of India should interfere to prevent provincial restrictions on the employment of outsiders from operating unjustly. We are disposed to think that Sir Andrew Fraser makes too little of this point, and that the educated classes of Bikrampur will probably hold fewer appointments in a reduced Bengal than they now obtain. On the other hand, unless special steps are taken to guard against it, they will undoubtedly absorb all the clerical posts which are now held by the Assamese. In any case the interests of a small class of persons cannot weigh against the far larger and more important considerations in favour of the change.

(h) *Commercial interests.*—The larger aspects of this question may be summed up in the remark that trade follows the cheapest route irrespective of administrative boundaries, a view in which all the commercial authorities agree. In paragraph 6 of their letter of the 19th March the Chamber of Commerce protest against any artificial development of the Chittagong Port with the object of enabling the Assam-Bengal Railway to compete unfairly with the existing means of communication. It may be gathered from their remarks that they are apprehensive lest the scheme which has come under our consideration for improving the trade route through the Sundarbans may be abandoned when Bengal is divided. We have, however, no intention of dealing with that scheme otherwise than upon its merits. Their argument that Chittagong is not the natural port of Assam because trade did not flow there of itself before the railway was made, plainly ignores the real facts of the case. Before the railway was made Assam had only one trade route, the Brahmaputra River, which led under the conditions then existing to Calcutta. Now it has two—the river and the railway—and the latter goes straight to Chittagong, which has become the natural port for a certain part of the province. The jute forecast referred to in paragraph 4 of the letter from the Indian Jute Mills Association of the 29th January, 1904, will, of course, be kept up. It does not seem to us to be material whether it is prepared by one Government or by two, and we see no reason for placing it in the hands of a special officer to be attached to the Government of India. The particular grievance of a certain section of native merchants is very frankly stated in paragraph 64

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of the letter of the Bengal National Chamber of Commerce of 3rd February, 1904, where, in order to drive home their point they say that the whole of the jute trade of Eastern Bengal and the greater part of the rice trade of Backerganj will be diverted to Chittagong. It seems to us not unlikely that some of these traders of Eastern Bengal, who on their own showing are only middlemen, will have to spend money in setting up new places of business, if they wish to retain their connection with the trade in rice and jute, and it is further possible that the value of their premises in the quarters of Calcutta named by them may to some extent decline. On the other hand it may be argued—(a) that quite 50 per cent. of the jute crop must come to Calcutta to be worked up in the mills; (b) that jute intended for export will in any case go to Chittagong if that is the cheapest route; (c) that the area under jute is sure to expand, so that there will be enough for both Calcutta and Chittagong; (d) that the opening up of the congested areas of Calcutta will enhance the value of property in Hatkhola, Ultadanga and Chitpur.

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Financial objections.—We have found it necessary to examine at this length the points vaguely referred to in paragraph 1, heads (b) and (c) of the memorial of October, 1904, in order to bring out the definite objections the replies to which are furnished by the Bengal letter of the 6th April, 1904. The memorialists themselves, however, do not seem to have thought it worth while to press these points in detail. Having, in fact, been driven from their original positions, they have fallen back upon a new line of defence. The objection that they now take to the larger scheme of reconstruction indicated by His Excellency the Viceroy in his speeches in Eastern Bengal is that “its cost, initial and permanent, would seriously add to the heavy burdens already imposed upon the people.” This objection is expanded in paragraphs 28 to 32 of the memorial, in which it is argued—(1) That the cost of administration to be borne by the 78 millions of people now included in Bengal will be nearly doubled. In support of this proposition it is gravely stated that as Bengal now requires 280 members of the Civil Service, the division of the province into two will involve the addition of nearly another 280 civilians. (2) That the formation of the new province will cause great confusion, the remark being made that when Sylhet and Cachar were transferred to Assam in 1875 “heaps of valuable papers were either lost or stolen.” (3) That the requirements of the new province in respect of buildings would involve an expenditure of “many times 7 crores of rupees.” It will be seen that the memorialists first enumerate all the departments they can think of, and assume that each of these will require a separate building. They then take refuge in the conjecture that the buildings of the new province will cost many times the sum supposed to be required for the improvement of Calcutta. (4) That this expenditure can be met only by imposing additional taxation on the land in spite of the pledges given by Lord Cornwallis, or by starving all useful works. We do not deem it necessary to reply at length to these singular allegations. The formation of the new province will necessarily involve a substantial increase of expenditure, but the funds required to meet it will be raised, not by imposing additional taxation on the people of Bengal, but by applying for the purposes of the new province part of the surplus revenues under the control of the Government of India. So far from Bengal paying for its own reforms it will get them largely at the cost of the rest of the Empire. This will be effected by a revision of the provincial settlements in which due provision will be made for a reasonable standard of administrative progress—a matter in which Eastern Bengal has in the past been rather neglected. The recurring expenditure involved in the formation of the new province is shown in Statement IV. to amount to Rs. 13,35,559, so that after deducting Rs. 4,76,885, the present cost of the Assam Administration, the additional outlay to be incurred comes to rather more than eight and-a-half lakhs a year. The estimate is, of course, only approximate; it would be impossible at the present stage

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to prepare an accurate proposition statement. For the reasons given above no provision is made for a separate High Court, and only one Secretary for Public Works has been shown, since it is hardly likely that in a province where the rainfall is so large and so steady, irrigation works will be undertaken on sufficiently large scale to require supervision by a special expert. Nor does the estimate include any expenditure that may arise from the sub-division of the unwieldy districts of Mymensingh and Sylhet. That reform has long been recognised as desirable, and would have to be carried out sooner or later irrespective of any redistribution of territory. On the other hand we have made no allowance in the estimate for any reduction of the administrative establishments of Bengal. We are, indeed, clearly of opinion that no reduction in the Secretariat will be found possible. All of the secretaries are at present seriously overworked, their pay is by no means excessive, and the difficulty of reducing their number is greatly enhanced by the onerous and responsible functions which they perform in relation to the local Legislative Council. If any countervailing economies are to be effected, they must, in our view, be sought in the direction of reducing the cost of the Board of Revenue, and we shall be prepared to consider this further at a later stage. Meanwhile we need only observe that a permanent increase of eight lakhs is a light price to pay for the inestimable benefits which the people of both provinces will derive from the changes now contemplated. The legal questions involved in the creation of the new province, the precise form of the proclamations and notifications to be issued under the statutes governing the case, and the scope of the legislation that may be needed, are matters requiring careful consideration. We propose to address you on these subjects in a further despatch by the following mail. We will now sum up in the briefest terms possible the leading features of the scheme of territorial reconstruction which we propose for your acceptance. They are—

- (1) That a new province under a Lieutenant-Governor with a Legislative Council and a competent revenue authority be formed out of the territories now administered by the Chief Commissioner of Assam together with the Chittagong, Dacca and Rajshahi Divisions (except the district of Darjeeling), the district of Malda now attached to the Bhagalpur Division and the State of Hill Tipperah now under the Lieutenant-Governor of Bengal.
- (2) That the name of the new province should be "The North-Eastern Provinces."
- (3) That the district of Sambalpur and the five Uriya-speaking States of Patna, Kalahandi, Sonpur, Bamra, and Rairakhol be transferred from the Central Provinces to Bengal.
- (4) That the five Hindi-speaking States of Jashpur, Sarguja, Udaipur, Korea, and Chang Bhakar be transferred from Bengal to the Central Provinces.
- (5) That the existing jurisdiction of the Calcutta High Court be maintained unless and until the growth of judicial business in Bengal and the Eastern Province may render it necessary to introduce a change.

The conclusions thus summarised are the outcome of much anxious thought and careful deliberation on our part. The evils which they seek to cure—the congestion of work in Bengal and the arrested development of Assam—are of the gravest kind; and every branch of the administration in these important provinces suffers from them in an increasing degree. The remedy which we propose is, in our opinion, the only one feasible. Of this we were so convinced more than a year ago that we did not hesitate to publish our first provisional scheme, and to invite the fullest expression of opinion upon it. Since then the question has been discussed without intermission from every conceivable point of view, and we imagine that no project of administrative reform has ever been subjected to abler and more searching examination from all those whose interests were thought

to be in any way affected. We readily acknowledge the value of these criticisms, and the assistance that we have derived from them. They amply justify our action in making our intentions public, and the careful consideration that we have bestowed upon them has enabled us to modify our original scheme so as to meet all the objections which carry real weight. This, as we have pointed out above, is tacitly admitted by the influential and representative Committee under whose guidance the memorial of last October has been prepared. Further, we present to you our scheme with the gratified consciousness that it carries with it the practically unanimous approval of the leading officials of the three administrations whom it directly concerns. We had not deemed it possible that so striking a consensus of authoritative opinion would be forthcoming on a subject admitting of so much diversity of argument and view; and we think we are fairly entitled to claim that a plan so influentially and spontaneously supported, in the absence of any feasible or acceptable alternative, holds the field. On the side of the Indian opponents of our scheme sentiment alone remains, a sentiment which no argument can eradicate and no assurances appease, but which rests, as we have endeavoured to show, on a mistaken conception of the true foundations of national unity. We now submit our proposals for your sanction in the assured conviction that nothing short of this large measure of territorial reconstruction will enable Bengal and Assam, which include some of the most densely populated, wealthiest and most fertile areas in India, to advance upon the career of administrative improvement and industrial and commercial expansion which, under proper control, should lie before them in the near future.

Enclosure 1 in No. 2.

Letter from W. C. Macpherson, Esq., C.S.I., Officiating Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department. No. 5063-J., dated the 21st December, 1903.

With reference to your letter, No. 3678, dated the 3rd instant, I am directed to say that the Lieutenant-Governor finds that a good deal of the agitation against the proposals made about Eastern Bengal is due to what appears to him to be some misapprehension of these proposals.

2. His Honour finds, in discussing the proposals with Indian gentlemen who are interested in them, that they feel strongly that the whole system of administration in the Eastern Bengal districts, which may be transferred, will be altered and brought into conformity with that of the Assam Districts, and also that they will have to take any matter in which they are interested to Shillong. The idea seems to be that they will be subordinated in interest and in administration to Assam.

3. It seems to His Honour that this is altogether contrary to the object which the Government of India have before them. He has tried to explain to some of these gentlemen, for example—

- (a) That the jurisdiction of the High Court remains;
- (b) That the law will be unaltered, and that their rights and the system of Government will remain;
- (c) That Shillong will, no doubt, remain the sanitarium of the new province, but that its capital will, undoubtedly, be the chief town of one of the Bengal Divisions transferred to it;
- (d) That the new province will probably not even be known as Assam but by some suitable name to be selected hereafter;
and

- (e) That one of the main objects of the scheme is to secure that due attention shall be paid to the interests of the transferred districts; they will not be merged in Assam, but will with the present Assam districts form a new province, in which they will of necessity occupy a very important place.

4. These are briefly the views which His Honour has indicated to some who have discussed the question with him; and he finds that they lead to considerable diminution in the apprehension with which the proposals are received. It would, however, be very desirable, if these views are correct, that they should be stated as the views of the Government of India in making the proposals. I am, therefore, to enquire whether they have the concurrence of the Government of India.

Enclosure 2 in No. 2.

Letter from H. H. Risley, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bengal. No. 3808; Home Department (Public), dated Calcutta, the 23rd December, 1903.

I am directed to acknowledge receipt of your letter, No. 5063-J., dated the 21st December, 1903, representing that some misapprehension appears to prevail as to the effect of the proposals sketched in paragraphs 18 to 28 of the Home Department letter No. 3678, dated the 3rd December, 1903, for the transfer to Assam of some of the districts of Eastern Bengal, and suggesting that these impressions, if they be erroneous, should receive authoritative correction.

2. In reply I am to say that the Government of India have no hesitation in confirming the informal explanations that have already been given by His Honour the Lieutenant-Governor, which are entirely in accordance with their own views. It is plainly stated in paragraph 26 (iii) of the Home Department letter that the jurisdiction of the High Court will remain unaltered, and the statutes which confer upon the Governor-General in Council the power to alter the limits of provinces expressly provide that no such alteration shall of itself affect the law in force in the territories concerned. It follows that the scheme under consideration will involve no change in the system of administration of the districts transferred except the wholly beneficial change arising from the fact that they will receive from the head of the Government a degree of personal attention which cannot be bestowed upon them under existing conditions. Shillong will cease to be the permanent headquarters of the Administration, and will assume its proper place as a hill station, to be visited, as Darjeeling is, for a few months in the year. The question what place should be selected for the capital of the new province is a matter upon which the Government of India desire to invite a full expression of opinion. The claims of Dacca to be restored to the position which it occupied in the 17th century as a capital city, have to be carefully weighed against those of the rising seaport of Chittagong. There is, however, no real conflict of interests between the two places. The growth and prosperity of Chittagong are assured by its situation as the natural outlet of the whole tract of country lying east of the Brahmaputra; it will always receive a large share of the Chief Commissioner's attention; and its development will necessarily tend to revive the commercial activities of Dacca. Whether Dacca becomes the capital of a province wealthier and more populous than the whole of Bengal two centuries ago, or whether Chittagong and Dacca are visited alternately by the Chief Commissioner, as Allahabad and Lucknow are visited by the Lieutenant-Governor of the United Provinces, there can be no question that the material and intellectual advancement of both places will derive an immediate stimulus from their recognition as the chief towns of a great industrial province. In the matter of the name of

the new province the Government of India are equally willing to consider the feelings of the people, and to defer to their reasonable anxiety that the identity of Eastern Bengal shall not be lost in its union with Assam. By what precise designation this end will best be secured is a question on which numerous suggestions will doubtless be put forward. The combined territories might, for example, be called "The Eastern Provinces" or "The North-Eastern Provinces" of India in accordance with analogies that are already familiar in other parts of the country. On these points the Government of India will await a further expression of the views of His Honour the Lieutenant-Governor. The main point to be borne in mind in the discussion is that the Government of India have no desire that the identity of the parts of Bengal under examination should be either diminished or sacrificed by their incorporation in another administrative area. On the contrary, it is the view of Government, looking to their size, population, and importance, that they are likely to receive an attention, and to exert an influence, under the new conditions in excess of those which they at present enjoy.

Enclosure 3 in No. 2.

Letter from B. Robertson, Esq., I.C.S., C.I.E., Chief Secretary to the Chief Commissioner, Central Provinces, to the Secretary to the Government of India, Home Department. No. 2646-A., General Department, dated the 16th March, 1904.

I am directed to reply to your letter, No. 3679-3681, dated the 3rd December last, with which was forwarded a copy of a letter to the Government of Bengal containing certain proposals for reducing the territorial jurisdiction of the Lieutenant-Governor by transferring portions of it to adjacent provinces. The opinion of the Chief Commissioner was invited as to the possibility of transferring to the Central Provinces the greater portion of Chutia-Nagpur, and also upon the proposal that the Sambalpur District and the five adjacent Feudatory States now under the Central Provinces Administration, in which Uriya is the prevalent language, should be transferred to the Government of Bengal.

2. The population of the Central Provinces (including Native States) and Berar is 14,627,045 and the area 133,604 square miles. The land revenue and rates amounted in 1901-02 to Rs. 1,02,47,567 in the Central Provinces and Rs. 95,87,818 in Berar, or a total of Rs. 1,98,35,385. The statistics regarding the Districts and Native States of Chutia-Nagpur are:—

	Area in square miles.	Population.	Land Revenue and Rates.
			Rs.
Hazaribagh	7,021	1,177,961	2,46,012
Ranchi	7,128	1,187,925	1,44,723
Palamau	4,914	619,600	1,75,544
Manbhum	4,147	1,301,364	2,12,035
Singhbhum	3,753	613,579	1,77,724

The area of the Native States is 16,054 square miles, and the population just over a million. The Government of India are disposed to favour the transfer of this area, except the district of Manbhum and possibly the whole or part of the district of Hazaribagh, to the Central Provinces. They indicate also that, owing to the existence of an Uriya-speaking body in the Singhbhum

District, this suggestion may require to be modified if the whole of the Uriya-speaking peoples are concentrated in a single tract to be administered not by the Central Provinces but by Bengal.

3. It appears to the Chief Commissioner that the question requires to be considered in the first instance from the point of view of the language spoken by the people in Chutia-Nagpur. The population of the Manbhum District includes 942,575 persons who speak Bengali, and the Chief Commissioner agrees with the Government of India that this district should certainly not be transferred to the Central Provinces. Of the 613,570 inhabitants of Singhbhum 107,578 were returned as speaking Bengali, 100,095 as speaking Uriya, and 235,313 as speaking Ho, a Munda language which, as the Government of India remark, is likely in time to give place to Uriya. Only 26,276 persons were returned in this district as speaking Hindi. Mr. Hewett does not think it advisable to add to the Central Provinces, which would, under the proposals now under consideration, become a province divided broadly into two tracts, in one of which Hindi and in the other Marathi is spoken, a district in which neither of these languages is in general use.

4. The remaining three districts of Chutia-Nagpur contain a large Hindi-speaking population. In Palamau, there are 580,892 persons speaking Hindi out of 619,600; in Hazaribagh 1,076,155 out of 1,177,961, and in Ranchi 504,797 out of 1,187,925. In Ranchi 314,778 were returned at the Census as speaking Oraon, and 298,611 as speaking Mundari. In the Native States of Chutia-Nagpur also Hindi is the prevailing language, it being spoken in round numbers by 600,000 out of a million residents. According to the test of language, it seems to the Chief Commissioner clear that the three districts of Palamau, Hazaribagh and Ranchi, with the Native States of Chutia-Nagpur, can be suitably administered by the Central Provinces Administration.

5. If the character and stage of development of the hill tribes in Chutia-Nagpur are considered, it appears to the Chief Commissioner that there would be an advantage in transferring the charge of these tribes to the Central Provinces Administration. The members of the Central Provinces Commission are familiar with the treatment of aborigines. The aboriginal inhabitants of Chutia-Nagpur are not dissimilar from many of the aborigines of the Central Provinces who are found in large numbers not only in the Native States and Zamindaris, but also in the Khalsa, and the form of administration which has been found so well adapted to this class of people in the Central Provinces would also, Mr. Hewett anticipates, be found equally suitable to those resident in Chutia-Nagpur.

6. It is suggested by the Government of India that possibly the whole or part of the Hazaribagh District might be retained under the Bengal Government, the ground for this suggestion being the fact that the connection of the coal industry of the district lies almost exclusively in Calcutta. So far as the Chief Commissioner is able to form an opinion, it appears to him probable that the mercantile community of Calcutta would on this ground much prefer that the portion of the Hazaribagh District, in which the coalfields lie, should continue to be administered by the Bengal Government. At the same time it should, Mr. Hewett thinks, be recognized that in the past two or three years great strides have been made towards the development of the mineral resources of the Central Provinces. There are firms, with headquarters at Calcutta or Bombay, engaged in prospecting or mining in every division of the Province. It is true that the coal industry is not yet developed here, but the Chief Commissioner anticipates that there will be considerable activity in these provinces as soon as the railway is extended to the Pench Valley Coalfield. Mr. Hewett hopes that this Administration would be found capable of dealing, in a prompt and sympathetic manner, with business in which the mercantile community of Calcutta is interested, and he sees no reason why, if it is determined to transfer any portion of the Chutia-Nagpur Division to the Central Provinces, the whole of the Hazaribagh District should not be transferred.

7. With reference to the suggestion that Chutia-Nagpur is more inaccessible to the Central Provinces than to Bengal, the Government of India have noticed that at present the province is more or less inaccessible from most directions. Inquiries which the Chief Commissioner has made seem to show that it is at least as accessible to the Central Provinces as to Calcutta. However, no good line of communication exists at present between Ranchi and the Central Provinces. There is, indeed, a route from Ranchi to Sambalpur which is used by pack-animals and small country carts. It would be necessary to improve this route so as to provide a good road from Ranchi to the station of Kalunga on the Bengal-Nagpur Railway—a distance of about 90 miles. There is also a road from Ranchi to Chaibassa which cuts the Bengal-Nagpur Railway system at Chakardarpur, about 70 miles east of Kalunga. This road is not, the Chief Commissioner understands, completely bridged. The improvement of these two roads would bring Ranchi into fairly close communication with the main line of the Bengal-Nagpur Railway. The distance from Purulia to Nagpur by railway would be considerably longer than it is from Purulia to Calcutta. Upon the whole, however, the Chief Commissioner is of opinion that communication might be effected in a fairly satisfactory way between the Central Provinces and Ranchi.

8. For the above reasons the Chief Commissioner thinks that the three districts of Hazaribagh, Ranchi and Palamau, together with the Native States in Chutia-Nagpur, could be conveniently and efficiently administered by this Administration and he is of opinion that they might be added to the Central Provinces. The addition of these tracts would make the area and population of the Central Provinces and Berar as follows:—

—	Area in square miles.	Population.
British Territory	123,232	15,616,148
Native States	45,489	2,997,812
Total	168,721	18,613,960

The land revenue and rates would be Rs. 2,04,01,664.

9. I am now to refer to the proposal to transfer the Sambalpur District and the five adjacent Uriya-speaking States from the Central Provinces Administration to that of Bengal. As the Government of India have noticed the existence of one Uriya-speaking district in a province, of which all the other districts are either Hindi or Marathi-speaking, has caused serious inconvenience. This inconvenience is felt particularly in connection with the administration of the police. In his note of the 5th of October, 1901, which was forwarded to the Government of India with Mr. Laurie's No. 9701, of the 8th idem, Sir Andrew Fraser wrote: "What I am convinced of is that Uriya, and not Hindi, ought to be the Court language of Sambalpur, and that in that case, Sambalpur ought to be joined to Orissa, to which it really belongs." While the Government of India sanctioned the restoration of Uriya as the Court language of the district, they were unable to agree to the amalgamation of the district with Orissa, on the ground that it would have added to the overwhelming charge of the Lieutenant-Governor of Bengal. Endeavours have been made, in accordance with the suggestions of the Government of India, to encourage the study of the Uriya language among the officials employed in the Sambalpur District. The proposals of the Chief Commissioner upon this subject were approved by the Government of India in their letter, No. 366, of the 27th of February, 1903, but Mr. Hewett does not feel at all assured that they will be successful in securing a complete knowledge of Uriya even among the higher paid officials brought

into Sambalpur from outside. The difficulty of maintaining an efficient Uriya-speaking police force in Sambalpur under present conditions is very great. In April, 1903, the Chief Commissioner received a representation from the Inspector-General of Police regarding the difficulty of administering the police of the district under the orders re-introducing Uriya into the Police Department. A complaint made by those who applied to the Government for the restoration of the Uriya language was that Uriyas could not enter up police diaries in Hindi, and that Hindi-speaking men from other districts could not enter them up in Uriya. It was ascertained by the local officers that the police imported from outside, not having learnt Uriya at school, found it impossible to acquire sufficient proficiency in writing the character to enable them to enter up the police records in that language. The Chief Commissioner had therefore, somewhat reluctantly, to determine that an entirely Uriya police staff should be employed in the Uriya-speaking tracts of the district, and steps are now being taken to carry this decision into effect. The district became notorious in 1900 for the serious state of crime in it, and, although matters are better now, the Chief Commissioner fears that the police administration of the district cannot be efficient if the force is to consist entirely of local men not liable to transfer for employment in other districts. As has been stated above, the Chief Commissioner apprehends that the difficulties of having a Uriya-speaking class of officials in other departments may prove to be greater than was anticipated, and he thinks that the transfer of Sambalpur from the Central Provinces is urgently demanded on the ground that, now that Uriya is the official language of the district, the difficulties of administering it effectively as a district of the Central Provinces, are practically insuperable.

10. On the other hand, the Deputy Commissioner of Sambalpur, while he admits that the position of the district as possessing an official language distinct from that in use elsewhere in the Central Provinces, gives rise to difficulties which hamper good administration, is opposed to the transfer to Bengal on the following grounds:—

- (1) That the character and state of development of the people of the Sambalpur District resemble those of the people of Chutia-Nagpur for whom the Bengal form of administration is considered to be too highly developed, too legalized and too impersonal;
- (2) That Sambalpur is reached by the Bengal-Nagpur Railway, and consequently that the headquarters of the district are considerably nearer to Raipur and Nagpur than to Cuttack and Calcutta;
- (3) That the transfer of the district, with the exception of the Phuljhar Zamindari and the Chandarpur tract, will not completely effect the object of the Government of India, viz., that practically all Uriya-speaking people should be united under one administration.

The Commissioner of the Chhattisgarh Division has expressed his agreement with the Deputy Commissioner. The latter, while he puts forward the resemblance between the people of Sambalpur and those of Chutia-Nagpur as a reason for not transferring the district to Orissa, admits that it has many affinities with Orissa in the language and manners of its people, and it is the case that it was principally recruited by emigrants from Orissa although a certain part of the population traces back its origin to Chutia-Nagpur. Mr. Hewett has not a personal acquaintance with either the people of Chutia-Nagpur or those of Orissa, but it certainly appears to him that the inhabitants of the Sambalpur District may be generally described as being more closely allied, by reason of their origin, habits, and customs, to the people of Orissa than to the people of Chutia-Nagpur. There is very little in common between the people of Sambalpur and the population of the rest of the Central Provinces. That district contains only 63,000 Gonds among its aborigines. There are 105,000 Gandas out of 156,000 in the

British districts of the Central Provinces, 87,000 Koltas out of 88,000 in the same area, 76,000 Sawaras out of 102,000. There are only 4,373 Muhammadans in the whole district.

With reference to the second argument of the Deputy Commissioner that Sambalpur is nearer to Raipur and Nagpur than to Cuttack and Calcutta, the Chief Commissioner would remark that there is practically no difference between the length of the journey from Sambalpur to Calcutta and of that from Sambalpur to Nagpur. A journey to the headquarters of the Commissioner of Chhattisgarh (Raipur) is of course very much shorter than one to Cuttack can ever be made, but the present time (about 33 hours) occupied in a journey to Cuttack from Sambalpur will, it is hoped, be reduced before long so as to make the journey less than 24 hours. The Deputy Commissioner supports his argument, that the object of the Government of India, viz., that practically all Uriya-speaking people should be united under one administration, will not be completely effected by the transfer of the Sambalpur District less the Phuljhar Zamindari and the Chandarpur tract and the five adjacent Feudatory States, by statistics regarding the Uriya-speaking population that would then remain under the Central Provinces Administration. He urges that 45,772 of the residents of the Phuljhar Zamindari, or nine-twentieths of the population, are returned as speaking Uriya; that there are a considerable number of Uriyas in the Feudatory States of Bastar, Sarangarh and Raigarh, and that the Raipur District contains 85,027 Uriyas. Although the Phuljhar Zamindari contains a population nearly half of which speak Uriya, it distinctly belongs to the Hindi-speaking tract of Chhattisgarh. The proportion of the population speaking Uriya in the Raigarh State is 15 per cent., and in the Sarangarh State 24 per cent. The Bastar State contains 18,000 inhabitants who speak Bhatri, a corrupt form of Uriya, but they are a very infinitesimal portion of the 307,000 inhabitants of the State. The 85,000 Uriya-speaking persons of the Raipur District only constitute 6 per cent. of the total population of the district. Most of them are located in the Khariar Zamindari. This zamindari is in the south-east corner of the district: it covers an area of 1,489 square miles, and contains a population of 77,304, of whom four-fifths speak Uriya. The hills which separate the Patna State from the Khariar Zamindari form a natural boundary, and the Chief Commissioner is strongly opposed to separating the Khariar Zamindari from the rest of those in the Raipur District. The Zamindar of Khariar is the admitted head of these Zamindars.

It would, it appears to the Chief Commissioner, be impossible to revise existing areas of territorial jurisdiction so as to bring all the Uriyas, whether they are in a minority of the population or not, under one administration. Where they are in a distinct minority, they must remain under the administration which is considered suitable for the majority of the inhabitants of the particular tract. The Chief Commissioner has no doubt that whatever territorial redistribution is made, the Feudatory States of Bastar, Sarangarh and Raigarh, the Phuljhar Zamindari, and the whole of the Raipur District should remain under the Central Provinces Administration.

In the proposals that were made in paragraph 17 of the letter of the Government of India to the Government of Bengal, it was suggested that the Chandarpur tract, in which is included the small Malkharoda Estate, as well as the Phuljhar Zamindari should be excised from the district and retained in the Central Provinces. Chandarpur is a portion of the Chandarpur-Padampur Estate. Chandarpur has an area of 255 square miles, and Padampur one of 78 square miles. Chandarpur has a population of 67,592, of whom only 2,431 were returned as speaking Uriya: while Padampur, which is separated from Chandarpur only by a narrow strip of the Raigarh State, has a population of 19,728, most of whom are Uriyas. The Chief Commissioner is of opinion that it is undesirable to split up this estate so as to retain a portion of it under the Central Provinces and

transfer the other portion of it to Bengal. He, therefore, considers that the whole of the Chandarpur-Padampur Estate should be retained under the Central Provinces Administration.

11. I am now to refer to the attitude of the people affected by the proposed transfer of territory from the Central Provinces to Bengal. The Chief Commissioner has received a copy (which is enclosed) of a memorial addressed to His Excellency the Viceroy from some inhabitants of the town of Sambalpur, asking that the district may be re-annexed to Orissa. This view was also that of a public meeting held at Sambalpur in January last. The Deputy Commissioner suggests that the attitude of those who attended the meeting was probably influenced by a fear that Uriya might again be abolished as the Court language were the district to remain in the Central Provinces. Mr. Hewett is not of opinion that this was the motive which led the people to express an opinion in favour of the transfer. He is inclined to think that there is a distinct wish in Sambalpur, as elsewhere, among the educated classes, that all the Uriya-speaking peoples should be brought together under one administration: and if this is not feasible, that the single Uriya-speaking district of Sambalpur should not remain under an administration the rest of the territories under which are occupied by peoples who speak either Marathi or Hindi. In July, 1901, a deputation of the residents of Sambalpur was received by Sir Andrew Fraser, and the abstract of their opinions recorded was to the effect that "if it was thought impossible to have Uriya as the language of one Central Provinces district, they would prefer to be transferred to Orissa. They would like to remain under the Central Provinces, but not at the sacrifice of their language." The feeling at the present day is, Mr. Hewett thinks, stronger than this. The Uriya-speaking population of intelligence and education would prefer to be brought together under one administration. In the opinion of the Deputy Commissioner, the feeling in the Sambalpur district as opposed to that of the town, is against the idea of transfer to Bengal, and he attributes this feeling to the possibility that the people of the district do not possess pleasant and favourable reminiscences of their previous connection with Orissa. Mr. Hewett doubts whether there is any very strong feeling on the subject among the village population of the Sambalpur District, and he does not think that the explanation which the Deputy Commissioner offers in support of the view that the people are opposed to a transfer to Bengal can be sustained. The period for which the Sambalpur District was subordinate to the administration in Orissa was not long, and it is more than 40 years since the district was incorporated with the Central Provinces. It does not seem to him likely that there is any traditional feeling that the administration of the district before it came under the Central Provinces, and while it was administered from Cuttack was prejudicial to the interests of the people.

12. The Chief Commissioner has received expressions of opinion from all the Feudatory Chiefs whose territory it is proposed to place under the Bengal Government, except the Chief of Rehrakhol, which is by far the smallest of the five states in population. It appears to the Chief Commissioner that there is, in the first place, a general prejudice against a change being made, on the ground that these chiefs have been well looked after in the Central Provinces, and have been happy in having their interests safeguarded by the constant care and attention of a political agent belonging to the Central Provinces Commission. They regard themselves as of higher status than the chiefs in the Tributary Mahals of Orissa, and they fear that they may suffer some loss of dignity if they are transferred to the charge of the Administration which now supervises those chiefs. They also claim for themselves that their system of administration is better than that in the States which lie across the Bengal border. Among the Uriya-speaking inhabitants of these States there appears to be a very general desire that all Uriya-speaking tracts should be united under one administration. Three alternatives suggest themselves, by which this end can be attained, viz., (1) the formation of a separate province, (2) the inclusion of all Uriya-speaking tracts in the Central Provinces, and (3) the

inclusion of all Uriya-speaking tracts in Bengal. There seems to be a general opinion in favour of the first alternative. The third is not favoured except, perhaps, by the people of Kalahandi, who are reported not to have a very decided opinion either way. The widow of the late Raja (the State is now under Government management) would like to remain under the Central Provinces Administration. The majority of the Chiefs and inhabitants of the Native States concerned seem to prefer to remain under the Central Provinces Administration if a separate Uriya province cannot be created. This is the view of the chiefs and people of the Patna and Sonpur States.

The Feudatory Chief of Bamra has expressed a strong opinion against the transfer of his State to Bengal. He represents that it has been continuously under the Central Provinces Government; that it has made rapid progress under the friendly advice of the European Political Agents; that the Government have maintained its dignity and honour; that, inasmuch as a native of India in the Provincial Service is the Assistant Superintendent of the Tributary Mahals in Orissa, his State will lose in status by being placed under this officer; that the State is close to Raipur, the residence of the Political Agent, and that Ranchi or Cuttack is a great distance farther off; that the State is mostly populated by aboriginal tribes who will not benefit by the proposed transfer to a more civilized Government.

13. The Chief Commissioner thinks that the opinions of the inhabitants of the States concerned might be modified if they could look forward to being placed under the supervision of a political agent of the status of the Political Agent of the Feudatory States in these provinces. The chiefs consider that their dignity is enhanced by the appointment of a member of the Central Provinces Commission to be Political Agent; and the inhabitants of the States have profited enormously by the advance in good government which has been secured in recent years through the constant care and supervision of this officer. The appointment of an officer of high standing to be Political Agent has not only enabled this result to be obtained, but has also relieved this Administration of much detailed work. The Chief Commissioner is of opinion that the States of Patna, Kalahandi, Sonpur, Bamra, and Rehrakhol should be transferred with the district of Sambalpur, but he ventures to hope that if the transfer is effected, it may be possible to meet the wishes of the chiefs by giving them a political officer of the status of the officer with whom they have hitherto been connected in the Central Provinces.

14. The addition of the Chutia-Nagpur territory referred to in paragraph 8 of this letter, and the transfer of the Sambalpur District (less the Phuljhar and Chandarpur-Padampur tracts), and of the Feudatory States of Rehrakhol, Bamra, Sonpur, Patna and Kalahandi, will leave the following areas and population under the Central Provinces Administration:—

—	Area in square miles.	Population.
British Territory	119,459	14,975,905
Native States	35,618	2,049,392
Total	155,077	17,025,297

Mr. Hewett thinks that it should be possible for a Chief Commissioner to be able to administer this area and this population without any loss of the personal rule which a Chief Commissioner is expected to exercise. At the same time he finds that his duties as chief controlling revenue authority, and as the highest Court of Appeal in revenue matters in the Central

Provinces and Berar, the land revenue in which provinces exceeds 160 lakhs, impose on him a large amount of detailed work in connection with the land revenue administration which does not fall on the Local Governments of larger provinces. This kind of work tends to increase year by year, and there is an undoubted danger that its volume may before long swamp the Chief Commissioner, and leave him with too little time to devote to the administration of the province in other branches. It may, therefore, become necessary before very long to ask that the Chief Commissioner may be relieved of revenue case work by the appointment of a Financial Commissioner to undertake this duty and the detailed work in connection with the land revenue and other sources of State income.

Annexure.

To the Private Secretary to His Excellency the Viceroy and Governor-General of India.

The humble memorialists of Sambalpur beg to approach you with the following statements on the question of annexation of the district to Orissa, hoping they will be placed by you before His Excellency the Viceroy while considering the case now before His Excellency.

When this district was annexed to Chota Nagpur, Hindi, was, for some time, the court-language. This arrangement was found unworkable owing to the mass not understanding the language, and Oriya, the language of the district, was introduced as court-language. This arrangement continued for over 40 years or so, but owing to the interested proposals of some officers who thought the mastering of the Oriya language, on their transfer to the district, an unpleasant and burdensome task, Hindi was introduced as court-language in the year 1896. This event, lending support to the unwillingness of the non-Oriya officers to learn Oriya, opened a wide gulf between the rulers and the ruled as the former, not being able to understand the people, began to lose all sympathy for them—a state of things wholly undesirable for the efficient administration of a people.

This administrative difficulty was sought to be overridden, in the year 1880 or thereabout, by the Central Provinces administration by trying to teach Oriya to the officials of the Raipur and Bilaspur Districts and Hindi to those of Sambalpur District with a view to inter-transfer of the officials of the Chhattisgarh Division. This measure proved a complete failure after an experiment of a decade and it was consequently abandoned and a retrial of the same measure is not expected to meet with success. On a mature consideration of these difficulties and taking the free opinion of the Local Board, District Council and Municipal members and the leading Zamindars of the District, who expressed their wish to have the district annexed to Orissa rather than run the risk of losing their language, which will be their inevitable fate in no distant future if they remain under the Central Provinces administration, as appears from the wilful disregard of the Police Department of the order of the Government of India in maintaining Hindi as the language of that Department till now on the plea that the non-Oriya officers of Police will not, even in three years, be able to learn the language of the people with whose daily dealings they are intimately concerned and also, after careful and disinterested personal local inquiry in villages, Sir Andrew Fraser, the then Chief Commissioner, recommended to His Excellency the Viceroy, the reinstatement of Oriya as the court language of the district, and His Excellency was graciously pleased to do so and now entertains a desire to unite the district with Orissa with a view to remove these difficulties once for all for which the memorialists are thankful to His Excellency.

The humble memorialists further submit that there is a circular of the Local Government requiring the non-Oriya officers transferred to this district to learn Oriya, but owing to their inability to learn that language properly, the circular is practically a dead letter. The officials of this district who are transferred to other districts also prove a failure, with a few exceptions, owing to their inability to learn Hindi properly. This is a state of things wholly undesirable in the interest of the public service. Any argument in favour of the feasibility of this difficulty being removed is simply ignoring facts and deserve proper consideration under the present administrative circumstances of the district.

The district, being the only Oriya speaking district in the Central Provinces, has lost the purity of its language in the western part of the district and suffered, to a great extent, social degradation. The language and the social condition of the neighbouring districts being quite different from those of the district, it can make no improvement in these respects so long as it remains in the Central Provinces; whereas it, being detached from Orissa, the trunk of which it is a limb, is debarred from getting the advantages which it would easily have done had it been a part and parcel of Orissa, with which the district has a closer connection in matters linguistic, social, moral and religious. The advancement of education is deplorable in the

district on account of the importation of non-Oriya officers to the Education Department, notwithstanding several memorials from the people. The memorialists, therefore, submit that though there may be slight difficulties in the way of incorporating the district with Orissa, they would be considered insignificant in comparison with the manifold blessings that would be conferred on the people of the district if it be incorporated with Orissa, which would place the people on a better footing to get back what they have lost and preserve their entity, which is sure to be extinct if their language is wrested away from them under colour of administrative disadvantage.

The memorialists further submit that at the desire of the Government of India there was recently a public meeting in the Sambalpur High School, presided over by Mr. Barclay, the senior Extra Assistant Commissioner. In this meeting nearly 400 persons, consisting of the residents proper of various classes, were present, and they unanimously expressed their desire to have the district annexed to Orissa. This desire was expressed by the people on a full understanding of the proposals of the Government of India as embodied in Mr. Risley's letter to the Government of Bengal, which were explained in the meeting. This desire was also expressed by the leading men of the district who attended the Utkal Union Conference held at Cuttack in December last and by the deputation which waited upon the Chief Commissioner in the year 1901 to pray for the restoration of Oriya as the court language of the district.

The memorialists humbly pray that their argument may be weighed and the district be annexed to Bengal as part of Orissa Division for which they shall ever in duty bound be thankful to His Excellency.

The humble memorialists of Sambalpur beg to remain,

Sir,

Your most obedient Servants,

CHANDRASHEKHARA BEHARA,

Pleader, Municipal Member, and others.

Dated Sambalpur, the 9th March, 1904.

P.S.—The numerously signed copy has been submitted direct to the Private Secretary to His Excellency the Viceroy.

Enclosure 4 in No. 2.

Letter from F. J. Monahan, Esq., I.C.S., Secretary to the Chief Commissioner of Assam, to the Secretary to the Government of India, Home Department, dated 6th April, 1904.

(Extract.)

I am directed to make the following reply to your letter, No. 3681, dated the 3rd December, 1903, in regard to the proposed redistribution of territory between Bengal and Assam. The annexures to this letter contain opinions that have been expressed on this question by the Assam Association—an institution of recent birth presided over by the Raja of Gauripur; by two gentlemen representing the interests of the Assam Valley, Rai Jagannath Barua Bahadur, and Srijut Manik Chandra Barua; and by two gentlemen who are well qualified to speak on behalf of the people of the Surma Valley, Rai Dulal Chandra Deb Bahadur, and Babu Kamini Kumar Chanda. Of these four Indian gentlemen, the first two are private proprietors interested in the tea industry; the third and fourth belong to the legal profession, but take an active interest in public business as Chairman and Vice-Chairman, respectively, of the Sylhet and Silchar Municipal Committees. The Assam Valley and Surma Valley branches of the Indian Tea Association have generally intimated their approval of the scheme that has been put forward by the Government of India, adding, however, a strong recommendation that the change should not have the effect of depriving this province of the name of "Assam," for which its tea has gained a world-wide currency. The Chief Commissioner holds that it would be very greatly to the advantage of Assam could a union

be brought about between it and the neighbouring districts of the Chittagong Division. Assam is a small province; its administration could without difficulty deal with a more extensive area, and the enlargement of the unit of government would conduce to the material interests of the people by affording them a wider scope for development. Chittagong may be expected to grow into a considerable town, and to offer opportunities for industry and investment which are not likely, for many years to come, to be available in the rural districts of Assam. The union would not bring either tract of country into connection with conditions which are very divergent from its own. So far as Mr. Fuller is informed, the people of the Chittagong Division do not differ materially from those of the conterminous Assam district of Sylhet. In both localities Musalman interests are of much importance. Musalmans are proportionately less numerous in Sylhet than in Tipperah, Chittagong, and Noakhali, but they constitute more than half of the population. In both localities much of the land is in the hands of petty proprietors; and Chittagong, like Sylhet, includes a considerable area which is temporarily settled, and which owes to a similar chain of circumstances its exception from the permanent settlement of Bengal. The Native State of Hill Tipperah marches with Sylhet along the whole of the southern border of this district—a distance of over 100 miles. The Raja of Hill Tipperah owns extensive properties in Sylhet; there are numerous Tipperah villages on the Assam side of the border, and a large number of time-expired tea-garden coolies have crossed the border and have settled in native territory. There is a very close connection, indeed, between the State of Hill Tipperah and the Sylhet district. It may be mentioned that the indigenous people of the State are of the same race as the Garos and Cacharis of Assam, which are supposed to have constituted the original population of the greater part of the Assam Valley and of a portion of the Surma Valley also. Further south, there is again very marked similarity of conditions between the Chittagong Hill Tracts and the South Lushai Hills; and access to the South Lushai Hills lies through Chittagong by the Karnafuli River. The principal argument for the union of Assam and Chittagong is, however, the completion of the Assam-Bengal Railway. The magnitude of this undertaking and its costliness must render its interests an object of special solicitude to the State. Nearly five-sevenths of its length lie within the borders of Assam, and it is to Assam that it must look for the traffic which is to justify its construction. Its effect on the conditions of this province, and specially on the interests of the tea industry, will be almost revolutionary. The journey from Upper Assam to the sea-board, which has hitherto taken a week, will now be accomplished within two days; and the opening of a land route between Upper Assam and Bengal will not only facilitate the importation of labour, but will stimulate unindentured immigration, and promote the colonisation of the large tracts of fertile waste that are now awaiting the plough. But the future of the line is most intimately connected with the future of the Port of Chittagong, and it can hardly be doubted that Chittagong will receive more attention when it is the only maritime outlet of a province than when it has to share the consideration of Government with so prosperous and well-established a Port as Calcutta. The development of Chittagong will powerfully affect the interests of the districts that surround it, stimulating commerce and industry, and adding to the wealth of the people. It seems clear that in material interests these districts would profit very substantially from union with Assam. One of the principal objections which are brought to this union appears to be that it will connect the Chittagong Division with a "backward" province, and Mr. Fuller observes that it is conceded by the Government of India that this objection is, in some measure, well founded. But he ventures respectfully to doubt whether the people of this province are in so low a stage of development as is imagined. Mr. Fuller's experience has given him a tolerably intimate acquaintance with the people of two other Indian provinces,—the United Provinces and the Central Provinces,—and during the two past touring seasons he has marched over the greater part of Assam, and has been able to acquire a good deal of

information, first hand, respecting the condition of the people. He has found no reason to suppose that the inhabitants of the Assam and Surma Valleys compare at all unfavourably in intelligence, in manner of life, and in general prosperity with the rural classes of Upper or Central India. It is to the people of the Assam Valley that the reproach of backwardness is not infrequently applied. Mr. Fuller has found them to be intelligent, well dressed, and well mannered, and he has been much struck with the progressive ideas of some of their leading men, who have invested money in tea gardens or have in other lines found an alternative to Government service. Men with considerable means are no doubt few in number. But this may be ascribed to the restrictions that a *raiyatwari* system of settlement has imposed upon the investment of money in land. In respect to the inhabitants of the Surma Valley, there is even less ground for an opinion that they lag behind the generality of Indian peoples. Educational statistics show that, population for population, twice as many children are at school in the plains districts of Assam as in the United Provinces or in the Punjab, and very many more than in the Central Provinces. Schooling is generally more popular in the Brahmaputra Valley than in Sylhet; but the numbers attending school in Sylhet are only 20 per cent. less than in Bengal, and are much larger than in the Patna Division of Bengal. Moreover, if we turn to the spread of English education as indicated by matriculating at a University, this province can show better results; for its population, than either the United Provinces or the Central Provinces. In its local press—with three English and seven vernacular newspapers—Assam is certainly not behind Upper and Central India, though it, without doubt, falls short of Bengal. The country is very well supplied with embanked cart roads, the aggregate length of which is nearly 4,700 miles (in addition to over 3,000 miles of hill bridle path), and from what the Chief Commissioner can learn it seems doubtful whether districts such as Mymensingh, Tipperah, or Noakhali can exhibit, proportionately, so large an expenditure upon public works. Local affairs are administered by Local Boards which exhibit quite as much useful vitality in the discharge of their duties as those of which Mr. Fuller has had experience elsewhere. The towns are managed by Municipal Committees, and in some cases their members have taken the opportunity of their office to render most useful public services. Briefly, Mr. Fuller can only find two respects in which this province is really "backward." In the first place, its urban population is very small. But the absence of towns is a well-known feature of all Eastern Bengal, and in this respect Assam loses nothing by comparison with adjacent Bengal districts. In the second place it does not spend so largely upon litigation as is the practice across the border. Civil litigation in the Brahmaputra Valley districts is certainly unimportant. But the annual returns show that in these districts, for their population, cases are and not much less numerous than in Behar. In Sylhet, the people litigate much more freely, and a tendency to speculate upon the decisions of Courts of law is growing so rapidly as to have attracted the regretful notice of the local press. Fewer suits are instituted than in the adjacent districts of Bengal, but their number closely approximates to the average for Bengal as a whole. But if in respect to civil litigation Assam can maintain some comparison with other Indian provinces, the pettiness of its criminal business is beyond doubt. In the Brahmaputra Valley, especially, the amount of crime is quite insignificant. The union would not of course involve any change whatever in the law and procedure of the Chittagong Division. The law would be administered and the business of Government would be carried on by precisely the same class of officers as are employed in the discharge of these functions at present. Mr. Fuller would extend to the districts of the Chittagong Division the rule which now excludes military and uncovenanted officers from holding, in the Sylhet district, posts the tenure of which in Bengal is confined to members of the Indian Civil Service. The jurisdiction of the High Court would remain unaffected. In superior revenue administration a Chief Commissioner would be substituted for the Board of Revenue. It must be conceded that a Chief Commissioner might possess less revenue experience than a member of the

Board of Revenue. But this would not invariably be the case. The Chief Commissioner would certainly spend a portion of each year in the Chittagong Division; and it need not be assumed that he would be unable to obtain a grasp of the local revenue system, especially as some of its leading features are not dissimilar to those which are met with in Sylhet. A more difficult question is that connected with future legislation for the united districts. The laws of Assam are made by the executive authority of the Government of India. It would seem unfair to subject the people of Chittagong to a change in the present procedure, under which their laws are made in Legislative Council: but the Chief Commissioner sees no objection to the transfer of legislative authority over the plains districts of Assam from the Executive to the Legislative Council of the Government of India. Indeed, he is, on general grounds, unconnected with the proposed redistribution of territory, disposed to advocate this reform. There is no apparent reason why the people of Assam should be denied the benefit of having alterations in their law discussed in Council and examined and criticised in Select Committee. If this course be followed, the only change which would be suffered by the people of Chittagong would be that their laws would be made in the Imperial Legislative Council instead of in the Legislative Council of Bengal, and the Chief Commissioner hopes that in these circumstances the Government of India would accord to it the privilege which is enjoyed by the Central Provinces of sending a representative to the Imperial Legislative Council. The population of the Province, including Chittagong, would very nearly equal that of the Central Provinces as it stood before their limits were extended over the Berars. This concession would compensate the people of Chittagong for the loss of its "fractional interests in the Bengal Council." Of the Indian gentlemen of the Surma Valley who have been consulted one is in favour of the union; the other is opposed to it, but his objections are directed with more force against the inclusion of Dacca and Mymensingh in the scheme of redistribution than to the incorporation of Chittagong. The representatives of the Assam Valley are apprehensive that in a larger province the particular interests of their class may receive less attention. But their fears mainly arise from the prospect of the union including the districts of Dacca and Mymensingh; and the results of Mr. Fuller's personal enquiries give good grounds for the opinion that a scheme which is limited to the union of Chittagong with Assam would have many local interests in its favour and none at all strongly opposed to it. I am now to turn to the larger scheme, that under which the districts of Dacca and Mymensingh would be included in the union, as well as those of the Chittagong Division. These two districts contain over six and a half million souls, and their inclusion would have the effect of nearly trebling the existing population of this Province. But there is no reason to apprehend that, so extended, the Province would be beyond the capacity of a Local Administration, though a material increase in the headquarter's staff would of course be necessary. It is no doubt in the interests of good government that the new province should be sufficiently extensive and important to be self-contained and to support services of its own: and the people gain some substantial advantages from citizenship that extends over a good-sized territory. In Dacca the new Administration would find a capital with a historical name and much present importance. The tea industry would continue to be its most important commercial interest: but it would be also very largely concerned with the trade in jute. Regarding, however, the question from the point of view of the people of the existing province of Assam—and Mr. Fuller is bound to represent their interests—the inclusion of Dacca and Mymensingh is open to some objection, and Indian public opinion in the Assam Valley is greatly opposed to the project. The town of Dacca is difficult of access from the Assam Valley, and no development of railway communications which is in present contemplation seems likely to bring Dacca as near to it as Shillong is at present. There is no community of feeling between the Assamese and the people of these districts,—indeed, it is hardly too much to say that they are strongly antipathetic. For many years the Government service in Assam has been almost monopolised by immigrants from Dacca and Mymensingh, who generally have drawn

their income from the province but have not made their home in it, and the people of Assam are only now beginning to gather a substantial share of the loaves and fishes of office. At the time of the creation of the province, education was very much less extended than in Bengal. The Assam Valley districts did not come under British rule until two generations after the battle of Plassey. To have limited Government employment to natives of the Province would have been injurious to the public service; and the conduct of Government affairs has been greatly advantaged by the enlistment of better qualified men from Eastern Bengal. But it is only to be expected that local feelings should be opposed to the grant to outsiders of what are rightly or wrongly, regarded to be the prizes of life, and it is possible that Assam would have advanced more rapidly than has been the case had the employment of foreigners been prohibited, on the lines that have been followed for many years past in the Central Provinces. These remarks are offered in order to explain the existence of an antagonism between Assamese and Bengali, which is at first sight inexplicable, as the Assamese indubitably owe to Bengali schoolmasters the advance they have been making of recent years in English education. As has been indicated above, this advance is satisfactory and the Assam Valley can now provide qualified candidates for almost all—if not for all—of the posts that fall vacant locally. Nevertheless, the apprehension remains that if Eastern Bengal comes under the same Administration, people from Eastern Bengal will secure more than their fair share of posts under Government, and fears have been expressed to this effect very strongly by the Assamese gentlemen whose opinions are submitted. The Chief Commissioner thinks that it would be no more than reasonable to secure to the Assamese a definite share of posts under Government, and he believes that if this course were followed Assamese and Bengalis might in time become very good friends, although the former may take some time to forget the injurious references that have recently been made to them by Bengalis who were publicly opposing the union of Eastern Bengal and Assam. There is, however, a further objection to the wide extension of the provincial boundaries, that with larger and more complicated interests to be considered it is likely that the Administration will pay less attention to the districts that now constitute Assam,—in fact, that Assam would be lost in Eastern Bengal. This apprehension is entertained very strongly by the Assamese gentlemen who have been consulted, whose opinions on the point possess some special interest in the stress they lay on the benefits which the people of this province owe to the separation of their country from Bengal some thirty years ago. It is some answer to this objection that the popularity of the Assam Valley districts will secure them against neglect, and that the new province would certainly not be so large that individual districts would be lost within it. But it is of course improbable that with a much larger province to administer, the Chief Commissioner will give as much personal attention to Assam proper as it receives at present, and a similar consideration has influenced the local opinion of the Surma Valley against the larger scheme of redistribution. Generally, then, the larger scheme of redistribution would not appear to be materially disadvantageous to the interests of Assam, though it is the case that, in these interests, the union of this Province with Dacca and Mymensingh is certainly not so desirable as its union with Chittagong. It does not lie with this Administration to discuss in detail the effect of the change on the people of these districts of Bengal. But it may be permissible to observe that Chittagong seems likely to benefit materially from it much more largely than Dacca, while suffering less than Dacca in change of association and in matters which are the subject of sentimental considerations. Reference has been made incidentally above to the great benefit which would accrue to this province from an arrangement that would enable it to maintain separate services of its own. At present, as regards the civilian members of its Commission, its Commissioned Medical Officers and its District Superintendents of Police, it is manned by loan from Bengal on terms which appear to have been unnecessarily disadvantageous to its interests. The practice has been that on vacancies occurring in Assam the Bengal Government nominates to them, but without reference

to this Administration; the nominees are at liberty to return to Bengal after five years' service in this province: on the other hand, it has not been open to this Administration to revert officers compulsorily to Bengal at any time in their service. By the reversion of officers to Bengal, Assam has constantly been sustaining a loss of much useful experience, and those who prolong their sojourn have always the chance of reversion before them, and can hardly be expected to take as much interest in the province and in the people as if Assam was their official home. Mr. Fuller thinks it right, however, to add that this apprehension has been very commonly belied, and that a number of the officers that have migrated from Bengal have thoroughly identified themselves with this province and with its interests, and have, indeed, regarded with some distaste the possibility of returning to their former province. Those who have reverted have, generally, been impelled by the prospect of pecuniary loss; and the majority of officers now serving in Assam have no desire to leave the province so long as it offers them pay and appointments on the Bengal scale. Assam is sometimes regarded as so remote, unhealthy, and unpopular as to be, in fact, a penal settlement. Mr. Fuller believes this view to be incorrect. However distant the plains districts of Assam may have been in the past, the Assam-Bengal Railway has brought most of them within a day or two of Calcutta. The climate is decidedly less feverish than that of the Central Provinces, and is, for an Indian climate, by no means unfavourable to Europeans. A large European society offers amenities which are lacking in most Indian districts. The people of the country are pleasant to deal with, and the work is generally more diversified than that which falls to the lot of a Bengal official. Apart from the chances of dealing with frontier tribes, the temporary land revenue settlement, and the connection of Government with the tea industry provides interests which are lacking in the older province, and the dealings of officers with the managers of tea gardens afford special opportunities for the exercise of tact and firmness. Assistant Commissioners in charge of subdivisions profit greatly by being invested with much wider executive functions than they enjoy in Bengal, and, judging from the career in Bengal of officers who have had Assam experience, it appears that the advantages of this training are fully appreciated. These explanations are submitted in order to show that there is nothing in the conditions of Assam which should render it a hardship to localise its services, except the existing lack of suitable prospects. The union of Assam with the Chittagong Division and with the districts of Dacca and Mymensingh would create a province of 18 district charges, seven Judgeships, and three Commissionerships. The population would be very much larger than that of the Central Provinces as they stood before the addition of the Berars. But the cadre of superior executive appointments would lack a Judicial Commissionership and a fourth Commissionership to be equal to the Central Provinces standard. It would, however, suffice, no doubt, for the constitution of a separate service. But the position is complicated by the inclusion in the Assam Commission of nine military officers—generally of good ability—most of whom are in its higher grades, none of whom can be expected to retire for another ten years, and some of whom will not retire for 15 years. Not only will these officers enjoy a practical monopoly of some of the most popular districts, they will block promotion for many years to come; and it would be unfair to bind down to Assam any but the most junior of the civilian members of the Commission unless some special concessions are granted them. But, however this may be, with the wider prospects offered by a larger province, there will be less temptation to revert to Bengal; and this result, it may be remarked, will be secured, though in a less degree, if the union extends to the Chittagong Division only. A reference may be permitted to a still larger scheme which was outlined by His Excellency the Viceroy in the course of speeches recently delivered by him at Dacca and Mymensingh. It is suggested that Assam should be united not merely to Chittagong and to districts lying on this side of the main stream of the Brahmaputra but to the greater portion of Eastern Bengal, the union resulting in the creation of a Lieutenant-Governorship with, it is presumed, a Legislative

Council. The considerations which apply to this proposal chiefly affect the interests of Bengal, and it does not seem fitting that Mr. Fuller should discuss them in detail. It seems probable that the districts of Eastern Bengal would profit very materially from an arrangement which would bring them into some prominence, and would secure them more attention than they receive at present, although severance from Calcutta will probably be very distasteful to them. From the Assam point of view, I am to remark that many of the Eastern Bengal districts which would fall into the new province are exceedingly unpopular, and have for some time past been administered by the Government of Bengal with little or no European agency. This remark also applies of course to such districts as Mymensingh and Noakhali. These districts are, however, balanced by Chittagong and Dacca, whereas the country beyond the main stream of the Brahmaputra does not contain (except, perhaps, Serajganj) a single station in any degree desirable. But I am to observe that, so far as the people of this province are concerned, opposition to so extensive a change is likely to be conciliated by the prospect of the establishment of a Legislative Council. And undoubtedly a Lieutenant-Governorship is a more popular form of Government than a Chief Commissionership—not, in Mr. Fuller's opinion, because it is, generally, more effective for good, but because it is considered to reflect more dignity upon those who are connected with it. Lastly, I am to urge respectfully that, whatever be the scheme finally adopted, the name of Assam may not be abolished from the title of the province. The Chief Commissioner quite agrees with the strong opinions expressed by the Tea Association on this point. It is not too much to say that the name of Assam is known throughout the world, and that it has gained a much wider currency than most other terms of Indian geography. I am to suggest that the title of "Dacca and Assam" would be suitable, even if the new province extends over Eastern Bengal.

Annexure 1.

Letter dated Gauripur, the 15th February, 1904, from Raja Prabhat Chandra Barua, President, Assam Association, Gauripur.

With reference to your letter No. 32For.—62-74P., dated Shillong, the 8th January, 1904, asking me to offer my suggestion and comments as President of the Assam Association from the Assam point of view on the subject of the proposed extension of the territorial jurisdiction of Assam, I beg to submit herewith the full proceedings of the meeting held on the 14th February, 1904, at Gauripur, for your kind perusal and information.

I beg to add here also that the resolutions I submit herewith are in conformity with those of its Branch Associations at different places of Assam, which had been duly invited to submit their opinion.

Annexure 2.

Proceedings of the meeting of the Assam Association held on the 14th February, 1904.

A public meeting of the "Assam Association" was held this evening, the 14th February, 1904, to discuss and consider on the subject of the desirability or otherwise of the expansion of the territorial jurisdiction of Assam by incorporating with her certain districts of East Bengal as proposed by the Government of India, whereon the President of the said Association was asked by the Chief Commissioner of Assam, in his letter No. 32For.—62-74P., date the 8th January, 1904, to submit his opinion from the Assam point of view. The meeting was thoroughly represented by all sections and classes of people, among whom the following gentlemen of note were present:—

- Srijut Raja Prabhat Chandra Barua, of Gauripur, President.
- „ Abhaya Nath Chakarbutty, Assistant Secretary.
- „ Amrita Bhosan Adhikery, Joint Secretary.

Babu Dijesh Chandra Chakarbutty, M.A., B.L.
 „ Jogendra Nath Dutta, B.A.
 „ Tarini Sankar Majumdar, B.A.
 „ Ishan Chandra Roy.
 „ Damodar Dutta Choudhury.
 „ Har Kumar Gupta.
 Srijut Satish Chandra Barua.
 „ Purna Narain Barua.
 „ Rudra Kanta Barua.
 „ Jadab Chandra Chakarbutty.
 „ Nityananda Majumdar.
 Munshi Ayenal Hawk Ahammad.
 „ Abdul Gani Ahammad.

The President on opening the meeting asked the Secretary to read out the Proceedings of the last meeting, which having been read out by Srijut Amrita Bhosan Adhikery, Joint Secretary, Mr. Risley's letter was placed for the public discussion. Srijut Abhaya Nath Chakarbutty, Assistant Secretary, read out the letter and explained its objects very concisely both in English and Bengali, after which an elaborate discussion followed regarding the advantages and disadvantages of Assam of the proposed territorial changes from Assam point of view. The resolutions of the meetings of the several Branch Associations held at different places, viz., (1) Goalpara, (2) Barpeta, (3) Gauhati, (4) Tezpur, (5) Nowgong, (6) Golaghat, (7) Dibrugarh, were also read before the meeting. And with reference to, and in conformity with, the majority of these resolutions, the following resolutions were unanimously adopted:—

Resolutions.

- (1) That the Association is of opinion that, even in the event of the proposed changes taking place, the new province thus constituted cannot have a self-contained Civil Service which will attract its members, and that the Association is at one with the arguments advanced by Sir Henry Cotton, the late Chief Commissioner of Assam, in his official minute of the year 1897 on the subject of annexation of Chittagong Division to Assam.
- (2) That the Division of Chittagong need not be added to Assam to give the province a port, inasmuch as the improved means of communication between Assam and Chittagong is offering her the same advantages whether Chittagong is within the province or not.
- (3) That the meeting is of opinion that the Bengal form of administration is too highly developed, too legalised, and too impersonal for such a backward province as Assam, and it apprehends that the cause of Assam and the interest of her people will greatly suffer if the highly-advanced districts of Dacca and Mymensingh be annexed at present to her territorial jurisdiction when her people has not attained to such a position as to stand without the protection, special privileges, and parental care of the Government.
- (4) That the meeting apprehends that by the proposed territorial change the historic name of Assam will be obliterated for ever, her language suffer, and the removal of the seat of Government to a place outside Assam proper and further away from the geographical centre will necessarily make her lose the amount of care and attention which it at present receives from the Government.

Amongst the Branch Associations, the Dibrugarh Branch suggested that Chittagong may be added to the advantage of Assam, and in the meeting at Gauripur it was suggested that, if territorial redistribution is necessary at all for the efficient form of Government in Assam and to lighten the excessive burden of Bengal Government, it may be better effected by annexing Rangpur, Kuch Behar, Jalpaiguri, and some parts of Bogra district to Assam, as the inhabitants of those places are identical in race, religion, and language with those of Lower Assam, which is contiguous to them.

With regard to the latter, it was resolved that the above two suggestions be circulated to all the District Associations for their opinion, and that the matter may be brought forward in a meeting, the date of which to be fixed later on, after the replies from the branches received.

Annexure 3.

Letter dated Jorhat, the 10th February, 1904, from Rai Jagannath Barua, Bahadur, President, Jorhat Sarbajanik Sabha.

I have the honour to acknowledge, with thanks, the receipt of your letter of the 8th January, asking for an expression of opinion of the Sabha on the proposed territorial changes.

The Jorhat Sarbajanik Sabha have, in a general meeting, carefully considered the proposals, and I desire, on behalf of the Sabha, to make the following observations.

The province of Assam proper, before her separation from Bengal, occupied a most distant corner of the territories of the Bengal Government, when the supervision from the seat of Government was necessarily of a most nominal character, and the interest taken for the improvement and development of the province was markedly inadequate. To remedy this state of things a Chief Commissionership was formed in 1874, with the view that the seat of government being in Assam proper, a close supervision could be exercised, and all means for improving the backward condition of the province would be adopted with an intimate knowledge of the local conditions. As Assam proper was too small an administrative unit, the two districts of Sylhet and Cachar having great deal of similarity were brought in, as they lay in the immediate neighbourhood. The Chief Commissionership has been in existence exactly 30 years, and the whole attention of the Local Government has been bestowed on the affairs of the province. It must be thankfully acknowledged that great improvement has been effected in communications, in education, in cultivation, and in various other ways; but great deal yet remains to be done to remove the application of the word "backward," which has been constantly used by our friends in Bengal, and even rightly by Government. Assam came into the hands of the British Government in 1826, and she was almost neglected for fifty years, and now, when the Local Government has settled into working order and has taken her fairly in hand, and when its undivided attention is still necessary to help her and to bring her on to the level of her sister provinces, it is proposed to extend the territories and bring in other highly-educated and advanced districts. The result will be that Assam proper will secure only a small fraction of the Chief Commissioner's attention, his very seat will be removed, and the people will have to meet a keen and unequal competition of highly educated, enterprising, and advantageously-situated districts, while they are not yet prepared for the same. In fact, Assam will most likely share so much attention of the proposed new Local Government as she did of Bengal Government in the olden days. The Government of India point out three advantages. First, the Assam-Bengal Railway, being in the territories of one Administration, will open up the province and contribute towards her development. This Railway is under one management, and whether it goes through the territories of one Local Government or two, it will do its inevitable work in industrial and commercial development. The Assam-Bengal Railway will take down tea and bring up imported and local goods without in any way being affected on account of passing through the districts of one or two Local Governments. We have never heard of the East Indian Railway suffering anything or failing to do useful service owing to the fact of its passing through the territories of four Local Governments. The second advantage pointed out is that the Civil Service will be a complete service and will require no help from Bengal. The system which has been hitherto followed, at least since the equalisation of salaries with those of Bengal officers, has almost stopped the return of Assam officers to Bengal, and even if the proposed additions are made, it is doubtful whether a self-contained service can be formed without, in the same way, borrowing officers from Bengal, and that probably on a larger scale than before. The third advantage is said to be that Chittagong, as a port, being the natural outlet for Assam and East Bengal, a separate Local Government will take more interest in its development and progress. The Sabha would humbly submit that the improvement and advancement of ports do not mainly depend upon the interest felt by a Government as they do upon the increase of traffic brought by improved communications; and as these have been already completed, the growth and development of the port are a matter of course and will come on under any Local Government. The port of Karachi is an example in this respect and is progressing despite all the jealousy in Bombay. So these advantages, the Sabha would venture to say, do not appear to be real or of a solid character.

There is, however, no doubt that the Bengal Government has to administer the affairs of 74 millions of people, and it is desirable, if practicable, to lighten the burden. To do this, the Hindi-speaking province of Behar may be joined with United Provinces, but if this makes the United Provinces almost as large and as heavy as Bengal, the best way to meet the difficulty is to add Orissa, the Ganjam district, and all the Uriya-speaking tracts, together with Chota Nagpur, to Central Provinces. In that case Central Provinces will have to deal with people speaking two languages, Hindi and Uriya, while Bengal will have to do with two, namely, Bengali and Hindi. The Government of India appear to attach great importance in not separating Orissa from Bengal, on the fact that the former has been associated

with the latter for a century, although Orissa speaks a different language, and she is to some extent ethnologically different from Bengal. The Chittagong and Dacca Divisions are integral portions of Bengal proper from time immemorial and have been so treated ever since British Government has been established. In race and language they are intimately connected with the main portion of Bengal. Besides, the people are strongly opposed to their separation. We would venture to suggest that Chota Nagpur, Orissa, and all the Uriya-speaking districts be added to Central Provinces. It will reduce the population of Bengal by about 10 millions—very nearly what the present proposals contemplate. Moreover, to unite under one Administration all the Uriya-speaking people will bring in nearly 9 millions more population to Central Provinces, and the entire population in Central Provinces will then amount to about 22 millions in British territory.

If this humble suggestion is adopted, no disturbance in Bengal proper is necessary. Bengal can give up Behar or Orissa, but she rightly objects to lose a portion of her homogeneous territory. When the Government of India do not propose to separate Orissa from Bengal owing to a political association with Bengal for a century, there is certainly very much less ground for cutting up Bengal proper into two portions, the people of both portions having been not only politically associated from the earliest historical times, and also forming one people both by language and race. The Sabha would also beg leave to draw the attention of Government to the suggestion already made in various quarters that the heavy work done by the Lieutenant-Governor may be very much lightened by providing him with an Executive Council. This, together with the reduction of 10 millions of population above indicated, will bring permanent relief to the Bengal Government.

If, however, the Government are determined to add the Chittagong Division to Assam, the Jorhat Sarbajanik Sabha would most respectfully urge that the name "Assam" should be retained for the new province. It would be highly inconvenient and inexpedient to apply a non-territorial and fictitious name, such as Eastern Provinces or North-Eastern Provinces, which none but the educated few will understand or make use of. It does not appear to the Sabha how the well-known and easily-pronounced name "Assam" may tend to lower the status or the civilization of any people. It is well known that Bombay is the name of a small island, and it has given its name to the Presidency. Having given the name to a Provincial Government for thirty years we shall be heartily sorry to have the name set aside for an unreal and fictitious appellation. The system of government and of judicial administration cannot be lowered by retaining the name, and they will go on in their usual style with any name. The second point to which the Sabha would particularly draw the attention of Government is that, in case of the addition of the above division being made, all the inferior appointments in Assam proper should be entirely reserved to the Assamese, and at least about 75 per cent. of the superior appointments be likewise reserved to the Assamese. This provision is necessary in the interest of the Assamese, who have, for obvious reasons and lack of facilities, not yet come up to the level of people in advanced districts of Bengal and who for the above reasons still require a little paternal care and special treatment.

As regards the addition to Assam of the districts of Dacca and Mymensingh, the people there are likewise vehemently opposed to such a measure, and the Jorhat Sarbajanik Sabha also believe that they represent the feeling of the Assam people when they say that they are also equally opposed to such an addition. When the question of recognising the Assamese language was under consideration and when the appointments in the services of Assam are claimed by Bengalis, it was argued all along that the two languages were one and the two people were one, but now, when the question of uniting a portion of Bengal with Assam has arisen, the Assamese language is declared to be an entirely different language and the Assamese people are relegated to the level of Lushais and other hill tribes. Such being the feeling on both sides, it is earnestly hoped that Government may be pleased to recognise this state of things and make no addition of territories to Assam, and the Jorhat Sarbajanik Sabha would respectfully submit that it will not be sound statesmanship to disregard the strong public feeling on this subject.

Annexure 4.

Note by Srijut Manik Chandra Barua, dated Gauhati, the 27th February, 1904, on the question of the proposed amalgamation of Assam with a portion of Bengal.

The question of the amalgamation of Assam with a portion of Bengal, which has so much convulsed the minds of the people of Bengal, has also caused some agitation here. The territorial re-distribution based upon administrative convenience is a matter which Government alone can decide. But the public have, we believe, a right to say whether the change contemplated will interfere with their cherished rights and privileges and thus place them at a disadvantage. Ample and exhaustive representations have been made by our Bengali friends on the subject, and to which it will, we think, be both superfluous and impertinent for us to allude. But there

is one argument used by them which we cannot pass unnoticed. It so revolts against all common sense, and it so infringes every canon of decorum, that we wonder that it should have been used by people foremost in intelligence and civilization, and who profess to be the leaders of such a grand movement as the Congress. Indeed, it is impossible to conceive an argument more selfish, more narrow-minded, more dishonourable, or more dishonest. What do our Bengali friends mean by saying that Assam is a backward province, the people are not enlightened, and therefore they do not like to be mixed up with the savages? Do they not remember that, about 30 years ago, Assam was a part and parcel of Bengal, and that it was under the same Lieutenant-Governor? Do they not also remember that when that high-minded ruler, Sir George Campbell, introduced "Assamese," the language of the people of Assam, into Assam, a hue and cry was raised by the Bengalees, saying that "Assamese" was not a language, and that it was a mere jargon of Bengali, and do they not now, in the same breath, say that "Assamese" is quite a separate language? Did they not also say, which they now deny, that in manners and customs the people of Assam did not differ from those of Bengal and that the object of Government was only to "divide and rule"? Did not the "Hindu Patriot" exclaim the Assamese language as the "Assam Bengali," and did not the "Amrita Bazar Patrika" write long leaders denouncing what Sir George Campbell had done? Was not Maharaja Sir Jotindro Mohon Tagore, K.C.S.I., a class friend of the late Anadoram Dhekial Phukan, and was not the Maharaja all admiration for the sterling qualities of head and heart of Mr. Phukan? Did not that highly-distinguished officer, General Henry Hopkinson, C.S.I., who was not very friendly towards the Assamese, declare that this Assamese genius—Anondoram Dhekial Phukan—was a more extraordinary man than even Rammohun Roy? Has the Civil Service been able to produce a greater scholar than the late Anodoram Borooah? But it is convenient now to forget all these things, as it is easy for a witness in a court of justice to say that his memory has failed when it is not convenient for him to answer a question. We have, however, such implicit faith in the impartiality and generosity of our benign Government, that we are sure that it cannot for a moment countenance such an argument. Is it not practically saying this—that because the Assamese are backward, let them remain so, and let them be trodden down by their more-advanced neighbours?

The use of such a monstrous argument has led us seriously to consider what steps we should take to protect ourselves, and to see whether the amalgamation will completely swamp us and deprive us of those special concessions and privileges which the paternal Government has so long been kind enough to confer on us. This necessarily takes us back to the consideration of the question why Assam was separated from Bengal in 1874. It was no doubt owing to the fact that the province had not received that amount of attention from the Governor which was necessary for the proper development of the province and the progress of the people. It is quite true that the first Chief Commissioner, Colonel Keatinge, with Mr. Luttmann-Johnson as the Secretary, abolished the only second grade College (then called a high school) at Gauhati; but one of his distinguished successors, namely, Sir Henry Cotton, restored it with much better provisions, both for its maintenance and for the convenience of the students. On the other hand, the opening of the daily steamer service, the despatch service, the Assam-Bengal Railway, the Dibrugarh-Sadiya Railway, the Jorhat State Railway, the Tezpur-Balipara Tramway, the construction of the Dhubri-Gauhati Railway, and the improvement of the other means of communication generally have marked an era of progress and prosperity in the province. All kinds of education have been greatly encouraged; very liberal and special grants have been made towards the same. The representative institutions, viz., the Municipalities and the Local Boards, have been the means of teaching people self-help and self-government. The revenue administration has received a kind, considerate, and sympathetic attention from the present far-sighted ruler. Opportunities have frequently been given to the people to approach their Governor to represent matters of public interest or their grievances. A fair share of Government appointments (though still not quite adequate) has been given to the children of the soil. "Assamese" has been recognised as a second language in the Calcutta University Entrance Examination. These are only some of the chief advantages that have accrued to the province by its separation from Bengal. But we must remember that only a beginning, and in some cases a small beginning, has been made, and much still remains to be done. The great problem of working out the potential assets of the province, by adopting means to reclaim the vast areas of uncultivated waste land, with a view to making her more an exporting than an importing country, and to placing the tea industry on a firm footing by the supply of cheap local labour, has not had a trial. The excellent circular regarding the preference to be given to the Assamese in all appointments in the province, which if carried into effect, will secure to the people almost all they want, has only lately been issued, and it remains to be seen how the several District Officers take up the matter. The vexed question regarding the status of the domiciled people has not yet been settled; nor any proper definition of the term "domiciled" has been given. Unless this is satisfactorily done, they cannot be classed with the indigenous people and treated as such. To mature and complete the projects will, we fear, require half a century more. But to take the province back and thrust it on Bengal so soon will bring its progress to a standstill, and nullify the good that has been derived owing to its having received increased and undivided attention at the hands of the Chief Commissioner. If, however, adequate provision can be made by the Government (which no doubt they

can easily do) to secure to the people the following concessions and advantages, it is quite immaterial to them whether they are under a Chief Commissioner or a Lieutenant-Governor or a Governor:—

- (1) That 80 per cent. of the appointments in the Provincial Civil Service, the Subordinate Executive Service, the Ministerial Service, the Police and the Education Departments (all Inspecting Officers, *i.e.*, Deputy Inspectors and Sub-Inspectors and all teachers below the second in the high schools should be Assamese) be exclusively reserved for and given only to the indigenous people to the exclusion of the foreign element, including the domiciled people.
- (2) That facilities be given to the indigenous people to enter, in large numbers, the Forest Department, the Postal Department, the Telegraph Department, and the several railways in the province.
- (3) That in the six Valley districts, the Vice-Chairman in the Municipalities and Local Boards be either Assamese or European gentlemen, and the Overseers, Accountants, and other servants and as well as the contractors, be, as far as possible, Assamese.
- (4) That the second-grade College at Gauhati be raised to a first-grade one, with a law class attached to it, that the present liberal scale of scholarships be maintained, and that a better hostel be secured.
- (5) That the spread of education be liberally encouraged, and that inducement be offered to authors to write good books in Assamese.
- (6) That the people should not be deprived of the privileges of the control of the Calcutta High Court.
- (7) That Military Officers in civil employ be not only retained in the province, but placed on the same footing with that of their civilian brethren.
- (8) That whenever any member is required to be sent from Assam to the Vice-regal Council, a competent Assamese be selected for the purpose.
- (9) That in the event of a Local Council being constituted, Assam proper should be fairly represented in it.
- (10) That a first-grade Judge (instead of a second-grade one, as is the case now) be entertained, that his jurisdiction be extended to the Mikir Hills and Shillong; that all sessions cases, including those that were tried before by the Deputy Commissioners under the special powers, be tried, as now, by jury, and that two Subordinate Judges be appointed for the province.
- (11) That the District Superintendents of Police be abolished and that the Deputy Commissioners be placed in charge of the same.

The following utterances made by His Excellency the Viceroy, in his speech at Mymensingh, have, however, thrown us into deep anxiety and alarm, and we would, therefore, implore our benign ruler to adopt adequate and timely means for our safety, so that we may live as a nation, speaking our own language and doing our work in the province. If the Assamese could remain as a nation from the earliest period of the British rule down to the year 1874, *i.e.*, for nearly half a century, when the province was under the Lieutenant-Governor of Bengal, surely they can, with better reason, stand so now: the only encouragement and support they require is the fostering care, attention, and help from the paternal Government. Generally speaking, the Muhammadans are in a minority, and how they have prospered and advanced under the British rule?

* * * * *

“Probability would seem to point entirely in the opposite direction, and to suggest that Assamese, whether it be a dialect of Bengali or whether it be a separate language, as to which the experts appear to differ, will be the one to disappear.”

* * * * *

“For, so far from a single Bengali being taken away from his present place or town or district or division, he would remain there precisely as before, with the sole difference that the Bengal people, instead of being the predominant element in *one* Local Administration, would in future become the predominant element in *two*.”

Annexure 5.

Note by Rai Dulal Chandra Deb, Bahadur, Government Pleader and Chairman of the Municipal Committee, Sylhet, dated the 22nd March, 1904.

1. The questions referred to are—
 - (1) the desirability of transferring to this province—
 - (a) the Chittagong division;
 - (b) the districts of Dacca and Mymensingh;
 - (2) the expediency of creating a Lieutenant-Governorship with East Bengal and Assam.

2. Before I proceed to discuss these points I consider it necessary to say a few words on certain broad propositions of facts which are intimately connected with the subject. These propositions are as follows:—

- (i) The separation of Assam from Bengal in 1874 was not due to any excess work of which the Government of Bengal was to be relieved, but to the expediency of creating therewith a new province for the development of its material resources and for the material and intellectual improvement of its people. Any territorial additions that may serve as an auxiliary to the furtherance of this grand object may be acceptable to it, but if they tend to impede or interfere with it, they cannot be accepted as welcome consistently with the primary object of its constitution.
- (ii) The essentials in the formation of a unit of administration are the unity of interests and the unity of manners and customs of the people representing it, but a diversity of interests begets a multiplicity of administrative difficulties and retards its progress and improvements.
- (iii) The smaller the area of a unit is, the more effective is its administration. Hence all measures and reforms undertaken in a smaller province are more speedily carried out than those undertaken in a comparatively large province.

3. Judging by these axioms or propositions, I beg to submit that Chittagong Division, if added to Assam, may always act as an auxiliary to the development of its material resources. The Assam-Bengal Railway line which runs through Assam and Chittagong Division connects this province with the Chittagong port. It is this port through which this province can carry on its trade with foreign countries, and so its resources are likely to receive a fresh impetus to their development if the said port acts in harmony with its requirements. In these circumstances, it is desirable that the whole of the Chittagong Division should be added to Assam, so that the Chittagong port may be placed under the Administration of this province.

4. The districts of Dacca and Mymensingh, on the other hand, have nothing in them which can help the development of the resources of this province, and so they cannot consistently with the primary object of its constitution be incorporated with it. It might be contended that the annexation of the Chittagong Division will tend to import into this province the same Code of Law, both civil and revenue, under which the administration of these two districts is carried on in Bengal, and so there can exist no reasonable objection to their transfer to Assam, but I think that although there may exist a common Code of Law, there are other circumstances which differentiate the districts of Dacca and Mymensingh from the Chittagong Division. The points of differences may be described as follows:—

- I. Dacca and Mymensingh are not so connected by means of communication with this province as the Chittagong Division is. There is no railway communication between these two districts and Assam and the great river Megna separates them from the greater part of this province. These two districts cannot, therefore, conveniently form a part of Assam Administration.
- II. Education is more highly advanced in the districts of Dacca and Mymensingh than it is in the Chittagong Division and the Surma Valley. It is in these two districts that graduates and undergraduates may be counted by hundreds and more than hundreds. In case of their incorporation with Assam, the whole province will be over-flooded with the Dacca graduates and undergraduates, and the appointments at the disposal of this Administration will be more than insufficient to meet their demand. It will then be absolutely impossible to maintain the equilibrium in the disposal of Government appointments, and the result will be that the educated natives of Assam will fall in the background in this respect.
- III. The educated people of Dacca and Mymensingh hold an intermediate position between the landlords and the cultivating tenants. They depend entirely on Government service and different professions for their livelihood. The Bengal Government, with a very large number of appointments at its disposal, could not supply all their wants, and so it will be impossible for the Assam Administration, with a limited number of appointments at its disposal, to meet all their demands and keep them content. In my opinion the Assam Administration cannot conveniently govern a district where the bulk of the middle class people mean to live on Government service.
- IV. In a social point of view it is not desirable that the people of Dacca and Mymensingh should be placed under the Administration of this province inasmuch as they look down upon the people on the east of the river Megna as the aborigines of India. Such discordant elements, if placed side by side with each other, are not likely to work well and friction is likely to be the result. The Government will frequently meet with the difficulty to deal with them in the administration of the province.

V. One of the reasons assigned for the incorporation of the Chittagong Division and the districts of Dacca and Mymensingh with Assam is to organise a self-contained and independent service for this province. I do not think it impossible to organise such a service if it be meant for the Executive branch only, but as for the Judicial branch, it is not possible that such an independent service can be organised with a total number of Judicial officers consisting of eight District and Sessions Judges only. A service which may most probably be represented by not more than one first-grade District and Sessions Judge cannot attract men of ability and superior culture, and I do not think that the proposed territorial expansion, if carried out, will serve to create a self-contained and independent Judicial service of its own.

5. The formation of a Lieutenant-Governorship with Assam and East Bengal will no doubt enlarge the unit of Administration, and its administration cannot, therefore, be so effective as it ought to be in order to adapt itself to the present circumstances of the province. I am, therefore, of opinion that time has not yet come to confer on this province the same form of administration that is concomitant to a Lieutenant-Governorship.

6. For the reasons stated above, I am of opinion that—

- (a) the Chittagong Division should be annexed to Assam;
- (b) the districts of Dacca and Mymensingh should not be incorporated with it;
- (c) time has not yet come to form Assam and East Bengal into a Lieutenant-Governorship.

Annexure 6.

Note dated the 31st March, 1904, by Babu Kamini Kumar Chanda, Pleader and Vice-Chairman, Municipal Committee, Silchar.

The districts of Sylhet and Cachar were transferred to Assam in 1874. The people of these districts were strongly opposed to it. In the opinion of the educated community separation from Bengal has during these 30 years deprived these districts of larger life, and of participation in general progress and culture, of Bengal. They are also unable to enjoy rights and privileges which have now from time to time been secured to Bengal. It is hardly necessary to enumerate them here, but there can be no question that Sylhet and Cachar, along with the other parts of Assam, are denied privileges and advantages which people in Bengal enjoy. In social matters, too, while the eastern districts of the province have come closer to the western and more advanced districts through intimate relations, political, administrative, and commercial with Calcutta, Sylhet and Cachar continue to be as isolated as ever.

2. But in spite of these serious drawbacks, we have become content with our present position, owing to the special and compensating advantages we enjoy in the matter of education and public service and some other matters probably, as compared to what we might have possibly enjoyed had we continued to be in Bengal. These special advantages are unquestionably due to the smallness of the area of Assam, which also makes it possible for the head of the Administration to be in touch with the leaders of public opinion and of the people in the province, and without which, in the absence of the more perfected machineries of Administration existing in Bengal or Bombay, the Assam Government would be considerably weaker than what it now is. From this, it follows that the distinctive features of Assam will, in my humble judgment, disappear if the area and the population under the Administration are increased. The transfer of other districts to Assam will also deprive us of the special advantages which are looked upon as compensation for the loss we have sustained by being cut off from Bengal. The proposed addition of Bengal districts to Assam would therefore take away the chief source of its strength and would probably require very comprehensive changes in the Administrative machinery involving heavy expenditure which the province will be unable to bear.

3. Assam, even as it is at present constituted, contains communities of very conflicting interests. "There is probably no Local Government," as the Honourable High Court observed in their minute of 30th June, 1896, "which comprises so many heterogeneous elements as that of Assam. To say nothing of the British interest in tea, coal, railway, and other industries, the province of Assam at present contains a more varied native population than probably any other province in India." There is no doubt that the addition of the Chittagong Division will very greatly increase the already existing conflicting interests in Assam and certainly enhance administrative difficulties. I believe the differences in the dialects in the province will also become more numerous.

4. The two grounds which might be thought to weigh in favour of the proposed scheme in the consideration of Assam, namely, the desirability of having the Assam-Bengal Railway under one Administration and of having a separate port (Chittagong) for Assam, do not seem to me to be very convincing. If I mistake not, the most

important railway lines in India, namely, the East Indian Railway, the Great Indian Peninsular Railway, the North-Western Railway, the Bombay, Baroda and Central India Railway, and the Bengal-Nagpur Railway, all cover the jurisdictions of more than one Local Administration, and this fact has not, so far as my limited knowledge goes, been ever cited as in any way a grave disadvantage; while the port of Karachi, which naturally should be the port of the Punjab, is under the administration of the Bombay Government. I do not, therefore, see how the proposed transfer of the Chittagong Division can be said to be called for in the interest of Assam.

5. I would also doubt if it would be possible or desirable to create self-contained services for Assam by increasing the area in the manner proposed—even by transferring Dacca and Mymensingh: the province would, I am afraid, become less attractive for the services than it now is.

6. From the above considerations it will be seen that, in my opinion, the arguments against transferring Dacca and Mymensingh to Assam are stronger.

7. For the same reason, I am of opinion that the proposed Lieutenant-Governorship is also objectionable. Besides the considerations of cost which are too serious to be ignored it would be detrimental to the interests of the present districts of Assam, owing to the headquarters of the Government being situate in Dacca, which would naturally receive a greater portion of the attention of the head of the Administration which we now enjoy. Besides the province as proposed under the scheme would comprise a good many unhealthy and unpopular districts unrelieved by a fair proportion of attractive ones and will therefore be avoided by good officers and there will be a feeling of discontent among officers who will then be permanently posted here.

8. The Honourable the Chief Commissioner invited my opinion from the provincial point of view. My opinion is therefore necessarily based on somewhat narrow and parochial grounds, though if I were to consider it from even the viewpoint of the whole of my race and nation I would be still more strongly opposed to it.

Enclosure 5 in No. 2.

Letter from W. C. Macpherson, Esq., C.S.I., Officiating Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department, dated 6th April, 1904.

(Extract.)

I am directed to acknowledge receipt of your letter, No. 3678, dated 12th December last, on the subject of the desirability of reducing the territorial jurisdiction of the Lieutenant-Governor of Bengal, with the object of lightening the excessive burden now imposed upon that Government by the increase of population, the extension of commerce and industrial enterprise and the growing complexity of all branches of the administration. The Lieutenant-Governor does not propose to discuss at length the necessity for the reduction of the area of this province. He accepts in the fullest manner the view which forms the basis of the proposals of the Government of India, namely, that the province of Bengal, as at present constituted, is too large a territory for one Government to administer. Sir Andrew Fraser is informed that this opinion has been held by almost every one of those of his predecessors who have felt the pressure of work in recent times. His Honour has also consulted many officers and others who take an intelligent interest in the administration of the province. He finds that all those who are best entitled to be heard, concur in this opinion, which is entirely in accordance with his own experience so far as that experience goes. There is no other Local Government in India which controls so large an area or anything like the number of people that there are in Bengal; and there is nothing in the circumstances of Bengal which should make the government of that province easier than that of other provinces. There are indeed features of the government of Bengal which make it more difficult to administer than would be the case with another province of even the same area and population. Thus, for example, the special position of the Lieutenant-Governor in Calcutta adds greatly to the difficulty of administration. His numerous official

and social functions, the fact that he is a member of the Council of His Excellency the Viceroy as well as President of the Bengal Council, the constant criticism to which acts of administration are subjected, and the constant demands for explanation, occupy a great deal of time. Questions connected with the Port Trust and the great commercial interests of Calcutta, and work connected with the supervision of the Corporation, the important scheme of improvement in the city and the municipal interests of the capital of the Empire, make great demands on his time and energy. University and other educational matters, medical and municipal administration, questions connected with communications by river as well as by road throughout the province, are all exceptionally heavy. In this province, as in other provinces, there are all the great departments of administration to control; and for many of them the control of the Lieutenant-Governor must be much more than general. He must determine the policy to be adopted, and consider the suitability of details to the special circumstances of each district. He must in many cases take the initiative; and in all he must hold the balance between the competing claims of different districts. In all these departments his work directly increases with the size of the province and the number of districts with which he has to deal; for much of his work requires, or at all events is improved by, an extended knowledge of the circumstances of each district. It is unnecessary to mention these departments in detail. They are such as every Government has, more or less according to the size of the province, to control. But the great demands which Calcutta makes on the time and energy of the Lieutenant-Governor constitute a special element of difficulty in obtaining the local knowledge which is necessary for efficient control. With the rulers of other provinces, His Honour shares the increase of work caused by the greater attention which must now be paid to plague, famine, irrigation, police and other subjects, while the difficulties in maintaining touch between the Government and the people are specially great, partly at least on account of the permanent settlement. Other special difficulties are found in respect of the relations between landlord and tenant, and of those sudden movements among the ignorant and excitable classes, on whom sometimes most serious impressions are made in a reckless manner. The Lieutenant-Governor has made special effort to become acquainted with this province during this cold weather; and he has been much encouraged by the kind permission of His Excellency the Viceroy to leave Calcutta as much as possible for this purpose. He must necessarily, however, speak with diffidence owing to his limited experience of Bengal; but so far as he can judge, he strongly concurs in the view that relief ought to be given to the Bengal Government by substantial reduction in the area of the province. The proposals of the Government of India are

Proposed additions to the
Central Provinces and Assam.

based mainly on this necessity for reducing the area of the province. They deal indeed with the expediency of bringing all Uriya-speaking races under one administration, and in this respect they do not aim purely at reduction; but in other respects, as far as Bengal is concerned, they deal mainly with the desirability of reducing its area. These proposals are based, however, not only on the desire to improve the administration of Bengal, but also on the expediency of making any transfer which has to be made to the Central Provinces or Assam on the ground that these two provinces are both "young and growing Administrations capable of sustaining a heavier charge. Both will profit rather than lose by an increase of responsibility." It seems to the Lieutenant-Governor that there must be a distinction drawn between the Central Provinces and Assam in this respect. It is true that the Central Provinces administration is capable of sustaining a heavier charge; but it is also true that the Central Provinces Commission is a self-contained and efficient Commission, as it stands at present, and does not absolutely require to be increased. It was so even before the districts of Berar were added; and it is certainly so now. This is by no means the case with Assam. The Assam Commission is too small to allow of that division of the administration into departments, which is necessary for efficiency and therefore for sound government. The Commission is also too small to allow of regular and equal promotion. There

is constant ground of complaint amongst the officers who find themselves shut out from the prizes ordinarily open to their brother officers in other provinces. The most serious result, however, of the smallness of the Assam Commission is this: that officers cannot be recruited direct from home for that province, but have to be supplied from among the officers who have been allotted to Bengal. That is to say, Bengal officers of the Civil Service and of the Police are transferred to Assam after a certain course of training in Bengal. They go there for a fixed period of service; and they have the option of returning. Assam is not the province in which they start and whose traditions they learn in the early part of their service; neither is it the province to which they feel themselves devoted for life. The result of this, on the one hand, is that Bengal does not give its best officers to Assam; and, on the other hand, that the officers who go to Assam do not feel that they are bound by the discipline of the service there, nor are they animated by the hope of promotion within the province. There is no doubt that this has been a great source of inefficiency in the service of Assam; and it is not surprising that there have been great complaints of failure, but rather that there has been so great a measure of success in connection with such a system. It is necessary to mark this distinction between the Central Provinces and Assam; because the question must of necessity be considered from a wider view than that of the interests of Bengal alone, though that is the aspect of the question with which it is the duty of the Lieutenant-Governor mainly to deal. The Central Provinces have for years possessed a Commission, the officers of which are recruited from home precisely like the officers of any other province, and have their whole career from start to finish within the province in precisely the same degree as the officers of any other province. The districts of Berar have also only recently been added to the Central Provinces; and there is certainly now no necessity at all for increasing the Central Provinces' Commission by the addition of any more territory. Assam, on the other hand, has not a Commission the officers of which are recruited from home; but its officers are selected by the Bengal Government and sent from Bengal; and it is absurd to expect them to regard Assam with the same feelings as officers entertain for the province in which they must work out their whole career. It seems hardly necessary to consider the insinuation so widely made by the opponents of this "partition scheme," that the object is to benefit the Indian Civil Service, or any other class of officers, European or Native, by providing more high appointments for them. The primary object is to improve administration in Bengal by reducing its area, and so making it a more reasonable charge for one Local Government. The next object is so to select the districts to be separated from Bengal, that the final scheme may be such as best to secure the interests of the people generally and the efficiency of administration. It is this last consideration which has led the Government of India to decide not to increase the area of the United Provinces; and it is the same consideration which induces the Lieutenant-Governor to advocate an addition to the area of Assam rather than to that of the Central Provinces. I am now to consider, in the first place, the

Proposals regarding the Chutia Nagpur division.

proposal which is made in the sixth paragraph of Mr. Risley's letter of the 3rd December, namely, the proposal to transfer the Chutia Nagpur division, or part of it, to the Central Provinces. The proposal is that the whole division (except the district of Manbhum, and possibly part, or the whole, of Hazaribagh), with its tributary mahals, should be transferred to the Central Provinces. The Lieutenant-Governor is not in favour of this proposal. He has carefully considered the various opinions which have been submitted to him, and he has visited all parts of the division, with the result that he thinks the proposed transfer wholly inexpedient. The first argument which presses itself on his attention against the proposal is that the division is separated from the Central Provinces by a range of hills running from east to west along the whole of the south of the division. Chutia Nagpur is practically

inaccessible from the direction of the Central Provinces. It is not, however, true that it is inaccessible from Bengal. The railway already runs through the Singhbhum and Manbhum Districts; it already runs into the Hazaribagh District; and it already connects the East Indian Railway with Daltonganj, the centre and capital of the Palamau District. The railway from Katrasgarh to Gaya will also run right across to the north of the Hazaribagh District. This extension is now under construction. The only district in the division which is not connected with the line of rail is the Ranchi District; and in respect of that, proposals for a light railway are under consideration. All this railway connection is from the Bengal side either on the north-west from Behar or on the east from the direction of Calcutta. It would be impossible to get round by rail to the Central Provinces from the greater part of the division without going a long way towards Calcutta. The second argument which suggests itself, on the very face of the proposals, is that it is not proposed to transfer the whole of the division. The Government of India have already indicated that the Manbhum district ought not to be transferred from Bengal; because it is a Bengali-speaking district. Doubt has also been expressed, in Mr. Risley's letter, as to whether the whole or at least some part of Hazaribagh ought not to be left with Bengal, partly, perhaps, on account of its affinity with Behar characteristics, but mainly on account of the "existence in that district of some of the most valuable present or prospective coal-fields of Bengal (*e.g.*, Karharbari and Karanpura)." A glance at the map, however, will show that the Karanpura, Ramgarh and Bokara coal-fields are all situated in the south of the district: they extend from west to east on the south of the district along the Damuda Valley. On the other hand, the Karharbari coal-fields are to the north-east of the district. Clearly then, if the coal-fields all along the south of the district and also those on the north-east are left to Bengal, the handing over of the rest of the Hazaribagh District to the Central Provinces would produce geographical confusion. There is no doubt, therefore, in the mind of the Lieutenant-Governor that the Government of India ought to decide not to transfer any part of the Hazaribagh District, both because that district is very similar in character to Behar Districts and the Sonthal Pergunnahs, and also because of the coal interests in that district. There is a third district of this division in respect of which the Lieutenant-Governor has no doubt that it ought not to be transferred to the Central Provinces. That is the Palamau district which is connected by the Barun-Daltonganj Railway with the neighbouring district of Gaya, *i.e.*, with the Patna division. Palamau is on the north-west of the division, and is within a few hours' run by rail of the East Indian Railway; but to enable any one to pass from Daltonganj to the Central Provinces, he would have either to go round by Allahabad to Jubbulpore or by Assansole and the Bengal-Nagpur Railway to Raipur. Here also there is very close affinity between a considerable portion of the district and the neighbouring districts of Behar; and here also there is the existence of the Daltonganj coal-fields, which has been mentioned by the Government of India as a possible argument against the transfer of this district. There is no doubt that Manbhum ought not to be transferred, and there is little doubt that Hazaribagh and Palamau, for almost equally strong reasons, ought not to be transferred; and therefore if there were no other reason against the rest of the division being transferred, there would be, at all events, a strong administrative objection. The administrative objection is this, that for the remaining two districts of Ranchi and Singhbhum it would be impossible to have a Commissioner within what is now Bengal area. It would be necessary to attach these two districts to a division in the Central Provinces. It would not very much matter whether they were attached to the Jubbulpore or to the Raipur (Chhattisgarh) Division. They are as like parts of the one division as they are like parts of the other; and the distance from either is practically prohibitive for anything like administrative efficiency. There is no direct route—and it may be said that for all practical purposes there never will be a direct route—across the range of hills which separates these districts from the Central Provinces. It

would, therefore, be necessary for any one going from them either to Jubbulpore or to Raipur to make a long circuit by the East Indian Railway and Bengal-Nagpur Railway on the one side, or by the East Indian Railway, viâ Allahabad, on the other. There are other reasons against the transfer of the Chutia Nagpur Division to the Central Provinces. One of these is that the circumstances of this division have of late attracted the closest and most careful attention of the Bengal Government; and the measures which have been adopted for bringing this part of the country under sound administration seem now to be passing on to a successful issue. It would apparently, therefore, be a mistake to transfer the division to a Government that has hitherto had no concern with the great questions at issue. In this respect the Lieutenant-Governor is not prepared wholly to accept the view that the Bengal administration has proved unsuccessful in regard to the people of this division. There have been undoubtedly agrarian disputes, discontent and unrest for some time; but it can hardly be said that there have been a "series of outbreaks in recent years." The Kol Rebellion of 1831 and the disturbances of 1858 are matters of somewhat ancient history. At the same time it must be admitted and the Lieutenant-Governor would not minimise the fact, that there has been agrarian trouble since 1831, though it has rarely culminated in actual outbreaks. The difficulty of dealing with the people is largely due to their nature and character, which is at once conservative and excitable, and also to the heritage of trouble which the Bengal Government has had to take over. This was briefly described in the recent letter of the Revenue Department, No. 3400, dated 24th November last, to the Secretary to the Government of India in the Legislative Department. The Lieutenant-Governor does not consider it necessary to repeat that description here. It is enough to say that the agrarian questions which attracted attention from time to time were most seriously and effectively approached in 1901. In that year, with a view to stopping agrarian disputes, it was resolved, practically as the result of the *quasi*-agricultural but largely religious rising of the Mundas in 1899-1900, to effect the survey and settlement of the Munda tract in the Ranchi district, which extends over about 1,850 square miles. It may be mentioned in passing that this tract is really the only disturbed tract in the division; and it was determined to effect the survey and settlement of this tract, to safeguard by legislation the rights of these people, and to secure finality for the record of rights. Accordingly the Chutia Nagpur Tenancy Act of 1903 was passed. But this Act, though introduced to bring peace and order into the district, is not regarded as a final settlement of land questions in Chutia Nagpur. It is proposed after the completion of the present survey and settlement proceedings, that the whole law bearing on the subject should be reconsidered in the light of the further experience supplied by the settlement operations now in progress. In the meantime so successful have these operations been that it is proposed to extend them over the whole of the Ranchi district and indeed over the whole division. It seems to the Lieutenant-Governor that it is not expedient to hand over the carrying out and completion of this work to another Government than that which has appreciated the difficulties which have called for these efforts, and has so far successfully carried the work through. On all these grounds the Lieutenant-Governor is opposed to the transfer of any of the British districts of the Chutia Nagpur division to the Central Provinces. It remains, however, to consider the question of the Feudatory States attached to that division.

There are four of these, namely, Gangpur, Bonai, Karsawan, and Seraikela on the east of the division, of which the language is mainly Uriya.

The Lieutenant-Governor would propose to retain these four States in Bengal. On the other hand, there are five Native States, namely, Jashpur, Sarguja, Udainpur, Korea, and Changbhakar, which are on the south-west of the Chutia-Nagpur division. These the Lieutenant-Governor would propose to hand over to the Central Provinces. This measure would not be unwelcome to some of the principal Chiefs concerned; and it would, in the opinion of the Lieutenant-Governor, be decidedly sound for administrative

reasons. In the Central Provinces there are 14 Native States in the Chhattisgarh Division which are under the Political Agent of Raipur, who is subordinate to the Commissioner. This arrangement has been one which has worked most successfully in regard to the administration of the Native States. When for any reason it is impossible to carry on the administration through the ruler of the State himself, an officer of Government is appointed as manager; and the State is more directly under the Political Agent. But, even apart from such exceptional cases, every State is under the influence of the Political Agent, who does not unduly interfere with the administration of the State, but visits it every year, is on terms of kindly familiarity with the Chief, and assists him with advice in regard to his administration. The Lieutenant-Governor is strongly of opinion that a similar system should be introduced for the Feudatory States of Bengal. He has clear evidence of the necessity for this in the condition of things in these States; and he is maturing proposals for the appointment of a Political Agent. The administration of the Native States in the Central Provinces is more efficiently conducted; and yet the Chiefs are on better terms with the officers of Government in that province than in Bengal. The appointment of a Political Agent in Bengal is very desirable. Now it would greatly facilitate sound administration of the Native States if Bengal were to hand over the five Hindi-speaking States to the Central Provinces, in exchange for the five Uriya-speaking States, which are to be transferred from the Central Provinces under the scheme sketched by the Government of India. The result would be that the Political Agent of Raipur would get rid of his remote Uriya States, and would no longer have the necessity for administering the Native States in two languages, namely, Hindi and Uriya. He would have one belt of Hindi-speaking Native States extending from Bastar on the south to Jashpur on the north, all along the west of the Chhattisgarh Division. On the other hand, the Political Agent appointed to administer the States of Bengal would have a belt of Uriya-speaking States extending from Kalahandi on the south to Gangpur on the north, all along the east of the Chhattisgarh Division, that is to say all along the west of Orissa. This proposal involves no change in the administration of the British districts of Chutia-Nagpur, but only secures the consolidation of the Native States into two large groups, each speaking one language: the Hindi group to belong to the Central Provinces and the Uriya group to Bengal. I am now to pass on to the proposals regarding Orissa made in paragraphs 10 to 16 of Mr. Risle's letter of the 3rd December. The proposals are based mainly on the idea that it is desirable to unite under one administration all Uriya-speaking races. The Lieutenant-

Proposals regarding Orissa. Governor is able from his own experience to give strong support to this proposal. In the Central Provinces there is at present only one district, the district of Sambalpur, in which (with the exception of Phuljar and Chandarpur, two zemindaries where Hindi or Chhattisgarhi is spoken) the Uriya language is the language of the people. Besides this there are five Feudatory States in which Uriya is the recognised language. These all are on the east of the Central Provinces and join the Orissa country. There is no difference whatsoever between the character of the Uriya States on the Central Provinces side of the border and the Uriya States belonging to Orissa; and it would in every way be advantageous that all these States should be under one authority. The Lieutenant-Governor's opinion that there should be a Political Agent over all the Uriya-speaking States has just been set forth; and it is unnecessary to say more on that subject. As to the Sambalpur district, the greatest administrative inconvenience has been experienced, inasmuch as there is no other part of the Central Provinces where Uriya is spoken. It is necessary therefore for the officers of Government who are sent to administer the Sambalpur District to acquire the Uriya language for their service in that district only. Native officers have to acquire the language as well as Europeans; they are very much averse to coming down to Sambalpur for a short term of service when that requires the acquisition of a new language; and Sambalpur has become mainly on that account what

may be called a penal district in the Central Provinces. Again, the subordinate staff has to be manned by persons talking Uriya; that means that it is practically impossible to transfer officials with any freedom from Sambalpur to any other part of the province, or from any other district to Sambalpur. The natural result is that the administration of the Sambalpur district, in respect at least of its subordinate officers, is both more inefficient and more corrupt than that of any other district in the province. It was this great administrative difficulty which led to the abolition of Uriya as the court language in Sambalpur, and the substitution of Hindi, by one of the Chief Commissioners. Experience proved almost immediately that this was a measure that could not be supported. The people in the interior know Uriya, and do not know Hindi. They stand by their mother-tongue; and they felt the pressure which was brought to bear upon them to adopt Hindi as a great grievance and oppression. The Revenue, Criminal and even Civil Administration suffered mainly from the fact that it was conducted in a language practically unknown to the people. Sir Andrew Fraser, therefore, when he was Chief Commissioner of the Central Provinces, obtained the sanction of the Government of India to restore the Uriya language in Sambalpur, and proposed as the best means of meeting the administrative evil, of the gravity of which he was thoroughly sensible, to transfer the Sambalpur District to the Orissa Division. He holds the same views still, and believes that it is quite impossible to administer well a small area, which is even less than an entire British district, where a separate language is spoken from the rest of the Province to which it belongs. He therefore fully supports the proposal to include Sambalpur and the five Uriya-speaking States of the Central Provinces within the Orissa Division. He does not know the Uriya-speaking parts of Madras to which reference is made in Mr. Risle's letter; but if their circumstances are in any way the same as those of the Sambalpur district, which have been indicated above, he would strongly support the proposal to amalgamate them also with Orissa. Being thus led by experience to support the proposal that there should be an united Orissa, that is to say, that all the Uriya-speaking districts and States should be brought together under one administration, the next question that the Lieutenant-Governor has to consider is, under what Local Government this Uriya-speaking Division should be placed. His Honour would strongly deprecate the proposal which has been made in some quarters to make Orissa into a separate province. He would oppose that proposal simply because the province would be too small for efficient administration. There is not, even when the whole Uriya people are brought together, area or population for more than one civil division. It must be distinctly borne in mind that the British territory is to be differentiated entirely from the Native States in respect of administration. The Feudatory States, under a certain degree of supervision, administer themselves; it is altogether an unsound policy to interfere constantly with their administration. The chiefs should be taught to understand their responsibility for the administration of their States; efforts should be made to render them capable of fairly efficient administration; and the supervision that is exercised over them should be only such as is necessary to keep the British Government in touch with their administration, and to enable the high officers appointed for the purpose to give them sound advice and help them to avoid gross misrule. For this purpose it is only necessary to have one Political Officer for all these Native States taken together, and to place that Political Officer under the Commissioner of the Division. This gives full, interesting and most useful employment to the Political Agent, as the Lieutenant-Governor's experience in the Central Provinces has shown him. It also gives interesting and valuable work to the Commissioner, as five years' experience in Chhattisgarh has shown the Lieutenant-Governor; but the work of the Commissioner in respect of the Native States is quite light, and forms scarcely so much burden as his concern with the administration of one British District. Apart from the Native States, the Commissioner of Orissa has at present three districts (Puri, Cuttack and Balasore) of rather less than average size, and the small district of Angul under a Deputy Collector. The addition of Sambalpur would give him one more district. The Lieutenant-Governor is not certain

what would be involved in the proposed additions from Madras; but in any case there is no doubt whatsoever that if the Commissioner were assisted, as he ought to be in the interests of the States themselves, by a Political Officer in charge of the Feudatory States, the additions which are proposed in Mr. Risley's letter would still leave the Orissa Division a comparatively light division. The Commissioner will easily be able to deal with the additions to his work which these proposals involve; and it would be ridiculous under these circumstances to propose to constitute Orissa into a separate province. Setting aside, then, the proposals to constitute Orissa into a separate province, there remains the question, to which province it ought to belong. The alternatives set forth in Mr. Risley's letter are the Central Provinces and Bengal. The Lieutenant-Governor does not hold very strong views on this question. It is not necessary for the Central Provinces to have Orissa so as to become an efficient and self-contained administration. Neither does it seem necessary for that province to have Orissa with a view to obtaining access to the sea; for, as has been stated in Mr. Risley's letter, there is no port of any importance on the Orissa Coast. On the other hand, there is no doubt that a certain measure of relief would be obtained by Bengal in the transfer of Orissa to the Central Provinces. This relief, however, would not be great. The questions connected with the Orissa Districts are not difficult; and the Feudatory States are managed by their own chiefs; they require only supervision. If, therefore, a material reduction of area in Bengal is made on the Assam side, which seems to the Lieutenant-Governor of much more importance than any transfer of area to the Central Provinces, this relief does not seem to be required. As regards the feeling of the people on the subject, there is no doubt a division of opinion. It is admitted that until recently the general opinion of the people, as expressed in the representations of their leaders and of the more educated section of the community, was almost unanimously in favour of remaining in connection with Bengal. The contrary opinion has now found expression. There is no doubt that a certain amount of jealousy exists between the people of Orissa, including such Bengalis as have been long domiciled there, and the non-resident Bengalis. This, however, is mainly due to the fact that the Bengalis have, from their superior education, been able to secure a number of important posts in the division, and are viewed as successful interlopers. On the whole, even now, however, educated opinion would probably be more afraid of an invasion of Maharratta officials than of Bengalis. The former are not less capable or less pushing than the latter, and have a great capacity for securing lucrative and important posts. In any case this feeling does not extend to the uneducated classes; they are generally indifferent; but it is somewhat curious to find that the Collectors of Bala-sore and Puri are both of opinion that the people would like to be joined to the Central Provinces. The Lieutenant-Governor has had an opportunity of touring through the Orissa Division, and has discussed the question with a large number of people of different classes. His opinion is that, on the whole, the people would rather remain under the administration of Bengal than be transferred to the Central Provinces. The main reason for this apparently is that they have a constitutional objection to any change. They have been under Bengal for a century. But it must also be borne in mind that they are nearer to Calcutta than to Nagpur, and they will remain nearer to Calcutta even when there is a through line of railway by Sambalpur to Cuttack. On the whole, however, the Lieutenant-Governor thinks that the Uriyas do not consider the question as to whether they are to be under Bengal or the Central Provinces as of chief importance. The one thing which they all desire is that they should be allowed to retain the use of their own language, and that they should be brought together into one division, because they have learned to regard that as essential for the preservation of their language. The Lieutenant-Governor thinks that too much weight cannot be attached to this expression of opinion as far at least as the Sambalpur people are concerned; for it has been called forth among the people throughout the whole interior of that district by the deplorable experience of having all the work of the district affecting their land tenures and agricultural interests, all police

work, and the administration of justice, conducted in an unknown tongue. Generally speaking, the Lieutenant-Governor would support the proposal of the Government of India to retain Orissa as part of Bengal. He believes that this is more in accordance with the wishes of the people; and he is clearly of opinion that the work devolving on the Government from Orissa is not such as to make it any great relief to have that division transferred.

The next question that comes up for consideration is the proposal to transfer certain districts from the east of Bengal to the province of Assam. There was, first of all, a proposal made in 1896 to transfer to Assam the districts of the Chittagong Division. The

Proposals regarding the transfer of certain districts to Assam.

province of Assam was constituted in its present form in 1874, when the eleven districts comprising it were separated from Bengal and erected into a separate Chief Commissionership. The districts of Sylhet and Cachar, which border on the Native State of Hill Tippera and the Bengal District of Tippera, were among these districts. In the ethnological character of their population as well as in their history, these districts form an integral portion of Eastern Bengal. Along with the districts of the Chittagong Division, they form the easternmost portion of what has always been known as East Bengal. The proposal of 1896 was to transfer to Assam the districts of the Chittagong Division so as further to relieve the pressure of administration in Bengal. The question was thoroughly examined in the discussions of 1896. The main contention of those who favoured the proposal was that it was desirable in the interests of the districts themselves, and also in the interests of Assam. It was maintained that Bengal was too large a province for due attention to be given to its various parts, that the Chittagong Division had been neglected, that it had specially suffered in connection with the development of its port, that its natural connection with the Assam country had been strengthened by the development of trade, and would be made still stronger by the railway, and that the interests of these districts demanded their separation from Bengal and transfer to a province where they would receive proper attention. At the same time it was maintained that the Government of Bengal required the relief that was thus proposed. On the other hand, there were those who objected strongly to the change. Apart from the natural and inevitable objection to change of any kind there were strong arguments adduced against the proposal. It is not necessary to discuss these in detail at the present moment: the most important of them will be dealt with later. It is perhaps sufficient to point out that the most powerful of these arguments owed their weight to the fact that the proposal did not go far enough. The scheme as then framed meant the severance of three more districts from Eastern Bengal, leaving still more than one-half of that area under Bengal. It meant the transfer from Bengal of an area the administration of which could not be adequately provided for in Assam; because that province would still be too small to have a satisfactory constitution. It meant that the transferred districts would be merged in Assam, would lose certain important privileges, and would be in danger of falling back into a less advanced stage of government and civilisation. It was understood to mean that these districts would no longer look to a centre of enterprise and commerce as their capital, but to a remote station in the hills. It also meant in regard to Bengal that the relief was quite inadequate and hardly worth the trouble of the transfer. This was the manner in which the proposal was criticised by those who then opposed it. It was too small a measure. The then Lieutenant-Governor (Sir Alexander Mackenzie) expressed the opinion that the popular opposition was not very real; that the people generally did not care whether the transfer was made or not; and that, if it was thought advisable for administrative reasons to transfer the division, there was no sufficient reason why the Government of Bengal should oppose the transfer. It is not the same proposal that now calls for consideration. It is a proposal to transfer a larger area from Eastern Bengal to Assam, or, as the proposal is set forth in Mr. Risley's letter

Proposals regarding Eastern Bengal now made.

No. 3808, dated the 23rd December last, to construct a new province to be called the "Eastern Provinces," or the "North-Eastern Provinces of

India," with perhaps its capital at Dacca, and including a considerable portion of Eastern Bengal and the present province of Assam. The Lieutenant-Governor has received a very large number of petitions, memorials and telegrams protesting against this proposal of the Government of India ; but he has also received some strong opinions in its favour. He had visited Dacca just before the proposal reached him. He has since discussed the matter with those most interested, and he has made every effort to arrive at a sound decision regarding this important question. He considers that a great deal of the opposition to the proposal is based upon misconception, and that much of it is based also upon somewhat narrow views of self-interest which have led some men of education and of leading to organise very strong and strenuous opposition. There is no doubt that, as first stated, the proposal was misunderstood. The conception of it which took possession of the minds of many of the leaders of Bengali opinion was that it was intended to hand over a certain portion of Bengal to "the backward administration" of Assam, and so prevent the further progress and enlightenment of that section of Bengal for many years to come. The feeling was that the transferred districts would be swallowed up and merged in Assam and lose their own identity. It was also asserted, and no doubt believed, that that section of Bengal would lose of necessity the laws and privileges to which the educated section of the community attach very great importance. It was on this account, and when he found that this was the view held by many intelligent men, that the Lieutenant-Governor addressed to the Government of India Mr. Macpherson's letter No. 5063J., dated 21st December last, which called forth Mr. Risley's letter of the 23rd December, to which reference has already been made. The Lieutenant-Governor supports the proposals of the Government of India, in the first place, because he is clearly of opinion that a reduction of the area of Bengal is necessary to render the administration of that province reasonably efficient. A counter-proposal has been made by a number of those who are

Alternative proposal to have an Executive Council.

opposed to the transfer of any part of Bengal to Assam, viz., that Bengal should be administered by a Governor, or Lieutenant-Governor, with an Executive Council, instead of being administered as at present by a Lieutenant-Governor. His Honour does not believe that this proposal is at all a sound one. It is not by any means clear that there is any tendency in administration by a Governor in Council towards bringing the Government more in touch with the people, or towards enabling it to overtake more work or undertake a heavier charge. The advantages of a Council to a Governor who has no knowledge of Indian affairs may be real : but the division of responsibility would not tend, in the case of the Lieutenant-Governor of a province, either to increase of efficiency or to easy and prompt discharge of public business. The Lieutenant-Governor is maturing a scheme, in consultation with the Board of Revenue, for associating its Members more closely with himself in the administration of the province. They concur with him in expecting good results from this scheme. But this is altogether a different thing from having an Executive Council with its division of responsibility and risks of friction and delay. This proposal for an Executive Council has, however, been condemned by His Excellency the Viceroy, in his speech at Dacca on 18th February, after "the Government of India have most carefully considered this matter." It does not, therefore, seem to the Lieutenant-Governor to be necessary to discuss the proposal at greater length. It is not necessary for the Lieutenant-Governor to take any exception to the suggestion that is contained in Mr. Risley's letter that the administration of Bengal requires considerable attention and improvement. It has been said in reference to this matter that what is more required than a reduction of territory is more efficient local administration. In regard to this, and especially in respect of the districts of Eastern Bengal, the Lieutenant-Governor has not the least hesitation in assenting to the statement that the improvement of local administration is an urgent necessity. There is no doubt whatever in his mind that the districts of Eastern Bengal have suffered very largely from neglect in the past, that they are under-officered, and that the marvel is not so much that the administration is not as efficient as it should be, as that it is as efficient as it is. It seems to His Honour absolutely essential to divide the district of Mymensingh into two districts ; and other changes in and additions to the local staff demand early

and careful consideration. The question of breaking up certain districts and subdivisions and increasing the staff appointed for the administration of these districts will continue to receive the Lieutenant-Governor's attention unless and until any of these districts are removed from under his charge. But this does not affect the statement, which he repeats is undoubtedly correct, that the area under his jurisdiction is too large, under the altered circumstances of the country, for one Local Government properly to administer. There are certain objections to the transfer of districts from Bengal to Assam which require but little consideration. There are, on the other hand, objections which the Lieutenant-Governor regards as of great importance. Among the latter are the objections—

- (1) that the jurisdiction of the High Court is a privilege which the people greatly value ;
- (2) that there is in Assam no Legislative Council ; and
- (3) that the jurisdiction of the Board of Revenue for cases affecting the interests of the agricultural community ought to be retained.

In regard to the High Court there can be no doubt that the people very greatly value the existence of an independent tribunal for the trial of cases of a civil and criminal nature. The Government of course also highly values this tribunal. The mischievous idea which some men try to propagate that

The High Court. the Government resents the interference of the High Court with executive matters, and desires to undermine its authority and curtail its jurisdiction, is altogether without foundation. It is merely an illustration of the unscrupulous manner in which the opposition to the Government proposals has sometimes been conducted. The High Court owes its existence to the genius of the British Government in India, which desires that the administration of India should be in accordance with justice and righteousness, and which has accordingly established an independent judicial authority for the disposal of judicial business. There is no inclination on the part of the Government to set aside the authority of the High Court ; and the proposals which have been made do not in any way touch the question of its jurisdiction. That jurisdiction, as a matter of fact, exists throughout the present province of Assam, and it will not be affected in any of the districts which may be transferred to Assam by the fact of that transfer. In regard to the Legislative Council, the Lieutenant-Governor feels that he is in an exceptionally favourable position to understand the feeling of the people, inasmuch as he has had experience of a province where there is no Legislative Council. The mere matter of legislation he regards as less important perhaps than other functions of a Council. It matters less whether legislation is carried on in the local Council or by the Government of India, provided that it is carried on in public and is not effected by Regulations proposed by the Head of the Local Government and approved by the Government of India without any opportunity for public criticism and the expression of public opinion. At the same time, the Lieutenant-Governor recognises the reasonableness of the

The Bengal Council. fear lest the transferred districts should lose the benefit of progressive legislation, or even have their laws replaced by Regulations, if they had no Legislative Council. Of course there never has been any intention to substitute Regulations for legislation ; but there has been some ground to fear that this might be done. The Lieutenant-Governor understands that the Regulations of 1879, 1883, 1886, and 1891 regarding such important matters as Land Revenue, Rural Police, and Local Rates, which are in the Assam Code, apply to Sylhet and Cachar, which are districts of Eastern Bengal now incorporated in Assam. The knowledge of this fact has led to the suspicion among the leaders of the people in the districts now proposed to be transferred, that legislation in the local Council conducted *coram populo* may give place to legislation by Regulations drawn up by the Chief Commissioner and approved by the Government of India without being subjected to public criticism. There must be a distinct and definite assurance that the new Province will not be legislated for by Regulation ; or the transfer will be regarded as a retrograde and calamitous

measure. The local Council, however, is not only valued for legislation; it is valued for the right of interpellation. The Lieutenant-Governor has learnt how much importance the people attach to this privilege; and he has also learnt to attach great importance to it himself. He considers that there is no other equally effective means of calling the attention of the Government to abuses than the means afforded by this privilege. He values it highly in respect of the information which it gives him of the grievances and sentiments of the people in all parts of the province. There is no doubt that the non-official members are regarded as the proper persons to ventilate grievances even when the grievances do not affect either these members personally or even the parts of the country which they are appointed ostensibly to represent; and it is of the greatest value to the Local Government that there should exist a means of calling attention in a public and effective manner to any grievance which the people actually feel. No doubt the privilege of interpellation is occasionally abused; but, on the whole, the non-official members of the local Council realise the responsibility that rests upon them, and use that privilege in a valuable way. It would be undoubtedly a retrograde step to deprive of that privilege people who have enjoyed it in the past. The Lieutenant-Governor cordially accepts the views of Lord Lansdowne set forth in his Council in introducing the rules framed under the Statute of 1892. He declared that it is "impossible to overestimate the value" of the right to criticise the financial administration of the Government. And he regarded the new rules which gave the members of Council not only power to assist the Government in the work of legislation but also the right of "asking for information or inquiring into matters of public interest" as "a very serious and far-reaching step." These measures, as His Lordship said, brought the Legislatures "into closer touch with the rest of the community," and were "for the advantage of the Government as well as the people of this country." These views are quoted in some of the memorials which have been received; and the Lieutenant-Governor attaches great weight to them. His honour would therefore strongly urge not only that the hope be held out that the new province shall have a local Council, but also that the provision of a local Council be made an essential part of the scheme of the formation of the new province. The objection about the Board of Revenue is also one with which the Lieutenant-Governor thoroughly sympathises. It is not presumably alleged that a Chief Commissioner is, on the average, a less competent officer than a member of the Board of Revenue; and it must be borne in mind that while the two members who constitute the Board are spoken of as the Board of Revenue, it is really one member that in almost every case does the work of the Board. The Land Revenue and Cess work is done by one member, and the Excise, Income Tax and Miscellaneous Revenue

work is done by another. It is not therefore the constitution of the Board that we find its superiority over a Chief Commissioner, as the ultimate authority with regard to land questions. There are, however, two points in respect of which the loss of the Board of Revenue would be a real loss. The first is that a Chief Commissioner may be an officer wholly trained in another province and under other conditions. The Land Revenue Member of the Board of Revenue, on the other hand, is "an experienced member of the Indian Civil Service, expert in Revenue matters, and bearing ripe local knowledge." Unless, therefore, provision is made for a revenue court or authority corresponding to the Board of Revenue in the new province, there will be a real grievance. The second point is this, that before the Board, parties may appear in person or by Counsel, whereas before the Chief Commissioner the ordinary rule is that they appear only in the papers. While Chief Commissioner of the Central Provinces, Sir Andrew Fraser endeavoured to make it a rule, in important cases, to hear the parties either in person or by Counsel; but he found that this involved a very great burden, and occupied so much of his time that it was very difficult indeed to grant what he then believed to be a very valuable privilege to persons appearing before him in revenue cases. Had he remained in the Central Provinces he has no doubt that he would have proposed to have a Financial Commissioner appointed to hear revenue appeals; and he believes that this is certainly feasible as well as desirable, now that the

Berar districts are included under the administration of the Central Provinces. He thoroughly sympathises with the people in their belief that it is a matter of great importance to them to appear either in person or by Counsel before the highest Revenue Court of Appeal ; therefore he would regard it as a retrograde measure to separate any districts of Bengal which have hitherto enjoyed this privilege and transfer them to a province where it does not exist. On these grounds the Lieutenant-Governor would strongly recommend that the new

The new province should be ruled by a Lieutenant-Governor. province should be given certainly both a Legislative Council and a Board of Revenue or Financial Commissioner. On these grounds it is very important to have the new province of such a size as to have a complete administration of its own. The Lieutenant-Governor thinks that the new province should be of sufficient size and importance to have a Lieutenant-Governor and Council as well as a Financial Commissioner. The Government of India's original proposal is in this aspect of the case too small. That proposal is too small in the interests of the new province ; for unless there is in the new province a fully-equipped, self-recruited and self-contained Commission, it is impossible to expect to secure that improvement in administration which ought to be one at least of the objects of these proposals. As will appear later, many of the objections to the scheme based on inefficiency of administration will disappear if the province is made large enough. It is also essential in the interests of the transferred districts that the area transferred should be sufficiently large. It has been urged, and with great reason, that it cannot be to the advantage of advanced districts in Bengal to be transferred to Assam so as to be absorbed by the latter province. If it were to be the result of the transfer of such districts as Dacca, Mymensingh or even Chittagong, that they would be entirely absorbed in the Assam province, the proposals could not be accepted as likely to advance the interests of these districts. On the other hand, if a sufficiently large area is transferred from Bengal to exercise its legitimate influence over the administration of Assam, there can be no more reason for believing that the interests of these districts will suffer from association under one Local Government with the more backward districts of Assam than they suffer now from association under one Local Government with the more backward districts of, for example, Chutia Nagpur. This reasonable view found very early expression in the discussions which have arisen in connection with these proposals. The discussion was originated by the publication of Mr. Risley's letter of the 3rd December. That letter was published in the *Gazette of India* on Saturday, the 12th December last. On that date the Hon'ble Maulvi Seraj-ul-Islam, Khan Bahadur, who represents the Chittagong division in the Bengal Council, put a series of questions regarding what he called consistent representations in the papers to the effect that the transfer of the Chittagong division to Assam was about to take place ; and he asked whether the Government could give any information on the subject, "regard being had to the strong feeling of opposition which the proposal has evoked from the people of the Chittagong division." The answer to this question referred the Hon'ble Member to Mr. Risley's letter which had been published that morning in the *Gazette of India*. He had not seen the letter, but on perusing it and finding that a larger area than the Chittagong division was to be transferred from Bengal, he wrote a note on the 15th December to the Lieutenant-Governor. In that note he pointed out that while the people were not in favour of the transfer from under the Government of Bengal, yet the modified proposal was by no means so contrary to their view of their own interests as the transfer of the Chittagong division alone would have been. He says : "I deem it my duty to submit for His Honour's consideration that the disadvantages and drawbacks apprehended by the people from the proposed transfer might be greatly minimised if Dacca and Mymensingh were also included in the new province, otherwise it would be difficult to obtain the object which Government has in view, viz., to have a self-contained and independent service. The mere addition of the Chittagong division to Assam without Dacca and Mymensingh would not, I am afraid, be sufficient to secure an efficient administration. I would therefore most respectfully urge on his Honour to recommend that in the event of the Chittagong division being transferred to Assam as proposed, Dacca and Mymensingh would be also included in that

province. I would also take the opportunity of making another suggestion for the consideration of Government, viz., that the reconstructed province be called by some name other than Assam ; this will have the effect of removing any sentimental objection that the people of Eastern Bengal may have on the score of being called ' Assamese.' ” In this note there is no doubt that the Hon'ble Member expressed his own views, and cannot be regarded as committing anybody else ; but at the same time the Lieutenant-Governor found that a large number of persons hold precisely the same view. Indeed, until opposition to the scheme was organised by those who felt that they had certain personal interests conflicting with this scheme, this was by no means an uncommon view for the Lieutenant-Governor to hear. At a conference at Belvedere, for example, on 26th December last, at which sixteen leading zamindars and landowners (both Hindu and Muhammadan) from Dacca and Mymensingh districts were present, it was stated that “ it was universally felt that, if the Government eventually transfer the districts of Dacca and Mymensingh to Assam, the districts of Faridpur and Backergunge should also be transferred at the same time. There are many zamindars of Dacca and Mymensingh who hold lands also in the other two districts ; and it would for obvious reasons be exceedingly difficult for them to manage estates lying outside their own province.” The real fact is that Eastern Bengal would be injuriously affected by

being broken up into two parts and being divided between two Governments. Eastern Bengal, as Mr. Gait's Census Report for Bengal shows (paragraphs 143 to 165), consists of the following districts :—Dacca, Mymensingh, Faridpur, Backergunge, Khulna, Noakhali, Tippera, and Chittagong ; that is to say, it consists of the whole of the Chittagong division together with the whole of the Dacca division and the district of Khulna. In regard to the district of Khulna there may be some doubt as to whether it must of necessity be associated with the other districts of the Dacca division. There is no doubt that it formed part of the old Dacca division or district as shown in Major Rennell's map, which was dedicated to Warren Hastings in 1780. But it has long been regarded as part of Central Bengal, and is now a district of the Presidency Division, and has lost touch with the neighbouring districts of Eastern Bengal. There is, on the contrary, great community of interest among the districts of the Dacca division ; all the chief zamindars have their property scattered over two or three of these districts. Sitanath Roy and his brothers, for example, are very large zamindars and bankers and very influential opponents of the present scheme. Sitanath Roy himself is the author of one of the ablest papers against this scheme. These gentlemen called on the Lieutenant-Governor to discuss this scheme. They informed him that they would feel very strongly the separation of Dacca and Mymensingh from the rest of Bengal, because they would find that their property was thus placed under two different Governments. They stated that they had large property in Dacca, Mymensingh, Faridpur, Backergunge and Tippera ; that they had also recently acquired property in Ranchi, and have considerable property in Calcutta. The bulk of their property, however, is in the first four districts mentioned, and particularly in Dacca and Faridpur. The two principal arguments based on personal interest which they used against the transfer of the Dacca and Mymensingh districts to Assam were first that, in view of the amount of immovable property they have in Faridpur and Backergunge, the separation of Dacca and Mymensingh from the rest of the Dacca division would be a serious inconvenience and disadvantage to them, and secondly, that they have a large commercial connection between Dacca and Calcutta, in which city they have their principal place of business. Their statement as regards their immovable property is quite in accord with that of a large number of zamindars whom the Lieutenant-Governor has seen in connection with this matter. The zamindars of Dacca and Mymensingh have large interests in Faridpur and Backergunge, and on this account, if on no other, it would be a great pity to separate the first two districts from the rest of the division. The close agricultural connection between the two northern districts of the division and the two southern districts renders it inexpedient to divide the former from the latter. It need not be stated that administratively there is a serious objection to breaking up the division, and that the interest of the Government is in this respect on all fours with the interest of the people.

There is another very important consideration which leads the Lieutenant-Governor to support the view that Faridpur and Backergunge ought to go into the new provinces along with Mymensingh and Dacca; that is, that the boundary proposed in Mr. Risley's letter is not a suitable boundary. If the whole of the Dacca division were added to the new province, the boundary of the province below Goalundo would for the most part be a small but well-defined river in the course of which there are rarely any changes. That is a far more suitable boundary than the Padda and the Megna, the channels of which are constantly changing and giving rise to disputes as to jurisdiction. Such disputes give trouble between districts in the same province, and are likely to lead to more serious complications between districts belonging to different provinces. It is also extremely desirable that the new province should have full control of the Padda and the Megna rivers with a view of their improvement as navigation channels. The principal outlet for the commerce of Dacca and the other important ports of Eastern Bengal rests in the waterway which these rivers afford. The idea which, for the above reasons, at first commended itself to the Lieutenant-Governor was to have a new province consisting of the Dacca division, the Chittagong division and the present province of Assam; and in calling for opinions on the proposals contained in the Home Department letter of 3rd December, His Honour asked that this enlarged proposal might also be considered. Eastern Bengal, as formerly constituted, consisted of

Enlarged proposals made by the Lieutenant-Governor. Dacca, Mymensingh, Faridpur, Backergunge, Sylhet, Cachar, Noakhali, Tippera, and Chittagong.

Khulna is not included in this list, for reasons which have been already stated. Of these nine districts which undoubtedly constitute Eastern Bengal, two, viz., Sylhet and Cachar, have already been incorporated in Assam. What the Lieutenant-Governor proposed was to transfer also the remaining seven (or rather eight, when the Chittagong Hill tracts are included) and incorporate all of them with Assam in the new province. Further enquiries and consideration now lead him to propose that, in addition to these nine districts, the districts of Rangpur, Bogra, and Pabna should also be transferred. He would propose this partly for the sake of making the relief of Bengal more adequate, but also because these three districts, though technically belonging to North Bengal, have more in common with Eastern Bengal, and could be best administered from Dacca. In their most important characteristics they are homogeneous with the districts of the Dacca division. They resemble them in the character of their population which is so largely Muhammadan, and in the character of the country and of the rivers with their great *chur* formations. The character of the country has itself profoundly affected the character of the people, and has given rise to a very special class of problems. Besides these considerations, there is the matter of boundary: at present the boundary between Pabna on the one side and Dacca and Mymensingh on the other is giving rise to trouble, and it will always continue to do so. Landowners in the Dacca division have also lands in these districts. In a word, these three districts, practically if not technically, belong to Eastern Bengal. On all these grounds it is desirable that they should be under one and the same Local Government with the rest of Eastern Bengal. What His Honour recommends then is to constitute a new province comprising the Chittagong and Dacca divisions and the districts of Pabna, Bogra, and Rangpur, now belonging to Bengal, and also the present province of Assam. This would be a large and important province, which might well be called the "North-Eastern Provinces." Of that province the Lieutenant-Governor would strongly recommend that Dacca should be made the capital. This he recommends both on account of the historical importance of Dacca, and also on account of its present position and importance. There is no doubt that something may be said in favour of making Chittagong the capital, inasmuch as it has a port so close to the sea; but, on the other hand, Dacca has a very important trade, a very capable and intelligent population, and historical associations with government which are superior to anything that can be advanced on behalf of any other part of the new province. It is the centre of a large and prosperous population where the most important of the citizens of the new province will undoubtedly reside. On this account

the Lieutenant-Governor would propose that it should be at once decided and declared that the capital of the new province shall either be at Dacca itself or (should a suitable site not be found at Dacca) in its immediate vicinity. This would be entirely in accordance with the objects and principles of the proposals of the Government of India. One of the principal results of the adoption of this enlarged scheme is that the interests of the transferred districts should obtain greater attention than they have received in the past; obtain, that is to say, the attention which they require and deserve. There have been widespread complaints both by the officers and people of these districts that hitherto the interests of Eastern Bengal have in many respects received less attention than those of other parts of the province of Bengal. The want of efficiency in its administration is not only attributed to imperfect supervision by the Government of Bengal, but also to the want of an adequate staff to carry it on locally. With some show of reason, it is alleged that the staff of an Eastern Bengal district is much inferior to the staff of a Behar or even Orissa district. Other charges of neglect are made. It is pointed out that, though Dacca is within two hundred miles of the capital of the province, yet the journey between the two cannot be accomplished ordinarily in less than twenty-four hours, though it might have been reduced to one of eight hours by the expenditure of a not unreasonable amount of capital. Chittagong has complained that it has been neglected by the Government of Bengal. This is alleged to be at least equally true of the Dacca division; and the neglect in regard to both has led to this important result that little attempt has been made to improve the communications between that port and the commercial centres of the Dacca division. No attempt has been made to use the Megna river, which is the main line of communication, as a navigable channel for large ships. Commerce has held its own despite of neglect; but the neglect has been the subject of bitter complaint. In regard to agriculture the same complaint is made. Though it has for years been recognized that jute, one of the chief crops of the division, has deteriorated, no serious attempt has been made to ascertain the cause of the deterioration and to discover a remedy. There have been experiments made; but until last year these have been in Burdwan, and not in Eastern Bengal. Education has made very considerable progress in Dacca, and within the last two or three months a very great impulse has been given to it on account of the interest that the people themselves take in the subject. But apart from the pushing forward of certain colleges and institutions for higher education, there has been a failure to give that attention to education which the interests of the agricultural community demand. Were these seven districts round Dacca a part of a new province of which Dacca was the capital, their interests could not be neglected as they had been under Bengal. It may be said that all this may be altered under the Government of Bengal, if that Government would but give enough of attention to Dacca. It may also be reasonably said that there has been great financial pressure until quite recently, and that this partly explains apparent neglect. But the fact remains that more attention has been given to Central Bengal, including Calcutta, to Behar, and more recently to Orissa and Chutia-Nagpur, than has been given to Eastern Bengal. Let Dacca be made the capital of the new province, and this neglect, which forms a strong ground of complaint on the part of both officers and people, will undoubtedly disappear. It cannot but be that if Dacca were restored to its original position as the capital of Eastern Bengal by being made the capital of the new province its interests would be greatly benefited. This which is true of the Dacca district is equally true of the whole division, and in almost equal degree of the three neighbouring districts of the Rajshaye division. Faridpur and Backergunge as well as Mymensingh ought to go with Dacca to the new province. They have both suffered equally with Dacca and Mymensingh from neglect in the past. They were both carved out of the old district of Dacca. The revenue system of the people, as well as that of the Government, is similar to that of the parent district. Their interests are interlaced; the zemindars of one are the zemindars of the other; and the local opposition that would be called forth by the transfer of the Dacca and Mymensingh districts to Assam would be much more real than the opposition to the transfer of the whole division. Similarity of circumstances and community of interests

bind also to this division the other three districts abovenamed, at present belonging to the Rajshaye division. The people of this homogeneous tract will perhaps to some extent feel the objection which all people—and especially oriental people—feel to any change; but if the whole tract goes together, and Dacca, which is the centre of it, is made the cold weather capital and so receives the consideration to which its ancient history and modern progress entitle it, the opposition will be very much appeased; and there is little doubt that a few years will show that the change has been entirely to the advantage of all these districts. The explanations contained in Mr. Risley's letter of the 23rd of December, and in the Viceroy's speeches during His Excellency's tour in Eastern Bengal, show that the real design of the Government of India was to create a new province in which Eastern Bengal would have an influential and prominent part. This has greatly altered the attitude of the public towards these proposals, especially the attitude of the residents in the districts concerned. There are now a large number of persons who strongly support the expanded

Reception of these enlarged proposals. scheme of the Government of India; and there are many more whose support of it would undoubtedly be openly given, if it were not that they are pledged to carry out the opposition which has been organized against that scheme. The Lieutenant-Governor has most convincing proof that strong pressure is still brought to bear on those who are lukewarm in the matter, or who even favour the scheme, to take up an attitude of opposition. It is notorious that those who have spoken out in favour of the scheme have been so treated that many who share their views have kept silence. The Lieutenant-Governor has no desire to minimise the opposition originally raised against the scheme when it was unfortunately understood to aim at merging some of the advanced districts of Bengal in an altogether backward province. Of course, the objection to even this view of the scheme touched only the educated section of the community. The common people really took no interest in the matter until strenuous efforts were made to rouse them to opposition. Their opposition to the scheme was evoked and organised mainly by certain influential persons, chiefly resident in or closely connected with Calcutta, who felt that their personal interests were at stake. But at the same time it was an opposition which demanded careful and considerate attention because it was based upon real injury which many believed that they were likely to suffer from such absorption in Assam. Much consideration has been given to their views, not only by the Lieutenant-Governor, but also by the Government of India; and there is no doubt that matters stand on a very different footing now, since it has been proposed to transfer the whole of Eastern Bengal to the new province, and to constitute that province in such a way that there will be a Lieutenant-Governor, that there will remain both a Legislative Council and a Board of Revenue, that the High Court's jurisdiction will be maintained, and that none of the privileges will be lost which belong to these districts as at present governed. It may be a subject of surprise that opposition has not, under these circumstances, entirely ceased; but the reasons for this are not far to seek. It could hardly be expected that even the change which has been made in the proposals of the Government could win over entirely those who were opposed to the original proposal. It must be borne in mind that one very strong force not only in Bengal but generally in India is the influence of the legal profession, and the legal profession in Calcutta has thrown itself strongly into this opposition. This is the invariable experience wherever there is any proposal to subdivide; even when it is proposed to divide one district into two, or one subdivision into two, the Bar at the head-quarters will generally be found in opposition to such a course. The reason is manifest, that they have personal interests which are touched thereby; and consciously or unconsciously they are generally led by the feeling of personal injury to oppose such a proposal. It is precisely so in regard to the present movement. There are members of the Bar, members of banking firms and others, who, with their head-quarters in Calcutta, have also their connection with the districts to be transferred. These are they who are strongest in their opposition, and they have spared neither money nor time in organizing this opposition. There is no blame that can attach to them for organizing the opposition as they have done; but when the true value and weight of the opposition has to be gauged, and when it has to be decided how far that opposition represents the

interests of those who are resident in the locality concerned, it is necessary to remember that it owes a great deal both of its origin and strength to those who are non-resident, and whose interests are in Calcutta. Before proceeding to discuss the objections which have been brought against the scheme now under discussion, I am to invite attention to the opinions of Sir Henry Cotton and the High Court regarding the proposal made in 1896 to transfer the Chittagong division to Assam. It is important to consider them, as copies of them were obtained by the leaders of the opposition to the present proposals; and they have been much quoted in the discussion which these proposals have evoked.

Sir Henry Cotton's Minute of 1897. The Minute recorded by Mr. (now Sir) Henry Cotton on 26th January 1897 seems to deserve attention not only because it contains the expres-

sion of the views of an officer who possessed great experience of Bengal, but also because it indicates some of the principles which ought to govern the attempts to constitute a new province. It is true that Sir Henry Cotton had only just been appointed to Assam when he penned this Minute. This undoubtedly weakens the force of his statements so far as they concern Assam. This may be illustrated by the manner in which he treats the contention of his predecessor, Sir William Ward, that "the proposal to transfer the Chittagong division is especially desirable, as with the enlargement of the province of Assam, it will be possible to take a substantial step towards the creation of separate services for the province in the different branches of the general administration in substitution for the present very unsatisfactory system of borrowing officers temporarily from Bengal." On this point Sir Henry Cotton is at variance with his predecessor on two grounds, viz., (1) that it is not "desirable to establish a self-contained service for Assam;" and (2) that "even with the Chittagong division thrown in, Assam would be too small a province to support a self-contained service." If Sir Henry Cotton had had experience of the conditions of service in Assam, it is impossible to believe that he could have enunciated the former of these two propositions. It seems a self-evident statement that it must be most prejudicial to administration to have officers lent by a neighbouring province for periods which are practically terminable at their will. They are men selected from among the officers of another province by the head of that province, who would not, of course, send away his best. It is distinctly contemplated that they may return to their old province when they think that their own interests are served by so doing. They have no permanent connection with, no real interests or ambitions in, the province to which they have been sent. Their early training has not been gained in it; and it is not the province to which they belong. It is unnecessary to say that in this respect Sir Henry Cotton differs not only from his predecessor in office but also from all those who have had (as he had not by that time had) experience of the system in question. Sir Henry Cotton's second proposition, however, is correct; and that is a point which the Lieutenant-Governor would emphasise. Even with the addition of the Chittagong division, Assam would not be large enough to have a self-contained service. This is true. Unless more districts than those of that division are added to the districts of Assam to constitute the new province, the scheme will fail in what must be regarded as one of its important purposes, viz., to give the new province a self-contained and therefore efficient service. What is necessary for efficiency is that officers should be recruited directly for Assam, just as they are, for example, now recruited for the Central Provinces. It was not always so in the Central Provinces. There was a time when there were a large number of Military officers there whose presence prevented the recruitment of Civilians. A few of the latter were got from other provinces; and (with the exception of a few specially selected and sent to hold high office) they were as a body much inferior to any equal number of officers who might have been selected by haphazard. It was not until officers were sent direct to the province to begin and finish their career there that really good men were obtained for the service generally. Sir Henry Cotton goes on to make further criticisms on the proposals of 1897, which the Lieutenant-Governor much more readily accepts. He speaks of the constitutional privileges enjoyed by the people in Bengal, and unknown to the people in Assam. Among these he instances the Board of Revenue where experienced officers dispose of revenue questions after hearing parties or Counsel. He also instances

the privilege of representation in the Local Council of Bengal and insists that the deprivation of that privilege would be a "very serious and just cause for complaint." Enough has been already said to show how thoroughly the Lieutenant-Governor concurs in Sir Henry Cotton's views in respect of these two important privileges. Sir Henry then proceeds to consider the judicial aspect of the question. In this connection he first objects to Sir William Ward's proposal for "the appointment of a separate Judicial Commissioner for Assam, and the consequent exclusion of the Civil and Criminal jurisdiction of the High Court." In regard to this point also the Lieutenant-Governor cordially agrees with Sir Henry Cotton. To those who are accustomed to having a Judicial Commissioner as the highest Court of appeal, this judicial authority may not, and does not, appear to be wholly unsatisfactory. But to those who have been accustomed to look to the High Court, the cheaper and undoubtedly inferior agency of a Judicial Commissioner cannot be acceptable. The Lieutenant-Governor, therefore, regards it as an essential part of the present scheme that the authority of the High Court should be maintained. Passing from this subject with an allusion to the opinion which had been expressed by the High Court, Sir Henry Cotton goes on to speak of the separation of the Chittagong division from the rest of Bengal in terms which lose at least much of their force when applied to the present scheme. According to this scheme the area to be transferred is not that division alone but all the districts of Eastern Bengal, except the two (Sylhet and Cachar) which have already been incorporated with Assam; and the capital is not to be "Shillong, an inaccessible spot," but one of the great towns of Eastern Bengal. I am now to invite attention to the opinion expressed about the same time (June 30th, 1896) by the High Court. The Hon'ble Judges confine themselves to the "judicial aspect" of the scheme. It is unnecessary to discuss that part of their Note in which they deal with the first branch of the question, viz., "the law to be administered"; for their doubt and uncertainty as to that

The High Court's opinion. are due to the fact that the scheme then under consideration gave no hope of a Legislative Council.

As already stated, the Lieutenant-Governor is quite prepared to accept the statement that the transfer of the Chittagong division "to the Government of Assam as at present constituted would not fail to be a retrograde and mischievous step in regard to the legislative needs of the district transferred." All this ceases to apply to the present scheme. What the Judges have to say, however, about the second branch of the question, viz., "the judicial agency," is somewhat important as indicating matters which demand special attention in any such scheme as this. The Judges begin by saying that it may be presumed that "as in Sylhet, the existing Judicial Agency will be maintained in the three districts in question." "In Sylhet, these officers are, as it were, borrowed from the province of Bengal; and after a certain period of service under the Government of Assam, they revert to Bengal. If this system is to apply to the districts proposed to be transferred, the Judges fear that they would suffer from the transfer, as the province of Bengal will not willingly lend the best and most experienced officers; and the Civil Judicial Agency would thus tend to deteriorate." The Judges go on to illustrate this. Here there is, as regards the administration of civil justice, a clear statement of the evils which have affected every branch of administration in Assam from the manner in which its officers are recruited. These evils are not only not inherent in the scheme now under consideration; but that scheme, in its modified and enlarged form, is devised to put a stop to them throughout Assam. The system has been prejudicial to Assam. The Lieutenant-Governor has no hesitation in adding that it has been, in less degree, but yet very seriously, prejudicial to work in Bengal. The officers who come back to Bengal, as they usually do, after years of service in Assam, are necessarily found, for some time, to be more or less ignorant of Bengal conditions and methods, and not as valuable or useful officers as they otherwise might have been. What are the facts at present? There are at this moment in Bengal eleven Civilians of twenty years' standing and upwards who have spent five years and upwards of their service in Assam. And, apart from the Chief Commissioner, there are only four Civilians in Assam of service exceeding nineteen years. This is surely not good for either province. The Hon'ble Judges next go on to point out the disadvantage of having

Military men as Magistrates of Districts and Commissioners, and the difficulty of having a separate judicial service in Assam where so few higher appointments are available. Their remarks on this point are undoubtedly of weight. But in regard to the first point the state of things now is very different from what it was then. A glance at the Civil List of Assam will show that (exclusive of the Provincial Executive and Judicial Services of 49 officers, of whom, of course, none are Military) there are now 42 officers in the Commission. Of these, 31 are Civilians, 1 is a Barrister, and only 10 are Military men. Of these ten, one is the Political Agent in Manipur; and of the other nine, three are on leave, two are employed in the Khasi and Naga Hills, two are Deputy Commissioners in Dibrugarh and Nowgong, and two are Assistants in Dibrugarh and Silchar. They are thus apparently confined to the kind of tracts for which the Honourable Judges think them most suitable, and are not sent to the "more settled districts." Besides this, they are still being steadily reduced in number. Of the nine above referred to, seven were appointed between 1886 and 1892, and only two have been appointed since. The Lieutenant-Governor understands that they are not to be recruited at all in future. As to the second point, it has only again to be remarked that one of the advantages which the Lieutenant-Governor claims for the present scheme is that it provides an adequate career for the officers to be employed in the new province, and obviates the difficulty which is undoubtedly felt in providing a separate judicial service for a small province. The Lieutenant-Governor has thought it worth while, carefully and at some length, to consider these opinions of Sir Henry Cotton and the Calcutta High Court, because they are entitled to respect, and also because they throw light on several important points connected with the present scheme. They contain weighty arguments against the smaller scheme then under consideration. But these very arguments are not only of no weight against the present scheme, but some of them at least, as has been clearly enough shown, also strongly indicate the expediency of the enlarged scheme which the Lieutenant-Governor now submits. This scheme was mentioned in at least one of the memorials presented to the Viceroy, when His Excellency visited Eastern Bengal in February last. His Excellency referred to it as "deserving of attentive consideration," and indicated the grounds on which it might be regarded as more acceptable, in his speeches delivered at Dacca and Mymensingh. I am now to turn to consider briefly the arguments against the proposed incorporation of certain districts of Eastern Bengal in a new province, which are contained in the memorials which have been presented by various

Associations. Some of these arguments have been Arguments contained in the already fully discussed and require little or no memorials against the scheme. further treatment. Nothing more need be said of

the objections regarding the jurisdiction of the High Court. It is not any part of the Government proposal to interfere with that jurisdiction. Neither need anything more be said regarding the anticipated loss of the Board of Revenue or of the Legislative Council. These objections have already been fully considered; and they cease to have any effect in view of the larger scheme which has been set forth above. Similar to this is the argument that "the newly-organised province will not have a judicial and executive staff of its own; and hence the people of the new province will not have the services of good officers; as then the new Government shall have to borrow the services of such officers from the Bengal Government," and as another memorial adds, "the new province will still have to borrow its judicial officers from Bengal; and Bengal is not likely to part with its best officers to lend them to a different province." This has already been considered. The enlarged scheme entirely provides for this difficulty, and the argument indeed indicates the necessity for some such scheme at all events in the interests of the present province of Assam or at least of its most advanced districts. Again the oft-repeated remark that the district in which the memorialists reside is "nearer Calcutta than Shillong" proceeds entirely on a misconception of the scheme; for Shillong will not be the capital of the new province but only the summer residence of some of its officers. It is greatly to be regretted that all these arguments have been repeated again and again in the memorials, and also in the speeches at the public meeting held in Calcutta on the 18th March last, despite the fact that they have been authoritatively answered in the speeches of His Excellency the Viceroy delivered during his visit to Eastern Bengal in the end of February. It is very striking also that hardly any reference

has been made in the speeches delivered at the Town Hall or in the latter memorials to the larger proposal to add the whole of the Dacca division, as well as Chittagong, to the new province. It was referred to by one speaker as "the once repudiated but now apparently accepted scheme," and as a "scheme which had never been officially put forward" although the Viceroy had spoken of it as "deserving of attentive consideration," and had shown that the expansion of the scheme, so as to allow for the creation of a Lieutenant-Governorship instead of a Chief Commissionership, would remove the principal objections to the scheme. The fact is, that it has been recognised (as one of the speakers admitted) that "this alternative scheme would, no doubt, remove some of the objectionable features of the original scheme"; and it has not suited the purpose of those, who have been mainly responsible for the agitation, to admit this fully and turn to the consideration of that other scheme. There are other arguments contained in the memorials, and also in the speeches which have been delivered at the public meetings held to protest against the scheme, which are not so manifestly disposed of by the enlargement of the scheme, and which have not been already so fully discussed in the present letter. These now call for consideration. The first of these

is that the transfer to Assam "will greatly affect the prestige of the inhabitants of these districts by separating them from the influences and associations which they have so long enjoyed under the Bengal Province, and in joining them to a province under a Chief Commissioner instead of a Lieutenant-Governor, which is admittedly backward in its administration, in its educational development and in its want of civilisation." The point is that Bengal is a "forward province" and Assam a "backward province"; that the former is under a Lieutenant-Governor and the latter under a Chief Commissioner; that the former has made more progress educationally and in civilisation than the latter; and that consequently there is "loss of prestige" in being joined to Assam. There is no doubt whatever that this view is held by a large number of persons concerned. It is undoubtedly also true that it is pressed by a number of persons who are interested in opposing the scheme, but do not attach any weight to the argument. As the scheme was first presented, it undoubtedly conveyed the idea that a portion of Bengal was to be swallowed up in Assam. It is extraordinary what an impression this has created, and how difficult it is to get rid of that first impression. Among some of those with whom the Lieutenant-Governor first discussed the matter, there was no doubt a feeling that Assam was more or less a land of *Rakshas*, hobgoblins, and various terrors; and the strange similes used in describing the transfer to Assam would be really incredible to one who had not heard them. These views form the basis of the first agitation; and those who are interested in working that agitation did their best by exaggerated expression of these views to affect the popular mind. It did not seem to occur to those who argue in this way, that to be under the same Local Government with the backward districts of Assam no more necessitated the adoption of the same backward position, than to be under (as they are now) the same Local Government as the Sonthal Parganas, or the wilder parts of Chota Nagpur; nor has it been easy to overcome this first prejudice, and to make them understand that in the new province the Eastern Bengal Districts will have preponderating influence. Closely connected with this view is what may be called the argument from linguistic unity. The ground of administrative expediency on which it has been

The argument based on unity of language and of race.

declared altogether inexpedient to have a very small part of a province with a language of its own, has been misinterpreted into an assertion of the necessity for having all who speak the same language under the same Government. This latter proposition had not been, and cannot be, accepted in India. As to the matter of administrative difficulty, there can, of course, be none in a large area like Eastern Bengal retaining fully its own language while forming part of a province, the other parts of which may speak other languages. Nor is there any reason why the people of Eastern Bengal should be held to be divided from the language and literature of Western Bengal, because they are under another administration.

Another phase of the same argument is the strong assertion frequently made of the inexpediency of dividing the Bengali race. It is clear that this is rather an argument against prevention of unification than against division. The unity of the "Bengali race" may be a thing which some desire; but it is clearly not a thing which already exists. For it is said that "the leaders of society in all parts of Bengal are exerting their influence to promote intermarriage between the *Kayasthas* who prevail in West Bengal and those of North Bengal; and it was expected that at no distant time a fusion of the different branches would take place. But if the proposed change is to be carried into effect, there will be a rupture of social ties, and all efforts in the direction of social reform and union will come to an end." This is part of an argument which states that social relations are practically impossible between persons occupying different provinces. Strange to say, this argument is supported by a reference to the restricted intercourse between Brahmins and *Kayasthas* occupying different parts of the same province. Thus it is said, "though marriages among different sections of the same caste are allowed, such marriages should on no account be outside the respective limits of the different provinces; for instance, though there are higher classes of Brahmins, Vaidyas, *Kayasthas*, and Nabashakhs in different provinces such as Bengal Proper, Orissa, and Bihar, marriages are absolutely unknown among people of the same caste inhabiting the different provinces. A marriage between an Orissa and Bihar Brahmin or *Kayastha* boy and a Bengal Brahmin or *Kayastha* girl can never take place. Though these Brahmins and *Kayasthas* now residing in different provinces trace their descent to the same ancestors respectively, on account of their residing in different provinces, social relations between people of the same caste are now out of the question; even a Bengali or Orissa Brahmin would not take food cooked by a Bihari or United Provinces Brahmin. So the Committee (of the Bengal National Chamber of Commerce) apprehend, and it is the most serious of many evils that would follow, that, in the case of the inhabitants of East Bengal being severed from their brethren in Bengal and annexed to Assam, the former would, within measurable distance of time, be denationalised; they would not only be looked down upon as inferior, but ignored altogether." It is manifest that this is a statement altogether without foundation in fact. Mere administrative division does not produce social division, any more than administrative unity produces social union. Orissa and Bengal, though under the same province, are quite apart, and will remain so until the tendencies towards unification, arising from the progress of education and the ever-increasing facilities for communication, break down the barriers which separate them. Another argument which has been used and which has undoubtedly carried great weight with the educated classes, is the loss of educational advantages which it is alleged will result from separation from Bengal and incorporation in the proposed new province. The influence of the University of Calcutta is one of the educational losses which is mentioned; but unless and until the new province has so developed as to possess a university of its own, there will be no interference with the influence of the Calcutta University. The principal arguments in this connection are, however, three: first, that Assam has not anything like as efficient an educational department as Bengal; secondly, that Assam is too poor to support colleges of the same degree of efficiency as Bengal can afford; and thirdly, that there are certain high class institutions in Calcutta for the teaching of science, medicine, and engineering, to which admission is sometimes limited, and very probably foreign students would more readily be excluded than those belonging to the province. In regard to the first argument it is, perhaps, enough to say that the inferiority of the Assam Educational Department is due to a cause (namely, the smallness of the province) which the present scheme is designed to obviate. If the new province is large enough to have a proper administration of its own, there is no reason why its Education Department should be in any way inferior to that of Bengal. On the contrary, the Lieutenant-Governor is strongly of opinion that the Bengal Education Department is very inferior to what it ought to be, and that its inferiority is due in a large measure

to the fact that it is (like the province to which it belongs) far too unwieldy to be easily efficient. As to the question of colleges, the efficiency and excellence of these institutions depend on two things, namely, on the interest of the Local Government and on local effort. Local effort is assisting in establishing a college at Dacca which will probably be inferior to none in the Bengal Province. Let local effort be continued within the new province, and there can be little doubt that education of all grades will greatly improve; for it may be regarded as certain that the Government of the new province will have more leisure to take an interest in the development of educational institutions. As to the third point, I am to say that as regards the Medical College the existing practice is to select candidates for admission strictly according to their standing in the University examinations. Scholarships are similarly awarded on the result of the annual test examination held in the college. Although undoubtedly the great bulk of the students naturally come from Bengal, there are students from all parts of India and even from Ceylon. As regards the Sibpur Engineering College, it may be noted that very probably the Dacca School of Engineering will be raised to an Engineering College. This is proposed even at present; how much more likely would this measure be pressed if Dacca were the capital of the new province. In that case, even if it were not considered desirable to carry instruction in the Dacca institution as far as it is now carried at Sibpur, students from Dacca would only require to come for a finishing course at Sibpur. Arrangements can perfectly easily be made for this, and should be made. Even now Assam and Burma students come to the Sibpur College, and no trouble has been experienced in the matter on either side. It is precisely the same in regard to science. The Local Government of the new province would either fully equip its own Scientific College, or would send its highest students to colleges in Bengal which are connected with the same University to which its own colleges were affiliated. Scholarships have only to be allotted on a reasonable system to prevent any hardship or injustice. The alleged fear of educational retrogression is a mere bugbear. This is also the case with the objection raised in regard to facilities for employment.

Loss of facilities for employment.

The advantages of the people generally cannot reasonably be sacrificed for the sake of securing employment to certain classes or certain individuals; but it is reasonable to say that the Government of India ought to interfere to prevent the restrictions existing under certain Governments in regard to the employment of other than specified classes from operating unjustly. But this is a matter which is of much wider application than to the subject immediately under consideration. As to that narrower matter, it is hardly to be conceived that reasonable people believe that the transfer of certain districts from Bengal to a new province would lead the Government of Bengal to exclude any class inhabiting these districts from spheres of activity within Bengal which had been hitherto open to them. Another argument which is in some respects connected with the above, is that "the

Assam a poor province.

assets of the richer districts of Bengal will be utilised for the improvement of Assam." This is not a very valid argument in view of the fact that after all these richer districts of Bengal have long been in association with poorer and more backward districts, and that as a matter of fact there has been very serious ground for asserting that they have not even been treated with the same attention and consideration as these poorer and more backward districts. The object of the argument is to make it appear that the purpose of the Government of India in putting forward its proposals is to make Assam a self-supporting province at the expense of Dacca and Mymensingh. It is hardly necessary to deal further with this statement. Another argument which has been used very extensively is that Eastern and Western Bengal

Unity in political and social questions.

have taken their stand together on social and political questions, and that they are represented by the same press, and follow the same leaders, in Calcutta. No doubt there is some truth in this; and it is not wholly to the advantage of the people of Eastern Bengal. It must be remembered that among the people of the Dacca Division and the three

neighbouring districts which practically belong to Eastern Bengal mentioned above, there are 10,443,091 Muhammadans and only 4,814,129 Hindus. Almost all the Muhammadans and a very considerable minority even of the educated Hindus have little sympathy with the political life and work of Calcutta. By many the influence exercised by the press and the leaders of Calcutta is felt to be of a somewhat tyrannical character. The organisation of the opposition to the present scheme is an excellent illustration of the disadvantage that may result from the subordination of Bengal to Calcutta. It is not necessary to enter into details regarding the methods adopted by those who organised the agitation; for these were sufficiently exposed by His Excellency the Viceroy in his speech of the 20th February last at Dacca. It may however be added that the manner in which any man of influence who either publicly favoured, or even professed indifference to, the present scheme, has been attacked in the press and subjected to annoyance in society, is most deplorable. Several gentlemen of high position, while expressing to the Lieutenant-Governor in private their thorough acceptance of the scheme as likely to be most advantageous to the districts concerned, have asked him to excuse their desire not to make their views public. They have pointed out how effectively they can be injured in public esteem and subjected to annoyance among their own people by these "leaders of educated opinion," should they presume to differ from them. This difficulty exists more or less all over India; but the Lieutenant-Governor thinks that the tyranny of the professional wire-puller is far more manifest in Bengal than in any part of India with which he is acquainted. The Lieutenant-Governor does not desire to introduce political considerations into this discussion; but he mentions these patent facts as indicating the difficulties experienced by those who would otherwise have expressed their approval of the scheme. It is noteworthy in this connection that the Committee of the Bengal Chamber of Commerce mention incidentally (in their letter of 19th ultimo) that they "have been informed by some large holders of land in Faridpur and Backergunge—members of the Chamber—who also possess extensive interests in landed property in Dacca and Mymensingh, that they see no objection to the proposed transfer except possibly the loss of the control of the Bengal Board of Revenue." The Committee, however, presume that this possible objection will be met by suitable arrangements in the new province. Their letter was written after consideration of "the recent utterances of His Excellency the Viceroy" and of the letter of 23rd December, 1903, from the Government of India (Home Department) to this Government. It is, therefore, to be noted that the large holders of land in the Dacca Division, who are members of the Chamber of Commerce, have intimated their acceptance of the expanded scheme which the Lieutenant-Governor asked them to consider. Among the wealthier classes there are found undoubtedly some who have a considerable objection to being separated from the capital of the province. There is much in Calcutta which is attractive for some whose

homes are in the interior; and with their objection to all change, and especially to a change which seems to deprive them of the amenities of life in the capital, the Lieutenant-Governor has very considerable sympathy. At the same time it must be borne in mind that the advantages of Calcutta which these gentlemen fear to lose are for the most part merely the advantages that belong to a capital city. They are connected with some of the many institutions which are centred in Calcutta, because Calcutta is the capital of the province. Their connection with the capital leads them to feel that separation from it would mean loss to them. This is undoubtedly in a sense true; but the great balance of advantage rests in making the capital of the new province the centre of the local districts themselves. If Dacca is made the capital of the new province many of the advantages now associated with Calcutta will be found there. The old position of Dacca was one of great influence; and if that influence were restored by making it again the capital of Eastern Bengal, there is no doubt that much that some among the wealthier classes of Eastern Bengal fear that they may lose, would be found in their new capital, and, as regards those of the seven districts round Dacca, would be far more than made up to them. The weight and influence which the magnates of Eastern Bengal would enjoy in the new province and in its

capital would be much greater than they can enjoy in Calcutta. The connection which now binds to Calcutta some of the people of the districts which it is proposed to transfer will in future bind them to Dacca; and in Dacca itself will be gathered together many of those centres of attraction and of interest which now draw them towards Calcutta. Those special advantages which Calcutta has, as the capital of the Empire, would also be still available to the inhabitants of Eastern Bengal, even though they should belong to a new province. It is very strange that the idea never seems to have suggested itself to the people of Eastern Bengal that Dacca might be the capital of the new province. They seem to have at once concluded that they were merely to be added to Assam, that the capital of the enlarged Assam would continue to be at Shillong, and that they would be as much absorbed in Assam as Sylhet and Cachar had been. The different position which they would hold if the whole of Eastern Bengal were added to Assam, so as to constitute a new province, does not seem to have occurred to them. When however it was suggested to them, it was at once admitted on all hands that the proposal was entirely altered in character; and although the modified proposal has not generally been formally accepted, yet the opposition to it has certainly altered in vehemence and greatly diminished in extent. But for the determination of those leaders who are interested in keeping up the close connection with Calcutta, and but for the fact that those who indicated any change of view were promptly denounced as traitors to the cause, there can be little doubt that the expanded proposal would have been accepted by a very influential section of those who originally opposed the scheme. Another objection to the scheme which has been strongly urged

Commercial interests.

by certain memorialists, is that the commercial interests of the eastern districts will suffer from their disconnection with Calcutta. As has been already indicated there are some influential money-lenders with their headquarters at Calcutta, and with much of their money-lending business connection in the Dacca Division. These men strongly oppose the scheme, and are among the principal organisers of the opposition. They have spent their money freely in organising the opposition; and they have utilised all their influence with their constituents for the same purpose. It is no doubt true that they will be inconvenienced by a change which brings a considerable number of their constituents within another province. But the Lieutenant-Governor feels himself quite unable to attach any importance to this consideration. The question of the effect of the proposals on commerce and trade stands, of course, on an altogether different footing. If it could be believed that the commerce and trade of the districts of the Dacca Division would suffer from the adoption of the proposals which His Honour has submitted, he would regard this as an exceedingly strong objection. He does not, however, believe that this is the case. He believes that it is quite possible that the trade of Dacca, as well as that of Chittagong, may be benefited by the change. But he cannot conceive of the possibility of any damage being done to trade or commerce from the formation of the new province on the lines which he has indicated. The Bengal Chamber of Commerce have submitted their own opinion, and the opinions of subsidiary associations, on this question. The Lieutenant-Governor fully concurs in the opinion of the Committee of the Bengal Chamber of Commerce that "no change in the seat of the administration will divert trade from its natural channel. Trade will always follow the cheaper route regardless of the jurisdiction under which it is carried on." The Calcutta Baled Jute Association express the opinion that "the suggested transfer of certain districts to Assam, and the change of government thereby entailed, would have no appreciable effect on the jute export trade of this province, unless such transfer should expedite the bridging of the Megna and the connection of the Dacca-Mymensingh section of the Eastern Bengal State Railway with the Assam-Bengal Railway, thus providing through railway communication to Chittagong." That is to say, the only effect would be advantageous to the jute trade. The Indian Jute Mills Association "are not disposed to take exception to the proposals so far as the jute industry is concerned;" for "the jute export trade like

every other export trade must and always will follow the cheapest route to the sea-board." The Indian Mining Association consider that "so far as they are able to judge the effect on the coal-mining industry will be practically nil." The Indian Tea Association state that "from the standpoint of the tea industry no objection can be taken to the proposed changes." Thus, there is an absolute consensus of expert opinion that, in respect of commerce and trade, no disadvantages will result from the proposed changes, but only possible advantages. Finally, there is the natural objection which should not be forgotten, namely, the sentimental objection to a change of province. By speaking of it as sentimental, it is not intended to treat it as in any way trifling. Sentimental objections are of great weight; and it is in view of the great weight that

Natural objection to change. ought to attach to a sentimental objection, as well as in view of other important considerations which have been set forth already, that the Lieutenant-Governor would strongly urge that the whole of Eastern Bengal as now understood (namely, the Dacca and Chittagong Divisions and Sylhet and Cachar, and also the districts of Pabna, Bogra, and Rangpur) should be brought together under one province; and he believes that if this be done, the sentimental objection will, within what must be regarded as a very short time in the history of a people, be overcome; and the people will rejoice not only in the benefits, but also in the dignity, of belonging to the new province. The Lieutenant-Governor does not consider that it is necessary to discuss this question further. He has endeavoured to give as clearly

as possible a statement of the reasons which induce him to deprecate the proposal to transfer any of the British Districts of Chutia

Nagpur to the Central Provinces, to accept the proposals regarding Orissa, and strongly to support, in an expanded form, the proposals of the Government of India regarding Eastern Bengal. He has fully considered the arguments which have been used against the proposals which he would recommend for adoption; and he now submits them in the full conviction that if they are accepted they will result in great advantage to the districts concerned. The effect of the proposals of the Lieutenant-Governor on the area and constitution of the new province and of Bengal may be shown in the following brief statement:—

	Area in Square Miles.	Population.
New Province—		
Assam	56,243	6,126,343
Dacca Division	15,040	10,793,988
Chittagong Division	15,859	4,911,056
Districts of Pabna, Bogra, and Rangpur	6,691	4,429,175
Total	93,833	26,260,562
Bengal—		
Bengal (at present) including Feudatory States	189,837	78,493,410
<i>Add—</i>		
From Central Provinces	13,722	1,608,391
„ Madras	20,994	2,861,244
Total	224,553	82,963,045
<i>Deduct—</i>		
(a) Eastern Bengal	37,590	20,134,219
(b) Hindi-speaking Feudatory States of Chutia Nagpur.	11,604	583,177
Balance	175,359	62,245,649

In regard to these proposals it is only necessary to say that the Lieutenant-Governor cannot advocate, as from his own experience, the additions from Madras, and would only accept them because his experience regarding Sambalpur leads him to believe that they would be in the best interests of the administration of the tracts in question, and because he believes that these additions would not make Orissa too heavy a charge for one Commissioner, nor affect appreciably the work of the Local Government in connection with that division. As to the new province on the North-East of Bengal, the Lieutenant-Governor believes that it would be far more easy to administer it efficiently than it can be to administer the present province of Assam. He believes that it should be ruled by a Lieutenant-Governor, and that it will be of sufficient size and importance to justify this. And he is persuaded that the transfer to the new province of the eleven districts of Eastern Bengal will be of great and lasting benefit to the people of these districts. Bengal, reduced in accordance with His Honour's proposals, will be considerably less than under the scheme summarised in paragraph 28 of the Home Department letter of 3rd December last. And the Lieutenant-Governor is of opinion that far more real relief will be afforded to the Government of Bengal by the transfer of the whole of the Dacca Division and the other three districts which practically belong to Eastern Bengal, along with Chittagong, than by the transfer of a part of the former division and a part of the Chutia Nagpur Division. He regards the proposal to transfer any part of the British districts of the latter division to the Central Provinces as impracticable; but, apart from this, he believes that the relief given by such a measure would be much less than the burden which would still remain on Bengal if part of Eastern Bengal, with its special problems and difficulties, were left connected with this province. Finally, the Lieutenant-Governor believes that, with the greatly increased facilities for communication, and with the valuable assistance rendered by the High Court in judicial administration and by the Board of Revenue in matters connected with revenue generally and especially the Land Revenue, the charge of Bengal, when reduced from nine to six or seven divisions, will not be too heavy a charge for a Lieutenant-Governor. The portions of Bengal to be transferred are one division which is the most remote of all, and another division (with three adjoining districts) which has special problems of its own and is in many respects the heaviest of all. His Honour, therefore, cordially accepts the indication given by the Government of India of their readiness to relieve him, and earnestly hopes that the ultimate relief will be not less than what he has proposed.

Annexure 1.

From W. Parsons, Esq., Secretary, Bengal Chamber of Commerce, to the Chief Secretary to the Government of Bengal, No. 491—1904, dated Calcutta, the 19th March, 1904.

I am directed by the Committee of the Bengal Chamber of Commerce to acknowledge receipt of your letters No. 118J. of 6th January, 1904, No. 211J. of 9th January, 1904, and No. 521J. of 19th January, 1904. The first of these letters covers copies of letters No. 3678 of 3rd December, 1903, and No. 3808 of 23rd idem, from the Secretary to the Government of India, in the Home Department, on the subject of the proposed transfer of certain districts of this province to Assam and the Central Provinces, and requests an expression of opinion on the part of the Chamber on the proposals made in the letters, especially with reference to the effect that they may be expected to have on commercial interests. Your letters No. 211J. and No. 521J., request the Committee of the Chamber to ask the Indian Tea Association, the Indian Jute Mills' Association, the Calcutta Baled Jute Association, and the Indian Mining Association to consider the question and furnish His Honour the Lieutenant-Governor with their opinions as to whether the proposals are likely to affect the industries they respectively represent, and, if so, in what manner.

2. The proposals of the Government of India are dealt with at considerable length and in very close detail, and the arguments for and against them are very clearly elaborated in Mr. Risley's letter of 3rd December, 1903, to the Government of Bengal. Briefly summarised, they may be stated to include the transfer of the Chittagong Division, Hill Tippera, Dacca and Mymensingh, with possibly the districts of Faridpur

and Backergunge to Assam, or whatever the proposed new province may be called, and the transfer of Chota Nagpur to the Central Provinces, while on the other hand Sambulpur and certain Feudatory States now under the jurisdiction of the Central Provinces Administration and the Ganjam district with the Ganjam and Vizagapatam Agency tracts, now under the jurisdiction of the Government of Madras, would be transferred to Bengal. Without following Mr. Risley too closely in his ethnological arguments for the consolidation of the Uriya-speaking populations under one Government, the Committee are inclined to agree with the Government of India as to the advisability of retaining Orissa under the Bengal Government, and also bringing under that Government Sambulpur and the Feudatory States from the Central Provinces and the Ganjam district with the Ganjam and Vizagapatam Agency tracts from Madras. The Committee do not anticipate that any such change would prejudicially affect mercantile interests, while it would probably remove the difficulties referred to in Mr. Risley's letter, which are said to have been for years a source of anxiety and trouble to the Central Provinces Administration and to the Government of Madras.

3. The most important of the proposals of the Government of India have still, however, to be considered, and these are more difficult to deal with from every point of view. The Committee of the Chamber only propose to consider this question in its bearing upon the interests of commerce. Other influential bodies, representing native opinion, have submitted their views, which the Committee notice are mostly in opposition to the proposals of Government, and no doubt due weight will be given to their representations. In the opinion of the Committee, no change in the seat of the Administration will divert trade from its natural channels. Trade will always follow the cheaper route, regardless of the jurisdiction under which it is carried on. A question of greater importance to the merchants of Calcutta than changes in the demarcation of administration boundaries is that in their competition with other ports their lines of communication from the interior should be of the highest efficiency. The course of trade and traffic is more or less regulated by merchants themselves, and established centres of commerce with the facilities they offer become difficult to disturb. In the event of the transfer of Dacca and Mymensingh together with Chittagong to a new province the Committee do not consider that such a transfer would of itself constitute Chittagong the port and natural commercial outlet of the new province. This could only be decided by the course of trade itself.

4. The Committee have noted carefully the recent utterances of His Excellency the Viceroy, which appear to point to the creation of a new province under the rule of a Lieutenant-Governor assisted by a Legislative Council and have also before them the letter of 23rd December, 1903, from the Government of India to the Government of Bengal, in which it is definitely stated that the jurisdiction of the High Court will remain unaltered under the statutes which confer upon the Governor-General in Council the power to alter the limits of provinces and which expressly provide that no such alteration shall of itself affect the law in force in the territories concerned. Under these circumstances, while the Committee would oppose the transfer to the Central Provinces of the Chota Nagpur Division, which appears likely ere long to become a very large mining and industrial centre more likely to develop satisfactorily under the Government of Bengal, they would not object to the transfer to a new province of the Chittagong Division, Hill Tippera, Dacca, and Mymensingh, together with Faridpur and Backergunge. The Committee understand that the people of Faridpur and Backergunge are much more akin in race, language, and customs to the people of Dacca and Mymensingh than they are to the people of the districts of Nadia or the 24-Parganas or other districts in Western Bengal, and they do not attach much importance to the argument of the river forming the natural boundary between the two provinces.

5. The Committee consider that the fears they have seen expressed that the districts which it is proposed to transfer to a new province are likely to suffer by their association with Assam, are more or less exaggerated, and they are of opinion that Assam is much more likely to derive benefit from its association with Dacca and Mymensingh. The Committee have been informed by some large holders of land in Faridpur and Backergunge—members of the Chamber—who also possess extensive interests in landed property in Dacca and Mymensingh, that they see no objection to the proposed transfer except possibly the loss of the control of the Bengal Board of Revenue. Presumably, Revenue Officers of experience would be appointed in the province, who will be equally competent to deal with Revenue matters. The Committee would, however, as previously indicated in the course of this letter, strongly object to the proposals generally unless it is made absolutely clear and unless definite guarantees are given, that the jurisdiction of the High Court over the transferred districts will not be interfered with in the slightest degree.

6. The Committee would also strongly protest against any proposal which would have the effect of handing over the Port of Chittagong to the Assam-Bengal Railway with the view of securing artificial at the expense of natural development. They are unable to concede that Chittagong is the natural Port of Assam. If it were, it would have been a much more important port years ago than it is at present. The natural port of a territory drained by large navigable rivers is one where the river, the rail, and the ocean traffic can be economically interchanged. The Port of Calcutta, for instance, is accessible to the whole of the inland water-borne traffic of the Delta and the Ganges, Brahmaputra, and Surma Valleys. At a moderate cost distances can be greatly reduced and a much greater area can be opened up by the improvement of the

tributary rivers. The Committee would strongly deprecate any attempt to force trade in the direction of Chittagong by the expenditure of State revenues in creating and maintaining what would be distinctly unfair competition between the Assam-Bengal Railway and the existing means of communication both by rail and river between the jute and tea districts and Calcutta.

7. I have the honour to enclose, as requested by you, copies of letters from the Committee of the Calcutta Baled Jute Association, the Indian Jute Mills' Association, and the Indian Mining Association, conveying the view of these Associations respectively, for the information of Government. The General Committee of the Indian Tea Association hope to be able to furnish their views shortly, and a copy of their letter will be forwarded to you as soon as received.

Annexure 2.

Letter from the Assistant Secretary, Calcutta Baled Jute Association, to the Secretary, Bengal Chamber of Commerce, No. 483 T., dated Calcutta, the 27th January, 1904.

I am directed by the Committee of the Calcutta Baled Jute Association to acknowledge the receipt of your letter No. 81—1904, dated 12th instant, forwarding copies of the papers noted in the margin with regard to the proposed transfer of certain districts of this province to Assam and the Central Provinces. You enquire whether the proposals contained therein are likely to affect the industry with which this Association is especially concerned.

Letter No. 3678, dated the 3rd December, 1903, and No. 3808, dated 23rd idem, from the Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bengal.

In reply, I am directed to say that the Committee have given the proposals their most attentive consideration, and have arrived at the conclusion that the suggested transfer of certain districts to Assam and the change of Government thereby entailed would have no appreciable effect on the jute export trade of this province, unless such transfer should expedite the bridging of the River Megna and the connection of the Dacca-Mymensingh section of the Eastern Bengal State Railway with the Assam-Bengal Railway, thus providing through railway communication with Chittagong. The provision of this bridge would doubtless be a very costly undertaking, but its construction would probably be pushed on or at any rate demanded more strongly by a new Provincial Government anxious to develop the trade of Chittagong, than by the Government of Bengal, with whom, it may be presumed, the rival interests of Calcutta weigh more appreciably.

Apart from any question of partition, the bridging of the River Megna must, the Committee think, eventually become an accomplished fact, and Calcutta, it is only natural to suppose, will lose the export trade in Naraingunge jute as also that from Assam itself. But, on the other hand, the jute crop area will no doubt expand, and there will in that case be sufficient jute for both ports. To sum up, the export jute trade of Calcutta will not, so far as the Committee are able to judge, be adversely affected by a transfer of certain of the jute growing districts to Assam, but only by the provision of unbroken railway communication between the Naraingunge-Mymensingh district and the port of Chittagong.

Annexure 3.

Letter from the Assistant Secretary, Indian Jute Mills' Association, to the Secretary, Bengal Chamber of Commerce, No. 13 D., dated Calcutta, the 29th January, 1904.

I am directed by the Committee of the Indian Jute Mills' Association to acknowledge the receipt of your letter No. 81 of the 12th January, with reference to the changes which the Government of India suggest should be made in the territorial jurisdiction of the Lieutenant-Governor of Bengal. You forward copies of the official papers connected with the subject, and invite the Committee to state their views upon it for the information of His Honour.

2. In reply, I am to say that the Committee have thoroughly examined and considered the proposals in so far as they relate to the industry with which this Association is concerned. And it is the opinion of the Committee that the interests of the industry will not be in any way materially affected should the changes be eventually made. It may be desirable to indicate, very briefly, the reasons which have led the Committee to this conclusion. In the first place it should be noted that the Calcutta Jute Mills consume in the manufacture of jute yarns, jute cloth, and jute bags quite 50 per cent. of the available jute crop. The prospects are that the manufacturing

industry will continue to increase in the future as it has increased in the past. It will, consequently, require to secure a greater proportion of the total jute crop, leaving less jute for export in the raw state. That being the position, it may be taken for granted that, as heretofore, the bulk of the crop will be attracted to Calcutta, regardless of any re-arrangement, or re-distribution, of the provinces in which it is grown.

3. On the other hand, it is to be expected and hoped that the area under jute cultivation will expand as time goes on. In that event the quantity of raw jute for export will suffer less diminution. There are evidences that Chittagong will be able to offer cheaper facilities for export than can be afforded by Calcutta. Consequently, a considerable proportion of the trade may be diverted to that port. But, that proportion will manifestly be so diverted, whether Chittagong and the growing area be subject to the Lieutenant-Governor of Bengal, or to the Chief Commissioner of Assam. For the jute export trade, like every other export trade, must and always will follow the cheapest route to the sea-board.

4. In these circumstances the Committee are not disposed to take exception to the proposals so far as the jute industry is concerned. There is, however, one point—it is perhaps a point of detail—to which they would wish to direct the attention of His Honour. It has reference to the jute forecasts. At present the forecasts are issued by the Government of Bengal. But under the new arrangements a large section of the growing area would be transferred to the Administration of Assam. It may be presumed, therefore, that that Administration would also publish forecasts. Such an arrangement would be most strongly deprecated by the trade as being distinctly inconvenient. In order to overcome the difficulty the Committee think that the forecasts for the whole of the growing area might be under the control of one officer. At the present stage it is perhaps premature to suggest the Administration to which this officer should be subject; but in the opinion of the Committee he should be, if possible, attached to the Imperial Government.

5. I have stated that the Committee have confined their consideration of the proposals to the effect which the latter may be expected to have upon the jute industry. But, without departing from that principle, the Committee venture to remark that the division of Chittagong and the districts of Dacca and Mymensingh—with a population nearly double that of Assam as at present constituted—might be almost large enough and of sufficient importance to warrant their being grouped together into a separate province. The Committee fully recognise that this suggestion at once raises many of the difficulties—such as those affecting the position of the Covenanted Civil Service—which now seem to be experienced in Assam. But at the same time they think it might be worthy of consideration.

Annexure 4.

From the Assistant Secretary, Indian Mining Association, to the Secretary, Bengal Chamber of Commerce, No. 75 R., dated Calcutta, the 23rd February, 1904.

I am directed by the Committee of the Indian Mining Association to acknowledge the receipt of your letter No. 81—1904, dated 12th January, with enclosures, in connection with the proposed transfer of certain districts of Bengal to Assam and the Central Provinces. You request an expression of opinion as to whether the proposals are likely to affect the coal mining industry.

In reply, I am to say, that the Committee have given the question of the proposed transfers their attentive consideration, but, so far as they are able to judge, the effect on the coal mining industry will be practically nil. I am to add, however, that the proposal to change the name of a province so well known as Assam does not, in other interests, seem advisable.

Annexure 5.

From W. Parsons, Esq., Secretary, Bengal Chamber of Commerce, to the Chief Secretary to the Government of Bengal, No. 550—1904, dated Calcutta, the 30th March, 1904.

In continuation of my letter No. 491—1904, of 19th March, 1904, I have the honour to forward, for the information of the Government of Bengal, copy of letter No. 2050., of 26th March, 1904, from the Secretary, Indian Tea Association, conveying the views of that body on the subject of the proposed transfer of certain districts of this province to Assam and the Central Provinces.

Annexure 6.

From H. M. Haywood, Esq., Assistant Secretary, Indian Tea Association, to the Secretary to the Bengal Chamber of Commerce, No. 205 O., dated Calcutta, the 26th March, 1904.

I am directed by the General Committee of the Indian Tea Association to acknowledge the receipt of your letter, No. 81, dated the 12th January, 1904, with reference to the proposed transfer of the jurisdiction over certain Bengal districts to Assam and the Central Provinces.

2. These proposals, briefly stated, provide: (1) for the transfer to the Chief Commissioner of Assam of the jurisdiction over the Chittagong Division (including Hill Tippera), and the districts of Dacca and Mymensingh, and (2) for the transfer of Chota Nagpur to the Chief Commissioner of the Central Provinces. On the other hand, they comprise the transfer to Bengal of the jurisdiction over (1) Sambalpur and certain Feudatory States from the Central Provinces; and (2) the Ganjam districts and the Ganjam and Vizagapatam Agency tracts from the Madras Government. As regards population, the net loss to Bengal would be about eleven millions, and the net gain to Assam about eleven and a-half millions.

3. For the information of the Government of Bengal you ask whether, in the opinion of this Association, these changes would be likely to affect the tea industry. The Committee have submitted your letter and the papers accompanying it to the members of the Association and to the Assam and Surma Valley branches. Judging from the replies received, the balance of opinion is that, viewing the question from the standpoint of the industry, no objection can be taken to the proposed changes. This opinion is, I am to say, also shared by the Committee, who have themselves attentively examined and considered the whole scheme.

Annexure 7.

From Babu Sita Nath Roy, Honorary Secretary, Bengal National Chamber of Commerce, to the Chief Secretary to the Government of Bengal, dated Calcutta, the 3rd February, 1904.

Adverting to the letter addressed by the Government of India to the Government of Bengal, formulating a proposal for curtailing the territorial jurisdiction of His Honour the Lieutenant-Governor of Bengal, by transferring portions of it to adjacent provinces, I, on behalf of the Committee of the Bengal National Chamber of Commerce, beg to offer their respectful protest against that portion of the scheme which advocates the severance from Bengal of two of the most flourishing, cultured and progressive districts, namely, Dacca and Mymensingh, and of the Chittagong Division as a whole, and their enforced annexation to a backward province like Assam, and to submit the following observations in support of their protest.

Before going into details and trying to meet the various arguments in favour of the scheme, the Committee beg leave to observe that the mere formulation of a proposal of the kind has been enough to startle the whole of Bengal and to create feelings of profound alarm and dismay among all classes of the people and a sense of despair at the helplessness of their situation, and the Committee therefore earnestly and respectfully pray that before arriving at a final determination of the question raised, both His Excellency the Viceroy and His Honour the Lieutenant-Governor will be graciously pleased to consider the views of the various public bodies in the metropolis and in East Bengal, and to give due weight to the feelings of the various classes affected by the proposed transfer.

The principal object aimed at in proposing the transfer of an area comprising a population of eleven millions is said to be to lighten the excessive burden now imposed upon the Government of Bengal by increase in population, the expansion of commercial and industrial enterprise and the growing complexity of all branches of the administration. The remedy suggested is, however, in the nature of a mere makeshift; for as the population in Bengal seems to increase by about 10 per cent. every 10 or 12 years, and as the resources of the country are being opened out more and more every day, and as railways are rapidly extending into the interior, it is possible, by the time the next census is taken, the contracted province in spite of the transfer will have resumed largely its numerical strength, and the commercial and industrial enterprise instead of contracting will expand all the more, with the result

that all branches of the administration will become all the more complex, and the Committee apprehend that the same difficulty will have to be confronted and the Government will again have to look out for some relief for the head of the Local Government to further dismember Bengal and to sever and transfer the Rajshahi Division (including Malda and Gaur, once the seat of the old Hindu Kings) and annex it to Assam. If relief is to be given in this way, there is no knowing how often this Presidency will have to be dismembered and where the line has to be drawn.

Adverting to the alleged difficulty of governing outlying districts such as Orissa, Dacca, Chittagong and Ranchi, from such a distant centre as Calcutta, and the consequent mishaps said to have followed and as likely to follow, pointed allusion has been made in Mr. Risley's letter to the memorable Orissa Famine of 1866. With reference to the above the Committee beg leave to observe that the condition of things has within the last thirty-eight years been altogether changed and the so-called outlying parts, such as Cuttack, Chittagong and Dacca, have, by the establishment of railway and steamer communications, been brought into close contact with, and made easily accessible from, Calcutta, the seat of Government; the town of Dacca being now only 14 hours' journey and the western part of the district only 6 hours' journey from it, while Chittagong and Cuttack are 24 hours and 10 hours distant respectively. These distances are certainly not greater than the distances which separated Khulna, Jessore, Krishnagar, Murshidabad, and even Midnapore and Hooghly from Calcutta before the opening of railways; and even now such favoured districts (especially in portions unconnected by rail) as Nadia, Murshidabad, Rajshahi and Malda, are at a much greater distance than the western part of the district of Dacca.

The Committee apprehend that the difficulty and the evils complained of as due to the administration of the outlying districts like Dacca and Chittagong from Calcutta instead of being removed will be aggravated by annexing Dacca, Mymensingh and Chittagong to Assam, the seat of Government, of which during the greater portion of the year is at Shillong, for the journey from the above districts to Shillong cannot be performed under six days, involving considerable hardship and expense.

It is said that on account of the vast size of the territory under his administration the Lieutenant-Governor is unable to pay more than a single hurried visit to such important places as Dacca, Chittagong, Cuttack and Ranchi within the five years of his administration, and that he is able to visit only a portion of his vast charge. But so far as Dacca and Chittagong are concerned their respective distances having been considerably abridged by the opening of railway and steamer communications, they have been fortunate enough in receiving two or three visits from every Lieutenant-Governor.

With reference to the statements "There is reason to believe there is no portion of Bengal regrettable.

"It would be local administration."

It is incomprehensible how the drawbacks of an imperfectly supervised administration can be removed by annexing Dacca and Mymensingh to Assam. The panacea for these drawbacks and for the absence of close and intimate touch between the officers of Government and the people, lies not in transfer but in the close supervision of the outlying districts by the district officers and in directing those officers to visit and visit more frequently these outlying parts and other places in their charge and to cast off all reserve and aloofness and mix freely with the people. At present the tour of a Magistrate in the interior is undertaken more to complete the regulated number of days a district officer has to spend in the mufassal than for gathering information or for learning the wants and requirements of the villagers. Irrespective of the unwillingness of the district officers themselves to visit unimportant outlying parts, the Committee believe that the imperfect supervision of those parts is due partly or rather mainly to the fact that some of those districts such as Mymensingh are each of them too large and heavy a charge for one single district officer, and the remedy lies in splitting each of these districts into two portions and converting each portion into a district with a District Magistrate over it.

The Committee are not aware of the findings of the Police Commission, but it cannot be said that Dacca, Mymensingh and Tippera are more criminal than Faridpur, Backergunge and Pabna, the number of rioting and murder cases being more numerous in Faridpur and Backergunge than anywhere else.

It will be evident from the following figures that the numbers of criminal cases instituted every year, even in the metropolitan districts, such as the 24-Parganas, Hooghly and Burdwan, exceed, considering their relative areas and populations, those instituted in Dacca and Mymensingh respectively, and the numbers of dacoity cases being much greater in the former than in the latter districts.

It is a matter of some surprise that in places such as Budge-Budge, Ulubaria, Belgachi (which is only a few minutes walk from the Government house), Khurda and other adjacent places, dacoities attended with violence should be committed.

Surely these are not places which can be said to lack proper supervision: on the contrary these are the places where close touch between the district officers and the people under their charge may be presumed to exist:—

Name of District.	1901. Total number of cases instituted.	Dacoity about 350.	Rioting 2,068.	Area in square miles.	Population.
Faridpur	2,171	12	131	2,231	1,937,646
Backergunge	3,869	—	119	3,645	2,291,752
Tippera	1,764	—	94	2,499	2,117,991
Mymensingh	7,501	11	78	6,332	3,915,068
Dacca	2,633	—	68	2,782	2,649,522
Nadia	2,889	—	64	2,793	1,667,491
24-Parganas	3,704	32	60	2,108	2,078,359
Burdwan	2,655	16	—	2,689	1,532,475

That with the increase of population, the spread of education, the growing expansion of trade and commerce, the problems of administration may grow in number and complexity, may be conceded, but it is merely a temporizing policy to give relief to the administration by a reduction of territorial jurisdiction and not by necessary organic change in the form of government.

The Committee venture to think that the true remedy lies in altering the machinery of Government, in creating an Executive Council for assisting the Lieutenant-Governor, and to devise other means which will lighten the Lieutenant-Governor's burden without diminishing his responsibility.

While the whole Indian Empire with an area of about 1,700,000 square miles, comprising various races, creeds and classes with conflicting interests and involving much more onerous responsibilities, has been so long well and successfully administered by the Governor-General, assisted by an Executive Council of six members, there is no reason why Bengal should not be efficiently managed if assisted by an Executive Council of two or three members to whom special departments may be assigned.

It is unnecessary at this stage to discuss in what form the machinery of Government may be altered, but the Committee beg to submit that an organic change in the form of government has become a matter of paramount necessity.

If the Government differs from this view and chooses to adhere to its proposal of the reduction of territorial jurisdiction, the Committee believe that the transfer of Orissa and of a small portion of Chota Nagpur to the Central Provinces would be a lesser evil and certainly less objectionable.

The population of Orissa and the Jungle Mehals attached to it under the Commissioner of the Orissa Division is at present 6,290,000 and their territorial area is 24,000 square miles, and the number of Uriya-speaking people in Sumbalpor and certain adjacent Feudatory States under the Central Provinces is 1½ millions, while the number of the Uriya-speaking people in Ganjam under Madras and the Ganjam Agency Tracts are 1,275,000 and 87,000 respectively, and in the Vizagapatam Agency Tracts the Uriya-speaking people number 409,000. Thus on the whole the aggregate number of the Uriya-speaking people comes up to 9,561,000.

It may be an advantage to the Orissa people themselves, and it appears some of them expressed a desire, that the scattered units of their race, now placed under three different Administrations, should be welded together and placed under one Commissioner and the whole of Orissa bodily transferred to the Central Provinces, where as a whole by virtue of their preponderating number they are sure to receive greater attention than they are said to do from the Government of Bengal.

As for the disadvantage of Orissa or the Central Provinces having no port of its own, admitting it to be true that every administration in India requires a port of its own, the Committee beg to point out that if Ganjam and a portion of the district of Vizagapatam with the town of Vizagapatam were with Orissa added to the Central Provinces, then the Central Provinces will, besides having the port of Chandbally, have an excellent port, a fine harbour and an outlet for the surplus produce of the provinces in Vizagapatam (but if on account of the language difficulty Vizagapatam were excluded) or at least in Ganjam.

It is said that Orissa has been for close upon a century under the Government of Bengal, that it is difficult to ignore or break the prescription of a century, and that the educated and commercial classes in Orissa are opposed to any transfer.

Admitting the force of the first part of the argument, the Committee beg to observe that the same argument should apply with still greater force against the transfer of East Bengal, particularly of Dacca, which was the capital of all Bengal during the Hindu and Muhammadan rule at a time when Calcutta and the surrounding districts were swamps. In fact the name of Bengal, as the Committee will presently show, is derived from *Bango*, as East Bengal is still called in common parlance.

Without going into further details the Committee respectfully beg leave to observe that if it is sought to give relief to the Bengal Government by reduction of territory alone, such relief by the addition of Orissa would be an advantage to the Central Provinces, as it would gain so much in size and population and render the administration thereof independent.

If the principal and only object be to give relief to the Bengal Administration, that object could be easily obtained by transferring, as suggested before, the whole of the Uriya-speaking area and portions of Chota Nagpur to the Central Provinces. But over and above that, other arguments have been brought forward to justify the transfer of East Bengal to Assam. The first is the erection of Assam into a vigorous and self-contained Administration. The second is that it has no service of its own, and is dependent on foreign service, and whatever that may mean, it is too small to attract men of merit and ability and that its officers have at present not a very wide and interesting field of work open to them.

Adverting to the above the Committee beg to observe that there has not been a distinct and separate Civil Service in any province under a Chief Commissioner, that in all such provinces it has always been the practice to indent upon adjacent provinces for their officers—nay it has also been the practice to recruit Chief Commissioners from other provinces; but however that may be, so long as an officer, whether in a province under a Lieutenant-Governor or a Chief Commissioner, works meritoriously, his work is bound to be appreciated. There is no bar to his attaining the highest position in the service, as has been observed in several instances, where Chief Commissioners serving in such backward provinces as Assam and the Central Provinces have on different occasions risen, by dint of merit, to Lieutenant-Governorships in other provinces.

Hitherto there has been no bar to the promotion and transfer of meritorious officers from one province to another. Instead of Assam being dependant on Bengal for its officers, Bengal has not been slow to borrow its heads of Government or its highest officers from Assam, as happened in the cases of Sir Steuart Bayley and Sir Charles Elliott; as for other higher officers, a number of them has from time to time been transferred; for instance, the Honourable Mr. L. Hare, Mr. Luttmann-Johnson, the late Commissioner of the Dacca Division, Mr. Greenshields, the present Commissioner of Chittagong, and Mr. Douglas, District and Sessions Judge. Instead of the Civil Service in Assam being made exclusive and independent it is rather to its advantage, that the meritorious officers of the service should have openings for promotion in other provinces.

However, if it be conceded that Assam should have an independent service of its own, there is no reason why Assam with an area of 56,000 square miles (53,000 British territory) and a population of 6,126,000, with its flourishing tea plantations, with its yet not fully developed mineral resources, should not be able to have one, while much smaller areas, such as the Straits Settlements and Ceylon (the latter having an area of 25,365 square miles and a population of 3,576,990) have always been well administered by their own service, they having never experienced the slightest difficulty in having their service recruited, though the respective salaries of the different grades of officers in the above two Colonies are comparatively smaller, the pay of the highest office, viz., the post of the Ceylon Colonial Secretary being Rs. 24,000 a year. However, the Committee beg leave to submit that it is neither judicious nor expedient to ignore the interests of millions of people for the purpose of providing a wider and more interesting field of work for the service, for opening out better prospects for it and for improving its status.

Irrespective of the consideration of the efficiency of the service it is indeed an extraordinary proposal that to better the condition of a province comprising a much smaller population and for opening its resources, the interests of a population numbering over eleven millions should be ignored. The principle of the greatest good of the greatest number seems to have been lost sight of. The Committee beg leave to show how the interests of eleven millions of people would in every respect be prejudicially affected.

Speaking first from the national and social points of view, the Committee beg to state that from the earliest period of which there is any historical record, the districts of Dacca and Mymensingh were comprised in Bengal and formed an integral part of it; that in the earliest period the province of Bengal was divided into three divisions, viz., Banga, comprising the present districts of Eastern Bengal, Raur, comprising the modern Central Bengal, the greater portion of which was swamps and jungles, and Barindra, comprising Northern Bengal of the Rajshahi Division; that the seat of Government during the reign of the Rajas of the Sen Dynasty had always been in Bikrampur, Rampal, where traces and relics of the palaces of the Hindu Rajas, viz., Adishur and Ballal Sen, are still to be found; and that during the sovereignty of the Hindu Rajas extending over all the three divisions named above,

it was from Bikrampur, Rampal, that the whole of Bengal used to be governed, and as such it was Banga comprising East Bengal which gave its name to the whole Province of Bengal. Even during the early period of Muhammadan sovereignty in Bengal, the seat of Government for several years was at Dacca, which was then called and is still called in all important documents Jahangirnagar after the Emperor Jahangir.

From the Shastric point of view as well from European evidence it is abundantly clear that Dacca and Mymensingh were the real Banga or Bengal. All authorities agree in thinking that Dacca represented the whole of Bengal at a time when the very name of Calcutta was unknown.

The Committee need not dilate on the past glory and traditions and achievements of Dacca or Sonargong (a place very near the town of Dacca), it having been during the Hindu and Muhammadan periods the most flourishing commercial mart in Bengal where Portuguese and Dutch merchants used to carry on an extensive trade.

Apart from its political and commercial importance, the predominance of Dacca from social and religious points of view is well known. During the Hindu period when Kings Adishur and Ballal Sen reigned in Rampal, Bikrampur, it was the home of Kulin Brahmins, Kayasthas and Baidyas and the principal seat of Sanskrit learning. It was at Bikrampur that the five pure Brahmins accompanied by the five Kayasthas (the respective ancestors of the present Brahmins and Kayasthas in Bengal) on the invitation of King Adishur migrated from Kanauj and settled, and as such it was here that King Ballal Sen regulated the different systems of castes and established different grades among the three upper classes of Hindus in Bengal, and regulated the order of precedence among them which is still respected and observed by the Hindus throughout the province, and it was from here that the higher classes of Brahmins and Kayasthas gradually migrated to different parts of the province. Under these circumstances by divorcing Dacca, Mymensingh and Chittagong from the rest of Bengal, the Government would be tearing away the most vital part, the head as it were from the trunk.

With reference to the social and religious aspects of the question, the Committee beg to state that they have already shown that Bikrampur in Dacca was and is still the home of all Kulin Brahmins and Kayasthas, and that every Kulin Brahmin in Bengal traces his descent to some one in Bikrampur, and that Dacca and Mymensingh have always been the principal seats of Sanskrit learning, and that there are in the Dacca and Chittagong Divisions not less than 800 indigenous Sanskrit *tols* kept and maintained by pundits without any aid from Government for teaching Philosophy, Literature, Grammar, Smritis, where students are taught, boarded and lodged at the expense of the teachers. It is therefore that the pundits of East Bengal, equally with those of Nabadwip in the district of Nadia, exercise a predominating influence in all matters concerning religion and society, that is, in regulating all religious rites and ceremonies and all social rites and usages. From time immemorial the various classes of the Hindus in Bengal proper have always been governed by the same customs and usages, the same rites and ceremonies, the same rules, both written and unwritten, in all social and religious matters, and there have always been free intercourse and free intermarriages (subject to some exceptions which are being daily removed) between the several parts of Bengal proper. But though marriages are allowed among the different sections of the same caste inhabiting different parts of Bengal proper, such marriages, specially among Kulin Brahmins, must not be promiscuous, but be confined to the clans to which the parties belong, and as such Kulin Brahmins often experience great difficulty in marrying their children. Though marriages among the different sections of the same caste are allowed, such marriages should on no account be outside the respective limits of the different provinces; for instance, though there are higher classes of Brahmins, Baidyas, Kayasthas, and Nabashakhs in different provinces, such as Bengal proper, Orissa and Behar, marriages are absolutely unknown among people of the same caste inhabiting different provinces. A marriage between a Orissa or Behar Brahmin or Kayastha boy and a Bengal Brahmin or Kayastha girl can never take place. Though these Brahmins and Kayasthas now residing in different provinces trace their descent to the same ancestors respectively, on account of their residing in different provinces social relations between people of the same caste are now out of the question; even a Bengali or Orissa Brahmin would not take food cooked by a Behari or United Provinces Brahmin. So the Committee apprehend, and it is the most serious of many evils that would follow, that in the case of the inhabitants of East Bengal being severed from their brethren in Bengal and annexed to Assam, the former would within measurable distance of time be denationalised; they would not only be looked down upon as inferior but ignored altogether, with the result that a few years hence all intercourse and marriages would be absolutely prohibited and Hindus in Eastern Bengal find insuperable difficulty in marrying their children, as the area of their selection will be very much narrowed and circumscribed. From the above it will be abundantly clear that the question of separation is not a question of sentiment alone, but it is a question that will vitally affect the Eastern districts socially.

The Committee now crave leave to point out the evil results that would follow from the linguistic and educational points of view. Bengali has been the mother-tongue of about sixty millions of people inhabiting Bengal Proper; it is even the mother-tongue, so to speak, of all the Muhammadans inhabiting Bengal Proper, and

as such it is a language or dialect which is spoken by far a much larger number of people than any other language in India. Of all the vernacular languages, Bengali is the most complete and perfect and has a literature of its own, perfect in all branches, and is being further enriched every day. Its greatest living poet, Babu Nobin Chandra Sen, and its greatest orator, Rai Kali Prasanno Ghosh Bahadur, hail from Chittagong and Dacca, respectively, and many eminent men of letters besides belong to Eastern Bengal. From a common language, a common metropolis, a common administration, a common University, common social ties and commerce and religion and several other things in common between Western and Eastern Bengal, the inhabitants of both parts, men of culture, men of light and leading, freely mix on a common platform in the metropolis, imbibe and impart thoughts, and gather ideas and informations. Consequently it would be nothing short of a calamity to dismember Bengal Proper, to forcibly disrupt immemorial ties and to divide the Bengali-speaking race into two sections, absorbing and merging one section into a backward race inhabiting Assam.

Mr. Risley in his letter says "The true criterion of territorial jurisdiction should be sought not in the race but in the language," and in another portion speaking of Sambalpur he himself admits "that even those among the people of Sambalpur who are most attached to the Central Provinces would prefer to sever connection with the province to giving up their mother-tongue."

On the above grounds Government has displayed the most earnest solicitude, as befits it, to unite the scattered units of the Uriya-speaking population at present placed in four different provinces and under three different Administrations, and weld them together into a homogeneous whole and place them under one Administration. But the above argument and the salutary principle embodied therein seem to have been entirely lost sight of and ignored in the most unexpected proposal formulated of handing over the cultured and progressive people of East Bengal to the people of Assam with whom they have nothing in common, being altogether different from them in language, partly in religion, in religious and social rites and customs and usages, in manners and even as a race.

The Bengalis of the severed districts will in the beginning experience great difficulty in carrying on intercourse and in transacting the ordinary business of life with the Assamese at Shillong and other principal towns in Assam whose language is different from that of the Bengalis; even the Bengali language spoken at Sylhet and Cachar is the worst form of a provincial dialect which is not ordinarily intelligible to the rest of Bengal. But the Committee are not aware of the reasons which led the Government to make such a statement as the following:—"The two latter districts will constitute a projection from the main body of Bengal obtruding itself . . . from which they will be separated by no ties, either of origin, language, religion or administration."

There is no doubt that if the severance is effected, the Bengali language, the most perfect and developed in India, instead of developing further, instead of receiving further vitality, will be stunted.

Next the Committee beg leave to point out that from the educational point of view the consequences would be serious. Nowhere in India (barring of course Calcutta) has education made greater strides than in East Bengal, nowhere have the civilizing influences of western education and culture and their impact been more keenly felt and appreciated than in East Bengal.

The Committee rightly believe that some of the most prominent men of Indian society whom East Bengal has produced, whether as poets, orators, lawyers, scientists (among whom the most notable is Mr. J. C. Bose, C.I.E., a scientist of European reputation), medical practitioners (the first and at one time the most noted Covenanted Medical Officer having been the late Dr. Goodeve Chakravarty, M.D.), Covenanted and Statutory Civilians, hosts of judicial and executive officers, would not have obtained eminence in their respective spheres, if they had not been brought up and received their early training in the best educational institutions in the metropolis, which in their cases was rendered possible by their parents being connected with Calcutta through business, Government service, commerce, and diverse other means. It is not only that the training here under experts in different branches of education is the very best in India, but that free intercourse with the cultured men, men of light and leading in the metropolis, gives an impetus to healthy effort, and their precepts and examples exercise a salutary influence, which undoubtedly go to mould the character of young students and infuse them with enthusiasm.

It is rightly apprehended that in case of East Bengal being cut off from Calcutta and forming into a separate province, not only would the education of its inhabitants, under an independent and distinct educational service of its own (as a separate and exclusive service in all branches has been so much aimed at), deteriorate, not only would they receive an inferior sort of education, but they would be positively debarred and cut off from all the facilities which they now enjoy of having education in higher branches in the Medical College here and in the Sibpur Engineering College.

Moreover, considering the small resources of the proposed new province, the Committee cannot believe that the Government would feel disposed to provide sufficient

grant for education in its various branches, such as engineering, technical, agricultural, commercial, medical, proportionate to the growing requirements of an advanced people.

It is well known that there are two second grade colleges in Assam, there being no college at all teaching up to the B.A., M.A., or B.L. standards. Besides the private colleges, though there is only one such Government College at Dacca, it is not fitted up with such a fully equipped laboratory as the Presidency College and the Medical College in Calcutta possess.

At present the best professors are available for Dacca, and students from East Bengal, if so inclined, may easily have admission in the Presidency College and the Sibpur Engineering College; but if East Bengal is to be ceded to Assam, and as it is to have an independent educational service of its own, all the colleges and schools in the new province must be manned by inferior officers; for with one college there, the education service in the new province cannot have sufficient inducement to attract and retain men of superior attainments of the type of Sir Alfred Croft, Messrs. C. H. Tawney, J. Sutcliff, Sir John Eliot, the Honourable Mr. Pedler, and the consequence is obvious.

It may be urged that the boys of the new province will be able, if so inclined, to get admission as they do now in the Presidency Medical and Sibpur Engineering Colleges respectively, but the above colleges do not and cannot take in an unlimited number of boys. So far as the Calcutta Medical College and the Sibpur Engineering College are concerned, they always restrict admission to fixed numbers of boys and preference is always given to inhabitants of the Province, outsiders being as a rule excluded.

Under the circumstances it is plain enough that the new province not having a fully equipped college like the Calcutta Presidency College, nor having a medical or an engineering college at all, its boys will be altogether debarred from acquiring education at least in the higher branches in medicine and engineering.

Then as to the pecuniary loss that will be entailed. This is one of the most serious aspects of the question and as such deserves careful attention.

The indigenous industries have been starved and practically gone. There is no trade or commerce in the hands of the middle class of people, and the only means of sustenance open to them is employment under Government in its various departments, both here and in the mufassal.

The people of East Bengal are now freely employed in different capacities both in Calcutta and the 47 districts that now comprise the territory under the administration of His Honour the Lieutenant-Governor, as well as in private firms and estates, both European and Indian, here and in the three provinces of Bengal, Bihar, and Orissa.

It is well known that there is no district in Bengal, barring Hooghly, which furnishes such large contingents of judicial and executive officers as Dacca, while most of the ministerial officers in the several districts from Jessore, Khulna downwards, are largely recruited from Dacca, Bikrampur. Now with the circulars recently issued by the several Provincial Governments, enunciating the broad principle that all offices in each province should be exclusively reserved for, or at least preference should be given to its own people, the Committee apprehend that the people of the severed districts will in future be cut off from all offices in Calcutta and the rest of Bengal, an outlook which is indeed sad and gloomy, for it will be nothing short of drying the fountain source of livelihood to several lakhs of people. The fact is, the area of their employment will be considerably restricted and curtailed.

It is a matter of regret that the Government has taken no account of the legislative difficulty and the consequent hardships that must attend such a change as proposed.

At present all legislative measures relating to land revenue and other matters regarding civil and criminal administration or law affecting Bengal are first introduced in the local Council and there thoroughly discussed in all bearings by official and elected members, both of whom are thoroughly conversant with the land and revenue systems of the province (with the system of land-tenure) with all local laws, and what is more, with the language, customs and usages of all classes of people. This is a procedure which, while inspiring confidence among the governed, takes away much from the sting of all undesirable statutes. But all this will be changed, so far as East Bengal is concerned. Henceforth all new legislation, all modification of old statutes, would be undertaken in the Supreme Council, by members ignorant of all local laws, language, customs and usages of the province, and where the people of the province may not be represented at all, or if represented at all, they, the 11 millions with the 65 lakhs of people of Assam proper, will be represented by one solitary member, a privilege to be shared alternately with the Central Provinces.

Henceforth all necessary legislation for Eastern Bengal will be moulded according to the advice of the Chief Commissioner, who himself is ignorant of the system of land tenure, customs and usages prevalent in Bengal, who, with his predilections for personal rule and for Assam regulations, will surely not be a safe guide for the highly legalised, advanced and cultured districts like Dacca, Mymensingh and Chittagong.

In connection with the above, the Committee beg further to point out that to people brought up under a different system and tradition living in regulation districts and governed by statutes which, before being enacted, are thoroughly discussed in open Council both by officials and elected members, nothing can be more alarming than the prospect that henceforth they would be liable to be governed by regulations which are drafted by the Chief Commissioner and not discussed in Council at all, but become law after receiving the mere assent of the Executive Council. In illustration the Committee beg to cite the Assam Land Revenue Regulation I. of 1886 (*vide* "Gazette of India," 13th March, 1886, page 127), which applies to Sylhet and Cachar, two regulation districts which were once part of Bengal.

Apart from the difficulties indicated above, it is inconceivable that the people of Eastern Bengal should, for no fault of theirs, by a mere stroke of the pen, be made to lose a valued privilege, namely of returning two members to the local Council. It is no small misfortune that the people should have no voice in their legislation.

Another grievance is the loss of the jurisdiction and control of the Board of Revenue. Nothing is more prized in this Presidency than land, and it is the principal wealth of the different classes of people here, all classes being in some shape or other connected with and interested in land, whether as zemindars, different grades of middlemen, such as tenure-holders or under-tenure-holders, occupancy raiyats or simple raiyats. All this is due to land here being permanently settled with the Government revenues unalterably fixed. Therefore, thousands and thousands of cases relating to partition of estates, registration of the names of proprietors of estates and cases relating to sales of estates for default of Government revenue and other revenue cases often arise, which are hotly fought out before different grades of Revenue officers, their ultimate appeals lying to the Board of Revenue which is presided over by senior and experienced Revenue officers well versed in Revenue laws and with the system of land tenure prevalent here. There the appeals are regularly argued on fixed hearing days by barristers and vakils and then disposed of before the parties or their lawyers.

It is well known that the five districts proposed to be transferred are permanently settled, while lands in Assam, with the exception of lands in two or three districts, are temporarily settled, that is for 30 years; and that being so, it is of no great consequence to Assam landholders, if they may be so termed, whether their cases are heard (as is the practice now there) *in camera* by the Chief Commissioner in the total absence of the parties or their lawyers, none of them being allowed to appear before the Chief Commissioner and to be heard; but whatever be the practice in Assam, it would be a positive wrong and a great hardship, and indeed it would be a question of life and death to the people of Eastern Bengal, if revenue cases relating to permanently-settled estates, involving very large interests to the extent of lakhs and lakhs of rupees, were henceforth to be disposed of by the Chief Commissioner *in camera* in the absence of parties or their lawyers.

LOSS OF THE JURISDICTION OF THE HIGH COURT.

True it is that the jurisdiction of the High Court would be continued for the present, but Government does not give any guarantee that the jurisdiction of the High Court would never be withdrawn from the ceded districts, and even were it to give such a guarantee, the Committee do not know whether it would be binding upon the future Government, which may, on the ground of administrative convenience, withdraw the jurisdiction of the High Court from the five districts. The Committee apprehend that time may come when with much further increase of work in the High Court, with arrears accumulating, instead of appointing additional Judges, Government may attempt to relieve the High Court of its heavy burden, by taking away the ceded districts from its jurisdiction and appointing a Judicial Commissioner at Dacca, as was once proposed by Mr. Melitus, a proposal which is sure to have great weight in a province where most of the districts are non-regulation districts.

The High Court has a noble tradition of its own. No other Court in India is so much respected and revered and relied upon as the High Court, and in fact it has come to be regarded as the bulwark of the rights and liberties of the subject races, and it has tended more than anything else to attach people to British rule.

Under the circumstances, it would be a most ill-advised step to deprive a highly cultured people accustomed to the highly legalised form of procedure (incidental to the High Court) of the jurisdiction and the consequent powerful protection of the High Court.

The Committee believe that the secession of the five districts, where criminal and civil functions are not combined in the same officers, will produce great inconvenience and confusion in the administration particularly of civil justice. While the Government is so keen about giving Assam the benefit of a self-contained administration and an independent service, the Committee cannot comprehend how the Government, if the present law procedure and law courts are to remain in force in the ceded districts, is to maintain a separate Judicial Service for the above five districts alone. It does not seem likely that the Government of Assam would organise two different branches of Judicial Service; even if it were to do so (which is most unlikely), would not the Judicial Service, with no higher openings, with all the avenues to

higher posts in the adjoining province cut off, with the prospects of promotion and transfer confined to the limited five districts, be recruited by men of inferior attainments and judicial acumen?

As it will not be possible to maintain a separate Judicial Service for such a small area, the Committee apprehend that the difficulties of the Assam Government in the administration of civil justice will go on multiplying. It will have to depend, as at present, in the case of Sylhet and Cachar, on imported judicial labour from Bengal, which must of necessity be of an inferior kind, and as such the administration of civil justice in the five districts must suffer.

Then, with reference to the administration of criminal justice, there is the risk, as pointed out by the talented editor of that well-known law journal, the "Calcutta Weekly Notes," of the whole of the criminal administration of the ceded districts being changed at the pleasure of the Chief Commissioner. For instance, Section 30 of the Criminal Procedure Code empowers the Chief Commissioner of Assam to invest any Magistrate of the first class to try all offences not punishable with death. Section 34 of the same Code empowers such Magistrate to pass sentences of imprisonment or transportation up to seven years. After this it would be an anomaly to say that the law, the administration of justice, the form of government will remain the same, and the people cannot be blamed if they be alarmed at the prospect before them of the trial by jury or with the aid of assessors being replaced by trial by Deputy Commissioners or Assistant Magistrates alone, whose decisions cannot inspire the same confidence, cannot command the same respect as the decisions of juries.

INCONVENIENCE, HARDSHIP, AND PECUNIARY LOSS.

Several of the Zemindars of Dacca and Mymensingh have extensive zemindaris in other districts, especially in Barisal, Faridpur and Pabna and so have the zemindars in Calcutta and in other parts of Western Bengal extensive estates in Dacca and Mymensingh particularly, and even there are estates bearing *Touzi* numbers on the Revenue Rolls of Dacca or Mymensingh Collectorate, large portions of which are situated in other districts, as, for instance, in Backergunge, Faridpur, and Pabna and elsewhere; consequently it would be a positive disadvantage to such to have their estates in two different provinces under two different Administrations, which will entail upon them the necessity of maintaining fully equipped establishments, not only at the headquarters of the districts, where their estates are situated, but at the respective capitals of the two provinces.

Now as to trade and commerce. While the different bodies, viz., the mercantile community, the Port Trust, the East Indian Railway and various other bodies too numerous to name, were deeply agitated and justly alarmed at the prospect of the Luff Point Scheme being carried out, which was only meant for furnishing facilities for shipment of a portion of the coal trade, it is somewhat incomprehensible that Government should formulate another scheme which when fully developed will be a direct menace to the trade of this port and which will surely undermine its prosperity. While the Government, the Calcutta Port Trust and the mercantile community (the European capitalists in particular) have sunk crores of rupees in railways, in flotillas, in docks, jetties, buildings, godowns, in mills and presses, and in other various ways and shapes which have contributed so much to rear and develop this port and to make this port what it is now, while with the gradual opening of the undeveloped resources of this country, with the growing expansion of its trade and commerce, with the increasing expansion of railway communications, its prosperity is being further developed, and while this port has been for over a century the chief outlet for all the import and export trade of this province and of Northern India and the capacity of this port to meet the requirements of them is unquestioned, it is incomprehensible that Government should try to create and develop another port at such a short distance from this port and try to force trade from this port by the enforced severance of some of the most flourishing districts (whose chief wealth lies in producing an abundant supply of jute and rice) from this port and placing them at the disposal of the rival port.

The Committee apprehend that the direct result of this move would be to divert the whole of the jute trade of East Bengal, namely, of Mymensingh, Dacca, Narayanganj, Tippera, Chandpur, and Madaripur to Chittagong, and it is not unlikely that in course of time the major portion of the rice trade of Backergunge would also be diverted there. The following figures will show the respective aggregate quantities of jute and rice that are annually imported into Calcutta from the several jute and rice-producing districts in Bengal, as well as the respective quantities of jute and rice imported annually from the districts proposed to be transferred to Assam:—

	Rice.	Jute.
	Mds.	Mds.
The total import into Calcutta for 1900-1901 ...	1,60,97,146	2,67,73,633

Imported into Calcutta during 1900-1901 from the districts proposed to be severed.

							Rice.	Jute.
							Mds.	Mds.
Backergunge	...	...	...	...	...	88,58,836	—
Faridpur	...	...	...	...	...	11,88,888	33,28,492
Dacca	...	...	...	...	...	—	85,28,578
Mymensingh	...	...	...	...	...	—	22,80,778
Tippera	...	...	...	...	...	—	5,15,998
Total	...	...	...	...	...	1,46,53,846	50,47,724

The Committee apprehend that in case of the possible diversion of 1,46,53,846 maunds of jute and 50,47,724 maunds of rice to Chittagong the consequence would be serious to this port.

Chittagong as a port has some undoubted natural advantages over Calcutta; but if over and above those natural advantages Government creates advantages and facilities for and forces them upon the former, it will do so at the expense of the latter; for to the extent Chittagong prospers and develops, Calcutta will suffer; in fact the prosperity of the port of Chittagong can only be fostered at the sacrifice of that of Calcutta. Formerly seeds and wheat from the Punjab and the United Provinces contributed much to the prosperity of Calcutta, but with the opening of direct railway communications between the Punjab and the upper portions of the United Provinces on the one hand and Karachi and Bombay on the other, those articles of commerce which once used to come from the above two tracts have disappeared from the Calcutta market, and at present the prosperity of Calcutta is mainly due to jute, tea, coal, and rice.

With tea gone or about to go, with jute and rice of the eastern districts threatened deportation to Chittagong, with collieries of Ranigunge, Burrakar and Chota Nagpur awaiting competition from the yet not fully developed coal fields of Assam proper, there will not be much of export trade left to sustain the prosperity of this port, and it seems unlikely that import alone, however large, will be able to maintain it in its pristine glory, and there is no knowing whether part of the present import to this port may not be diverted to Chittagong. It is a well-known principle of trade that export and import are inseparably connected together; wherever there is a large export, import follows as a matter of course.

With the exception of two or three European firms, the shippers and the mill-owners here do not as a rule buy jute in the interior, but are dependent for it on the middlemen, European or native, who supply the Calcutta market from the principal jute marts in East Bengal, and so far as the native middlemen are concerned, they are also residents of that part of the country. It is well known that the whole of the very extensive jute trade carried on at Hatkhola, Ultadingi, and Chitpore (the three principal marts of jute trade in Calcutta) as well as the rice trade of Baliaghatta and Kumartolly (where about 40 lakhs maunds of Backergunge rice are annually imported) are almost exclusively in the hands of East Bengal merchants and traders. But those merchants and traders having from generation to generation carried on business here, and being firmly established here by investing capital in property and in other ways, and being dependent on and assisted by the European merchants here, it is to their interest that their connection with Calcutta should continue. But if the jute and rice-producing districts were severed from Bengal and merged into a different province, and if Chittagong were offered greater facilities and its port fully equipped, the Committee apprehend that on account of its several undoubted natural advantages, on account of its nearness to the great jute and rice-producing districts and the consequent lesser freight that is charged in the carriage of jute to that port, which is only eight miles distant from the river, and on account of the channel between that port and the river being free from all risk of navigation, and the pilot charges and port charges there being less, it is most likely that in a few years hence the jute trade of East Bengal and major portion of the rice of Backergunge would be diverted to Chittagong.

At present ships have to be specially chartered by Messrs. Ralli Brothers and M. David and Company for shipping Narayanganj jute from the port of Chittagong, but these ships for want of import come there with ballast. But once the export trade in Chittagong is fully developed, once the large European firms are firmly established there, the import of salt, piece-goods, kerosine oil, corrugated-iron sheets and a number of other articles necessary for the proposed new province, that is for Assam and Eastern Bengal, will follow there as a matter of course. In fact, the whole supply of Eastern Bengal and Assam, so far as the above imported articles of commerce are concerned, will, a few years hence, be met through the Chittagong port, and not through this port. Theoretically it sounds well that Chittagong being the 'natural

outlet for the export and import trade of Assam and East Bengal, in the interests of those parts the port of Chittagong should be fully developed, but the Committee apprehend that the equipment and development of that port and the enforced annexation of the jute-growing districts to it will be the ringing of the death-knell of the Calcutta port, it will be dealing a death-blow particularly to the numerous mills, presses, and the carrying companies here, for the time is not far distant when mills and presses will be set up on the banks of the Karnafuli River. This change may or may not affect English commerce in India, but it will prove the ruin of those who have a large invested capital in Calcutta. Native capital is very limited in extent, and the loss of the present capitalists will mean the ruin of the native trade.

The proposal, if carried out, would cause material loss and injury to all classes of merchants here (to the European capitalists in particular, who have sunk crores and crores of rupees), to the Calcutta port and to the Calcutta Corporation; for with the inevitable depreciation of landed properties here the revenue of the Corporation will be considerably affected. The transfer is evidently contemplated for improving the efficiency of the services in Assam, or rather for bettering the prospects of the service-holders and for more fully developing the resources of Assam, but it is more than problematical whether the inhabitants of the severed districts will at all participate in the benefit of the exploitation of Assam or in the improved efficiency of the services.

The Committee would now beg leave to conclude by saying that the annexation of the eastern districts, particularly of Dacca and Mymensingh, to Assam, instead of conducting in any way to the gain of those districts, would most prejudicially affect their interests in all conceivable ways, and that the prospect of being transferred from a highly progressive and cultured province like that of Bengal to a backward and primitive province like that of Assam, of breaking off with old associations, of the enforced disruption of immemorial ties, of being cut off from their kith and kin, and, lastly, the prospect of being lowered in the estimation of their brethren in other parts of India by being merged into a people placed on a much lower plane of civilisation and with whom they have nothing in common, cannot fail to produce deep pain, sorrow and discontent amongst the several millions of His Imperial Majesty's subjects living in the Eastern Bengal, who yield to none in the deep attachment, loyalty and allegiance which they, in common with others, owe to His Imperial Majesty. The Committee therefore fervently pray that His Excellency the Viceroy and His Honour the Lieutenant-Governor of Bengal will be graciously pleased to show some consideration to the feelings of a loyal people and abandon the proposed scheme.

Annexure 8.

From Maharaj-Kumar Prodyot Coomar Tagore, Honorary Secretary to the British Indian Association, to the Chief Secretary to the Government of Bengal, No. 337, dated Calcutta, the 19th February, 1904.

In reply to your letter No. 335J., dated the 16th ultimo, I have the honour to submit the following observations of the Committee of the British Indian Association on the proposed Scheme for the Partition of the Province of Bengal.

2. The Committee of the Association do not hesitate to admit that with the progress of civilising institutions the Government of Bengal has been burdened with heavier responsibilities and larger duties than before. But with the increase of the burden there has been more than corresponding increase of the strength and cost of the administration, while the development of the Postal service, the establishment of a complete network of railways and telegraph lines, the improved means of communication opened out by steam service and good roads, and the great help in local administration afforded by honorary agency, have not only annihilated time and distance and brought the distant parts and outlying districts of the Province within easy reach of Calcutta and under the immediate and personal influence of the Head of the Government, but also materially lightened the duties of administration.

3. Schemes for reducing to an ideal standard of excellence long-existing irregularities in social or administrative matters for the purpose of securing uniformity, symmetry or harmony, however specious they might appear, are oftentimes opposed to the true interests of the community for whose benefit they are designed. The unification of the standards of weight and measure would lead to the greatest convenience in trade, in scientific operations, and in international transactions; but although there are bewildering differences and irregularities in the standards of weight and measure even in different districts of Bengal, any attempt to reduce them to a uniform standard would create an amount of confusion and disturbance of existing relations that can hardly be conceived. In the case of a change in the territorial jurisdiction of an administration which has existed for a long time the result would be not less disastrous. It would rudely rend asunder social relations which have bound the people of the different districts by a common tie, it would nip in the bud social reforms which the spread of education and increased facilities of intercourse between different communities have rendered possible, it would seriously depress the laudable emulation which stimulates the people of different districts to come to the front

in patriotic works and in matters of public beneficence, and it would accentuate all the evils of the transfer of a portion of a population from a highly advanced, legalised and impersonal administration. It would, in short, violently dislocate existing social relations and arrangements, and extinguish hopes and aspirations which the spread of education and benefits of good government have engendered in more than half a century.

4. Considering the restricted powers which Parliamentary Statutes have conferred upon the Government of India in the matter of redistribution of territories, the Committee of the Association are hardly able to foresee to their fullest extent the legal and political effects of the transfer upon the people of the districts concerned. But of the rights and privileges of which they would be deprived by the proposed measure, the loss of none would be more grievous than that which entitles them to get their requirements met and their grievances remedied by a local Legislative Council, makes them eligible to seats in that Council, and enables them to submit their wants and grievances to the Government by means of interpellation in Council.

5. Not the least untoward consequence of the proposed dismemberment of the province would be to place a number of landlords and their tenants under different administrations, to deprive landlords and other persons who have banking business with capitalists of Dacca and Mymensingh of the benefits of transactions which long acquaintance and established confidence have placed on a satisfactory basis, to divide the energy, co-operation and resources which are at present brought to bear in the accomplishment of a common object, and to devote a part of the revenues of some of the advanced districts of Bengal to meet the wants of a separate Administration.

6. The Committee of the Association do not deem it necessary to go over the grounds on which Mr. Risley supports the proposed measure. It has been clearly shown by the Press that neither on ethnological, linguistic nor educational grounds, nor on the ground of physical isolation of some of the districts, can the proposed measure be logically defended, and that arguments which are used to support his position regarding some of the districts concerned lead to quite an opposite conclusion when applied to others.

7. Holding the above views on the proposed measure, the Committee of the Association do not think that a larger reduction of territory by separating all the districts of the Dacca Division from Bengal and constituting them along with other districts into a separate Province would be less objectionable in the eyes of the people.

Annexure 9.

From the Honorary Secretaries, Bengal Landholders' Association, to the Officiating Chief Secretary to the Government of Bengal, dated Calcutta, the 1st March, 1904.

On behalf of the Bengal Landowners' Association we have the honour to submit the following observations on the proposals contained in Mr. Risley's letters No. 3,678, dated the 3rd December, 1903, and No. 3,808, dated the 23rd January, 1904, copies of which were kindly sent to us with your letter No. 436J., dated the 16th January, 1904.

Owing to the importance of the subject we felt it necessary to ascertain the opinion of the districts directly concerned, and there has therefore been some delay in sending this reply, for which we beg to be excused.

His Honour allowed us opportunities at two conferences held at Belvedere, to express our views, and we were encouraged by his sympathy and kindness to place them fully before him. At those conferences the districts proposed to be severed from Bengal were largely represented, and His Honour ascertained for himself as to what we thought of the proposals contained in Mr. Risley's letters. It will therefore be unnecessary for us to deal with them at any length. We must also confess that His Excellency's recent utterances in East Bengal have had the effect of considerably discouraging us, and although we are by no means convinced of the utility of the proposals put forward by the Government of India, we find it somewhat difficult unreservedly to deal with them.

While we freely admit that the Government is the best judge as to whether it is overburdened with work or not, we are not prepared to concede that the administration of Bengal is at present too heavy a burden for one Lieutenant-Governor, but venture to think that the burden of that office, since its first creation in 1854, has been considerably lightened, and many of the difficulties which existed in the earlier years have been removed. The whole system of Government has been better organised, remote parts of the province have been made more easily accessible, distances between the capital of Bengal and its various districts reduced, postal and telegraphic communication extensively increased, and it is far easier now to supervise and control the work than it was ever before. The introduction of advanced administrative principles, such as that of a local legislature in which the right of representation by election has been recognised, as also of local Self-Government, must have afforded some relief, and we believe that the spread of English education and a "wider diffusion of the native press," strangely charged by Mr. Risley with tending to increase litigation, have actually proved helpful to the work of administration and removed some of its burdens.

If, however, greater relief is urgently required to afford it by transference of territory, speaking with all humility, is merely a makeshift. It would be a far more "statesmanlike and farsighted handling of the question" to effect such organic changes in the system of Government, as would be able to cope with what has been described as the "growing complexity of the work." The experiment of cutting down the province of Bengal has been tried before now without much apparent success. The present proposals if given effect to might secure some temporary relief, but we consider that the districts proposed to be severed have a right to complain, if they are placed under what is admittedly "the most backward local administration." They have a right to expect the continuance of their constitutional privileges and the benefits they enjoy under the "best developed and most legalised Local Government," and naturally view with apprehension the contemplated transfer to Assam.

Accepting the proposition that the relief of Bengal is an urgent administrative necessity, we pray that such relief may be rendered by the exercise of the authority given by the Charter Act, 16 and 17 Victoria, c. 95, by the appointment of a separate Governor for this province, with an executive council. The appointment of a Lieutenant-Governor seems to have been intended as a temporary measure. It has been said that an executive council affords doubtful help to the Governor of a province, and that secretariat Government is undesirable. We feel that it is now too late to minimize the value of such a system of Government. It has been tried for a considerable time with great success, and has been found to be a safeguard against individual idiosyncracies. Such a change in the form of the Government as we have ventured to suggest, can, we believe, be effected without any considerable disturbance of the present system.

We may also be permitted to suggest, if the Government be unwilling to accede to our prayer for a Governor and Executive Council, that those districts in Bengal, the work of which may be found to have grown, may be subdivided, and the system now obtaining may be extended for their relief. His Honour is in constant touch with his Divisional Commissioners and Collectors, his tours are more frequent now, and, as supplementary to the tours of the district and divisional officers, are generally considered adequate. We also consider that owing to the permanent settlement the Government of Bengal is able otherwise to utilise the time and services of its officers, which it would have been bound to employ for the purposes of land revenue settlement and administration. The complexity of the administration of Bengal and its difficulties compare very favourably with those of the other provinces, and are almost negligible when compared with those of the Government of India, and we respectfully submit that it has not been shown that relief cannot be given in the manner we have ventured to suggest.

We also submit that it is a just grievance that the districts which now enjoy the benefits of a local legislature should be deprived of them. It is but poor compensation to offer to them the right to share a seat on the Legislative Council of the Governor-General with the Central Provinces, furnishing a member alternately with that administration. They now enjoy the privilege of having His Honour the Lieutenant-Governor sitting as a member of that Council when it holds its sittings in this Province. There are also an additional non-official member for Bengal and a representative from the Calcutta Chamber of Commerce. The Bengal Council has large legislative powers, including the power to repeal, or amend, so far as it may concern this Province, any law or regulation made by any other authority in India, with the previous sanction of the Governor-General. These are substantial constitutional privileges which should not be interfered with.

Mr. Risley's letters do not contain or foreshadow the scheme for placing the eastern districts and Assam under a Lieutenant-Governor, and we do not intend to deal with it at this stage. The Government and people are greatly concerned in the question of an economical administration of this country, and we apprehend that a new administration would impose a very heavy financial burden, which we are ill able to bear. Besides any scheme which may result in dividing the Bengali people is unacceptable to us. May we not reasonably ask that the people speaking the same language, and having the same traditions and sympathies, should continue under the same administration. Divergent influences will be at work if we be placed under two Governments, and create differences.

It has been said that the objections which were raised to the absorption of Sylhet and Cachar in Assam have proved unfounded, but we do not find it asserted that those districts have improved. At any rate we find Act VIII. of 1869 (B.C.) still in force in Sylhet, and the protection given to persons having an interest, which is voidable upon a sale for arrears under the Bengal Tenancy Act (VIII. of 1885), not extended to that district. On the other hand, section 70 of the Assam Land and Revenue Regulation, 1886, makes an important change in the Revenue Sale Law. Under Act XI. of 1859, there is a difference between the effect of the sale of an entire estate for arrears of land revenue and a share of an estate. In the one, the sale enables the purchaser to avoid all encumbrances, except those specified in section 37 of the Act. In the other the purchaser takes the property under section 52, subject to all encumbrances created by the defaulter. Section 70 of the Assam Land Revenue Regulation has made the effect of a sale for arrears of land revenue uniform. Such changes, made suddenly and without open discussion in Council, and introduced by a Regulation, draw no attention until actually applied in practice, and even experts in land laws find it difficult to follow them or understand their immediate significance. While Sylhet was overlooked at the time of the Bengal Tenancy Act, it became in 1886 subject to a regulation at variance with the law obtaining in Bengal. Such and other examples

may be given to illustrate amongst other things, that the districts, severed from what may, for convenience, be referred to as Bengal proper, gradually get a different system of land laws under a different system of revenue administration.

Such changes have been characterized by the highest tribunal in Bengal as "retrograde and mischievous."

We also find that Sylhet, which is the largest town in the Province of Assam, presents a melancholy spectacle, the population having decreased at each successive census, and the town being full of deserted bustis and houses falling into ruins (Report on the Census of Assam for 1901).

The following figures also are not without their significance :—

Population of Sylhet.

In 1872	...	...	...	...	...	...	...	...	16,846
„ 1881	...	...	...	...	...	...	...	...	14,407
„ 1891	...	...	...	...	...	...	...	...	14,027
„ 1901	...	...	...	...	...	...	...	...	13,893

So far as the district of Sylhet is concerned, although the total population had increased by 87,255, or 4 per cent., during the 10 years preceding 1901, the greater portion of the increase was due to immigration from other parts of India, and the increase in the general population was very small: the number of persons censused in 1901 outside tea gardens being only 35,270 more than in 1891; and the increase in those born in the district was very little more, the rate being only 1.9 per cent. It is officially admitted that this stagnation in the population is difficult to explain.

These facts do not show that Sylhet has made much progress under Assam.

As regards the High Court, we apprehend that its jurisdiction would be gradually encroached upon. As a Chartered Court it has special privileges, and is justly held in high esteem in this country for, amongst other things, its independence of the Executive Government.

No doubt there is no guarantee now of the continuance of its jurisdiction, but any attempt to reduce its sphere of work and influence is not likely lightly to be undertaken.

The Board of Revenue consists of senior members of the Indian Civil Service, possessing vast experience and intimate knowledge of the land laws of this province. The Board has an invaluable collection of records and a staff of officers familiar with them. The eastern districts of Bengal give rise to complicated questions of riparian and other rights with which the Board has for a series of years been accustomed to deal. No officer, however able, can be expected satisfactorily to deal with them without considerable previous training. The right of appearing before the Board by trained lawyers and of an ultimate appeal to His Honour, are privileges which are justly prized. No doubt an "inexpert tribunal" may become efficient in time, but the people at whose cost the necessary experience has to be attained may with justice object to it. No doubt also "the Board of Revenue can always be consulted," but to arrive at judicial findings upon extra-judicial references is an inexpedient and undesirable course, and has always been discouraged.

Assam is not now able to maintain "a self-contained and independent service," and it is very doubtful whether, with the districts proposed to be added to it, it would be in a better position. If it is not intended to interfere with the jurisdiction of the High Court, the judicial officers of the enlarged province would be placed under a dual control, which is admitted to be a disadvantage. The disadvantages of having two different languages in two different circles of a small province, would necessitate keeping two different sets of officers each in a small circle of its own, one of the very things which, it is said, needs remedy.

The argument that the Brahmaputra river furnishes a geographical boundary does not commend itself to us, as it is a shifting boundary marked on sand, and cannot be adopted for defining administrative limits.

It is said that "there is no portion of Bengal where the drawbacks of an imperfectly supervised administration are more evident than in the outlying districts on its eastern border." As allusion has been made to the Police Commission in reference to the above, we presume that it is directed to the criminal administration of the eastern districts.

The official reports do not show against Dacca or Mymensingh a large percentage of crime, but in fact those two districts compare very favourably with the 24-Parganas. The percentage, taking the years 1898, 1899, and 1900, is approximately shown below :—

		Per 1,000 population.
Dacca	...	1.5
Mymensingh	...	1.5
The 24-Parganas	...	7.6

The heaviest criminal district appears to be the 24-Parganas. There is also nothing so far as we can see, to complain of in the percentage of convictions in the eastern districts.

The facts, therefore, do not bear out the charge that the eastern districts of Bengal suffer from an "imperfectly supervised administration" with regard to crimes. We do not agree that Dacca and Mymensingh are "elements of weakness" in the administration of Bengal. We consider them particularly helpful, and they are undoubtedly sources of strength to the whole of the province. There is a very large number of zamindars in Dacca and Mymensingh, all of whom, with perhaps a few exceptions, object to being separated from Bengal. The interests of the people are not advanced by a "considerable zamindar" or two, being recognized as "magnates" in a "self-contained" and prospectively "progressive province." The improvement in their status, we humbly venture to think, is a matter hardly worthy of serious consideration.

No one objects to the Chittagong port being improved, but we fail to understand why it should not be possible for the Bengal Government to help its growth. If the India Government allows a sufficient sum to Bengal for that purpose, it is not likely to be diverted. The diversion of special funds cannot be justly charged against the local Government. Imperial requirements have necessitated such diversion. It has not been asserted by any one that the administration of Bengal is perfect, but we respectfully, yet firmly, protest against charging it with inefficiency. To create doubt, distrust, and anxiety in the minds of people contented with the present state of affairs, is certainly undesirable. We do not apprehend that any portion of Bengal is likely to be so lost in Assam as to lose its identity, but it is a questionable policy which seeks to bring together alien races. We find it stated in Government reports that "the Assamese are a distinct people, who, far from regarding the natives of India proper as being closely allied to them, look upon them with undisguised jealousy and suspicion—a Bengali-Hindu, of whatever caste, standing on much the same footing for all social purposes as a European or Muhammadan. The manners and customs of the Assamese are different from those of Bengal; their language is different . . . even their caste system differs in many important particulars."

One of the avowed objects of British rule in India is to create amongst us a national feeling, and to make us fit for representative government, so as to relieve the burden on its shoulders. To divide one race into two and place it under different administrations, is just the thing which would make that object difficult of accomplishment. It is well-known that the cry of "Behar for the Beharis" has somewhat strained the feelings between Bengal and Behar, and in Assam there is the cry of "Assam for the Assamese." We must not be understood to say, or suggest, that Bengal is entitled to preference, or that it is in any way unjust that Behar should first of all consider the claims of the Beharis, and Assam of the Assamese. On the other hand we freely admit that each province should prefer its own people. It is for this reason, amongst others, that we ask that Bengal should not be divided. Mutual jealousies should not be created by dividing the people, rather they should be encouraged to preserve the same traditions, the same racial feeling, to cherish the same ideas, and be guided by the same aspirations. The history of Bengal is the history of one people, and is it too much to ask our governors to sympathize with us in our desire to preserve our historical unity, even as a subject race? If in the excitement of the moment some of us may have been so bold as to speak of a Bengali nation and protest against its division, it should be possible to sympathize with the sentiment. However lightly such phrases may be treated, the fact remains that the contemplated division of this people has given rise to much anxiety and is viewed with great alarm.

The districts proposed to be severed, we believe, will suffer in every way. It is unnecessary to deal at length with the educational, social, and commercial disadvantages likely to result from the proposed partition of Bengal. It would be a long time before those districts could possibly get the same educational advantages as they now enjoy. The Government has found it difficult to maintain the advantages formerly enjoyed by such colleges as Dacca, Krishnaghur, and Hooghly, or keep up their position and prestige, and it is unlikely that the finances of the enlarged province, be it called Assam or by any other name, would enable it to support an efficient educational service and medical and engineering institutions. It is possible now for a large number of students from the eastern districts to avail themselves of the educational institutions of the metropolis, because their parents or relatives find work or employment in Western Bengal, but with a divided country the area of such work or employment would be gradually decreased.

Social disadvantages are difficult for the Government to understand and easy to overlook. Persons reputed to be familiar with those matters and who may enjoy the confidence of the Government, may be found to state that such disadvantages are not likely to arise, but we venture to submit that public opinion on such matters ought to be accepted in preference.

The scheme propounded by Mr. Risley in his letters has been almost universally condemned. His reasons for keeping together Orissa and Bengal do not seem to apply to the case of the eastern districts. Arguments advanced in one portion of the letter, apparently lose their value in another. What he approbates in the case of Chota Nagpur, he reprobates in the case of Assam. We hope to be excused for saying that ethnological, geographical, and linguistic considerations seems to serve, or fail him arbitrarily. That the scheme has met with widespread opposition cannot be denied, nor does the agitation

lose its value or significance by being merely called artificial. Public bodies have no right to exist, if they cannot help to elicit and express public opinion, and they would be wanting in their duty to the people and Government if they did not take steps for that purpose. Our association has been in close touch, and is intimately associated, with the districts concerned, and we are in a position authoritatively to place before His Honour their opinion, that Bengal should not be divided as proposed. We feel it our duty also to state that with the exception of perhaps of an interested few, there is no divergence of opinion between Hindus and Muhammadans on this question, and we may be permitted humbly to point out that there may be personal interests at stake, if individuals are found to support the proposal which has been so widely condemned.

Annexure 10.

From Nawab Syed Ameer Hussain, C.I.E., Honorary Secretary, Central National Muhammadan Association, Calcutta, to the Chief Secretary to the Government of Bengal, dated Calcutta, the 17th February, 1904.

In reply to your letter No. 437J., Judicial Department, dated the 16th January, 1904, inviting an expression of opinion from the Central National Muhammadan Association on the proposed transfer of some of the Bengal Districts to Assam, I beg, by the direction of the Committee of the Association, to state that in their opinion a readjustment of the territorial limits of Bengal, either on the smaller or the larger scale suggested in the letter, is neither necessary nor desirable.

As to the proposed transfer of Chittagong Division alone, it appears to the Committee that the main object with which the proposal is put forward will not obviously be attained by it. To take away from the Administration of Bengal a population of 4,911,056, and at the same time to give to it an accession of territory with a population of 4,469,635, would afford no real relief to the Lieutenant-Governor of Bengal, and, having regard to the strong reluctance of the people of the Chittagong Division to be placed under the Assam Administration, is not worth attempting.

My Committee are of opinion that no portion of the Bengali-speaking race should be separated from Bengal without the clearest necessity for such separation, and they think, in the present case, such necessity does not exist. The principle here advocated is recognised in Mr. Risley's letter, as the proposal for the transfer of certain tracts from Chota Nagpur and Madras to Bengal, is almost exclusively based on the advantage of uniting the whole of the Uriya-speaking people under one Administration. It appears to my Committee that if Bengal requires relief, that may be afforded to it by the transfer of the whole of Orissa to the Central Provinces, and as pointed out in Mr. Risley's letter, its past history, its language, its traditions, and the nature of its revenue settlement all connect it more intimately with that province. One of the arguments for not transferring Orissa from Bengal, as stated in Mr. Risley's letter, is that "the prescription of a century is difficult to break," and I beg to point out that it is still more difficult to break the prescription of many centuries. As to the difficulty of communication with the Central Provinces, it may be confidently expected that this difficulty will, in course of time, disappear.

By the severance of the whole of Orissa and a portion of Chota Nagpur from Bengal, leaving things as they are in all other respects, the latter province will obtain all the relief it is proposed to be given to it, by the combined transfers of the Chittagong Division, and the districts of Dacca and Mymensingh to Assam. As has been pointed out by Mr. Risley in his letter, the net result of the suggestions contained therein, is to reduce the population of Bengal by 10,992,926, and almost the same result is obtained by merely severing Orissa and portions of Chota Nagpur from Bengal. Judged by the standard of education, civilization, language, habits, past traditions, nature of revenue settlements, and a hundred other matters more or less important, the people of Dacca, Mymensingh, Tippera, Noakhali, and Chittagong have infinitely more in common with Bengal than Orissa and Chota Nagpur, and it appears to my Committee that if relief be indeed needed, it ought to be in directions other than those indicated in Mr. Risley's letter.

The Committee of the National Muhammadan Association, which has its branches all over Bengal, are not, however, in favour of any change in the territorial limits of that province at all. The facilities of communication that are developing year after year, are bringing the outlying portions of the province in closer touch with those charged with its administration, and it appears to us that the task of government is daily becoming more easy than difficult. If, however, it be considered necessary for efficient administration to divide the responsibility that now rests on the Lieutenant-Governor of Bengal alone, my Committee are of opinion that the better course would be to turn Bengal into a Governorship with an Executive Council like that in Madras and Bombay. This will be a step forward, whereas the change proposed is undoubtedly a backward move.

The people of the Chittagong Division, of Dacca and Mymensingh, have hitherto looked to Calcutta for inspiration and guidance. The best Colleges and the best Madrasas are in Calcutta, and students from those quarters are flowing here in daily increasing numbers. Their connection with Calcutta has therefore been very intimate. These may

be mere matters of sentiment, but in the consideration of the present question, even mere sentiment should not be ignored, but should be allowed its full legitimate weight. Besides the administration of Bengal is carried on on more enlightened principles than that of Assam, the former being adapted to the higher education and civilization of the people under its care. A scheme to bring under the same laws and govern on the same lines a people who have taken the fullest advantage of the benefits of the British rule and who have reached a high level of civilization under its fostering care, and another just emerging from a state of primitive culture, is one of great difficulty and distinctly to the disadvantage of the former. That the people of Bengal should object to be placed under the Government of Assam, is most natural. A vigilant press, a strong public opinion, a local Council for making laws, with a number of non-official members, partly elected, to represent the various interests of the province, the right of interpellation so useful in bringing about a better understanding between the rulers and the ruled, a Board of Revenue presided over by two senior members of the Civil Service thoroughly familiar with the most intricate revenue problems, are assets that no people will willingly part with. Government is fully aware of the feeling that the proposal has evoked in the affected districts, and it seems to my Committee that, even assuming the existence of certain administrative conveniences, they are far outweighed by more important considerations to the contrary. As regards the assurance that the jurisdiction of the High Court will remain unaffected, it seems to my Committee that in the natural course of things, this assurance cannot hold good for many years, and that a severance being once effected, the establishment of some Court inferior to the High Court, for the judicial administration of the larger Assam, would only be a question of time. Finally my Committee beg to suggest that should the Government be determined upon making the proposed transfer, a determination that my Committee will very much deplore, the least it can do to compensate the people for their losses, is to found a Lieutenant-Governorship for the reconstituted province of Assam, with a Council similar in constitution with that in Bengal, and a Board of Revenue charged with the Revenue Administration of the province.

Annexure 11.

To The Honourable Sir Andrew H. L. Fraser, Lieutenant-Governor of Bengal.

The humble Memorial of the Inhabitants of the District of Dacca.

Most respectfully sheweth :—

1. That Your Memorialists received with feelings of alarm and dismay the proposal of the Government of India contained in the letter of Mr. Risley, dated the 3rd December, 1903, regarding the partition of Bengal and the incorporation of this District together with some others into the Administration of Assam.
2. That after a consideration of the said proposal in all its bearings, the people of this District were convinced, that the scheme, if given effect to, would prejudicially affect the manifold interests of the people, curtail their rights and retard their future progress.
3. That the people of the District, representing all sections and interests of the community, held meetings in all important centres and passed Resolutions recording their respectful but emphatic protest against the said scheme and duly communicated their humble protests to Government.
4. That a Memorial from the people of this District embodying the reasons of their objections to the Government scheme was in course of preparation, when it was announced that His Excellency the Viceroy would shortly visit Chittagong, Dacca and Mymensingh, and the people waited to learn from His Excellency the definite views of Government on the subject. That Your Memorialists, therefore, postponed the submission of their Memorial till after His Excellency's visit.
5. That Your Memorialists have since had the opportunity to peruse the speeches of His Excellency the Viceroy at Chittagong, Dacca and Mymensingh, and according to the command of His Excellency they have carefully and attentively studied the three speeches, as a whole, in order to ascertain His Excellency's views regarding the proposed transfer.
6. That Your Memorialists observe with regret that His Excellency has not been pleased to give any definite assurance which would allay their fears and anxieties and secure to them their present rights and privileges.
7. That Your Memorialists are therefore obliged to submit their objections to the original scheme and such possible variations of it as have been vaguely hinted at by His Excellency in his speeches.
8. That conceding, without admitting, that the relief of the overburdened Administration of Bengal is necessary, the question is in what form such relief should be given, which, while effecting the desired object, is not likely to be injurious to the best interests of the people.

9. That adverting to the letter of Mr. Secretary Risley, Your Memorialists find it stated, without assigning any reasons, that relief to the Government of Bengal "can be afforded, not, as has been suggested on several previous occasions, by organic changes in the form of Government, but only by actual transference of territory." The views of the Government of India on the subject have, however, been explained by the Viceroy in his speech at Dacca, in which His Excellency has expressed a strong disapproval of the suggestion of helping the Lieutenant-Governor of Bengal with an Executive Council. With the utmost deference to the opinion of His Lordship, Your Memorialists beg to submit that relief to the Government of Bengal can best be afforded by creating an Executive Council, the members of which could take up departments and free the Lieutenant-Governor of the greater portion of his minor work.

10. That such division of work, Your Memorialists beg leave to submit, has the sanction of the practice of all civilized nations, and the responsible heads of Government are always assisted by Councils or Cabinets; it has, moreover, the weight of the authority of the whole course of Parliamentary Legislation with regard to the Government of India. A glance at the history of such legislation will show that, so far back as 1793 by the Statute passed in the 33rd year of the reign of His Majesty King George III., the whole civil and military Government of Bengal, Behar, and Orissa was vested in a Governor-General and three counsellors and similarly the Governors of Madras and Bombay were aided by three counsellors each, and the Governor-General and his counsellors in Bengal were given authority to supervise the Government of the other Presidencies. This system of providing Executive Councils for the Governors of the different Presidencies and for the Governor-General was confirmed by Statute 3 and 4 William IV., c. 85, and other successive Statutes. Statute 21 and 22 Vic., c. 106, also provides for a Council for helping the Secretary of State for India, and sec. 20 of the said Statute authorizes the Secretary of State to divide his Council into Committees for convenient transaction of business. The members of an Executive Council, who are all taken from the most experienced officers, can not only advise but render substantial help to the head of the Government and make the work of Government greatly lighter. If there have been occasional differences of opinion between the Governor and his Council, it does not in any way detract from the merits of the system. A Council, moreover, "is a check" in the words of Sir William Lee Warner, "upon the dangerous system of over-centralization." The institution of an Executive Council has, therefore, notwithstanding difference of individual opinions on the subject, been adopted and tried for over a century and has been, to quote again the words of Sir William, "justified by its results." The people of Madras and Bombay do not object to it, and Your Memorialists believe, would be very sorry to lose it; and Your Memorialists submit, with respect, that it does not deserve that condemnation which has been passed upon it by His Excellency the Viceroy at Dacca.

11. Your Memorialists would, in this connection, bring to Your Honour's notice the opinions of Sir Charles Stevens and Sir Charles Elliot, two retired distinguished officers of Government, who are reported to have been recently interviewed, and have given their opinions in favour of an Executive Council being given to the Lieutenant-Governor of Bengal to help him. And your Memorialists understand, that Sir Antony MacDonnell, once our Lieutenant-Governor and a great statesman, also recommended the introduction of an Executive Council in Bengal.

12. Your Memorialists would also ask leave to draw Your Honour's attention to the legislative enactments of the British Parliament, which have provided for, and directs the establishment of a Governor and Council for Bengal, and which have only been kept temporarily suspended, and which deserve the foremost consideration of the Government on an occasion like this.

13. Your Memorialists find that so far back as 1833 the Statute 3 and 4 Will. IV., c. 85, sec. 38, directed that the territories subject to the Government of Fort William in Bengal shall be divided into two distinct Presidencies, one to be called the Presidency of Fort William, in Bengal, and the other the Presidency of Agra; and sec. 56 provided, that these Presidencies should have Governors and Councils similar to those of Madras and Bombay, and sec. 71 provided that both the civil and military services would remain the same and would not be divided by reason of the constitution of two separate Presidencies. This direction of creating two Presidencies was kept suspended for financial reasons by Statute 5 and 6 Will. IV., c. 52 (1835), and a Lieutenant-Governorship was temporarily created for the North-Western Provinces. In 1853, Statute 16 and 17 Vic., c. 95, sec. 15, again confirmed the said suspension of the creation of the two Presidencies, and the arrangements for a Lieutenant-Governor for the N.-W. P., and provided in its 16th section that the Governor-General shall cease to be the Governor of Bengal, and that a separate Governor of Bengal shall be appointed as provided in Statute 3 and 4 Will. IV., c. 85, and unless and until such Governor be appointed there will be a Lieutenant-Governor for Bengal. The provisions of the Indian Councils Act (1861), 24 and 25 Vic., c. 67, declares that the Governor-General in Council will have no power to repeal or amend the provisions of the aforesaid Statute 3 and 4 Will. IV., c. 85, or of Statute 16 and 17 Vic., c. 95. It appears, therefore, that Parliament has given the imperative direction of creating a Governor and Council for Bengal, but has temporarily kept it under suspension. If then the time has come for giving relief to the Government of Bengal, it should be done in the way laid down and directed by the provisions of the Parliamentary Statutes mentioned above.

14. That Your Memorialists venture to observe that the object of providing better government for the people and establishing a greater touch between them and the Government can be attained by granting relief, not to the head of the Government, but to the subordinate staff. It cannot be expected that, even if the population under the Administration of Bengal be cut down to 67 millions, or even to half the present number, a Lieutenant-Governor would be in a position to pay a visit to all the Districts that would still remain under him, during the period of his incumbency, or that he would be able to give a more personal attention to the details of the Administration or to the working of his subordinates. Then, again, if out of the nine Commissioners of Divisions that are now under the Lieutenant-Governor of Bengal, two be taken out, there will be seven left to look after 67 millions, which will give nearly ten millions to each in the average. This will hardly decrease the work of the Commissioners.

15. That Your Memorialists believe, that the alleged want of touch between the Government officials and the people in the outlying Districts of Bengal has been overstated, and so far as the District of Dacca is concerned, it is without any foundation at all. Dacca has always received a very great amount of attention from the heads of Government. It has received three Viceregal visits, and every Lieutenant-Governor has paid at least one visit and some have paid even two or three during the periods of their incumbency; while there are even Metropolitan Districts which have not been favoured with the visits of some of the Lieutenant-Governors. Moreover, it is noteworthy that crime is not so prevalent in Dacca as in some other parts of Bengal.

16. That Your Memorialists most respectfully beg leave to observe, that neither the scheme propounded in Mr. Risley's letter nor the more expanded scheme of cutting off a greater part of Bengal, which has been mentioned in the Viceroy's speech as a possible contingency, can effectually afford relief to the Government of Bengal, and secure to the people the rights and privileges which they have so long enjoyed. But that, in the humble opinion of your Memorialists, the dimensions of unwieldy Districts should be cut down, and that the Districts, which are the units of the Administration, should be strongly manned by District and other officers, and it is such officers who have the opportunity, if they have time, to come into contact with the people, and exercise a personal rule, upon which His Excellency so strongly insisted in his late speeches. That in the humble opinion of Your Memorialists all that is necessary for a good and effective Administration is, that the head of the Government should have time to exercise a general supervision over efficiently governed Districts and Revenue Divisions, and he may be helped in this work by an Executive Council as suggested above.

17. That Your humble Memorialists would draw Your Honour's attention to the fact, that the creation of a separate Lieutenant-Governorship Executive Council more economic. with a Council, similar to that of the Lieutenant-Governor of Bengal, which can to a certain degree secure to the people their present rights and privileges, would be far more costly than an Executive Council to help the Lieutenant-Governor of Bengal, together with all measures which may be necessary to strengthen the subordinate staff as suggested above.

18. That one of the most serious objections to the scheme propounded in Mr. Secretary Risley's letter is that in the event of this Non-regulation territory. District being placed under a Chief Commissioner, it would lose the local Legislature and would be reduced to the status of a non-regulation territory, the people of it would have no opportunity for, or voice in the discussion of, their local laws, which will be passed by the Governor-General and his Executive Council; and with the local Legislature, the people would also lose the important rights of interpellation and discussion of the Provincial Budget.

19. That an expansion of the Legislative Council upon an elective basis was made, and the rights of interpellation and discussion of the Elective Council. Interpellation. Budget were given by Parliamentary Statute. His Discussion of Budget. Excellency the Viceroy when he, as Under-Secretary of State, in 1892, introduced the India Council's Bill of that year, spoke in the House of Commons as follows:—

“The Bill was intended to widen the basis and expand the functions of the Government of India, to give further opportunities than at present exist to the non-official and native elements of Indian society to take part in the work of Government, and in this way to take official recognition of the remarkable development, both in political interest and political capacity, which had been visible among all classes of Indian society since the Government was taken over by the Crown.”

20. Your humble Memorialists submit, that nothing can be more unfortunate for the people of this District than to be deprived of these cherished rights and privileges, which have been gradually and step by step granted and extended by a wise and beneficent Government in recognition of the claims of Bengal as the most enlightened and advanced Province in the extensive dominions under the sway of the Government of India, and to be relegated to a form of Administration designed and fitted for primitive and aboriginal tribes in the lowest stratum of civilization.

21. That Your humble Memorialists observe with regret, that the gravity of the loss Rights under-rated. which the separated Districts would suffer by the deprivation of their aforesaid rights has been much under-rated both in Mr. Risley's letter and in the speech of His Excellency the Viceroy at

Dacca. The importance of the right of the discussion of the annual financial statement, and that of interpellation in the Legislative Council, cannot be better stated than in the authoritative language of Lord Lansdowne, the then Viceroy of India, who, in introducing the rules framed under the Statute of 1892, stated in his Council on the 4th February, 1893:—

“The privilege thus conferred upon the Legislative Council is, I venture to think, one of great importance. . . . The right to criticise the financial Administration of a Government is one of which it is impossible to over-estimate the value, and I have never concealed my opinion that it was improper as well as illogical that that right should be frequently denied merely upon the technical ground that no Bill upon which a financial debate could be originated happened to be before the Council. . . . These financial discussions will now take place with regularity, and not upon sufferance, and I feel, no doubt, that both the public and the Government of India will gain, the one by the wider knowledge and insight into public affairs which it will obtain, the other by the increased opportunity which will be given to it of explaining its position and defending its policy.”

“I will, however, venture to say that, even if the changes which we have been able to introduce were to stop short with those which I have now explained,—and I don't suggest for a moment that this is likely,—a very material advance will have been made in the direction of increasing the usefulness of the Legislative Councils. Their functions have until now, with the solitary exception to be found in those occasional discussions of the Budget which I have just mentioned, been strictly and narrowly limited to those of assisting the Government of India in the work of Legislation. They have been absolutely precluded from asking for information, or inquiring into matters of public interest. In advising Her Majesty's Government to allow us to exceed these limits, we feel that we have taken a very serious and far-reaching step. We have taken it under a deep sense of the responsibility which we have assumed; we are fully aware, that we are effecting a radical change in the character of these Legislatures; but we are profoundly convinced, that the time has come when it is desirable to bring them into closer touch with the rest of the community, and that the reform which we are about to introduce is one which will be for the advantage of the Government as well as the people of this country.”

22. That the loss of a local Legislative Council would, Your Memorialists crave leave to submit, amount to the total loss, to eleven millions of people, of all voice, with respect not only to the laws which would hereafter be passed concerning them, but also regarding the modification or repeal of laws which have hitherto governed them. Such a vital change, in the constitution of the country should not be made, Your Memorialists humbly submit, for the administrative re-arrangement of territories.

23. That the Government of India, in Mr. Secretary Risley's letter, expresses the opinion, that the loss of the Districts sought to be transferred in the aforesaid letter “would be more than compensated if Assam were to share a seat in the Legislative Council of the Governor-General with the Central Provinces furnishing a member alternately with that Administration,” and His Excellency the Viceroy in his speeches has propounded the same view. Your humble Memorialists crave leave to submit, that apart from its being only of a periodical nature, the privilege would be of little advantage to the people of the new Administration, for their representative in the Supreme Legislature would have nothing to do with the passing of their local laws, which, under the Statute of 33 and 34 Vic., c. 3, would be passed by the Governor-General with the aid of his Executive Council, with only such light as might be afforded to them by the report of the Chief Commissioner, and could not be discussed in the Governor-General's Council for making Laws and Regulations.

24. That the Government of India, in Mr. Secretary Risley's letter, dated the 21st December, 1903, assure the people that the “Statutes which confer upon the Governor-General in Council the power to alter the limits of Provinces expressly provide that no such alteration shall *of itself* affect the law in force in the territories concerned. It follows that the scheme under consideration will involve *no change in the system of administration of the Districts transferred.*” . . . And His Excellency the Viceroy has also said the same thing in his speeches.

25. That although the proposed transfer may not *of itself* affect existing laws and regulations, yet the Statutes referred to, give the Administration to which the transferred Districts would be annexed, the full power of altering, modifying or superseding such pre-existing laws or regulations. And Your humble Memorialists cannot but regard it as an altogether radical change in the system of their Administration which would make their laws and regulations, which have received full discussion both at the hands of the public and in the Legislative Councils, liable to be changed or superseded at any moment by the Governor-General and his Executive Council, simply on the report of the Chief Commissioner without their having any voice in the matter.

26. That Your humble Memorialists find, that many of the Regulations and Acts which applied to Sylhet, while it was part of Bengal, have ceased to have operation there; and they have been replaced by laws which are greatly prejudicial to the interest of the people. Laws

relating to such important subjects: as alluvial increments, settlement, partition, sales for arrears of revenue, public demands recovery, opening or closing of separate accounts for payment of revenue, have all been repealed by Regulation I. of 1886. And the nature and extent of the change may easily be conceived when it is seen that the whole law of the

Lord Northbrook's assurance overlooked.

Province relating to rights in land, resumption, survey, settlement, record of rights, land registration, partition and union of estates, house tax, recovery of arrears of revenue and other public demands, and the procedure to be adopted in these matters are all contained within the compass of the aforesaid regulation containing only one hundred and fifty-nine sections. That your Memorialists understand, that this important change in the laws of Assam was effected notwithstanding the solemn assurance of Lord Northbrook to the people of Sylhet, when it was annexed to Assam, that its laws would not be affected, and the protests of the people of that District when the change was made. The people of Sylhet did not acquiesce in these changes, but in 1882 and 1884 strongly protested against them (*vide* copy of their Memorial which was presented to the Governor-General of India, given in the Appendix herewith annexed); but no heed was paid to their protests. If they have been quiet since, it is only on account of the utter helplessness of their position and not because they have been happy under the new Administration.

27. That Your humble Memorialists are afraid, that by the proposed transfer the progress of this District so far as Legislation is concerned, will be altogether retarded. Owing to the absence of any Legislative Council, the laws will not receive any development according to the growing needs of the people, and will tend to continue in the same state. Then, again, as the Province of Assam is composed of numerous tribes and peoples, having different interests, for whom it is impossible to legislate separately, the tendency to provide one uniform law for the whole Province will necessarily sacrifice the needs and requirements of the more advanced portion of the community, to the exigences of the more backward population.

28. That Your Honor's Memorialists understand that many Acts, which have been passed in Bengal, since Sylhet was transferred to Assam in 1874, and which are now in operation in the Regulation Districts of Bengal, have not been extended to that District. For example, the Bengal Tenancy Act VIII. of 1885, which was introduced into Bengal after a great deal of public discussion and deliberation, and which has created so many important rights in favour of the rural population, has not been extended to Sylhet; and it is still governed by the old Tenancy Laws. On the other hand, Your Memorialists find, that the "Local Rates Regulation III. of 1879" has been made applicable to Sylhet, along with the other temporarily-settled parts of the Province of Assam, evidently with the object of providing one uniform law, both for the permanently and temporarily-settled tracts. These "local rates," which are a heavy tax, assessed on every acre of land, on permanently-settled estates, in addition to the Revenue, are levied from the land-owners and are recovered by the same process as Land Revenue, and these "local rates" press heavily on the land-owners of Sylhet and are evidently a violation of the Permanent Settlement. Another violation of the Permanent Settlement was made by what is called the "Jhum" Regulation III. of 1891, passed with respect to Sylhet, which has extinguished all rights in respect to certain assets which were assessed in the Permanent Settlement of estates, and has made provisions for their commutation.

29. That from the assumption of the Dewani by the East India Company, Dacca has all along formed part of the Regulation territories. The lands of this District are permanently settled, and its Land Laws have received a high state of development from a continuous course of progressive legislation. There cannot be the slightest doubt, that this progressive development will receive a serious check, if it be not absolutely stopped, in consequence of its being made a part of a backward Administration. In the cause of progress, it is absolutely necessary, that this District should be retained as a part of the Regulation territories, and Your Memorialists beg to enter their respectful but firm protest against their being dragged down to the level of less advanced people.

30. That Your Honor will also kindly notice, that there are many zemindaries and other Revenue-paying estates borne on the Revenue-roll of Dacca, which have got their lands scattered over neighbouring Districts, such as Pubna, Faridpur, Backergunge, &c.; and Your Memorialists beg to submit, that it would not be only anomalous, but highly inconvenient, to subject them to different sets of Land Laws in two Provinces.

31. That in the event of their District being separated from Bengal, Your Memorialists would lose the advantage of the Board of Revenue. The lower Revenue authorities always receive their orders and instructions from the Board of Revenue, whose members are selected from among the most able and experienced officers of a big service, relating to partition, settlement, land-revenue, cesses, Court of Wards, and all other Departments of Revenue. Besides, this being a permanently-settled tract, the landed interest is the most important in this District, and questions of great complexity frequently arise for decision which are fought up to the Board of Revenue, by the litigant parties. In the Metropolis, they can obtain the best legal advice available in the country, and the services of the Advocate-General and other eminent counsel for representing their respective views before the Board. If, however, the District be transferred to the Assam Administration, where the Chief Commissioner hears and disposes of all Revenue matters *in camera*, they would be deprived of this legal

aid, and even, if he were disposed to hear counsel, as Your Memorialists have been assured, the present Chief Commissioner now does, it would be impossible to obtain counsel at Shillong, Chittagong or elsewhere except at a ruinous cost.

32. That, again, if the powers of the Board of Revenue to hear appeals and revisions, be vested in the Chief Commissioner of Assam, who would have his Head-quarters at two, if not at three places, people would have to attend at those places at great inconvenience and cost. Zemindars and other substantial landholders would have to retain agencies at all the seats of the Government of the new Province, at considerable expense in addition to the agencies which they now have at the Metropolis, which also will have to be retained on account of the High Court. As to the middle and poorer classes, who cannot maintain any agencies, the cost, trouble and fatigue of going to Shillong, which cannot be reached under six days, and of going to Chittagong, which is also at a considerable distance from this District, will be simply prohibitive as regards obtaining any redress in Revenue matters. And as the landed interest in this District is mainly composed of numerous small landholders, the proposed change would seriously affect the landed interest of this District.

33. That His Excellency the Viceroy has been pleased to assure the people that, in the newly-contemplated Province they would either have a Board of Revenue, or its equivalent, in the shape of a Revenue or Financial Commissioner; and they have been further told, that as in the Board of Revenue only one of the members hears appeals, there would be hardly any difference between a Board of Revenue and a Financial Commissioner. Your Memorialists most respectfully beg to state, that the real importance of a Board of Revenue consists, firstly, in its members being selected from among the most talented and experienced men of a big service, thoroughly conversant with the laws and practice of permanently-settled territories; secondly, in its being situated in the Metropolis where the best legal aid is available; thirdly, in the fact that one set of agencies can do the work both in the High Court and the Board of Revenue. Under the circumstances, a Financial Commissioner would be hardly a proper substitute for a Board of Revenue.

34. That although the jurisdiction of the High Court would be retained at present, His Excellency points out, that its removal is not an improbable contingency on account of the congestion of its work. The probability of such a course being adopted would be greatly enhanced by this District being made part of a separate Province. Your Memorialists are so fully sensible of the immense benefits which have accrued to them, through their local Judicial tribunals being subject to the High Court of Calcutta, that they cannot but regard with dismay the prospect of the loss of that protection of their rights and liberties which has always been afforded to them by the High Court. A substituted tribunal, they venture to submit, will necessarily fall far short of that high level of efficiency, learning and independence which characterize the High Court of Calcutta. Deterioration in the Higher Appellate Court would necessarily react upon the Subordinate Judiciary which, it is apprehended, would gradually lose the efficiency and independence for which they are at present so popular.

35. That, with the change proposed; the Administration of civil justice in these Districts, it is submitted, is sure to undergo a change for the worse. In the system of Administration at present in force in Assam, the functions of the Judge and the Magistrate are, except in a very few Districts, frequently combined in a single official. The Administration of justice in Assam is thus conducted at present on lines radically distinct from the system in force in Bengal. The addition of these Districts would, it is submitted, instead of creating an independent and efficient service in Assam, only create complications and introduce confusion by subjecting the new Province to a dual system, at least so far as the Administration of civil justice is concerned. The new Province would still have to borrow its Judicial officers from Bengal, and Bengal is not likely to part with its best officers to lend them to a different Province. If, on the other hand, instead of borrowing Judicial officers from the Bengal service, the future Government of Assam confines its choice in this respect to its own service, the result in that case will be even worse. Of all the questions which a Judicial officer in Bengal is called upon to decide, those relating to land tenures are the most difficult and intricate. The complexity of the Bengal land-tenure system and the intricacy of the Rent Law of Bengal are such that they very often tax to the utmost the capacities of the most able and experienced Judicial officers. The Civilians of Assam, trained in the far simpler law and usages prevailing in that province, will find the task of grasping these intricate questions one of extreme difficulty, and, as a necessary consequence, the efficiency of the Judicial service would greatly suffer by the change.

36. That Your Memorialists are afraid, that the Administration of criminal justice would be affected in an even more injurious manner by the proposed separation. In this connection, Your Memorialists venture to draw Your Honor's attention to secs. 30 and 34 of the Code of Criminal Procedure. The former of these sections provides, among other things, that the Chief Commissioner of Assam may invest the District Magistrate or any Magistrate of the first class, with power to try as a Magistrate all offences not punishable with death. By the latter section, the Magistrates so empowered, are also given the power to inflict any sentence except a sentence of death or of transportation for a term exceeding seven years, or imprisonment for a term exceeding seven years. The people of this District have long enjoyed the privilege

of trial by Jury. The proposed transfer would expose them to the risk of being deprived of this valued and cherished privilege at the mere will of the Chief Commissioner. The change is thus viewed by Your Memorialists with dismay as foreshadowing the destruction of a right which is an effectual guarantee against prejudices or errors on the parts of Judicial officers.

37. That the combination of Judicial and Executive functions in the same officer, which the people regard as a crying evil in the Criminal Administration of India, would instead of receiving a check, rather receive a wide extension if the sections referred to above be put in operation.

38. Criminal justice has, for a long time past, been administered in this District on precise and strictly legalized methods. The Executive officers in Assam very often receive their initial training in non-Regulation tracts and many of the wildest and most uncivilized parts of India. They will necessarily fail to discharge their duties satisfactorily when transferred to these Districts, and the amalgamation of these Districts with Assam would necessarily result in bringing about a uniformity throughout the Province in Criminal Administration which would be greatly disadvantageous to these Districts.

39. That by far the most objectionable feature in the scheme, formulated by the Government of India, is the proposal of dividing the Bengalee-speaking community into two parts and putting them under two Administrations. Speaking the same language, possessing a common literature, united by social and educational ties, welded together by the same laws and Government, and having common hopes and aspirations and common political interests to support, they form a unit which it would be highly unjust to divide.

40. That being under the same form of Government, and governed by the same laws, the people of Eastern and Western Bengal have always had a common cause, and a common interest, and their leading men have always acted in unison in all matters of public interest. And politically it would be a great misfortune for the Eastern Districts proposed to be separated to lose the powerful support and co-operation of the enlightened and influential men of West Bengal, in all matters which would hereafter concern them.

41. That with reference to the observations made by His Excellency the Viceroy, in his speeches to the effect, that the people of Bengal would suffer no loss by the creation of two different units in two centres, and that the people of East Bengal, by reason of their numbers and their intellectual superiority would, instead of being an appanage to a backward Province, occupy a dominant position in the newly-created Administration, Your Memorialists beg leave to observe, that the severance of that intimate relationship by which they are now connected with the Metropolis, would undoubtedly retard the advancement of the people of these Districts in every respect by depriving them of the guidance and co-operation of the people of West Bengal, who would always have the advantage of having the most enlightened and influential men among them. The Metropolis is in every country the centre of civilisation; and it is undeniable that, in proportion as the ties by which East Bengal is bound to it are relaxed, it will lose the inestimable advantage of those incentives to progress of which this close connection with the centre of enlightenment is the source.

42. That Your humble Memorialists beg leave to draw Your Honor's attention to the fact, that Dacca has not got an independent and powerful press of its own to advocate its interests. There are in it four newspapers with small circulation, which can hardly make their voice heard. All the principal organs of public opinion are established in the Metropolis, and the cause of Dacca along with that of the rest of Bengal is advocated by them. In case of its transfer to a different Administration, Dacca would, no doubt, be looked upon as a stranger, and would lose touch with the press of Bengal, which is one of the strongest safeguards of its rights and liberties. The discussions in the press of a different Province would hardly be taken notice of by the authorities of the new Province.

43. That Your Memorialists find from the letter of Mr. Risley, that the Government of India attach very great weight to unity of language as a ground for a claim to be put under the same Administration. They have evinced a great solicitude for collecting together, under one Administration, all sections and tribes speaking different dialects of the Ooriya language. On the ground of common language they have proceeded so far as to add a considerable burden to the Administration of Bengal, the relief of which is the declared main object of Government, for the proposed re-distribution. Your Memorialists submit, that the linguistic consideration affords even a stronger ground against the separation of these Districts from the rest of Bengal. Bengal has got a literature of its own, while Oriyas do not possess one worth the name. The Bengalee literature dates its origin, in very ancient times and has received an enormous development and is now the common property of the whole of Bengal. Enlightened men of letters, in both Eastern and Western Bengal, have alike enriched it by their contributions, and they are all labouring towards the further development of their common language and literature. They meet in a common field in the Metropolis, and the mutual interchange of thought and ideas has a great effect on the improvement of

their common language. Then, again, the fostering care of Government which has provided the country with so many institutions and facilities for the propagation and spread of education, has had a good deal to do towards its improvement and the maintenance of a common standard. Your Memorialists apprehend, that the incorporation of their District, in an Administration, where the standard of education is low, and the educational machinery weak, the same high standard could not possibly be maintained. The Assamese have got a hybrid language with no literature of its own. It has, however, been recognized as the language of the Court, and in the University; and the closer connection with people speaking an inferior language, which a common Administration would naturally establish, and the dissociation with Western Bengal would have the effect *gradually* but *surely* of deteriorating their language and literature. And Your Memorialists cannot but view the change as a national calamity.

44. That Your Memorialists also humbly draw Your Honor's attention to the social ties that exist between the inhabitants of this District and those of other Districts of Bengal. In ancient times King Adisur had established his Kingdom in Vikrampur, in the southern part of the District of Dacca. He invited five Brahmans and five Kayesthas from Kanouj, and settled them in his dominions. The descendants of these Brahmans, who form the Kulin Brahman Somaj, in course of time spread over the Districts north, south, and west of it. The Kulin Brahmans of all the Districts of Western Bengal, are connected by inter-marriage with those of Eastern Bengal. Then the five Kayesthas, who came to Bengal at the time of Adisur, were the forefathers of the great Somaj of *Bangaja Kayesthas* which has its principal seats in Dacca, Backergunge, and Jessore. Pratapaditya, the King of Jessore, well-known in the history of Bengal, once the head of the Somaj, came from a family of the *Bangaja Kayesthas*. These *Bangaja Kayesthas* of Dacca are settled and have their connections, not only in the Eastern Districts of Backergunge, Faridpur, Mymensingh, Jessore, and Khulna, but also in parts of the 24-Pergunnahs and other Districts. The leaders of Society in all parts of Bengal are exerting their influence to promote inter marriage between these *Bangaja Kayesthas* and the Dakhin Rarhi Kayesthas, who prevail in West Bengal, and the Utter Rarhi Kayesthas of North Bengal, and some unions have already taken place, and it was expected that at no distance of time a fusion of the different branches would take place. But if the proposed change be carried into effect, there will be a rupture of social ties, and all efforts in the direction of social reform and union will come to an end. These objections have been emphasized by the opinion of the Kayestha Somaj of Calcutta consisting of prominent members of all the three Kayestha communities. These Brahmans and Kayesthas, together with the Baidyas, form the gentry of Bengal. Your Memorialists would also bring to your Honor's notice, that from the time of King Adisur, Vikrampur has been the principal seat of Sanskrit learning. To this day, many renowned Pundits maintain *Tols*, in which they instruct pupils in the different branches of Sanskrit learning. These Pundits are held in veneration in all parts of Bengal and are invited in all important ceremonies. They exert an important influence over the religious and social life of the whole Bengalee-speaking community. The whole of this community is united by various social and religious ties: and it would be in the highest degree undesirable and inexpedient to divide this community.

45. That your Memorialists beg to bring to your Honor's notice, that the land beyond the river Meghna has always been looked down upon as the land of the aborigines. Sir William Hunter in describing the Dacca district says; "This tract of country formed the Easternmost District of Bengal. . . . Eastwards the broadstream of the Meghna always served as a barrier against the wild aboriginal races, whose names are preserved in the dynasties of Tipperah and Cachar." Your Memorialists humbly submit, that the inclusion of the District into the Administration of Assam, and its permanent administrative association with tracts which have always been looked down upon in a social point of view, will be considered as degrading in the eye of Hindu Society, and they will, in course of time, lose all touch with their kith and kin in the other Districts of Bengal. The tract, a person resides in, has always a determining effect in the eye of Hindu Society as to his social status. Their ideas of caste and social disabilities vary greatly from those of Europeans, by whom they are very imperfectly understood. Your Memorialists would ask permission to cite as instances of social rupture and severance in the fact that the Brahmans of Bengal, and of Orissa, or of Behar, and the North-Western Provinces, have no inter-marriages, and would not even touch each other's food, although originally they came from the same stock. Your Memorialists earnestly solicit Government not to adopt a step which cannot but have the effect of such a rupture of immemorial social ties.

46. That upon a careful consideration of the question, your Memorialists believe, that the cause of education of this District would greatly suffer by the proposed change. The level of education in Assam is low, much lower than in Bengal. There are no Colleges in the whole Province which can impart professional education. Only two second-grade Arts Colleges have been recently established. In the newly-proposed Province there would be no properly-equipped Colleges or Institutions which could adequately fulfil the educational requirements of the people, whom it is proposed to separate from Bengal. The salaries of the supervising, inspecting, and teaching staffs in Assam are much lower than in Bengal, and cannot be expected to attract superior men. The Director of Public Instruction in Bengal receives a pay of Rs. 2,500 a month, while the same officer in Assam gets only Rs. 1,250. The pays of Principals and Professors of Colleges and Head Masters of Schools in Assam

are proportionably lower than in Bengal, and it cannot be expected that, with such comparatively low pay, men of equal abilities and attainments with those serving in Bengal could be obtained for the newly contemplated Province. In this connection, it may be pointed out, that an appointment in an Assam District is far less attractive to a Graduate of the Calcutta University than one in Bengal on the same pay. There is at present only one officer of the Imperial Educational Service in Assam, and in the event of Dacca being transferred, it would add only three others. Moreover, in the new Province, there would be wanting those general scholarships awarded on the result of the Entrance and First Arts Examinations which are a source of emulation to students in Bengal.

47. That his Excellency has been pleased to say :—“The ideal of educational advancement is the multiplication of centres of tuition and learning, so that boys and young men may be well taught in reasonable proximity to their homes. It cannot be doubted, that if a new Province be created, there would be an immense development of local Institutions, and that this would be a source of untold benefit to the people.” Your Memorialists beg most respectfully to submit, that there would be no prospect of the condition of the Dacca College being improved, or of an increase in the efficiency or the number of local Institutions, comparable to progress of education in Bengal, in a new Province, which must necessarily be poorer than Bengal. Your Memorialists are informed, that in Assam the expenditure of the Education Department largely exceeds the income. Your Memorialists believe, that the transfer of their District would not in any way improve the state of the funds, and that sufficient funds would not be available to the newly-contemplated Province to effect such improvements as to make Dacca an educational centre that would be able to keep pace with the rest of Bengal. If the Dacca College has been hitherto starved under the rich Bengal Administration, Your Memorialists can entertain no hope of its further development under an Administration which cannot meet its ordinary administrative expenditure. Nor do your Memorialists believe, that the experiment of making the Dacca College a residential one would impart a greater impulse to the spread of education in the District. The local private College, which is a second-grade one, has already got a far larger number of students than the corresponding classes of the Dacca Government College, and the increased cost in the newly-contemplated residential College would compel a large number of students, the great majority of whom are poor, to resort to private Institutions. Your Memorialists further believe that there is no prospect, even in the distant future, of Dacca being converted into a centre of tuition, where its young men could obtain the benefit of such well-furnished libraries or well-equipped laboratories, or the advantage of the teaching of such distinguished men of learning, as Calcutta will possess. The people of Dacca would have to send their sons, all the same, to Calcutta for receiving education in the Presidency and other colleges of the metropolis, which are in a far more efficient state than the colleges at Dacca. Many inhabitants of Dacca, who on account of employment, business relations, or for many other reasons now live in Calcutta, find it convenient to educate their children in the Calcutta Colleges. But, in the event of Dacca being incorporated into a new Province, its connections with Calcutta would gradually lessen, and a great many people who would be under the new conditions of service, or from other circumstances, obliged to reside within the new Province, would find it extremely costly and inconvenient to send their sons for education to Calcutta. Your Memorialists have attempted to show above that the inhabitants of Dacca, who would on the creation of a new Province have to seek employment mainly within its limits, would have to educate their boys in its Schools and Colleges, most of which are in the first stage of their existence, and which, owing to the very backward state of education in Assam, will take a very long time to develop into anything like first-class Institutions.

48. That Your Memorialists beg to bring to Your Honour's notice, that Colleges for teaching Medicine and Engineering are situated in Calcutta alone. There is no prospect of Dacca having such well-equipped and well-manned Colleges within a measurable distance of time. That those Colleges admit only a limited number of students, and, in the event of Dacca being placed in a new Province, the students from Dacca would not have the same claim to be admitted to those Colleges as the students of Bengal, who would naturally be given a preference. Moreover, the authorities of those Colleges would be justified in giving such preference, as the new Province would not contribute in any way towards the maintenance of those Colleges.

49. That Your Memorialists beg also to invite Your Honour's attention to the fact that the incorporation of Dacca into the Province of Assam, by weakening the ties which now bind it to Calcutta, will seriously retard the progress of education among the people of this District; for the vast majority of its students will no longer be stimulated in their intellectual efforts, as they are at present, by healthy competition with the young men of West Bengal; and their ideals will necessarily be lower than they are at present.

50. That Your Memorialists understand, that in order to raise the status of the people of Assam, and to secure to them a good share of the employments in their own country, the Government of Assam has been obliged to shut altogether the door of competition and to make the appointments by nomination; and as the educational standard is very low, appointments in Government service have necessarily to be made on very low educational qualifications. The high attainments which keen competition makes it necessary in Bengal for obtaining appointments under Government are not at all required in Assam. If, therefore, our District be transferred to Assam, there will be wanting that *stimulus* which lead many people to give high education to their children, and the deterioration of education will be a necessary consequence of the transfer.

51. That connected with the above considerations is a matter of the most vital importance to the well-being and future prospects of the inhabitants of this District, to which the attention of Government is earnestly solicited. The middle-class population of Dacca is composed of numerous small land-holders who have to supplement their income from land from other sources, and, consequently, from the earliest times, they have had recourse to service, and especially to employments under Government. The descendants of the industrial classes, whose industries have died out on account of competition with the Western nations, have also taken to service as their vocation. In order to fit them for Government service, these people give to their sons the best education available in the country. Thus the educated men of this District have always supplied large contingents to all departments of Government service, whether Judicial, Executive, or Ministerial. It has always been recognised by Government that the District of Dacca has supplied it with numbers of intelligent, able, and faithful servants in all its Departments. Your Memorialists understand that the people of this District alone hold more than one-tenth of the posts in the Subordinate, Judicial, and Executive services in the 48 Districts in Bengal, Behar, and Orissa, which form the Administration of the Lieutenant-Governor of Bengal, not to speak of the innumerable Ministerial appointments which they hold in all these Districts. By the intended separation the young men of this District would be deprived in future of their claims to appointments not only in the remainder of the territories under the rule of the Lieutenant-Governor of Bengal, but also in Assam.

52. That there has been a tendency, in the different local Administrations, to limit appointments to candidates living within their respective jurisdictions, and to shut out outsiders. Thus the Bengalees are debarred from obtaining any appointments under the Government of the United Provinces. Then, again, Your Memorialists understand, there is already a Resolution promulgated by the Chief Commissioner of Assam, which forbids appointments in any Division or District being made from inhabitants outside the limits of such Division or District. By this Resolution, the inhabitants of Sylhet, who form the most advanced portion of the territories under the Administration of Assam, are debarred from getting appointments in the Division consisting of the Assam Valley Districts. If the people of Sylhet, which has been incorporated with, and has formed an important portion of the Province of Assam for the last 30 years, are thus shut out from obtaining employments in the Assam Valley Districts, the inhabitants of this District, being incorporated with Assam, cannot hope to obtain any employments within the limits of Districts now comprising the Assam Administration. Their claims would be equally superseded in Bengal if they are severed from it, and they would be limited within their own District. A large portion of the young men of this District would therefore starve for want of employment, and the transfer would be a real calamity for the young generation of this District. The attention of His Excellency does not seem to have been drawn to the aforesaid limitations.

53. That Your Memorialists do not also see that the commercial interests of this District would, in any way, be advanced by the proposed change, or that the inhabitants of the District would derive any benefit thereby. The opening of the Assam-Bengal Railway line has not, in any appreciable degree, drawn away the trade of this District in that line. Only one or two European firms of Naraingunge, who make direct shipments to foreign countries, send their goods in that line, but by far the great majority of European and all the native merchants and traders have their business relations with, and send their goods and merchandise to, Calcutta. They are, as a rule, financed by Calcutta capitalists, and they find the Calcutta port a more convenient outlet for their goods. The reduction of freight, which may be an advantage at the Chittagong port, will only bring some profit to the very few European firms who will send their goods to Chittagong, but it will be of no benefit or advantage to the people of this District who are the growers of the produce. On the other hand, the great majority of merchants and traders, who have established connections with Calcutta, will be injuriously affected by the separation.

54. That Your Memorialists venture to submit, that it will appear to Your Honor from the above that examined from all standpoints, whether political, linguistic, social, educational or commercial, the proposed scheme of transfer to Assam is objectionable and calculated to enure to the disadvantage and deterioration of all the interests of the people of this District, and cannot be productive of any corresponding advantage which may counterbalance the disadvantages or loss which must inevitably follow such a course.

55. That the Government of India is of opinion, that the Government of Assam should be separated by a clear geographical line of demarcation from Bengal, and that the main channel of the Bramhaputra forms such a definite and intelligible boundary. Your Memorialists submit, however, that neither the Bramhaputra, nor the Jamoona, as it is locally called, nor the Padma, can ever form a definite boundary between two Provinces or Districts. The Jamoona, which was a mere rivulet at the time of Major Rennell's survey, about the end of the eighteenth century, is now the main current of the Bramhaputra, while its old channel is very nearly dried up. Both the Jamoona and the Padma are constantly shifting their channels, and the uncertainty of their course is so great as to be a fruitful source of litigation between rival claimants of *chars* or islands constantly thrown up by them, and the District authorities are frequently called upon to adjust the boundaries of their respective Districts. Indeed, alluvion and dilluvion have been so constantly going on in

these rivers, that in the course of half-a-century, they have almost totally effaced and obliterated all old landmarks, and their destructive work is still going on with unabated fury. If such rivers be fixed as boundaries between any two Provinces, the result to the landed proprietors on the two banks will be disastrous. The fixing of such a boundary will cause great confusion and endless and often fruitless litigation. Your Memorialists pray, that Your Honor will not lend your support to a measure which is fraught with such serious consequences.

56. That adverting then to the reasons assigned by the Government of India for the division of Bengal, Your Memorialists find it stated, *Reasons for division discussed.* that "the spread of education and the wider diffusion of the Native Press tend to increase litigation, to demand more precise methods of Administration, to give greater publicity to the conduct of officials, and, in every way, to place a heavier strain upon the head of the Government and upon all ranks of its subordinates." Your humble Memorialists venture to submit, that the spread of education and the diffusion of the Press instead of increasing litigation have the effect of diminishing it. The educated people are, as a matter of fact, always averse to litigation. Moreover, the following figures taken from the Judicial and Administrative Statistics of British India for the year 1901-02 establish the fact, that in Bengal, which is the most advanced Presidency in India, the proportion of litigation, whether civil or criminal, is far less than in the other Provinces.

	Number of Civil Cases per thousand of Population.	Number of Criminal Cases per thousand of Population.
Bengal	8.8	24
Bombay	10.4	103
Madras	9.1	80
United Provinces	11.4	26
Punjab	12.2	45

The following figures, taken from the same Statistics, show that the number of newspapers in Bengal is also lower than in the other Provinces:—

Bengal	102
Bombay	209
Madras	107
United Provinces	113
Punjab	124

Considering the fact that the population of Bengal is the largest among all the Provinces in India, the number of newspapers must be considered as insignificant. It will further appear, on a reference to statistical figures, that while Bombay had 202, Madras 79 and the Punjab 87 newspapers in 1897, and each of them has made more or less progress in five years, Bengal having 121 newspapers in that year has gradually lost 19 such papers for want of encouragement and support.

57. That Your Memorialists submit respectfully, that the work of Government has, *Work of Government more easy now.* in recent years, become less difficult and heavy than it used to be in former times. The widespread railway and steamer communications have annihilated distance, and have brought the different parts of the Province much closer to, and within easy reach of the seat of Government. The introduction of Self-Government, in Municipal and local Administrative bodies, have lightened the work of District officials. And Your Memorialists believe, that the work of supervision by the head of the Government may be considerably lightened by the introduction of an Executive Council, as suggested in a previous part of this Memorial without having recourse to actual transfer of territory.

58. Then, again, if the spread of education, which a beneficent Government is giving to the people, has necessitated more precise methods of Administration and caused a greater scrutiny into the conduct of officials, the cutting down the rights and privileges of some of the most advanced Districts and reducing them to the level of a non-regulation territory, Your Memorialists venture to submit, is hardly the method which should be adopted to meet the demands of a progressive community.

59. That one of the reasons which appears to have strongly weighed with the Government for retaining Orissa in the Administration of Bengal is that it has been connected with Bengal for nearly a century and "the prescription of a century is difficult to break," and that it has been recently connected by railway, which has brought Cuttuck within 12 hours of Calcutta. If these reasons have prevailed in the case of Orissa, similar reasons of far stronger nature exist why this District should not be separated from Bengal. Dacca has

been an integral part of Bengal for centuries. Moreover, the District of Dacca has been connected with the Metropolis by railway and steamer for many years. The city of Dacca is now within 14 hours of Calcutta, which may be reached from the southern and western parts of the District within nine or ten hours. And there is a short railway line in contemplation of the District Board of Dacca, joining Aricha opposite Goalundo, with the City of Dacca, which, if constructed, will bring Dacca City within eight or nine hours of Calcutta. Under the above circumstances, there exist very strong reasons for not separating Dacca District from the Government of Bengal.

60. The object of creating a self-contained independent and efficient service for Assam, which has been put forward as a strong reason for incorporating this and other Districts into its Administration, could not, Your Memorialists apprehend, be attained by the proposed scheme. The addition of 10 or 15 officers will not give the Assam service an independent status. The Assam Government would have to maintain, as pointed out above, a dual service. The conditions of the Administration and the laws of the two portions of the proposed Province are so widely different, that the Government of Assam would not be able to carry on the work of the Districts transferred from Bengal by officers trained up in Assam proper except at the sacrifice of efficiency. The officers employed in the transferred Bengal Districts would have to be retained there, and their prospects and emoluments will be very limited. The Districts proposed to be transferred are some of the heaviest in the Administration of Bengal, and the officers in these East Bengal Districts are known to be extremely hard-worked. The sanitary conditions of these Districts are also inferior to those of the Districts of West Bengal, Behar, or Orissa. All things considered, the service proposed to be created is not likely to draw to it men of superior talents and attainments, and thus constituted the proposed Assam service is not likely to be as, or nearly as, efficient as the Bengal service, and Your Memorialists submit, that they cannot but be losers by the proposed change. Besides, the scheme propounded by the Government of India cannot avoid the necessity of borrowing officers of the Subordinate, Judicial, and Executive services from Bengal, as Assam cannot supply men of the requisite knowledge and attainments for these services.

61. That if the Government of India should, after all, decide to grant relief to the Government of Bengal, by actual transference of territory, Your Memorialists beg to suggest, that Orissa, and the less advanced parts of Chota Nagpur, excluding Manbhum, which is a Bengalee-speaking District, may be separated from Bengal without disadvantage to them. Orissa, as it appears from Mr. Risley's letter, has no objection to be separated from Bengal, or to be put under any other Administration provided the whole of the Ooriya-speaking people be placed under the same Government. They have greater affinities with the people of the Central Provinces, and geographically Orissa should more properly form a part of those Provinces. Your Memorialists beg also to submit, that a Lieutenant-Governorship may also be created in the Central Provinces, with the addition of Orissa, and parts of Chota Nagpur.

That, in conclusion, Your humble Memorialists pray,

- (a) that Your Honor will be graciously pleased to take their very hard case into your favourable consideration, and recommend to the Government of India, that in any case of re-distribution of territories the whole Bengalee-speaking people may be placed under one Administration, keeping intact all their existing rights and privileges.
- (b) Your Memorialists also pray, that this humble Memorial of theirs may be submitted to the Government of India with Your Honor's favourable recommendations.

And Your Memorialists, as in duty bound, will ever pray.

(Signed) ACCUNDA CHANDRA ROY,
President, Peoples' Association, and
Secretary, Landholders' Association, Dacca,
Pleader and Zamindar.

Dacca, March 4th, 1904.

Annexure 12.

To His Excellency the Viceroy and Governor-General of India in Council.

The humble Memorial of the Zemindars, Talukdars and other proprietors of land in the District of Sylhet.

Most respectfully sheweth :—

1. That Your Memorialists have come to understand, that the Chief Commissioner of Assam has submitted the Assam Land and Revenue Draft Regulation to Your Excellency in Council for sanction, they therefore beg leave to offer the following observations by way of their objections to the measure.

2. That at the outset, Your Memorialists beg most respectfully to state, that the principle of legislation adopted in the Draft Regulation appearing to Your Memorialists to be highly detrimental to the rights and privileges of the people of this District they forwarded, through the Deputy Commissioner of this District, a Memorial which was signed by 9,000 people to the Chief Commissioner of Assam for submission to Your Excellency in Council, under Your Excellency's orders conveyed in telegram, dated the 17th March, 1882. That in that Memorial they strongly remonstrated against the policy adopted by the Chief Commissioner in legislating for this District, but, Your Memorialists regret to say, that their Memorial is still lying at the office of the Chief Commissioner who has, for reasons best known to him, not submitted the same to Your Excellency in Council. They therefore append hereto a copy of the said Memorial for Your Excellency's perusal and consideration, and they venture to express a hope, that Your Excellency's liberal Government will be pleased to disallow the unprecedented legislation of such an old and advanced District as Sylhet.

* * * * *

The most distinguishing feature of the Bill is that, it prescribes one uniform Code for the whole Revenue system of the Province. This could have been advantageously and equitably effected, had there existed only one landed system in Assam, but, on the contrary, a diversity of land tenures prevails in the Province. Estates under Permanent Settlement exist only in the Districts of Sylhet and Gawalpara, temporarily-settled estates in Cachar and Jyntiah, the Ryotwary tenures in Assam proper and Ellam estates and Government land in Sylhet. The rights, titles, interests and liabilities attached to these tenures are so very distinct in each case, that each class of tenures requires a distinct and separate legislation. The Code, Your Memorialists submit, is therefore objectionable on the ground of the principle on which it is based, as it throws the whole Revenue system of the Province into a state of uncertainty and confusion.

The second distinguishing feature of the Code is, that it aims at a codification of the laws relating to the right possessed by the landed community. As regards other Provinces of the Indian Empire, codification has been made in the Punjab, Oudh, Central Provinces, N.-W. Provinces and British Burmah, but the only Province among them all, where the system of Permanent settlement prevails, is the province of Benares comprised in the Lieutenant-Governorship of the North-Western Provinces and Oudh. With reference to the Land Revenue Code of that Province, it appears, that no attempt is made therein to codify the laws bearing upon the rights and titles of the landed community. It simply deals with the law of Procedure and Administration. The principle of codification adopted in this Code appears to have been borrowed from the Burmah Land and Revenue Code, but the circumstances of that Province are not in all fours with those of the Surma Valley District and Gawalpara, and, consequently, its adoption in these Districts, Your Memorialists submit, involves an incongruity of principle for which no justification could be urged.

The third distinguishing feature of the Code is, that it curtails the rights and privileges of the landed community of Cachar and Jyntiah. It is true that these communities are offshoots of Sylhet, but during the Native Rule, they had attained to the character of a well organised body of landed proprietors with the rights and titles attached to them and to their estates. The estates they held were transferable and heritable in their nature, and the State had no other claim upon them than what it had in the shape of Land Revenue. They were then an organized body of landed proprietors and not a mere set of tenant possessing the right of occupancy. This was the state in which the British Government found them when it assumed the charge of administration of these territories. And since that period lands have been from time to time settled with the holders for a term of years, but the system of temporary settlement did not interfere with their proprietary right in land. These estates descended from father to son by the general law of inheritance and the holder thereof continued as heretofore to transfer the lands under the sanction of time-honoured custom. These transfers and devolution of properties are recognised by the Civil Court and their validity was never questioned or disputed. The Code in question brings the owner of these estates under the category of tenants with transferable and heritable right, but Your Memorialists submit, these rights are mere personal and do not attach to the estates. The status of land-holders may be acquired or forfeited by the act or omissions of the holders, and therefore no stability or permanency of a transferable and heritable character attaches to the land. The Regulation under comment will cause a disturbance in the permanency and stability of the proprietary right which the people possess in the land on the authority of local customs and usages, and confusions and instability will be the result. Your Memorialists consider that their proprietary right should be recognised by Legislative enactment, and they should be retained in the position in which they hitherto were under the common law of the land.

The fourth distinguishing feature of the Code is, that it is opposed to the sound principles of legislation. It undertakes to extinguish the vested right which have been legally acquired by the people. The functions of the Legislature, it may be admitted, are unbounded, supreme and extensive, but, however unbounded they may be, the prerogatives and powers of a civilized Legislature are restricted by the rules of equity, good conscience and morality. In the legitimate exercise of its functions, a civilized Legislature should have a proper respect for the right of property and cannot ignore the circumstances of the country and the condition of the people. But the Code in question utterly ignores all such respect for the right of property. Possession, it may be observed, is one of the

points of laws which constitutes ownership. It is sanctioned by the common law of England and respected by the Indian Government and Legislature. Under the Bengal Regulation and Indian Limitation Act, an uninterrupted possession for 60 years or upwards creates in favor of the person, who holds the land, a title to the same as against the State. This characteristic of ownership is wholly overridden in the Code under consideration. Your Memorialists do not mean to say that the Legislature have no right to repeal this provision of the Limitation Law. As the Supreme Legislature of the Realm they can repeal any law that they may deem ill-adapted to the circumstances of the country and condition of the people. They do not question the power of the Legislature to repeal one law and substitute for it another. If a new enactment be deemed necessary for the altered circumstances of the country, no principle of jurisprudence stands in the way of its introduction, but such enactment, if it is understood, must have a prospective application to give it retrospective effect would be subversive of rights of property. In the Code in question, a mere provision has been introduced, that notwithstanding anything contained in the Indian Limitation Act, the Government shall have power to resume and assess all lands which have not been already assessed. The land is in the possession of a person as a part and parcel of his permanently-settled estate for 60 years or upwards. The Bengal Regulation and the Indian Limitation Act lay down the law that Government shall not resume and assess any land of which it was not in possession within the last 60 years. The long and uninterrupted possession has ripened into a valid title and the owner is certain of his right in this respect as of any other right which he might have acquired by purchase, gift or inheritance. These lands have descended from fathers to sons and they have naturally become accustomed to regard it as their birth-right. Now, if these holders be ousted from all excess lands, as they are likely to be, under the operation of this proposed Regulation, the effect on their minds would be most shocking and confounding. It is further to be observed, that under the existing Registration Law, the registration of a conveyance of a less consideration money than Rs. 100 is optional, and the people relying upon this provision of the law did not register all the conveyances of small value. Now, if by a Legislative enactment unregistered conveyance for less than Rs. 10 are declared invalid, putting in question the title of the conveyances, and this enactment has retrospective effect, the result would be to nullify all past conveyances and to create in the minds of the people a share of distrust in the Legislature and a want of confidence in the *bona fides* of their proceedings. Your Memorialists now sincerely submit, that such species of Legislation would lay the axe at the root of Society. That what is proposed in the draft Assam Code is in contravention of the theory and spirit of Legislation which pervade all enactments of the British Government in India, and no such principles obtain and no Act or Regulation enacted in any Province of the Empire. Whenever an enactment is made which subverts or overturns an existing practice or law, it is always justly provided, that its provisions will not affect existing rights and liabilities created under the old law.

Under these circumstances, Your Memorialists submit, that the provisions which empower Government to resume land, although such a proceeding may be barred by the Limitation Act, may be removed from the Code.

The fifth distinguishing feature of the Code is, that it repeals all the existing laws in the Province and invests the Chief Commissioner with the power to frame rules in their stead. The people of the Province hitherto possessed a systematic body of laws regarding resumption, settlement, partition and Courts of Wards with their elaborate principle and procedure. They knew their position and increased their rights and privileges under the law. To invest the chief Executive authority of the Province with discretionary power in respect of matters which hitherto formed a subject of written laws would be to place them beyond the pale of all laws. This is a state of things which would be quite suitable for a Province inhabited by unruly savages. Sylhet, Your Memorialists submit, was always considered as one of the advanced Districts of Bengal. The people, at least the major portion of them are as educated, enlightened and polished as those of any other Bengal District. To deprive them of laws is to place them in the category of half-tutored savages. The Acts and Regulations of Government always aim at elevating a people in the scale of civilization and place within their reach improved means of security and comfort. By their being included in the Assam Province, Your Memorialists are forced down to a lower level and placed in the footing of the population of Assam—a state of things which, according to the assurance held out by Lord Northbrook, would never come to pass as regards Sylhet. Taking their past political relation, their education and civilization into consideration, Your Memorialists humbly and respectfully pray, that as regards the provisions under comments, Sylhet might be exempted from its operation. Your Memorialists take leave most emphatically to state, that great wrong and injustice will be done to them if they are placed in the footing of the subjects of a non-Regulation Province.

The sixth distinguishing feature of the Code is, that it repeals the laws applicable to opening of separate accounts and the registration of under-tenures. The practice of opening separate accounts is a great protection to the proprietors in a District like this, where the number of joint estates is disproportionably large. This boon has been duly appreciated by the people at large. During the last three years, there have been opened 1,016 separate accounts at the District Head-quarters, over and above those which have been opened at the Sub-Divisional Head-quarters. Your Memorialists submit, that if this practice be done away with, many estates will fall into arrears through the dissensions and disputes of the co-sharers. The result would be, that they would be put to sale. Considering the great number of Mehals that every year fall into arrears in Sylhet and the

condition of the Sylhet landholders, Your Memorialists are of opinion, that in the Lower Provinces of Bengal and Assam, if one District requires these provisions more urgently than another, it is Sylhet. They cannot persuade themselves to believe, that the provisions have been omitted only to lighten the labours of Revenue officers.

From the circular addressed by the Chief Commissioner to Deputy Commissioners and Sub-Divisional Officers, it appears, that the system of common and special Registry has been omitted, because, it is believed, that the sections of Act XI of 1859 relating to Sub-Registry are scarcely made use of, and that Talukdari and other tenures (the third exceptional class mentioned in sec. 37 of Act XI of 1859) are very rare in Assam. Your Memorialists submit, that whatever may be the case in other parts of the Province common, and special Registry are not uncommon in Sylhet, and the number of Talukdari and other tenures, referred to above, is very considerable in this District, if not very large. Then, again, it is not denied, that there are other kinds of tenures that should be registered under the provision of the said Act XI. With the material progress of the District even the increase of tenures of the disemption mentioned in the said exception in sec. 37 of the said Act is only a question of time. Entertaining their views with regard to the new draft Code relating to law in the Province of Assam, Your Memorialists humbly and respectfully submit, that their application to the District of Sylhet will act more injuriously as regards the right and interest to the people thereof. They, therefore pray, that Your Excellency will be graciously pleased to take their statements into consideration and grant them such relief as to Your Excellency might seem just and proper.

And Your Memorialists, as in duty bound, will ever pray.

Annexure 13.

To the Honourable Sir Andrew H. L. Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

The humble Memorial of the residents of the district of Mymensingh.

Most respectfully sheweth—

That Your humble Memorialists deem it their duty at the very outset to give expression to the deep feeling of alarm and dismay which the proposal of transferring Mymensingh, Dacca, and other districts of East Bengal to the Administration of Assam has created among all classes and sections of His Majesty's subjects residing in this district. Your Memorialists beg also to submit that the said proposal is viewed by the people concerned as seriously detrimental not only to their own well-being, but to the well-being of the whole of Bengal, as destructive of many important advantages, rights, and privileges which the people of these parts have enjoyed for over half-a-century and as an utterly uncalled for and retrograde measure calculated to lower their status and impede their progress in matters social, political, religious, intellectual, and educational.

2. That Your Honour's Memorialists appreciate His Excellency the Viceroy's endeavours to ascertain the trend of public opinion on the proposed scheme and for coming down to these parts personally to speak to the people. It is at the same time Your Memorialists' duty to state more fully than they have hitherto got the opportunity of doing such objections to the scheme as they believe to be just and well founded, and as to which His Excellency's answers do not appear convincing to Your Memorialists.

3. That the letter of the Home Secretary, dated the 3rd December, 1903, and the pronouncements of His Excellency at Chittagong, Dacca, and Mymensingh are the only matters which Your Memorialists have to go upon in judging of the aim and intention of the Government of India. They, however, beg leave to observe that while His Excellency defends the original scheme as propounded in the Home Secretary's letter, he at the same time notices sympathetically a great many objections urged against the scheme, and that while His Excellency thinks that some of these objections may be made to disappear by providing proper safeguards, the others, even according to His Excellency, cannot be removed except by a radical change in the scheme. For instance, while speaking of the Board of Revenue, His Excellency said that the loss of it to the people concerned by their proposed transfer to the Assam Administration might be compensated by the creation of a Revenue Commissionership; and, similarly, while speaking of educational difficulties likely to arise from the proposed transfer, he said they could be removed by special orders. But as to the deprivation of the local Legislative Council, His Excellency practically admitted it was a grievance incapable of being remedied under the present scheme, and at Mymensingh His Excellency plainly said that most of the objections urged against the scheme would vanish if a new province were created with a Lieutenant-Governor. Pronouncements such as these, coming from the Viceroy himself, have created an uncertainty as to the aims and intentions of Government which are very embarrassing to the Memorialists, for though they are opposed to any partition of Bengal, they do not know if it is necessary any longer to urge objections which the

Government admits to be well founded and intends to remove. They have thus been placed in the unenviable position of having to urge objections, some of which may not apply to any new scheme that may be in the contemplation of Government, and not being able to know the nature and extent of such new scheme urge their objections to the same. After His Excellency's speeches at Chittagong, Dacca, and specially in this district, it seems, however, reasonable to suppose that His Excellency is at present only desirous of impressing the people with the necessity of partitioning the province of Bengal, and that if the people agree to it, he will endeavour to remove all the grievances of the people to be affected by the partition, which may be shown to be legitimate. But Your Honour's Memorialists beg leave to observe that the question as to whether Bengal, and more especially Bengal proper, should be partitioned at all is so intimately connected with the question as to how to partition it that the two cannot, and ought not, to be considered separately. Your Memorialists are confident that on a closer examination of the question, it will appear that it is far safer, for the people's welfare, that Bengal proper should be left as it is than that it should be divided in any way. Having, however, no other scheme of the Government before Your Memorialists, they will confine their remarks (1) to the question as to whether Bengal proper should be partitioned at all, and (2) to the question as to whether it should be partitioned on the lines proposed in the Home Secretary's letter. They will also crave leave to point out the misconception into which His Excellency seems to have fallen as to the exact nature of the popular objection to the proposed scheme of partition and the insufficiency of the reasonings by which the proposed partition is sought to be defended both on the original lines and the line foreshadowed by His Excellency.

4. That some misconceptions seem to exist in His Excellency's mind as to the character of the agitation to which the Government scheme has given rise. This is apparent from his speech at Dacca, where His Excellency read a portion of a printed circular issued by the Secretary of the Mymensingh Association to leading men in the mofussil to show that the whole agitation was a got-up one. It is evident that the entire circular, which is in Bengalee, was not brought to His Excellency's notice, for in the opening paragraph of it the object of issuing a general printed letter was clearly stated to be the inability of the Secretary to answer separately all the numerous letters and telegrams received on the subject. Never in the history of Bengal has an agitation been more spontaneous and universal, nor has any proposal coming from Government created more widespread dismay and alarm. Every agitation, to proceed on constitutional lines, must have an organisation to lead it, and so far as the Mymensingh Association is concerned, it has, Your Memorialists confidently assert, been instrumental in preventing wild misconceptions regarding the Government scheme, to some of which His Excellency alluded in his Mymensingh speech, from taking possession of the popular mind. It has striven all throughout to keep the opposition fixed upon those objections which it believed to be real and well founded, and Your Memorialists are glad to find that the force of some of these objections is admitted even by those who are in favour of the scheme, and that as to most of others they are entertained in common with many eminent men, such as the Judges of the Honourable High Court, Mr. (and now) Sir Henry Cotton, Sir C. C. Stevens, and the entire Anglo-Indian Press. To belittle an agitation of this description is to create in the minds of the people a belief as to the utter futility of all constitutional agitation and to sow the seeds of distrust and dissatisfaction broadcast in the land. It has, Your Memorialists beg to submit, been wrongly assumed that the opposition to the scheme is confined to the educated classes alone. There is hardly a single man in the district intelligent and capable of thinking who does not entertain a bitter dislike of the scheme, and as to unthinking and illiterate part of the population, if they are not as excited as they would be by such wild rumours as that they would be impressed as coolies in the tea-plantations, the credit is due entirely to the endeavours of the Association. It is, Your Memorialists submit, a sufficient commentary on the scheme that, though it is proposed to be launched entirely in the interests of the people of Bengal, it has not found a single supporter amongst its inhabitants, including among them persons of every rank and profession, quite capable of thinking for themselves and understanding their own interests. It should be observed that even the few gentlemen who have put forward an alternative proposal have done so from an idea which does not commend itself to Your Memorialists. They are, Your Memorialists have reason to believe, as strongly opposed to partition as the rest of the population, and the idea that seems to have prompted them to put forward the alternative proposal is that an irresistible Government is determined to take away all their cherished rights and privileges; that its determination is fixed and unalterable; that it is unwise to irritate the Government by any further criticism, and that it is now their interest, by submission and supplication, to have the evils of the scheme as much minimised as possible. Your Memorialists, however, believe that the Government has still kept its mind open over the whole question, and will give due weight before arriving at a conclusion not only to all legitimate objections that may be urged, but also to the feelings and sentiments of the teeming millions, whose welfare is vitally affected by the proposed scheme.

5. Your Memorialists beg also to refer here to some other misconceptions which His Excellency seems to have fallen into as regards the popular objections to the scheme. There is not a single man in this district, so far as Your Memorialists are aware, whose objection to the scheme is based on the apprehension that the *raiyats*

will be taken away from their "fields" and made to work as coolies on the tea-gardens of Assam; that they will lose the Bengal Tenancy Act or that the local road-cesses of Bengal will be filched away and devoted to making roads in the jungly parts of Assam. They are fully aware that their transfer to the Assam Administration will not have the immediate effect of altering their laws. But they entertain the serious apprehension, not by any means abated by His Excellency's utterances that under a Chief-Commissionership their laws will have a tendency to be stereotyped or gradually supplanted by other laws in the framing of which the popular voice will be entirely unrepresented or at least inadequately represented. In the case of Sylhet, for instance, though the people of that district possess a system of land tenures similar to that of Bengal, it has not been found practicable yet to introduce there the Bengal Tenancy Act, which has now been eighteen years in operation in Bengal; while, on the other hand, by a series of regulations passed under 33 Vic., ch. 3, many of the Bengal laws which the people of Sylhet carried with them have been repealed and other laws introduced affecting indirectly the Permanent Settlement itself. Your Memorialists understand that all this was done in spite of the most solemn assurances given by the then Government to those who protested against the transfer of Sylhet from Bengal to Assam. Your Memorialists are aware that the districts now sought to be transferred avert the fate of Sylhet so long as the said Victorian statute is not made applicable to them by a declaration by the Secretary of State for India in Council. They are, however, not in possession of the reasons which led the Secretary of State to declare the said enactment to be in force in Sylhet, and have reasons to apprehend that it may any day be declared to be in force also in the districts now sought to be transferred. At any rate, Assam as at present constituted is a scheduled district, and under sections 4, 5, 5A of Act 14 of 1874, any enactment in any part of British India may be made applicable to these districts by a simple notification by the Chief Commissioner with the previous sanction of the Governor-General in Council *with such restrictions and modifications as to them may seem fit*. This makes it clear that the making of laws for Assam in the Supreme Legislative Council is never of imperative necessity in Assam, and that what may be directly done under the powers conferred by 33 Vict., may be indirectly done under the powers conferred by the aforesaid Act 14 of 1874.

6. That in the Supreme Legislative Council, besides the single Member proposed to be taken to represent Assam, the only other popular Member expected to care anything for the needs and requirements of Assam, or take any interest in its affairs will be the Member for Bengal, and even this will remain the case only so long as Bengal will remember its affinity to these important districts. It is evident that a representation so inadequate will be anything but nominal, and will hardly meet the requirements of the people as advanced and progressive as that of any part of India. Your Memorialists beg further to observe that under no scheme of partition can the legislative requirements of these districts be placed on a footing equal to what they have now got. The Bengal Legislative Council holds its sittings in the Metropolis, and even its official Members carry with them a healthy regard for public opinion and a breadth of view unknown in other parts of India. A vigorous press, both Indian and Anglo-Indian, with knowledge and information, either push on a too conservative Government or stop the progress of a go-ahead one, providing thereby ample safeguards to the rights and liberties of the people. In the Supreme Legislative Council, while held in the Metropolis, the Lieutenant-Governor of Bengal, with his wide knowledge of its affairs, sits as an *ex-officio* Member and assists in its deliberations. These advantages must be lost perforce to the districts separated from Bengal by any scheme of partition. It may be argued that the same disadvantages, if any, exist in all other provinces except Bengal, and therefore there would be no substantial grievance. To this Your Memorialists answer that they are now only considering the assumption that by the proposed transfer they will not be placed in a worse position than they occupy now, and that they see no adequate ground for depriving them of any of the advantages hitherto enjoyed by them in common with the rest of Bengal.

7. That by any division of Bengal proper, the portion detached from the Metropolis must lose the benefit of the energy, culture, and enlightenment of the residents of the Metropolis, and that so long as its High Court and University have their seats at Calcutta, there must be a dearth of local leading men capable of exercising any appreciable influence upon the administration of the detached portion. Nor do Your Memorialists see how the want of such men and of an independent and competent Press can be removed within any measurable distance of time. It may be *feasible* for the Government to *frame* the official side of the administration as strongly as, or even more strongly than, it exists in Bengal, but the difficulty Your Memorialists feel is on the other side, that is, the popular side of the administration. Government *cannot create* a strong people by a "stroke of the pen" as it can a strong administration. The spheres of activity of the best men of Eastern Bengal must ever continue to be in Calcutta, which is in so close proximity to it, and in this respect the position of the detached portion will certainly be more disadvantageous than that of the other provinces of India. His Excellency is justly anxious to see that the Assam Administration may not be dominated by a single industry; but, owing to the reasons mentioned above, Your Memorialists apprehend that the domination of the tea-planters will extend without let or hindrance over the whole administration of the detached portion instead of being confined as it is to a smaller area.

8. That it has hitherto never been denied that of all the provinces Bengal is the most advanced in culture and enlightenment, and there can be no doubt it is due partially at least to their close proximity to, and connection with, the Metropolis. The slightest difference in manners, customs, dialect and language has a tendency to create social disunion and difficulties. It is not possible for one not belonging to the people to understand adequately how much both the Hindus and Mahomedans, specially the Hindus of East Bengal, must suffer socially, and how much the cause of their social, economic, and religious reform must suffer by being placed under a different administration from Bengal. It may be safely predicted that, if the proposed partition be carried out, social intercourse will practically cease, or be at least greatly hampered between the two divisions, and all combined action for social, economic, and religious reforms will become well nigh impossible. This practical cessation of intercourse between East Bengal and West Bengal must necessarily lead to a deterioration of the language of the former—a language which is being gradually improved and assimilated to that of West Bengal. In this respect, His Excellency seems to be labouring under a mistaken impression. What Your Memorialists urge is not their language will cease to exist, but that its gradual improvement will be retarded, and that ultimately it will assume the form of an inferior dialect. It is this inferiority of dialect which formerly caused the people of West Bengal to look down upon East Bengal. Your Memorialists naturally apprehend that the severance of this district from the Metropolis or, more properly speaking, from the Bengal Government with its seat in the Metropolis, will remove one of the most important factors in the advancement of their people.

9. That unity of language and purpose and aims under a common administration assisted by increased communication and the increased necessity of meeting one another on common platforms in pursuance of those aims and purposes have engendered a public spirit and a sense of nationality in the people of Bengal quite unknown before. The Bengalees are taking full advantage of it in every cause of reform, social, economic, and religious. This public spirit and sense of nationality are yet in their growth. To break them up and place them under two different administrations is to weaken their national life. Furthermore, the slightest difference in administration will operate as an obstacle to social intercourse.

10. In India one administration is so unlike another that Your Honour's Memorialists are altogether in a state of uncertainty as to the means and methods by which Government intends to preserve to the people of this district all the advantages, rights, and privileges hitherto enjoyed by them. It is, however, clear they will be in the anomalous position of having their capital at Dacca or elsewhere, their port at Chittagong, and their High Court and University at Calcutta. If the High Court jurisdiction is ever sought to be curtailed, the districts sought to be detached will be the first to suffer. As regards education, their rights can only be preserved by special orders of the Government of India, which must in their very nature be spasmodic and insufficient to meet their growing demands, and years must elapse before an injustice or inconvenience can be remedied. Any advantage, right or privilege that may be withheld at the time of the transfer may be lost for ever or take decades of years of constitutional agitation to be conferred back. So divergent are the views of Government and the people as to the value of many of these advantages, rights, and privileges that they never come to any agreement at all. With the best possible intentions one Government finds it unable to fulfil the promises of its predecessors, or even to fulfil its own promises. The difficulty of the situation is further enhanced by the fact that Government will have here to deal with a population far from homogeneous. Your Memorialists therefore cannot but apprehend grave danger from the proposal to sever any portion from the Administration of Bengal.

11. That whether the service of Assam be borrowed from Bengal or be made self-contained and recruited from England, it cannot possibly attract the type of men to be found in Bengal. It will have no attractive posts such as there are in the Behar Province of Bengal, and its general unhealthiness, as compared with West Bengal, Orissa, and Behar, will always be a decided drawback to the efficiency of the service. This has been so forcibly pointed out by Sir Henry Cotton, that it is unnecessary to dwell on it further. Your memorialists regret to observe that His Excellency declines to give any weight to Sir Henry Cotton's views, on the ground that he wrote as a Bengal civilian. Your memorialists crave leave to point out respectfully that in a matter concerning the partition of Bengal the views of a Bengal officer are not less pertinent than that of an Assam officer, who, imbued in the traditions of an arbitrary administration, may excusably imbibe a predilection for the methods of the Assam Administration. Sir Henry Cotton was also one of those officers who entertained a sympathetic view of the popular side of every question.

12. That your memorialists observe that His Excellency admits that it is a question of vast complexity and covering an immense range, and that they further apprehend that it is a question of unknown possibilities covering the well-being of not only a part but of the whole of Bengal. It is therefore a serious question as to whether there exists any sufficient reason for the partition of Bengal proper, and whether the mischiefs sought to be avoided may not be avoided in a way less repugnant and more consonant to popular feeling. Your memorialists will therefore now address themselves to the task of considering this question and urge their own views respecting the same.

That the main grounds of the proposal to partition Bengal, as described in the letter of Mr. Risley, are:—

- (1) That it will afford relief to the overworked Lieutenant-Governor of Bengal.
- (2) That it will strengthen the Administration of Assam.
- (3) That it will benefit both the portion detached from Bengal as well as the portion left to it.

Your memorialists beg to observe that even if they had a bare possibility as to the soundness of the last-mentioned ground, they would have hailed the measure with acclamation, but they regret their inability to understand in what possible way could the districts sought to be detached from Bengal be benefited, nor how the remaining portion of Bengal would derive any benefit from it. His Excellency in his speech at Chittagong referred to the improvement of the port—in his speech at Dacca, to the increase of its importance as a capital, and in his speech at Mymensingh to the division of districts as the benefits likely to follow from their severance from Bengal. With all deference to His Excellency's opinion, your memorialists are, however, unable to see what necessary connection the improvement of the port at Chittagong and the splitting up of the Mymensingh district have with the partition of Bengal. Without alluding to the doubt which your memorialists entertain as to the extent of benefit which the producers of jute and rice, the two principal staple-products of East Bengal, will derive from a diversion of the trade in those products from Calcutta to Chittagong, your memorialists venture to submit that the improvement of the port can be effected without placing Chittagong under the Assam Administration, and that it is far less necessary for the purpose to transfer any other portion from Bengal to Assam. The same remarks apply to the splitting up of the district of Mymensingh. As to the increase of importance of Dacca from being the capital of Assam, your memorialists beg to observe that such importance as there may be will be more nominal than real and substantial, and will never radiate beyond the town itself. The old importance of Dacca has declined, not because of its neglect of supervision by the Lieutenant-Governor of Bengal, but because its trade was ruined and annihilated by the East India Company. Its population has dwindled in consequence of the loss of its trade. It is therefore extremely unlikely, that beyond the additional men who will be employed in the performance of the administrative functions, there will be any appreciable increase in its population or in its commercial prosperity. At any rate, the little increase of importance of the town of Dacca cannot be taken into consideration in view of the wider interest of the district as a whole and of the other districts concerned. It is a consideration essentially local and parochial in its nature, and however tempting it may be to a few residents of the town, it is of too little importance to outweigh the all-round disadvantages that will accrue to the rest of the area by the proposed scheme.

13. That the special case made out in the Home Secretary's letter for the transfer of Dacca and Mymensingh rests on the grounds—

- (1) That geographically they belong more to Assam than to Bengal.
- (2) That the port of Chittagong is the natural outlet of East Bengal.
- (3) That they are too remote to be properly governed and looked after by the Lieutenant-Governor of Bengal.

With regard to the first ground, your memorialists beg to observe that a mere geographical boundary ought not to be a paramount consideration in matters affecting the political and social life of the people. That even that boundary is of extremely uncertain duration and constantly shifting, and that the Tura Hills and the almost stationary stream between Sylhet and Mymensingh and the great Megna River are the most permanent boundaries imaginable. As regards the second ground, the memorialists venture to submit, that if the port of Chittagong is the natural outlet of the districts of Dacca and Mymensingh, there is no reason why it should not continue to be so under any change of administration. If the partition scheme be altogether dropped, and, at the same time, the Chittagong port improved, it and the districts of Dacca and Mymensingh must remain under the same administration, and even if Chittagong be placed in Assam, it will draw such trade both from Assam and Bengal as its capabilities afford. As regards the third ground, the memorialists submit that they learn with surprise that the two districts bear the character which the Home Secretary has thought fit to attribute to them in language somewhat obscure to understand. Recent statistics demonstrate beyond doubt that these two districts are not more criminal than many a district nearer the Government seat. Your memorialists also submit that, granting the charge to be well founded, the duty of looking after them must lie primarily with the local authorities and that their efficiency and ability to look after them will not be appreciably improved by consigning these districts to the Assam Administration. Your memorialists venture to submit that they are not more outlying than many of the districts of Behar and Orissa, that the increased facilities of communication, both by steamer and railway, have immensely decreased the difficulties that were experienced on this score in former times, and that they do, as a matter of fact, receive more attention in the shape of personal visits from the head of the administration than many a district nearer Calcutta.

14. That so far as the strengthening of the Assam Administration is concerned, your memorialists beg to submit that though it may be accomplished by the transference of several rich districts from Bengal to Assam, yet it can only be at the

sacrifice of the best interests of the teeming millions of the Bengali-speaking population of Bengal. His Excellency lays special stress on the duty of the Government to disregard the interests of a class in view of the interests of the community at large. But, as the interests of the community can only mean the interests of its greatest number, the argument is entirely in favour of your memorialists, for under no theory can the interests of 11½ millions of people, if not more, be sacrificed or disregarded for the interest of six millions. Your memorialists are aware that Assam is smaller, while Bengal, from the population point of view, is larger than any other province in India, and that the inclination is natural to equalise the provinces in size and population, but your memorialists are unable to follow many of the reasonings by which the Home Secretary seeks to make out that such equalising has now become a matter of imperative necessity. The provinces in India have generally arisen out of circumstances connected with their political history and their very sizes and populations have also been determined except to a small extent by those circumstances. If Bombay or Madras contain not more than half the population of Bengal, the reason is, not because their respective Governors could not manage a larger population, but because political consideration did not admit of a wider range of their powers. The homogeneity of population has also been a predominant consideration in altering or readjusting the boundaries of provinces. Never before this time, so far as your memorialists are aware, has the increase of a homogeneous population been seriously urged as a ground for dividing them under different administrations. The main grounds on which Assam was first separated from Bengal were that it had very little in common with the rest of Bengal and was unfit for the highly organised form of Bengal administration, and also that it was a too heavy burden on the financial resources of the province. Its political history is also different from that of Bengal. So far as size is concerned, Burma is more extensive than Bengal, and with a sparse population the difficulties of its administration are not less than in Bengal. The form of administration in Bengal is so organised that personal supervision over the details of administration is scarcely necessary, and even when occasional exigencies require such personal supervision, time can always be found to attend to them. Many of the difficulties experienced in former times have disappeared owing to the annihilation of space and time by steamer, railway, and telegraph.

15. It has not been shown that the work of the Bengal Administration is deteriorating in any department owing to the increase of population. On the other hand, there has been a steady progress and development in every department all throughout the province. Your memorialists have learnt with some surprise that the increase of native newspapers and English education have increased litigation. As a matter of fact, persons who have received English education are the most averse to litigation, and so far as the mufassil towns are concerned, they are almost conspicuous by their absence as parties or witnesses in civil or criminal cases. Native press in the mufassil may be said to be practically non-existent, and its circulation is extremely limited. Your memorialists cannot discover the remotest connection between the native press and litigation. Litigation has undoubtedly increased, partly owing to the increase of population, partly to the greater uncertainty of law and its results, and partly to the greater regard which the people have learnt to pay to their individual right, but the memorialists are unable to see how the work of the head of the administration has increased in consequence of the increase of litigation.

16. That, in the opinion of your memorialists, an undue amount of stress has been laid by the Home Secretary on the importance and necessity of greater personal rule. In the first place, your memorialists do not comprehend in what shape this greater personal rule will be likely to manifest itself in any portion of Bengal, or how, if relief to the head of the administration be the real object, it can be afforded by simply substituting one kind of work for another. It is not easy to see what difference 5 districts out of 48, and 11½ millions of people out of a population of 78, can make in the burden of the ruler. The time spent by the Lieutenant-Governor in touring in East Bengal is so exceedingly limited, that no other district is likely to benefit to any appreciable extent if, by the transference of the Eastern Districts, this little time be saved to the Governor, and your memorialists cannot agree to the proposition that the Permanent Settlement stands in the way of a closer connection between the rulers and the ruled. Any difficulty that may be experienced on this score is entirely due to the lack of sympathy on the part of local administrators, with the feelings and aspirations of the people, and of familiarity with their language. At all events, your memorialists fail to understand how, granting the existence of the difficulty, it would be removed by a partition of Bengal.

17. That if it be necessary to partition Bengal at all, it should be done with a due regard to the homogeneity of the people. In the readjustment recommended by the Home Secretary, he lays special stress on this point in regard to the Uriya-speaking population, but, strangely enough, it is entirely overlooked in the case of the more important section, viz., the Bengalis. There are parts to which the knife may be applied with the willing acquiescence of the people, or with a minimum of pain, but any division of territory that involves the breaking up of a homogeneous population must cause the greatest anguish and be regarded as a great calamity. An organic change in the constitution of the Government of Bengal is another suggestion which finds universal recommendation from the people, both Indian and Anglo-Indian. The provision of Lieutenant-Governorship was intended to be a temporary one, and there is no reason why Bengal should not have a Governor and Council like the sister

provinces of Madras and Bombay. There are ample safeguards against the mischief of a divided Council, the occasions of which under existing circumstances must be few and far between, and occasionally it is rather beneficial than otherwise. No system of administration can be ideally perfect, and all that should be aimed at is such efficiency and organisation as is compatible with the peace and contentment of the people concerned.

With these observations, your memorialists humbly and respectfully pray to Your Honour to recommend to His Excellency that the idea of partitioning Bengal proper and of giving effect to the scheme of the Home Secretary, may be dropped, in deference to the wishes and sentiments of His Majesty's subjects inhabiting Bengal, and in view of the grave and uncertain issues involved in the partition question.

And your memorialists, as in duty bound, shall ever pray.

Annexure 14.

Letter from Anwar Ali Khan, President of a public meeting of the people of Chittagong, -- to the Chief Secretary to the Government of Bengal, dated Chittagong, the 3rd February, 1904.

I have the honour to submit herewith a copy of the memorial of the residents of Chittagong, assembled at a public meeting held on the 17th day of January, 1904, that has been submitted to His Excellency the Viceroy and Governor-General of India in Council, and to request that you will be pleased to lay it before His Honour the Lieutenant-Governor of Bengal for His Honour's favourable and generous consideration.

Annexure 15.

To His Excellency George Nathaniel Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor-General of India.

The humble memorial of the residents of Chittagong assembled at a public meeting held on the 17th day of January, 1904.

Most respectfully sheweth—

The proposal to partition Bengal and to form a new administration composed of the Chittagong Division, the districts of Dacca and Mymensingh, and the present province of Assam, has caused much consternation in the minds of the people. The people of Chittagong therefore most humbly approach Your Excellency in Council to submit an expression of their views and feelings on the matter of the proposed changes, and to pray that Your Excellency's Government will be graciously pleased to take this representation into their generous consideration and adopt such measures as would allay the apprehensions and anxieties of the people.

2. The principal ground in favour of the proposed change is based upon the statement that the present charge of the Lieutenant-Governor of Bengal is too big for one ruler to manage; and as transference of territory alone can afford a relief, Chittagong and the other districts should be separated from Bengal. The necessity of partition of Bengal is further emphasised in paragraph 23 of Mr. Risley's letter of the 3rd December last on the ground of the union of the Uriya-speaking people under Bengal. Your humble memorialists without entering into a discussion as to the existence of such necessity would respectfully point out that such an object could be attained by separating the Orissa Division and annexing it either with Madras or the Central Provinces, as the people of Orissa themselves voluntarily proposed such an alternative. But the best scheme to afford relief to the overtaxed administration of Bengal would be to have an organic change in the constitution by giving to it a Governor with an Executive Council.

3. Your memorialists would crave leave to state that the arguments urged in Mr. Risley's letter in favour of the retention of Orissa with the Government of Bengal appear to apply with greater force in favour of the retention of Chittagong and the other districts with Bengal proper. If it is difficult to break the prescription of a century in the case of Orissa, stronger should be the difficulty to break the prescription of a century and a half in the case of Chittagong. It is one of the three districts ceded to the East India Company on the 27th September, 1760. On November 8th, 1760, Mr. Verelst was appointed Chief of Chittagong and together with a Council managed the company's affairs on the spot, and Chittagong soon settled down into a well-regulated English province. Furthermore, in dealing with the claims of Orissa, Mr. Risley gives prominence to the question of race and language—considerations which are ignored in the case of Bengal districts. The possible advantages by the proposed change do not appear to be of such a character and quantity as to reconcile the people to the sacrifice of their sentiments and old ties.

4. The port of Chittagong furnishes a chief argument for the justification of the scheme of partition. No doubt, the importance and necessity of a flourishing port would be quite a justifiable plea, if it were proved beyond question, from a statement of facts and figures, that the port of Chittagong could not become a flourishing port but for its separation from the Government of Bengal. On the other hand, with gradual completion of the Assam-Bengal Railway line, the port of Chittagong has been gradually attracting larger amount of traffic. Owing to its natural situation and connection, it is sure to draw towards it larger business in the usual course of time, irrespective of its subordination to a particular government. It is respectfully submitted that there are other Local Governments under Your Excellency's rule which maintain more than one flourishing port; and it is not unlikely that an equally powerful body of merchants and tea-planters may combine to form a Chamber of Commerce or Trades' Association at Chittagong in no distant future to counteract the influence of the Bengal Chambers of Commerce. No reasons based upon facts have been assigned to trace the causes as to the hitherto undeveloped condition of the port of Chittagong under the administration of the Bengal Government, nor is it clear why the Government of Bengal, though dominated by the interests of a great port like Calcutta, could not properly promote the advancement of the port of Chittagong. Chittagong stands a much better chance of development with all the resources of Bengal to back it than under Assam with its straitened finance.

5. The plea of the inability of the present Government of Bengal to devote due attention to the Chittagong port does not justify a change. The Chittagong Division is smaller than the other revenue Divisions of Bengal, and the Commissioner of the Chittagong Division is therefore in a position to devote his particular attention to the improvement of the port at his headquarters station. The financial difficulties of the Chittagong Port Trust are due not so much to the inattention of the Bengal Government, as to the existing natural conditions of the port. The trade not having fully developed yet, owing to the incompleteness of the Assam-Bengal Railway, there has not been ere now much business at this port; consequently there was only a small income. While on the other hand a large outlay of expenditure was necessary to furnish the port gradually with such improvements and appliances as would be requisitioned in order to meet the demands of increased traffic of a port that has been fast growing in importance. Now that more revenue will be forthcoming with the more expanded business, the Port Trust will not be in a difficulty to furnish funds for the improvement and maintenance of the port. The Divisional Commissioner with the help of the controlling and the guiding supervision of the Government of Bengal will, it is hoped, be quite capable to manage the affairs of the port very satisfactorily. If from its natural advantages and position, Chittagong has a brilliant future as a seaport town, the interests and valued privileges of its people, they pray, should not be sacrificed for the purpose of artificially maintaining the superiority of its powerful rival, despite the latter's natural shortcomings.

6. Both the local administrations of Bengal and Assam through which passes the Assam-Bengal railway line are under the control of the Government of India; and as such the local administrations may without conflict or hinderance easily manage the railway line and develop the material resources within their respective territorial limits. Here also no particulars in detail beyond an assertion have been stated so as to justify an inference that the Assam-Bengal Railway line can be successfully managed only by its being placed under one single administration and not otherwise. Other flourishing railway lines extend over the territories of more than one local administration.

7. The case of the alleged prosperity of Sylhet and Cachar under the Assam administration and their complacent attitude towards it do not establish the futility of the objections against the separation. It has also not been shown that but for their transfer to Assam, Sylhet and Cachar would be far worse off.

8. Thus the points urged in favour of the partition of Bengal on the ground of the improvement of the port and the Assam-Bengal Railway are not conclusive or convincing for the purpose of advocating the separation of Chittagong and the other districts from Bengal and their amalgamation with Assam as a case of extreme emergency to be countenanced at any sacrifice. A mere possible forecast of a flourishing port and railway line under a new province is not a very cogent plea to deprive the people of their vested rights and privileges and all the advantages of an advanced and well-regulated administration.

9. Your Excellency's memorialists would now crave leave to discuss the points raised against the change and their disposition by Mr. Risley.

10. Mr. Risley has not in his letter touched at all the most important question of education. The future progress and civilisation of a people admittedly depends upon the character of the education that they receive. Unless the education is sufficiently high and sound, no people can expect to develop their intellectual powers and to utilise the material resources for their benefit. Calcutta as the capital of the British Empire in India as well as of the local Government, is the centre of all culture, enlightenment, and healthy activity that the West has been able to pour into the East. Consequently an education obtained in Calcutta cannot be at all compared with any that may be available elsewhere, for its civilising and ennobling results. Moreover, the social and intellectual associations and surroundings and the

high ideals of morality and intelligence obtainable in Calcutta exercise such an influence in the formation of character and habits and in the development of the intellectual faculties of the youthful generation as is to be found nowhere else in this part of India. Cut off from such opportunities and advantages, it may be easily imagined how narrow will be the education, really so called, of the youths of the new province.

11. Moreover, Assam with its comparatively limited financial resources will not be in a position to entertain professors and teachers on the same scale of pay as its neighbouring administration of Bengal. As a matter of course, then, the more brilliant intellects will be drawn to the Bengal educational service, leaving only the mediocrities for the new province. Then, again, when the first grade colleges would be available within the territorial limits of the new province, the more brilliant students who happen to secure provincial scholarships will not be allowed as a rule to avail of them in Calcutta colleges to receive sounder education, and they will therefore rust and settle down into mediocrities. Even if the scholars of the new provinces are allowed to draw their scholarships while studying in a Calcutta college, there will be difficulties in the way of such scholars. Under the newly-proposed scheme of converting the first grade colleges into residential colleges, the requirements of the newly-formed Bengal Government will be met before scholars from an alien province are admitted, and thus the Assam scholars will have little chance of admission into the Government colleges of Bengal.

12. It has been stated, in reply, that there is no fear of the removal of the jurisdiction of the High Court. No doubt, it might remain unaltered as now for the present, since the "Government of India, *as at present advised*, do not see the advantages of the appointment of a Judicial Commissioner" [*vide* Mr. Risley's letter, paragraph 26 (ii.)]. The file of the High Court of Calcutta is already congested, and within a short time it would more likely be considered highly essential to appoint more Judges to meet the increased work, or to diminish its jurisdiction. Such a contingency happening, the Government of India, in order to serve the exigencies of the administration, might find it more advantageous to give to the new province an inferior judicial tribunal in the form of a Judicial Commissionership.

13. As regards the continuity of the existing laws and enactments, it is submitted that the Chief Commissioner, in order to bring into harmony the practices of the administration in the light of its own particular system of policy and administrative conveniences, might not unfrequently abrogate or nullify the provisions of enactments by means of Regulations. In Sylhet, the Civil Courts had, under the provisions of the Civil Procedure Code, jurisdiction to direct partition of estates among co-sharers, but have been ousted of such rights by Regulation I. of 1886. Similarly, the provisions of many Acts now in force may be modified by Regulations and Notifications. Many Acts and Regulations formerly in force in Sylhet ceased to have operation after the transfer.

14. It is respectfully submitted that it is not quite accurate to say that Chittagong has only a "fractional interest in the Bengal Legislative Council," and therefore the privilege of electing a representative to the local Council is a very small matter that could be easily overlooked.

15. In the local Councils, acts are passed after a thorough and searching discussion by the honourable members, all of whom—official and non-official—are thoroughly acquainted with the conditions and needs of the province, and the interests of the people are thus under adequate safeguards. The Assam Regulations are, on the other hand, formulated by the Chief Commissioner and passed in the Supreme Legislative Council by members who have very little special experience of the area concerned. The people have also very little opportunities to represent their views and point out the inconveniences of the proposed regulations or measures. Regulations thus passed and enforced are not likely to be free from defects. For want of a local Council the laws now in force will be stereotyped as has happened in the case of Sylhet. Even if the new province be given the privilege of electing a representative to the Supreme Legislative Council by rotation with the Central Provinces, it will practically remain unrepresented for the alternative period of two years. This small concession is still open to objection; much more so, as one representative against the rest of the members of the alien provinces will practically be of little appreciable benefit. The difficulties arising out of the want of a local Legislative Council will be keenly felt when an existing law such as the Bengal Tenancy Act requires to be amended to suit the circumstances of the advanced and progressive Bengal districts. Owing to the complicated system of land tenures in Bengal, the Bengal Tenancy Act had to be discussed in the Supreme Council as well as in the local Council. The danger of such Acts being amended at the suggestions of the Chief Commissioner without the help of any members acquainted with the conditions of Bengal, is evident. Moreover, there will be the legislative difficulties of the new Government to frame different laws on the same subject to suit the different circumstances and requirements of the Bengal districts and the Assam districts. The excellence and necessity of the Board of Revenue are evident from the fact of their continuance in Bengal. The works done by expert officers of great experience who devote their time and attention solely to revenue matters will admittedly be of a superior quality to those done by

the Chief Commissioner whose attention is engrossed in works of diversified nature. Transfer of local ministerial establishments and occasional consultation with the Board of Revenue of Bengal are not remedies sufficient to remove the defects in the revenue administration that will be brought into vogue in consequence of the change. The people will also be deprived of the highly qualified legal help, if the revenue matters are finally decided at a place other than Calcutta.

16. The proposed change, if carried into effect, will entail a dual control over the Judicial officers—one by the High Court of Bengal, and the other by the Chief Commissioner. The Assam officers shall have also to be trained to master the double system of executive and revenue administration prevalent in the advanced Bengal districts as also in the backward Assam districts. If a separate service for the whole of the new province is created, the advanced Bengal districts will suffer when an officer trained in Assam districts is transferred to the former to take up a senior appointment, owing to his imperfect knowledge of the intricate systems of law and procedure prevalent in Bengal. There are many military officers in the Assam service who could not be suitably entrusted to take charge of the well-regulated districts. Thus there should be required either to maintain two services—one for Bengal, another for Assam, or to place the Bengal districts now and then under charge of officials of limited and imperfect qualifications. Loan of officers from the Bengal Government will, it is apprehended, not be a satisfactory solution of the difficulties in the way of efficient administration. The past experience in Sylhet has shown that officers taken on loan have to revert to Bengal after a few years when they become senior in service, and thus men of ripe experience and ability are lost and the administration has to be carried on by means of officers of comparatively inferior standard.

17. After a brief survey of the points used in support of the proposed change, Your Excellency's memorialists are humbly of opinion that the people of Chittagong will not be sufficiently compensated by means of the supposed improvement of the port and railway for all the loss of ancient rights and precious privileges which they have so long enjoyed in contact with the metropolis of the English Empire in the East and under the most advanced Government in India.

18. If the proposed changes are necessary in the interests of Assam, that object may be secured by means of an arrangement which will not affect the rights and privileges of an ancient and well-regulated, and in fact, the first British district in the province. The revenues of the transferred districts will, it is feared, be hardly sufficient to recoup the deficits in the finance of the Assam administration and to spare for the amelioration of the Assam service in general. If, however, a standard of service, similar to that of Bengal, is intended to be maintained with the aid of contribution from the Imperial funds, it is humbly suggested that a new and improved service for Assam may be created by the amalgamation of Assam with Bengal without creating a disruption in the solidarity of Bengal proper.

19. All parts of Bengal have been for a long time under a highly-developed and well-regulated administration and such a form of administration has not been found suitable to the backward and less advanced Assam. Now if an integral portion of Bengal is amalgamated with the backward Assam, the advanced and progressive Chittagong and the other districts will naturally gravitate towards the lower level as an inevitable result of such an unequal combination. It will be difficult for the administrative policy of the Assam Government to keep itself ahead of the rock of its past traditions and predilections. It cannot be definitely assumed that the go-ahead Sylhet would not have made greater progress if it had continued to remain under the advanced Bengal Government. The present prosperity of Sylhet is due more to the course of natural events than to the efforts of a Government considered to be suitable to its needs and requirements.

20. Your memorialists pray that in consideration of the above facts and circumstances and in consideration of the alarm caused by the proposed change, Your Excellency in Council will be graciously pleased to reconsider the proposal of transferring the Chittagong Division from Bengal to Assam. And Your Excellency's memorialists, as in duty bound, shall ever pray.

I have the honour to subscribe,

Your Excellency's most obedient
and loyal servant,

ANWAR ALI KHAN,
President of the Public Meeting.

Chittagong, the 30th January, 1904.

Annexure 16.

From Babu Kamala Kanta Sen, President of the Chittagong Association, to the Chief Secretary to the Government of Bengal, dated Chittagong, the 15th May, 1903.

I have the honour to submit herewith a memorial to His Excellency the Viceroy and Governor-General of India on the matter of the transfer of the Chittagong Division to the Assam Administration, and I pray that His Honour the Lieutenant-Governor of Bengal will be graciously pleased to forward it to the Government of India.

Annexure 17.

To His Excellency the Right Honourable George Nathaniel Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor-General of India.

The humble memorial of Kamala Kanta Sen, President of the Chittagong Association.

Most respectfully sheweth—

That the rumour of the transfer of the Chittagong Division to the Assam Administration has caused a widespread anxiety to the people of the district. Their anxiety has been further increased by the pronouncement of the Lieutenant-Governor of Bengal on his recent visit to this town when he said that he had come to ascertain the public feeling on the matter of the transfer. Your Excellency's memorialist begs to submit that the address presented to His Honour by the District Board of Chittagong advocating the transfer of the Chittagong Division to Assam has been a surprise to the people, and did not represent the public feelings of the people. The people consider that the transfer, if approved by Your Excellency's Government, will be a great misfortune to them, and therefore venture to lay before Your Excellency's Government this humble representation in the earnest hope that Your Excellency in Council will be graciously pleased to withhold sanction to it.

2. Your Excellency's memorialist craves leave, in the first place, to submit that such a measure is likely to affect valuable rights and privileges. The people cannot expect a new Administration like that of Assam to give them the same rights and privileges as they at present enjoy under the advanced Government of Bengal; and they consider a loss of even a single privilege to be a serious matter to them.

3. Your Excellency's memorialist submits that the people fail to understand why the Chittagong Division, more than any other Division nearer to Assam, is to be dealt with in this way. If the transfer is proposed on the ground that the jurisdiction of His Honour the Lieutenant-Governor of Bengal is a larger one, Your Excellency's memorialist submits that the giving up of a small portion of the Province of Bengal like the Chittagong Division to Assam will not lighten the labours of His Honour's Government. If, however, the change has been desired by the Chief Commissioner for any convenience of his administration, Your Excellency's memorialist begs leave to point out that it is not desirable to deprive a people of their precious rights and privileges after almost a century and-a-half of an advanced British rule for an administrative convenience or a financial consideration.

4. Your Excellency's memorialist considers that the construction of the railroad has done much to remove the inconvenience which the Bengal Government might have felt in governing Chittagong before. The means of communication both by water and land have improved. Your Excellency's memorialist therefore earnestly desires that His Honour the Lieutenant-Governor may take this fact into his kind consideration.

"Chittagong was one of the first districts of Bengal which passed into the possession of the East India Company. The first connection of the English with Chittagong took place as long back as 1685 in the war between the East India Company and the Emperor Aurangzeb. It is one of the three districts ceded to the East India Company on the 27th September, 1760. On 8th November, 1760, Verelst was appointed Chief of Chittagong, and together with a Council managed the Company's affairs on the spot." And "Chittagong soon settled down into a well-regulated English Province" (*Dr. Hunter's "Statistical Account"*). Your Excellency's memorialist submits that the people of Chittagong have therefore a claim upon the consideration of the Bengal Government as to whether Chittagong, which came into the hands of the Bengal Government earlier than several other parts of Bengal, should be separated now from it, as the separation will place Chittagong relatively in a worse position than the rest of the province. It is also a fact that Chittagong is nearer the head-quarters of His Honour's Government than Shillong, and the journey to Calcutta is easier and less expensive, while that to Shillong will be a difficult one.

5. Your Excellency's memorialist further submits that the people of Chittagong and the people of Assam have nothing in common either ethnologically or politically, or in matters of language, literature, and traditions. They are not aware of any

benefit which they may derive by this change, but it is certain that they will lose the advantages of a local Legislative Council, a local representation to the Council, a Board of Revenue, an elective system in both the local Self- and Municipal Government, a progressive system of education, and, lastly, the most advanced form of government.

6. The Board of Revenue, composed as it is of the most experienced Revenue officers of Bengal, exercises a most salutary control over matters connected with Land Revenue and Sea Customs. Considering the growing importance of the port and the peculiarly complicated land tenures of the district, Your Excellency's memorialist considers that the loss of such a body as the Revenue Board is a serious grievance.

Your memorialist prays that, in consideration of the above facts and circumstances and in consideration of the alarm caused by the proposed change, Your Excellency in Council will be graciously pleased to withhold sanction to the proposed measure.

And Your Excellency's memorialist, as in duty bound, shall ever pray.

KAMALA KANTA SEN,

President, Chittagong Association.

Chittagong, the 15th May, 1903.

Annexure 18.

To His Honour Sir Andrew Henderson Lieth Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

The humble memorial of the inhabitants of Feni sub-division in the district of Noakhali.

Most respectfully sheweth—

That the news of the proposed transfer of the Chittagong Division to Assam has caused widespread consternation, anxiety and alarm to the people of this sub-division, and they are extremely pained to think that the proposed transfer, if effected, will surely bring on great misfortune to them in various ways, and they will have to sever their tender association and affectionate ties with the main body of their mother-country—Bengal. Your Honour's memorialists beg humbly to submit that they have been intimately connected with the rest of the province from the very dawn of history in custom, manners, language and nationality; and from time immemorial they formed and do even now form an integral and influential portion of Bengal proper, but by the proposed transfer they are unfortunately to be incorporated with a class of people with whom they have nothing in common, and in fact, between whom there is a wide gulf of difference in respect of race, religion, social custom and traditions. They therefore venture to lay before Your Honour this humble representation as a strong but respectful protest against the proposed measure, in earnest hope that Your Honour will be most graciously pleased to sympathise with their aggrieved feeling, and represent to the Government of India their serious discontent, anxiety and alarm at the news of the proposed transfer.

That Your Honour's memorialists most humbly crave leave to submit that they have been enjoying, under one of the most advanced administrations of the Empire, several valued rights and privileges which they have obtained after years of effort, but which they are now likely to lose, and therefore they consider the proposed transfer as a retrograde and revolutionary measure and detrimental to their best interests.

That Your Honour's humble memorialists beg leave to say that if the proposed measure be adopted, they will, no doubt, lose the benefits of a local Legislature, representation in its Council, a progressive system of high education, and a Board of Revenue—a serious and complete loss of which will be a national grievance to them. On the other hand, they do not reasonably expect any material advantage from the proposed annexation of their rich and advanced districts to a poor and exceedingly backward province.

That Your Honour's memorialists will no more have the advantage of the great metropolis of the Indian Empire as their own provincial capital, which also they think a serious loss to them in respect of their gradual progress towards civilization.

That Your Honour's memorialists respectfully venture to point out that by the opening of the railway their district is nearer to Calcutta than Shillong, and any inconvenience which Your Honour's Government might have experienced in the past has been removed.

That amongst many of the various great disadvantages which will accrue to your Memorialists, they beg to point out the inconvenience which will ensue to the people of this district, from being placed under two separate jurisdictions—one with regard to revenue and executive matters which will be vested in the Assam Government, and the other with regard to judicial business which will remain in the High Court.

of Calcutta—this arrangement will evidently bring in its wake all the inconveniences, expense and troubles of having to transact business in two different and widely distant places of two different provinces. Moreover, Your Honour's memorialists with all reasonable probabilities apprehend that they will no longer equally and conveniently share the services of the judicial branch, which will remain under the different authorities of different provinces, and that in view of the proposed transfer, the newly-organised province will not, the humble memorialists apprehend, have the Judicial or Executive Service staffs of its own, and hence the people of the new province will not have the services of good officers as then the new Government shall have to borrow the services of such officers from the Bengal Government—this will also be a loss to Your Honour's memorialists, which will affect their interests severely.

Under the circumstances, Your Honour's memorialists most humbly pray that their grievances, as submitted in this humble memorial, will meet with Your Honour's favourable consideration and approval.

And Your Honour's humble memorialists, as in duty bound, shall ever pray.

We have the honour to subscribe,

Your Honour's most obedient and loyal servants,

ABDUL MAJID AND OTHERS.

Feni, the 30th January, 1904.

Annexure 19.

To His Excellency the Right Honourable George Nathaniel Baron Curzon of Kedleston, P.C., D.L., G.M.S.I., G.M.I.E., Viceroy and Governor-General of India.

The humble memorial of the people and residents of the District of Tippera.

Most respectfully showeth—

1. That the proposal for the transfer of the Division of Chittagong and the Districts of Dacca and Mymensingh to the backward Province of Assam has been received with great alarm and concern by the people of this district. They beg therefore to submit this humble representation with the earnest hope that it will receive Your Excellency's kind and favourable consideration.

2. That the transfer of the Eastern Bengal districts to Assam will be highly detrimental to the interests of the people in various ways.

3. That the want of a local Legislative Council in the Province of Assam is keenly felt by the people of these districts, on the ground that they will lose the right of representation to the Bengal Council which is at present enjoyed by them, and which is one of the most-valued rights conferred by a Government upon citizens.

4. That your memorialists most humbly beg leave to submit that the prospect of a seat in the Supreme Legislative Council to be shared alternately with the Central Provinces is not regarded by the people as sufficient compensation for the want of a local Legislative Council, as will be seen from the patent facts that in Bengal laws are passed after consulting public opinion, and in accordance with reasonable suggestions made by the public, modifications are introduced into the laws passed by the Bengal Council in consonance with recognised maxims of Jurisprudence; and that, on the other hand, in Assam, laws are sometimes passed without consulting public opinion and even without the previous knowledge of the public whose interests are affected thereby, on account of the extraordinary powers of the Chief Commissioner to propose to the Governor-General in Council drafts of any regulations, which, when approved by the Governor-General in Council, are published in the "Gazette of India" and have the force of law.

5. That, owing to the want of a local Legislative Council, the people of these districts will be placed under a decided disadvantage; they will, as in the case of Sylhet, lose the benefit of subsequent amendments to the Bengal Council Acts which may hereafter be passed in conformity with the progress of the society and the country. That it is too much to expect the Chief Commissioner of Assam will accept all the amendments that may be passed by the Bengal Legislative Council.

6. That your memorialists apprehend that the transfer of these districts will tend to materially weaken the judicial agency, both Civil and Criminal, of these districts inasmuch as able and experienced officers will refuse to join the Assam Service owing to the want of a sufficient number of high appointments in the province. In the case of Subordinate Judicial Service, Bengal will naturally be unwilling to lend the service of officers of high ability and large experience to the Administration of Assam. That even the proposed creation of a separate Civil Service for Assam is not likely to attract able and experienced civilians to the Assam

Service owing to less favourable prospects for promotion than in the older Province of Bengal, and also owing to the unhealthy character of the climate of the greater portion of the province which is generally unsuited to European constitution.

7. That the loss of the Board of Revenue is regarded as very serious by the people of these districts. The Board is composed of the most experienced members of the Indian Civil Service, expert in revenue matters, and bearing ripe local knowledge, who decide cases after giving patient hearing to Counsels and Vakils. The advantage of hearing Counsels and Vakils is obvious, especially in revenue cases of the eastern districts of Bengal, including this district, where the system of land-tenure is very complicated. Although the Board is composed of officers expert in revenue matters, the law in Bengal allows a further right of appeal to the Bengal Government, which the people will lose, in case of the transfer of these districts to the Province of Assam.

8. That if these districts be transferred to Assam, the final authority in respect of revenue matters will be the Chief Commissioner of Assam, who is often selected from among members of the Civil Service spending their official career in remoter provinces, and who have no experience of the system of land-tenure in Bengal, and who, on account of unhealthy and unfavourable climate of the proposed Government seat in the town of Chittagong, will be compelled to hold his head-quarters at least for six months of the year in Shillong which is almost an inaccessible place and where legal assistance of any sort will not be available owing to the absence of any bar. That your memorialists beg further to add that there is no likelihood of the people getting any advantage of legal assistance in Shillong, where the primitive system of Government yet obtains, and where, so far as your memorialists are aware, even the Codes of Civil and Criminal Procedure and the Law of Evidence are not yet in force.

9. That the Bengal Government and the Board of Revenue have the advantage of the assistance of legal advisers, the High Court Judges and experienced Secretaries, in deciding intricate questions of land-tenures and revenue matters. The Administration of Assam has no such advantage. Your memorialists apprehend that this would injuriously affect the vested rights of the zamindars and other landholders of these districts.

10. That the people of these districts apprehend that they will be placed at a very great disadvantage in regard to the admission of their boys to the Medical and Engineering Colleges, where, owing principally to the influx of a large number of students, it has been the practice of late to admit a limited number of students; and if these districts be transferred to Assam, Bengal students will, as a matter of course, be given the preference to the students of these districts.

11. That the cause of education will greatly suffer on account of the transfer, owing to the want of an Educational Service in Assam and the insufficiency of the educational grant which will, in all probability, be diverted to the advancement of the backward portions of the province.

12. That your memorialists crave leave to submit that the transfer of these districts will very likely retard their further material progress and further development of their resources, as it is very likely that the assets of the richer districts of Bengal will be utilised for the improvement of the backward and poorer districts of the Province of Assam, which is admitted to be too poor for the development of its own resources.

13. That your memorialists beg humbly to submit that railway and steamer communications have placed the districts proposed to be transferred within easy reach of the head-quarters of the Government of Bengal, and that these districts are nearer to Calcutta than to Shillong, which latter place may, without exaggeration, be said to be almost inaccessible from the Eastern Bengal districts.

14. That your memorialists apprehend that in the newly-constituted Province of Assam, as proposed by the Government, the influence of the tea-planters will be predominant to the great prejudice of the interests of the people.

15. That, in reference to the first argument put forward in Mr. Secretary Risley's letter to the Government of Bengal in support of the transfer of the Chittagong Division to Assam, your memorialists beg humbly to submit, with due deference to the opinion expressed therein, that the existence of two flourishing rival ports under one Government is not unprecedented in India; *e.g.*, the great ports of Bombay and Karachi under the Government of Bombay. That your memorialists beg leave to submit that the Bengal Government, with its large revenues, will very likely be able to contribute more towards the development of the port of Chittagong than the Government of Assam, even with its newly-acquired districts. That it will be only at the expense of the districts proposed to be transferred, *i.e.*, by diverting the revenues derived from these districts from their legitimate purposes, that the Assam Administration will be able to contribute fully towards the development of the port of Chittagong.

16. That, in regard to the second ground stated in Mr. Risley's letter, your memorialists beg leave to submit, with due respect for the opinion expressed therein,

that the Assam-Bengal Railway, even if placed under divided control, can be administered with equal regard to the interests of the province, having regard to the fact that the great East Indian Railway, although passing through provinces placed under four different Governments, is being administered efficiently. That, if the Eastern Bengal districts be transferred to Assam, the same difficulty, as is suggested in the case of the Assam-Bengal Railway, may arise in the case of the Eastern Bengal State Railway, a portion of which will run through Bengal, and a portion—from Dacca to Mymensingh—through Assam.

17. That, as regards the third ground contained in Mr. Risley's letter, your memorialists beg leave to submit that the system of settlement and land-tenures is not the same in most of the Eastern Bengal districts as in Sylhet and Cachar. Your memorialists humbly submit that Sylhet and Cachar would readily re-unite with Bengal if they were only given the option. The objections to the absorption of Sylhet and Cachar in Assam have not, as has been submitted in a subsequent paragraph, proved unfounded.

18. That the reasons which have induced the Government to bring all the Uriya-speaking population under one Administration, apply with equal force to the eastern districts of Bengal proposed to be transferred. That the people of these districts and those of Assam proper have nothing in common either ethnologically or politically, or in matters of language, literature, or in religious observances, or in social customs.

19. That your memorialists most humbly beg to submit that the transfer of these districts to Assam will not, for practical purposes, materially lighten the labours of the Government of Bengal, having regard to the fact that two districts from Madras are proposed to be included in the Province of Bengal.

20. That the districts proposed to be transferred to the Province of Assam are the oldest districts of Bengal. To transfer these districts from the enlightened Province of Bengal, and to dissociate them from their oldest environments and surroundings, and to link them with people with whom they have nothing in common, are naturally regarded by the people as a retrograde movement and highly prejudicial to their moral, social, intellectual and material progress and development.

21. That your memorialists beg leave to submit that the objections which are urged by the people are not merely sentimental, and that the grounds of their objection may be said to have been verified in the case of Sylhet, which, though one of the oldest districts of Bengal, has not yet got the advantage of Bengal Tenancy Act of 1885, and where military officers are sometimes posted as Civil Executive officers, and where the system of self-government is yet in a rather crude state, and where there is no District Fund and no District Board.

22. That your memorialists beg leave to point out that the people of the Chittagong Division never waived their objections to the transfer of the Division to Assam. That the memorial submitted by the District Board of Chittagong was signed by official members and by European tea-planters—who can never be said to represent the people of the District or the Division of Chittagong.

23. That the proposed change of the seat of Government of Assam during the cold weather and the change of the name of the Province of Assam, are regarded by the people as immaterial, having regard principally to the fact that, instead of an advanced Government, the people will be placed under a relatively backward Administration.

24. That your memorialists therefore most respectfully pray that your Excellency will be graciously pleased to take this humble representation into your kind consideration, and to direct the withdrawal of the proposal for the transfer of the Eastern Bengal districts to the Province of Assam.

And your memorialists, as in duty bound, shall ever pray.

Dated Comilla, the January, 1904.

Annexure 20.

To the Honourable Sir Andrew Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

May it please Your Honour,

I beg most respectfully to submit herewith a copy of the proceedings of a public meeting held at Ranchi on the 29th of December, 1903, and a memorial adopted therein on the subject of the proposed transfer of the Chota Nagpur Division to the Central Provinces, for Your Honour's kind and favourable consideration.

PRATAP UDAYA NATH SAHI DEO,

Maharaja of Chota Nagpur,
Chairman of the Meeting.

Ranchi, the 12th January, 1904.

Annexure 21.

Proceedings of a Public Meeting held at Ranchi on the 29th December, 1903. Maharaja Pratap Udaya Nath Sahi Deo, Maharaja of Chota Nagpur in the Chair.

Resolution.

I.—That this meeting of the inhabitants of the town and district of Ranchi views with alarm the contemplated transfer of this district to the Central Provinces, and is of opinion that the measure if carried out will be injurious to the best interests of the people of this district.

Proposed by Maharaj Kumar Jagat Mohan Nath Sahi Deo.

Seconded by Rev. Dr. A. Nottrott of the German Mission.

Supported by Mr. John Leslie, Emigration Agent, and Babu Balkrishna Sahay, Pleader, Zamindar, Municipal Commissioner, and Member, District Board.

II.—That a memorial be submitted to His Honour the Lieutenant-Governor of Bengal direct as also through the Divisional Commissioner protesting against the proposed transfer.

Proposed by Rev. E. H. Whitley of the Anglican Mission.

Seconded by Mr. O. C. V. Johnson, tea-planter.

Supported by Lal Harak Nath Sahi Deo, Zamindar and Honorary Magistrate.

III.—That the memorial drawn up be adopted and the Chairman authorized to forward it.

Proposed by Babu Jagat Lal Sahay, Pleader and Landholder.

Seconded by Rev. S. Grosjean, S.J., Rector, Roman Mission.

Supported by Lal Suruj Nath Sahi Deo, Zamindar, and Maulvi Fatehulla, Zamindar, Babu Hardat Roy, Merchant and Honorary Magistrate.

Annexure 22.

To the Honourable Sir Andrew Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

The humble memorial of the inhabitants of the district of Ranchi in the Chota Nagpur Division.

Most respectfully sheweth,

That your memorialists humbly beg to submit that the notification of the Government of India, No. 3703, dated the 11th December, 1903, and published in the "Gazette of India" of the 12th idem, containing, among others, a proposal to transfer from Bengal the greater portion of the Chota Nagpur Division to the Central Provinces, has caused to the people of Chota Nagpur a considerable amount of alarm, and your memorialists beg to approach Your Honour with this humble memorial embodying some of the grounds on which the proposed transfer is considered detrimental to the interests of the people.

2. That in the said notification of the Government of India two arguments in favour of the proposed transfer have been advanced, and your memorialists beg leave to make a few observations with a view to point out, as best as they can, that those arguments are not really supported by the actual facts relating to the country and the circumstances of its people.

3. That the first argument, as stated, is that in character and state of development the people of Chota Nagpur correspond much more closely with those in the Central Provinces than with the population of Bengal. But your memorialists venture to state that this is true only of a portion of the political States bordering on the Central Provinces and not of the districts directly under the British administration. The inhabitants of these (leaving Manbhum and Singhbhum out of account) are closely akin to the people of Bihar, and as a matter of fact too they have always been looked upon as Bihar districts. The Hindu population of Chota Nagpur, so far as their spoken language, habits of life and social and religious customs are concerned, have no difference whatever with the people of the neighbouring districts of Bihar, such as Gaya, Monghyr, and Shahabad. The force of this argument your memorialists may be permitted to say, is all the more weakened in the case of the district of Ranchi, where the aboriginal population, namely, the Mundas and Uraons, numbering about six lakhs out of a total of eleven, have languages of their own, and follow peculiar social and religious customs having thus very little in common with the people of the Central Provinces. It should also be added that in some important parganas of the district of Ranchi, namely, Tamar, Bundu, Silli, Rahe, Barendra and portions of

Sonepur, and also in parganas of Gola and Changurrah in the district of Hazaribagh, the people speak the Bengali language and are closely akin to the people of Manbhum in all respects.

4. That your memorialists beg to submit that as regards the state of development, the people of several parts of Bihar and Orissa are very much on the same footing as those of Chota Nagpur, and if affinity in character and state of development of the people were a criterion in the decision of the question at issue, then a good portion of Bihar and Orissa might as well be annexed to the Central Provinces. The argument has not therefore any special application to the case of Chota Nagpur, and so far as the district of Ranchi is concerned, it has very little force indeed.

5. That the second argument used is that the Bengal form of administration is too highly developed, too legalized, and too impersonal for backward tracts and primitive hill tribes, and that view is borne out by the experience of a series of outbreaks in recent years and by the difficulties met with in dealing effectually with the land tenures of this part of the province. But your memorialists beg to submit that this argument hardly favours the theory of the transfer. The Bengal form of administration has for more than a century prevailed in Chota Nagpur, and no grievance whatever has been felt by the people of the too developed character of administration. On the other hand, it was in such directions where the Bengal form of administration was not introduced to the full extent, that the people had a real grievance and the authorities finding that the country was fit for the more developed form of administration of Bengal, strongly recommended it and the Government also acted upon such recommendation. The introduction of the system of District Boards in Chota Nagpur is in illustration on this point, and your memorialists fail to see in what respect the people of Chota Nagpur have suffered by having been subjected to the Bengal form of administration. It is alleged that the view expressed in this argument is borne out by a series of outbreaks in recent years, but your memorialists beg to submit that the Bengal form of administration had not the remotest connection with the causes which led to these outbreaks which may almost all be traced to fanciful notions instilled into the minds of Mundas by designing people. The fact that these outbreaks were suppressed as quickly as they occurred shows that the present form of administration is not unsuited to the circumstances of this district. Your memorialists further beg to point out that whatever real grievance these aboriginal people may have had has probably been removed by the recent amendment of the local rent law. That the Bengal form of administration is suited to the conditions of Chota Nagpur will as well appear from the fact that it is in contemplation of the Government to introduce, in the near future, a consolidated Rent Act for Chota Nagpur, incorporating, as far as possible, the provisions of the Bengal Tenancy Act, and with this view survey and settlement operations have already been commenced, on the completion of which and after the passing of a rent law on their basis there will, your memorialists venture respectfully to assert, be no difficulty whatever in dealing effectually with the land tenures of the country.

6. That in this connection your memorialists beg leave to point out that this district being separated from the Central Provinces by a long stretch of jungle and mountainous tributary States, and the distance of Ranchi from Nagpur being far greater than its distance from Calcutta, one of the effects of the transfer will be that instead of receiving greater, it will receive less attention from the head of the Government.

7. That your memorialists now crave leave to proceed to a consideration of the grounds against the proposed transfer, some of which have been taken notice of in the notification of the Government of India. These grounds, your memorialists beg to submit, are of a very weighty character and require a careful consideration. Although the notification referred to contains a discussion, *pro* and *con*, of some of these grounds such discussion has, your memorialists may be permitted to observe, been confined to some aspects only of the question, and is not therefore so thorough and exhaustive as it should be under the circumstances of the case, and your memorialists therefore beg to draw Your Honour's attention to the following grounds which, among others, may be urged against the transfer:—

(a) That, although the notification of the Government of India clearly lays down that the fact of the stations of Ranchi and Hazaribagh possessing considerable climatic advantages will not exercise a determining effect in the decision of the Government of India, your memorialists cannot however lose sight of a point of such great importance and feel bound to draw Your Honour's prominent attention to it, your memorialists beg to submit it as an undisputed fact, that officers of Government, whose health and energies have suffered either by overwork or by the enervating climate of Lower Bengal, have eagerly sought a transfer to the attractive division of Chota Nagpur, but the severance of such a healthy country from Bengal will very materially affect the well-being of the public service and consequently the efficiency of the administration itself.

(b) That the retention in Bengal of a part or the whole of the district of Hazaribagh has been considered necessary for its extensive coal-fields, but your memorialists beg to submit that if it is to be retained at all, the whole of it ought to be retained: the Karanpura, Bokaro and Ramgarh coal-fields extend from west to east of the district along the Damodar

Valley, thus taking up a good portion of the southern half of the district and the retention of this portion in Bengal and transfer to the Central Provinces of the northern portion which is comparatively nearer to Bengal, would result in anomalies in making a geographical division of the two provinces. In the district of Palamau also there are the coal-fields of Daltonganj, Rajhara, and Hutar, comprising a large portion of the western half of the district, all of which have been brought within easy communication by the opening of the new Barun-Daltonganj Railway line. In addition to these fields there is also the coal-field of Pargana Tori in the eastern portion of the district which is likely to be opened up by a railway in course of time. This coal industry is entirely carried on by the mercantile community of Calcutta, and its development is calculated to suffer materially by the transfer of Palamau from Bengal.

- (c) That it may safely be said that the Chota Nagpur Division not only abounds in coal but also in other valuable and useful minerals, such as gold, iron, copper, mica, lead, &c., and some of these resources have already been developed and it may very well be hoped that others will be developed in course of time. The mica-mining operations are being carried on in an extensive scale in pargana Koderma in the district of Hazaribagh and several capitalists of Bengal have invested large funds in this concern, but the severance of Chota Nagpur from Bengal and necessarily from Calcutta will go a great way to check the development of these resources.
- (d) That one of the principal objections to the transfer is the immense distance of Nagpur from Ranchi. Nagpur will be practically inaccessible to the people of Ranchi by journey across the country, covering a distance of nearly 500 miles and lying through dense forests and difficult ranges of hills,—a journey that may take almost a month to complete. As for the journey by railway the distance from Purulia to Calcutta is 180 miles, whereas that from Purulia to Nagpur is 581 miles, thus making a clear increase of 400 miles: this will not only entail additional time and trouble, but will affect materially the poor people of Chota Nagpur who find it difficult to meet even the cost of railway journey from Purulia to Calcutta. In this connection your memorialists confess that they fail to realise how by the proposed transfer, Government will, as has been suggested in the notification, be brought nearer to the people of Chota Nagpur.
- (e) That the notification is silent on the question as to whether the jurisdiction of the Calcutta High Court will continue in Chota Nagpur in the event of its being transferred from Bengal, although in discussing the case of Chittagong, Dacca, and Mymensingh, it clearly mentions that the said jurisdiction over those districts will remain unaltered. From this your memorialists apprehend that in the case of Chota Nagpur the jurisdiction of the Calcutta High Court will cease; and this will be looked upon by the people of Chota Nagpur as nothing short of a calamity. Ever since the establishment of the Supreme Court as well as of the High Court in Calcutta, Chota Nagpur has been under its jurisdiction, and to deprive it of that jurisdiction now would be to throw the country backward and subject the people to a retrograde measure seriously affecting their best interests.
- (f) That the systems of land settlement and tenure in Chota Nagpur are widely different from those in the Central Provinces. Although there is a peculiarity in some of the tenures of Chota Nagpur, the tenures themselves have in the main a general resemblance with those in Bengal and Bihar. It is a permanently-settled tract of country and the incidents of revenue paying estates are exactly the same as those of similar estates in Bengal. As regards under-tenures, they are very much akin to patni and mokerari tenures of Bengal and Bihar, except that certain *jagir* tenures are, according to a local custom, liable to resumption by the grantor on failure of male issue of the grantee. The Bengal regulations and land laws have all along been in force in Chota Nagpur and its present rent law is based upon, and is almost a reproduction of Act X. of 1859 and VII. (B.C.) of 1869 which used to be the rent laws for the whole of Bengal before the passing of the present Bengal Tenancy Act. The consolidated rent law of Chota Nagpur, which the Government contemplates to enact in the near future, will be based principally on the provisions of the Bengal Tenancy Act. In matters of land tenures and laws governing the same, Chota Nagpur has hardly any resemblance to those of the Central Provinces which are only a temporarily-settled area, and the fusion of these provinces will, it is apprehended, be detrimental to the welfare of the people.
- (g) That as regards trade and commerce, Chota Nagpur is intimately connected with Calcutta and with the districts of Bankura, Burdwan, Patna, Gaya, and Tirhut, and is totally unconnected with the Central Provinces, and the proposed transfer is therefore calculated to seriously affect the material prosperity of the country.

- (A) That in regard to the retention in Bengal of the District of Singhbhum there are weighty considerations which have been mentioned in the notification itself, and your memorialists do not consider it necessary to repeat them here, but your memorialists beg in this connection to point out that the proposal of transfer, excepting, as it does, the districts of Manbhum and Singhbhum, and possibly the whole or part of Hazaribagh, affects only the districts of Ranchi and Palamau, and if it be found necessary to retain, either wholly or partly, the coal-bearing district of Palamau as well, for reasons which have been urged in favour of Hazaribagh, there will then remain only the district of Ranchi of which the majority of the population have, as shown above, little or no affinity with that of the Central Provinces, and your memorialists beg most respectfully to submit that the transfer of one or two districts will afford no appreciable relief to the Government of Bengal, whereas, on the other hand, it will injuriously affect the people and their interests.
- (i) That while fully appreciating the necessity of confining their representation to actual facts in a matter which involves questions of important administrative changes, and refraining from urging any grounds which may be considered sentimental, your memorialists cannot help mentioning the fact that the proposed transfer has caused to the people of the Division the greatest possible anxiety amounting almost to dismay, and your memorialists venture to hope that Your Honour's Government which always evinces the most anxious care for the welfare of its subjects, will be pleased to take into consideration the fact that any change in the administration of the country is always calculated to upset the feelings and sentiments of its people, and Your Honour will better realize than your memorialists can adequately express, to what extent it will be so in the event of a change of Government.

Your memorialists therefore fervently pray that Your Honour may be graciously pleased to take the facts and circumstances stated above into your kind and careful consideration, and adopt such measures as may tend to prevent the proposed transfer of Chota Nagpur from being carried into effect, so that your memorialists may continue to enjoy, as they have hitherto done, the inestimable blessings of the administration of the Government of Bengal.

PRATAP UDAYA NATH SAHI DEO,

Maharaja of Chota Nagpur,
Chairman of the Meeting.

Annexure 23.

To His Excellency the Right Honourable George Nathaniel Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor-General of India.

May it please Your Excellency—

1. In compliance with the resolutions (annexed hereto) passed at a public meeting, Your Excellency's memorialists respectfully and loyally beg to lay before Your Excellency the following facts connected with the past history and future destiny of the people of Orissa, in the fervent hope that they will receive the serious consideration which it has been the practice of Your Excellency's rule to vouchsafe to matters in which the destiny of a large population is involved.

2. The people of Orissa have been informed by a report, that it is in contemplation of Your Excellency's Government to place the districts of Balasore, Cuttack, Puri, and the Tributary States, which now constitute the Province of Orissa, under the Government of the Central Provinces, which now owns the district of Sambalpur.

3. This report has created unusual alarm among the people of Orissa of all classes, creeds, castes, and races who reside in and are interested in the future of Orissa.

4. History points to the fact that the extensive tract of country lying between Tribeni on the River Hooghly and Rajmundry on the River Godavery was ruled over by one Uriya sovereign. Evidence of this ancient expansion of Uriya sovereignty is found in the fact that Uriya is the mother tongue of a considerable portion of the population of Midnapur in Bengal, Ganjam and Vizianagram in the Madras Presidency.

5. Owing to the inaccessible position of what is known as Orissa-proper, and probably owing to other causes now lost in oblivion, the district of Ganjam was exposed to greater and more frequent foreign inroads and influences. In the history of the British Indian Empire, the district of Ganjam became a portion of the British Indian possession nearly half a century before Orissa proper was occupied by the British nation, and since then these two tracts have remained under separate administrations.

6. During the early days of British rule in Orissa, the districts of Midnapur, Naugaon, including Higliee in Bengal, and Sambalpur (which was a part of the Orissa administration before 1861), together with the districts and Tributary States which constitute the province of Orissa of the present time, were placed under the Divisional administration of the Commissioner of Orissa.

7. But, notwithstanding this administrative severance, the populations of the two tracts have all along maintained a national feeling by intermarriage, by co-operation in the development of the vernacular literature, and other public matters in which the Uriya race is interested.

8. The Bengal-Nagpur Railway has within the last few years done more to bring together the Uriyas of Ganjam and Orissa proper and strengthen the national tie than years of separate administration had done to weaken it.

9. After the British occupation of Orissa, the district of Sambalpur formed a part of Orissa proper and was under the administrative control of the Commissioner of Orissa. During this period the Uriya race was placed under two Administrations, *i.e.*, Orissa proper and Sambalpur being under the Bengal Government, and the district of Ganjam under the Madras Government.

10. This state of things continued till 1861, when on administrative grounds arising mainly from want of communication, the district of Sambalpur was placed under the Central Provinces Government.

11. After the commencement of the British rule in India, the country inhabited by the Uriya race was divided first among two, and since 1861 among three, Governments, *viz.*, Bengal, Madras, and Central Provinces. As the Uriya population formed a minority under each Government and had to compete with the Bengali in Bengal, the Telegu in Madras, and the Maharatta in Bombay (and all these were their superiors by reason of their earlier contact with British rule and education), this administrative arrangement was far from being advantageous to the interests of the Uriya race.

12. Your Excellency's memorialists do not think it necessary to recount the nature and extent of the injury which the interests of the Uriya-speaking population suffered by this administrative arrangement, but they beg to point to the life-and-death struggle for existence, which the Uriya language experienced under each administration. They also avail themselves of the opportunity to convey the deep and everlasting gratitude of the Uriya race to Your Excellency for having saved their mother-tongue from extinction in the district of Sambalpur.

13. It is noteworthy that in spite of opposition from the vernaculars of the three Presidencies, and in spite of all attempts to supersede it by the rival vernaculars, the Uriya language has not only retained its original ground but has in a large measure absorbed the non-Aryan population, *i.e.*, the Juangs, Gonds, and other aboriginal tribes inhabiting the hill tracts of Orissa and Chota Nagpur, and it is now the chief medium of civilizing those important and interesting tribes.

14. Of the three administrations—Bengal, Madras, and Central Provinces, which have an Uriya-speaking population, in Bengal the Uriya language has not only established its right of survivorship but has also supplanted the mother tongue of all races which have settled in Orissa. The Bengalis and Muhammadans who have settled in Orissa have adopted Uriya as their home language. In the other two Presidencies, the Uriya language is still in the initial militant stage, though Ganjam has been associated with Madras for a longer time than Orissa has been with Bengal, and Sambalpur was associated with the Central Provinces some time before the last attempt was made in the seventies to supersede the Uriya language by Bengali.

15. The memorialists beg most respectfully to submit that the difference in habits of life and in intellectual aptitudes among the diverse races of India is equivalent to what constitutes the basis of national difference in the other continents of the world. Consequently British administration and western civilization have produced among the various races of India results in some respects dissimilar in a marked degree. That being so, Your Excellency's memorialists beg to point out that the union of the Uriya race with the Telegu, the Maharatta and the Bengali has been no mean drawback to a healthy growth of the race, and this added to the fact that the British occupation of Orissa proper was in 1804 accounts for the comparatively backward condition of Orissa at the present day.

16. The Uriya race under Bengal administration have not only made better progress than their brethren in Madras and Central Provinces, but they have competed successfully with the Bengali race in some of the occupations of life. It may be legitimately inferred from this that the genius of the Uriya race has, to speak metaphorically, got acclimatized to the administrative atmosphere of Bengal.

17. Your Excellency's humble memorialists have therefore received with alarm the report of the contemplated annexation of Orissa to Central Provinces, for that would mean a union and competition with a race in whom British administration and western civilization have produced a different type of civilized life and different ambition. The consequences of such competition would, the memorialists fear, mean the loss of half a century to the Uriya race.

18. The memorialists beg to summarise here the reasons against an annexation to the Central Provinces for Your Excellency's consideration:—

- (a) It would retard progress in the way and for reasons mentioned in the preceding paragraph.
- (b) The cause of education, both primary and high, will suffer considerably. Such annexation must be followed by an adoption of the text books, and generally of the standard of study prescribed by the Bombay University, or by the creation of a new University, either of which is likely to prove detrimental to the interests of the rising generation.
- (c) Such annexation would not mean a complete riddance of the Uriya element to the Government of Bengal, for a considerable portion of the aboriginal tribes of Chota Nagpur who call themselves Uriyas, and whose education must be provided for through the medium of the Uriya language, will still be left under Bengal administration—an arrangement which will be fatal to the harmonious development of the aboriginal tribes.

19. The memorialists beg to quote here a portion of the Administration Report of the Orissa Division published in "Calcutta Gazette," Supplement, dated 23rd October, 1895, page 2357:—

"124. There were no other changes during the year. But I think some changes are necessary, and submit the following for the consideration of Government:—

"(1) As a question of administrative reform for which there is much to be said, I have to advocate the extension of the divisional boundaries so as to include the whole area populated by races speaking the Uriya language, or, at any rate, some definite areas adjoining Orissa where the Uriya language prevails. Orissa is a very small division, both in area and population, and there is no doubt that the Commissioner could find time to deal with a very material addition to his work.

"(2) The areas that I refer to are the Sambalpur district of the Chhatisgarh Division of the Central Provinces with the Tributary States of Patna, Sonpur, Rarhakol, Bamra, Kalahandi, and the whole or part of the Ganjam district with the States of Kimidi and Gumsur.

"(3) Among the reasons for this change are, as I have said, the uniting in a single division and placing under the same laws and rules the whole local Uriya population, instead of having a portion of it forming an insignificant item of the Central Provinces, and another portion forming an equally insignificant item of the Madras Presidency. I am in possession of a map of India, dated 1841, in which, either on ethnological or political grounds, the Province of Orissa includes the two portions of territory that I have proposed to absorb in this division.

"(4) On political grounds it is desirable that the Superintendent of the Tributary Mahals should control the districts surrounding these States. Had he control over Sambalpur, he could deal more efficiently with any disturbance in the States of Boad and Athmalik without soliciting the intervention of the authorities of another province, which intervention, be it ever so cordial, could not be so efficient as his own direct control. We should then have these States, and those that I have mentioned as suited to be included in the Tributary Mahals of Orissa, hedged in by Sambalpur on the north, the head-quarters subdivision of Angul district on the east, and the Khondmals subdivision of Angul district on the south. So, with the States of Daspalla and Nayagarh, by annexing the whole or part of the Uriya-speaking district of Ganjam and its dependent States of Gumsur and Kimidi to Orissa, the Superintendent would be able to act directly from all sides in the case of such a rising as occurred last year in Nayagarh.

"(5) But the advantage would not be confined to disturbed times. In the development of the country between the Bengal-Nagpur Railway and Orissa, it would be obviously advantageous to have the area to be dealt with under the same administrative control, thereby to obtain unity of action among the Tributary Chiefs. Possibly, as things at present stand, the time has not come for the change, but with the opening of the railway communications between Sambalpur and Cuttack, the proposal would become easy of execution and would undoubtedly prove a beneficial reform, as the head-quarters of the Sambalpur district are very much nearer to Cuttack than to Nagpur. The time appears to have arrived to break ground in this direction and to lay the proposal before the Government for consideration.

"(6) With regard to Sambalpur the case is particularly strong. In Volume XIX of the 'Gazetteer of India,' page 177, it is stated that Sambalpur, 'though included in the Chhatisgarh Division, forms no part of Chhatisgarh proper, either geographically or historically;' and in paragraphs 7 and 14 of the Administration Report of the Central Provinces, 1892-93, it is described as the Uriya country.

"After the annexation of the district of Sambalpur it was first attached to the Chota Nagpur Division and then transferred to this division, doubtless for the reason given by Sir Henry Ricketts in No. XX, Selected Records of the Bengal Government, page 11, Sambalpur, viz., that 'the inhabitants are most of them Uriyas and have no affinity or community of interest of any kind with the people of Chota Nagpur.' The reason why the district was transferred to the Central Provinces cannot be ascertained in this office, as correspondence relating to Sambalpur has been transferred to the Central Provinces. Geographically the map will show that Sambalpur belongs rather to Orissa than to the Central Provinces.

"(7) However, the strongest arguments, both with regard to the Central Provinces and the Madras areas, are ethnological and philological. Ethnologically the Uriya differs from the inhabitants of the Central Provinces on the one hand and the Madrasses on the other; they have retained a marked individuality in the face of political and other disintegrating forces, and any portion of the race that is forced into an unwilling combination with distinct races, incurs the danger of having the national characteristics and aspirations sacrificed to those in the predominating portion of the population in the administration under which it is forced to live."

20. The memorialists are ignorant of the reasons which might have suggested the separation of Orissa from Bengal as an administrative necessity (if such an administrative change be in contemplation), and therefore they are unable to look at them from the people's point of view, but if such an administrative change be an unavoidable necessity, the memorialists should respectfully draw Your Excellency's attention to the latter portion of the second resolution, which runs thus:—

"To raise the Orissa Division to a Chief Commissionership, like that of Assam, retaining the judicial supervision of the Honourable High Court at Calcutta and the educational connection with the Calcutta University."

21. The remarkable features of Your Excellency's rule in India will mark a new epoch in the history of the British Indian Empire. In the light of this fact as well as the fact that Your Excellency was the first Viceroy who visited Orissa, your memorialists cherish a fervent hope that it will be the privilege of the Uriya race to associate Your Excellency's name with the restoration to a state of consolidation and union which in ancient times secured to their ancestors a glorious career.

We beg most respectfully to subscribe as Your
Excellency's most loyal subjects and obedient servants,

M. S. DAS,
President.

GOUREE SUNKER ROY,
Secretary, Orissa Association.

Annexure 24.

Proceedings of a public meeting convened by the Honorary Secretary of the Orissa Association and held in the Cuttack Printing Company's Hall, on 22nd April, 1903, at 6 p.m.

The meeting was attended by all classes of men among whom the following gentlemen were present:—

1. Raja of Kanika.
2. Babu Akhay Kumar Ghose.
3. " Banabihari Palit, B.A., B.L.
4. " Biswanath Kar.
5. " Brajaraj Chaudhury, B.A., B.L.
6. " Gokulanand Chaudhury, B.A., B.L.
7. " Gopal Chandra Praharaj, B.A., B.L.
8. " Hari Charan Banarjee, B.A., B.L.
9. " Ishwar Lall.
10. " Jagabandhu Sing.
11. " John Samson Rout.
12. " Janaki Nath Bose, B.A., B.L.
13. " Kalpataru Das, B.A., B.L.
14. " Krishna Prasad Palit.
15. Mr. M. S. Das, M.A., B.L.
16. Babu Mayadher Das, B.A., B.L.
17. " Nimai Charan Mitter.
18. " Nilamani Chand Dey, B.A.
19. " Purna Chandra Palit, B.A., B.L.
20. " Padwaladh Satapathy.
21. " Parmanand Ghose.
22. " Parmanand Bose.
23. " Pitabas Patnaik.
24. " Ram Sanker Rai.
25. " Ramkrishna Mitter.
26. " Sarat Chandra Mukherjee, B.A., B.L.
27. " Suresh Ch. Chakraverty.
28. " Syam Ch. Mitter.
29. Rev. Shem Sahu.
30. Munshi Raffik Uddin.

31. Babu Abhiram Bhanj, M.A., B.L.
32. „ Jayoram Das.
33. Rev. G. Howells, B.D.
34. Mr. G. H. White.
35. Babu Sudam Ch. Naik.
36. „ Balmukund Canango, B.A.
37. Rev. R. J. Grundy.
38. Babu Madan Mohan Patnaik.
39. Munshi Nural Haque.
40. Babu Brajasunder Das, B.A.
41. „ Baidyanath Misra, B.A.
42. „ Radhakrishna Bose, B.A.
43. „ Gobinda Prasad Bose.
44. „ Brajanand Das, B.A.
45. „ Hem Chandra Ghose, B.A.
46. „ Biswanath Sing, B.A., B.L.
47. „ Raghabanand Das, B.A.
48. „ Jogesh Ch. Ghose, M.A., B.L.
49. „ Madhu Sudan Rao.
50. Mahamud Akbar, B.A.
51. Babu Mohini Mohan Senapati, B.A.
52. „ Kailash Chandra Sen.
53. „ Bamdeb Nanda.
54. „ Lakhmi Narain Naik.
55. Abdul Huq.
56. Babu Jaganath Ballabha Ghose.
57. „ Samson Das, B.A.
58. Pandit Pursotam Tarkalankar.
59. „ Murtunjay Rath.
60. Babu Madhu Sudan Das, B.A.
61. „ Banamali Chaudhury.
62. „ Krishna Prasad Chaudhury.
63. „ Baidyanath Ghosal, B.A.
64. „ Dibya Sing Misra, B.A.
65. „ Sada Nand Das.
66. „ Ananda Chandra Dutt.
67. „ Chintamoni Patnaik.
68. „ Ananda Chandra Das.

The following resolutions were passed :—

I.—That this meeting consider it their duty to place on record their sincere and deep sympathy with the Uriya-speaking population of the Ganjam district in the grievances referred to in their memorial to His Excellency the Viceroy and Governor-General of India; and in the light of the fact that His Excellency the Viceroy most graciously vouchsafed prompt attention and redress to the Uriyas or Sambalpur by restoring to them the use of their mother-tongue, this meeting cherish an earnest hope that the memorial of the Uriyas of the Ganjam district, which refers to grievances of a more serious nature, will receive due consideration.

Proposed by Mr. G. H. White.

Seconded by Rev. Shem Sahu.

Supported by Babu Sarat Chandra Mukherjee, B.A., B.L., and Munshi Sayed Nural Haque, and carried by acclamation.

II.—That considering that the subjection of the Uriya-speaking population to varied administrative influences (which in India are most important factors in the education and civilization of a race) has not been conducive to the uniform progress of the race, this meeting desire to place on record their emphatic recognition of the expediency of placing the whole of the Uriya-speaking population under the same administrative and educational influences, this being, in their opinion, the most effective policy for securing the progress of the race.

Proposed by Rev. G. Howells, B.A., B.D.

Seconded by Babu Viswanath Kar;

Supported by Babu Abhiram Bhanj, M.A., B.L., and Babu Hari Charan Banerjee, B.A., B.L., and carried by acclamation.

III.—That a memorial be submitted to His Excellency the Viceroy and Governor-General of India, and that the prayer of such memorial be (1) to transfer to the Orissa Division the Uriya-speaking portions of the districts of Ganjam, Vizagapatam, Sambalpur, Chota Nagpur, and Midnapore, so far as this can be done having regard to territorial contiguity, or (2) to raise the Orissa Division to a Chief Commissionership, like that of Assam, retaining the judicial supervision of the Honourable High Court at Calcutta, and the educational connection with the Calcutta University, whichever of these two measures is, in the opinion of the Government, better calculated to secure the advancement of the race.

Proposed by Babu Gokulanand Chaudhury, B.A., B.L.

Seconded by Babu Ram Sanker Rai.

Supported by Babu Mayadher Das, B.A., B.L.

Babu Janki Nath Bose, M.A., B.L., in an eloquent speech, recommended the elimination of Clause (2) from the resolution, and proposed as an amendment that Resolution III. be passed without Clause (2). The amendment was seconded by Babu Suresh Chunder Chakraverty, B.A., B.L. When put to vote it was supported by six gentlemen. The original proposition when put to vote was carried by an overwhelming majority.

IV.—That a Sub-Committee consisting of the following gentlemen be authorised to draw up the memorial:—

Mr. M. S. Das.
Babu Ram Sarkar Rai.
Mr. G. H. White.
Babu Gokulanand Chaudhury.

Proposed by Babu Gopal Chandra Praharaj, B.A., B.L.

Seconded by Babu Braja Sunder Das, B.A.

Supported by Maulvi Raffiuddin Mohomed, and carried unanimously.

V.—That the Orissa Association do make the necessary arrangements for submitting the memorial.

Proposed by Babu Banabihari Palit, B.A., B.L.

Seconded by Babu Madan Mohan Patnaik.

Supported by Munshi Mohamed Akbar, and carried unanimously.

Members of Deputation.

Proprietor of Kanika.
The scion of an ancient noble family in Orissa.
Rev. G. Howell, B.D., Baptist Missionary, Municipal Commissioner.
Mr. G. H. White, Municipal Commissioner, Manager of a European Trading Company.
Babu Gouree Sankar Roy, Secretary, Orissa Association, Editor, "Utkaldipika."
Babu Ram Sanker Rai, Assistant Secretary, Orissa Association, Chairman, Cuttack Municipality.
Babu Gokulanand Chaudhury, B.A., B.L., Chairman, Cuttack Local Board.
Babu Gopal Chandra Praharaj, B.A., B.L., Zamindar.
Babu Abhiram Bhanj, M.A., B.L., Pleader.
Munshi Raffiuddin Mohomed, Zamindar and Honorary Magistrate.
Munshi Ekram Russool, Medical Practitioner, Municipal Commissioner.
Babu Iswar Lal Parwar, an up-country man settled in Orissa, landlord, a very influential man among the trading people.
Babu Bal Krishna Appa, a native of Madras settled in Orissa, Government pensioner and landlord.
Madhu Sudan Das, President, Orissa Association.

Annexure 25.

*To His Excellency George Nathaniel Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E.,
Viceroy and Governor-General of India.*

The humble Memorial of Prasanna Kumar Roy, President of the Public Meeting of the people of Chittagong, held on the 22nd day of September 1903.

Most respectfully sheweth:—

That the news of the transfer of the Chittagong Division to the Assam Administration has caused a widespread anxiety and uneasiness to the people of the district. The people consider that the transfer, if approved by Your Excellency's Government, will be a great misfortune to them, and therefore, venture to lay before Your Excellency's Government, through Your Memorialist, this humble representation in the earnest hope that Your Excellency in Council will be graciously pleased to withhold sanction to the proposed transfer till, at least, the people's view of the question is duly put before, and considered by, Your Excellency.

Your Excellency's Memorialist craves leave, in the first place, to submit that such a measure is detrimental to the interests of the people, inasmuch as it formulates a retrograde policy in separating this Division from one of the most advanced and forward provinces in the Empire, and will consequently affect their valuable rights and privileges. The people cannot expect a new administration like that of Assam to give them the same rights and privileges as they at present enjoy under the advanced Government of Bengal, and they consider the loss of even a single right to be a serious matter to them.

Your Excellency's Memorialist submits that the people cannot understand why the Chittagong Division is to be dealt with in this way. If the transfer is proposed on the ground that the jurisdiction of His Honour the Lieutenant-Governor of Bengal is too large, your Excellency's Memorialist submits that the giving up of a small portion of the province of Bengal like the Chittagong Division to Assam, will not appreciably lighten the labours of His Honour's Government. If, however, the change has been desired by the Chief Commissioner of Assam for any convenience of his administration, Your Excellency's Memorialist begs leave to point out that it is not desirable to deprive a people of the precious rights and privileges which they have enjoyed for about a century and-a-half for the sake of administrative convenience or financial considerations.

Your Excellency's Memorialist considers that the construction of a Railway has done much to remove the inconvenience which the Bengal Government might have experienced in governing Chittagong. The means of communication, both by land and water, leave nothing to be desired. It is also a fact that Chittagong is nearer the head-quarters of the Bengal Government than Shillong, and the journey to Calcutta is easier and less expensive than that to Shillong.

Your Excellency's Memorialist begs leave to point out that Chittagong was one of the first districts of Bengal which passed into the possession of the East India Company. The first connection of the English with Chittagong took place as long back as 1685, in the war between the East India Company and the Emperor Aurangzeb. It is one of the three districts ceded to the East India Company on the 27th September, 1760. On 8th November, 1760, Mr. Verelst was appointed Chief of Chittagong, and, together with a Council, managed the Company's affairs on the spot. And Chittagong soon settled down into a well-regulated English Province. Your Excellency's Memorialist submits that the people of Chittagong have, therefore, a claim to remain, if only for historical continuity, an integral part of the earliest-constituted Administration of British India.

Your Excellency's Memorialist further submits that the people of Chittagong and that of Assam have nothing in common, either ethnologically, or politically, or in matters of language, literature and traditions. The people of Chittagong are not aware of any substantial benefit which they may derive by the proposed change, but it is certain that they will lose the advantages of a Legislative Council, a local representation to the Council, a Board of Revenue, an elective system in Municipal Government, a progressive system of Education, and the most advanced form of Government in British India.

The Board of Revenue, composed as it is of the most experienced Revenue Officers of Bengal, exercise a most salutary control over matters connected with Land Revenue and Sea Customs. Considering the growing importance of the port and the peculiarly complicated land tenures of this District, Your Excellency's Memorialist considers that the loss of such a body as the Revenue Board will be a serious grievance to the people in general of this Division.

Your Memorialist prays that in consideration of the above facts and circumstances and in consideration of the alarm caused by the proposed change, Your Excellency in Council will be graciously pleased to reconsider the decision of transferring the Chittagong Division from Bengal to Assam.

And Your Excellency's Memorialist, as in duty bound, shall ever pray.

I have the honour to subscribe,
Your Excellency's most obedient and loyal servant,
PRASANNA KUMAR ROY,

President of the Public Meeting of the people of Chittagong.

Chittagong,
The 29th October, 1903.

Annexure 26.

From Maharaja Sri Sri Ram Narayan Singh, Proprietor of the Ramgarh Estate, Padma, to the Deputy Commissioner, Hazaribagh. Dated Padma, the 24th January, 1904.

In reply to your letter No. 1956R., dated the 19th January 1904, asking for my opinion on the proposal by the Government of India mentioned in the Notification published in the *Calcutta Gazette* of the 16th December 1904, I beg most humbly to state—

1. That ever since the dawn of English rule in this country this district formed a part of Bengal. In fact no period of time can be pointed out when it belonged to any other province. As early as 1787 Mr. J. Grant wrote of Hazaribagh (formerly called Ramgarh district) as "an elevated region which forms part of Suba-Bihar. In 1793 one officer exercising the powers of a Judge, Magistrate, and a Collector, used to hold his Court alternately at Shaherghatty (now in Gaya) and Chatra, subject to the appellate jurisdiction of the Provincial Court of Appeal of the City of Patna" (*vide* page 19, Hunter's Statistical Account of Bengal, Volume XVI).

2. That the higher classes of people of this district are mostly Biharis who came over from the neighbouring districts of Bihar. The Bengali speaking people form not an inconsiderable portion of the population, and there is a handful of aborigines, namely Sonthals, Uraons and Mundas, here and there, numbering less than a lakh out of total population of nearly 12 lakhs. They are scattered over nearly the whole of the district, and they speak also the language of, and in manners and customs to some extent resemble, the people among whom they live.

3. That the language spoken in the district does, in no way, correspond to the language spoken in the Central Provinces. In fact in no material point has the people of this district any affinity to the people of the Central Provinces; on the other hand in manners and customs, both social and religious, the people of this district resemble those of the neighbouring districts of Bengal, with whom they are intimately connected in trade and commerce also. The people of Hazaribagh have hardly any resemblance even with the people of Ranchi, specially the aboriginal population inhabiting the southern, central and western portion of that district, who number about half of the entire population there.

4. That this district is full of mineral wealth of various descriptions, and mines are worked by capitalists from Calcutta; so the proposed transfer, if carried out, would materially check the development and working of these resources.

5. That it has been suggested in the Notification that the Karanpura and Karharbari coal-fields may be retained in Bengal, but I cannot make out how that is possible. Karanpura is to the south-west of Karharbari, and these two tracts are not contiguous. A considerable portion of the district, including the Bokaro coal-fields, intervenes between them. Bokaro coal is as good in quality as Karanpura or Karharbari coal. If these coal-fields be retained in Bengal one fails to understand how this intervening portion of Hazaribagh can be left out. In my humble opinion it appears that the practical solution of this difficulty would be to keep this district intact and let it remain in Bengal, as it has remained for more than a century.

6. That the proposed change would make the seat of the Government more inaccessible to me and the other landholders of the district and our tenants; whereas by the opening of the Gaya-Asansol Railway this district would be within a few hours journey from Calcutta.

7. That the Ramgarh Raj covers almost the whole of this district now. If it be broken up, portions of the Ramgarh Raj will be placed in different districts lying in different provinces with different laws and regulations and different appellate authorities. This would cause great mismanagement of the estate and hardship to the people. Moreover, I and other landholders shall have to incur great cost in keeping different sets of amla and legal advisers at different centres. In this view of the matter I beg to enter my humble protest against the proposed transfer of the district, especially of a part of it.

8. That Hazaribagh is a permanently-settled district and the incidents of land tenures are totally unlike those of the Central Provinces and are exactly the same as those of Bengal. The effect of the fusion of this district with the Central Provinces cannot, it is apprehended, be but detrimental to the well-being of the people.

9. In conclusion I beg to submit that the proposed transfer of the whole, and especially of a part, would throw the district backward and seriously affect the best interests of the people and cause inconveniences to Government also. I therefore pray that you will favourably consider the facts and circumstances stated above, and adopt such measures as may tend to prevent the proposed transfer of the whole and especially of a part of this district.

Annexure 27.

Letter from Raja Bhagawat Doyal Singh, Chainpur, and others, to The Deputy Commissioner, Palamau, dated January, 1904.

With reference to the proposal recently made by the Government of India for the transfer of the district of Palamau to the Central Provinces, we the undersigned residents of the said district beg most respectfully to submit the following for favourable consideration and orders of Government.

2. The people of Palamau look upon the said proposal with great alarm, because, if carried out, it will deprive them of several valuable rights and privileges which they now enjoy under the Government of Bengal.

3. We have been united with Bengal under the same administrative head ever since the commencement of British rule in these parts more than a century ago, and no one will gainsay that this long union of this backward district with the far more advanced districts of Bengal and Bihar has been productive of great good to us in many respects.

4. That the same system of administration which has been followed in Bengal Proper with such beneficial results has contributed solely to whatever progress the people of this district have made in civilization. The same laws and regulations which are in force in

the Bengal districts are also in force in Palamau, and these have placed their rights and privileges on a more secure and firm footing than perhaps those of the people in other parts of the country; and that the High Court of Calcutta which guides and controls the mufassal judiciary of Bengal and Chota Nagpur is looked upon by the people as the palladium of justice where their lives, liberty and property are secure.

5. That to change the mode of government and all the laws and regulations in regard to Palamau so as to adapt them to the conditions of the Central Provinces, which are far behind this district in every respect, and also to take away from us the jurisdiction of the Calcutta High Court will be to throw us back by several generations and to subject us to an altogether retrograde system materially affecting our best interests and well-being.

6. That Palamau is a very poor district, and in times of her need the Bengal Government has always liberally come forward to help her with money out of the Provincial funds. Had it not been for these benevolent aids rendered by Government, it is alarming to think how badly the famine-stricken people of Palamau and its educational, charitable and other public institutions would have fared.

7. The Central Provinces being themselves, so far as we are aware, very poor, they would scarcely be expected, like the Bengal Government, to spare funds for the benefit of this district in times of her need.

8. Another objection to the transfer of Palamau is that it has very little in common with the Central Provinces, and that the population of this district, including both the zamindars and the common people, consists almost wholly of emigrants, or the descendants of emigrants, from Bihar, and as such they are Hindi-speaking like the Beharis and are closely linked with them by the ties of blood, marriage, religion, manners and customs, and differ widely from the backward people of the Central Provinces.

9. That the influx of the Bihari immigrants to Palamau had a great civilizing effect on the few hill tribes of this district, who had consequently, in course of time, come to correspond very closely with the Biharis as regards religion, manners, customs and language, and diverge widely in all respects from the aborigines properly so called, of whom a very small number speaking the Kol dialect are now to be found only on the southern borders of Palamau; and again among those who are classed as aborigines of this district, there are some people who are not really such, but only Hindu emigrants from Bihar whose language is Hindi.

10. With the exception of the said aborigines in the southern part of the district, the population of Palamau is entirely a Bihari one, speaking the Hindi language and having a character and state of development attained by their immediate neighbours, the people of Gaya and Shahabad in Bihar and Mirzapur in the North-Western Provinces; and unlike the district of Ranchi, there are no aboriginal Mundas, nor the Mundari language, nor Mundari khutkatti tenures in Palamau.

11. Not only are we thus closely connected with Bihar by the ties of race, religion, marriage, manners and customs, but a further community of interests and traditions has grown up between ourselves and the whole Province of Bengal and Bihar by our having been associated with them under the same administrative head for more than a century. Now to be cut off from our brethren of Bihar and Bengal and joined to the alien and backward people of the Central Provinces not only comes as a shock to us, but will tell heavily upon our present interests and future prospects as subjects of the highly-civilized and benevolent Bengal Government.

12. In Palamau also there are large coal-fields, such as those of Daltonganj, Rajahra, Hutar, etc., comprising a large portion of the western and northern half of the district, all of which have been brought within easy communication by the recent opening of the Barun-Daltonganj Railway line. The whole of this coal industry and the trade of the district, which is rich in other minerals, such as mica, iron, lead, copper, lime and manganese, and in other indigenous products, are carried on by the mercantile community of Calcutta and other parts of Bengal, all of which have been brought within some hours' (at present 24 hours') journey from Daltonganj, the Sadar station of Palamau by the said line of railway; and this journey, it is expected, will be much shortened by a change in the timing of the trains on this line and also by the opening of the Gaya-Katrasgarh Railway now under construction. This being so, the trade prospects of this district will materially suffer, and the progress of the people will be considerably thrown back by the transfer of Palamau from Bengal to the Central Provinces.

13. The main object of the proposed transfer is to secure for Palamau greater attention from the head of Government. But should this district be transferred to the Central Provinces, it would be much further removed from the seat of Government, such as Nagpur, than it is at present from Calcutta, and thus the very object of the proposed transfer will be frustrated.

14. The journey from Palamau to Nagpur is immensely longer and more expensive and far more troublesome even by rail (there being no other means of communication) than that from Daltonganj to Calcutta. Thus, in case the transfer is effected, Palamau is expected not only to receive less attention from the head of Government than it gets now, but the people of this district who would have often occasion to go to the new seat of Government in the Central Provinces would be put to very great trouble and hardship.

15. That the zamindars of Palamau have landed properties in this district, and also in Gaya, Shahabad and Patna; hence the proposed territorial transfer and the consequent change of the jurisdiction of the High Court will be a source of very great trouble and inconvenience to the said zamindars.

16. That the Bengal laws and system of administration have all along been working smoothly in this district, and the zamindars and the cultivators have been on the best of terms with one another, and it is apprehended that a change in the Government will disturb the existing satisfactory relations between the two classes to the prejudice of both.

17. That owing to the smooth and satisfactory working of the Bengal laws and regulations, there has never been any agrarian disturbance in Palamau; and in this respect the conditions of Chota Nagpur proper, *i.e.*, the Ranchi districts, differ materially from those of Palamau.

18. That out of the total number of 4,030 mauzas in Palamau, 2,870 belong to merchants and zamindars who have extensive mica, coal, iron, copper, lime, lead and silver mines, in some of which English capital is invested, and the permanent severance of these mauzas will tell prejudicially upon the Calcutta market and the landlords as well.

Under the circumstances and for the reasons set forth above, we humbly and earnestly pray to Government that the district of Palamau may not be transferred from the jurisdiction of the Government of Bengal.

Annexure 28.

Letter from Babu Bhugwat Bux Roy, Zamindar of Bisrampur, to the Deputy Commissioner of Palamau, dated Bisrampur, the 26th January 1904.

With reference to your letter No. 1103, dated Daltonganj, the 20th January 1904 asking my opinion on the proposed transfer of Palamau to the Central Provinces, I beg most humbly and respectfully to submit as follows.

2. That the two grounds for transfer, *viz.*—

- (1) that in character and in nature of development the people of Palamau resemble that of the hill tribes of the Central Provinces.
- (2) the too highly-advanced state of law is not fit for Chota Nagpur, as appears from the recent Munda outbreak,

do not apply at all to Palamau.

3. That I beg to suggest the following grounds against the transfer of Palamau to the Central Provinces :—

Grounds.

- (a) That the whole population of Palamau consists of Chatriya, Brahmans, Vaisya Bamhans, Kayasthas and other castes whose ancestors have come and settled in this district from Gaya, Shahabad and North-Western Provinces, and that the small portion of supposed aboriginal tribes have also come from Bihar, and being in contact with the civilized immigrants, have adopted their manners, customs, habit and religion, and have become Bihari in every respect.
- (b) That the language spoken by the Palamau people is *Hindi*: even the so-called aborigines do not speak Mundari or other similar language but *Hindi*.
- (c) That the people of Palamau are not connected with Bihar only in manners and customs, but are also connected with them by marriage ties.
- (d) That since the Muhammadan rule Palaman forms part of the province of Bengal and Bihar.
- (e) That the district of Palamau is made up of part of the Gaya and Shahabad districts.
- (f) That the tenure and land settlement prevalent in Palamau are quite similar to that of Bihar; there are no khutkhatti, Mundari and such like other tenures here.
- (g) That the zamindars of this district possess landed property in Gaya, Shahabad and Patna districts, and hence the territorial change and transfer of the jurisdiction of the Hon'ble High Court will operate much hardship to them (the zamindars).
- (h) That the Bengal laws have worked very smoothly here, and the relation between the landlord and tenant is quite satisfactory, will, I hope, be quite evident from the very fact of there being no agrarian rebellion in Palamau.
- (i) That Palamau is a poor country, and hence she should be joined with a province which can help her in time of need, and such province cannot be the Central Provinces, being proverbially poorer.

- (j) That Palamau is in need of education which will be much thwarted by its transfer to the Central Provinces, for she (the Central Provinces) cannot afford to lay by some surplus to help Palamau.
- (k) That the change of the jurisdiction of the High Court will be looked upon with the greatest alarm, for all the mufassal judiciary under it are acting to the utter satisfaction of the people, and the Hon'ble Calcutta High Court is regarded as palladium of justice in which the life and property of the people are regarded secure.
- (l) That all the zamindars possess coal mines, mica mines, iron, lead and even silver mines about which they have already opened negotiation with the Calcutta merchants, and are also carrying business with them to a little extent.
- (m) That import and export of this place will greatly suffer, for Palamau used to trade with Calcutta, Patna and Gaya.
- (n) That the journey and cost of travelling to Calcutta have been much shortened by the opening of the Bengal Duars Railway, and will be much more shortened by the opening of Gaya-Asansol line.
- (o) That the object of the territorial transfer to place the Government near the people will not be attained by changing the seat of Government from Calcutta to Nagpur (for Calcutta is only a 20-hours' journey from Palamau).
- (p) That Palamau was making improvement in civilisation and in other matters by being in connection with Bengal, and which she will lose by being annexed to Central Provinces, for there cannot be *locus standi* in anything.
- (q) Lastly, the effect of connecting together the two backward countries will have the effect of keeping both of them as ignorant as they were before without any bright prospect in future.

Annexure 29.

Letter from Babu Bhoobun Mohon Burreal, Secretary, Bar Library, to the Deputy Commissioner of Palamau, dated Daltonganj, the 27th January 1904.

With reference to your letter No. 1102, dated 20th instant, I have the honour to inform you that the opinions of the local Bar as to the questions of transfer of Palamau to the Central Provinces have been stated fully in the representation which the zamindars, &c., of the district are going to submit to Your Honour on the subject.

Annexure 30.

Letter from Raja Bishumbher Nath Sahe, to the Deputy Commissioner of Palamau, dated Sonepora, the 24th January 1904.

With reference to your letter No. 1100R., dated 26th January 1904, I have the honour to inform you that I shall be put to greatest inconveniences and shall have to sacrifice more money as well as time in the conduct of cases if Chota Nagpur will be transferred to Central Provinces. I am therefore not in favour of the proposed transfer.

Under the circumstances I pray that Your Honour shall be kind enough to move the higher authority on the subject, for which act of kindness I, as in duty bound, shall ever pray.

Annexure 31.

Letter from Rai Kissen Baksh, Rai Bahadur, Zamindar Deoghur Estate, Palamau, to the Deputy Commissioner of Palamau, No. 3D., dated Nawajaipore, the 26th January 1904.

I have the honour to acknowledge receipt of your letter No. 1101, dated the 20th instant, and in reply I beg most humbly to submit that the proposed transfer of this district to Central Provinces will be a great hindrance to the internal well-being and prosperity of this rising district. The Bengal Laws act here very satisfactorily, and the relations between the zamindars and tenants are most amicable and cordial. Any change in the system of Government will cause great administrative and judicial difficulties.

We are more connected with the Bihar districts by communion of blood, marriage, religion, social interests, manners, customs and the like than with the Central Provinces people, who are far behind us in the scale of civilization, and these facts, coupled with our

proposed separation from Bengal, under which this poor district has been materially benefited in times of famine and need, does not in any way guarantee our transference to Central Provinces. The zamindars of Palamau will also experience insurmountable difficulties in carrying on their law suits elsewhere than the Calcutta High Court established under the Charter.

Under the circumstances Your Honour will recommend the Government not to transfer this district to Central Provinces and maintain the *status quo*.

Annexure 32.

Letter from Rai Bhaya Dirgaj Deo Bahadur, Zamindar of Uttari, to the Deputy Commissioner of Palamau, dated Benares, the 28th January 1904.

In reply to your letter No. 1099, dated the 20th instant, I have the honour to submit as follows. That the zamindars of this district have to file original and appeal cases in Daltonganj and Ranchi Courts, and afterwards they proceed to file appeals of these cases to Calcutta High Court, which is not far from this district. That the Barristers and Pleaders of the Calcutta High Court, who are well acquainted with the zamindars and their cases, attend the Bar in mufassal districts whenever they are required, as these districts are comparatively nearer. How much trouble the zamindars will have to undergo in conducting their cases as well as bearing a heavy cost if they will have to go to the High Court of a greater distance can be well conceived by Your Honour.

I have therefore the honour to suggest earnestly that Chota Nagpur should remain as usual. Further as Your Honour pleases.

Annexure 33.

Letter from Jagabundhu Patnaik, and others of Orissa, to the Collector of Puri, dated Puri, the 21st January 1903.

I. In obedience to your Honour's order, dated the 13th January 1904, asking us to give reasons in support of our proposals to unite Orissa with the Central Provinces and not with Bengal, we beg to state our reasons as follows :—

(1) We are very much indebted to the benign Government for uniting all the Uriya-speaking tracts under one Government, and we shall be more so if Government extends its favour a little further so as to place united Orissa under a separate Chief Commissioner without amalgamating it with another Government, retaining it under the jurisdiction of the Calcutta University and the High Court as before.

(2) There are good reasons for such a claim. The population of united Orissa, viz. :—

- (i) Sambalpur and certain adjacent feudatory states,
- (ii) a part of Singhbhum district,
- (iii) the Ganjam district and its Agency tracts and the Vizagapatam Agency tracts,
- (iv) the present Orissa nearly comes to 14 millions. If Kanthi subdivision of Midnapur, the people of which almost all speak Uriya, be added, then the population may be a little greater.

(3) The total area of united Orissa as pointed out above will no doubt be greater than that of many of the existing Chief Commissionerships in India. Considerations from point of land revenue and population are also in its favour.

(4) The Indian Government in paragraph 13 of their letter No. 3678, dated the 3rd December 1903, have said that "where the population speaking a distinct language and the area over which it is spoken are too small to constitute a substantial portion of a province, the foreign unit is almost of necessity neglected," and have also said in the same paragraph that "the Uriya-speaking group in any case emerges as a distinct and unmistakable factor with an identity and interests of its own.

(5) These remarks on all fours support our claims for a separate Chief Commissionership.

(6) As regards the expenses of forming a separate Government for united Orissa, we beg to suggest that as Berar, which has lately been annexed to the Central Provinces, was under a Chief Commissioner, no additional expenditure will be required to carry out the proposal.

(7.) In case Government does not think it expedient to grant a separate Chief Commissionership to united Orissa, the only possible alternative to better the prospects of the Uriyas seems to us to unite it with the Central Provinces and not with Bengal for the following reasons :—

- (i) In Bengal there are nearly 42 colleges, whereas in Orissa there is only one first grade college and in the Central Provinces there are three. This one college even does not receive as much attention as it should, and it is chiefly for this reason that its results are not favourably compared with the result of that of the other colleges in Bengal. For instance there is not an European Principal to impart better education in the B.A. or M.A. classes. To illustrate this the result of the B.A. Examination of the year 1901-1902 may be cited—

Bengal	...	...	...	...	409
Central Provinces	...	...	...	...	36
Orissa	...	...	...	...	6

The result is not peculiar for the year mentioned above, but nearly every college in Bengal produces better results in all examinations every year than that of Orissa.

- (ii) Another cause, which is of vital importance, is wealth. Owing to the permanent settlement in Bengal its people are much better off than those of Orissa which is only temporarily settled, a fact admitted on all hands and indisputable. The opulence of Bengal does not only enable its people to get the upperhand in the matter of education but also in all sorts of professions and means required for the improvement of a nation, and the Uriyas always lag behind and their requirements are not properly attended to. The Bengal Government, as can be naturally expected, see that the majority of the students in the province are benefited, but as the Uriya population forms only 16 per cent. of the total population of Bengal, and weaker as they are in all respects, cannot receive the due amount of attention and advantage which Government kindly offer.

- (iii) If united Orissa be placed under the Central Provinces Government, the difficulties pointed above may to some extent be mitigated. The condition of the college which is the chief doorway for the improvement of the nation, is expected to be better. The proportion of the Uriyas to those of the other people of the Central Provinces will be more than 40 per cent., and it is natural that they can expect equal privileges and advantages from that Government with the other people of the province. Orissa like the Central Provinces is a temporarily-settled area which is considered to be a weighty consideration for Orissa being united with the Central Provinces—*vide* paragraph 10 (ii) of the Government letter. The productive power of the soil of both these provinces is almost equal while that of Bengal is decidedly superior. The pecuniary circumstances of the people of the Central Provinces is not presumably superior to that of the Uriyas. It is therefore expected that the Uriyas being placed under equal circumstances with the people of the Central Provinces can better compete with the latter in education as well as in profession and trades than with the far-advanced people of Bengal. Besides, the Bengalis are under the British rule for over 200 years, whereas the Uriyas are under such rule for a century only. So, under no circumstances Uriyas can be expected to keep pace with the Bengalis if they are allowed to remain with them for any period.

- (iv) It may be contended if the Bengalis are superior in education and in other respects, it may be beneficial for the Uriyas to work with a higher model before them, but it is next to impossible to expect any improvement from this source without being equipped with the necessary means to work with them.

- (v) With regard to social manners and customs, Orissa is more related to the Central Provinces than to Bengal. The Uriyas as a nation have social manners and customs peculiar to their own. The Uriyas are very orthodox like the people of the Central Provinces in keeping to their own manners and customs. But living with the Bengalis for a century, the social manners and customs of the Uriyas have undergone a change which is looked down upon by the Uriya public.

- (vi) With regard to the commercial interest the commercial class will in no way be affected if united Orissa is transferred to the Central Provinces. Even now being under Bengal, Orissa has its commercial relation with Raigarh, Sambalpur, in the Central Provinces through the natural communication afforded by the river Mahanadi. If Orissa is annexed to the Central Provinces the latter will derive maritime advantage like the provinces of Bombay, Madras, and Bengal, which it is otherwise impossible for it to do. Though at present Orissa does not possess a good natural harbour as remarked by the India Government in paragraph 11 (iii) of the letter, but the ports of Chandballi, Puri, and Gopalpur are capable of being improved by artificial means as in the case of Madras, and not only Orissa but also the Central Provinces may be benefited by this improved facility of commerce.

- (vi) With regard to land revenue the prevailing customs of Orissa are not likely to be altered in view of the laws and regulations prevailing in the Central Provinces. Even under Bengal, Orissa has its special revenue laws to meet its own requirements.
- (vii) It is understood that certain districts of the Central Provinces are under the jurisdiction of the Calcutta High Court and University. So, if united Orissa be placed under the Central Provinces it may under similar arrangement continue as heretofore to be under the jurisdiction of that High Court and University and whose other privileges regarding Legislative Council as it is proposed in the case of Chittagong when transferred to Assam, *vide* 22 (ii & iv).

(8.) Further it will be seen that if Government thinks it expedient to unite the Uriya, speaking tracts with the Central Provinces, the total population will come to over 28 millions, which is far greater than an area which can be administered by a Chief Commissioner. The total population of the Central Provinces even including Berar, recently annexed, is only 14 millions; it is therefore not unreasonable to pray our benign Government to raise the Central Provinces with united Orissa to a Lieutenant-Governorship with a separate High Court and other privileges as in the case of other provinces. The seat of Government will in that case be removed from Nagpur to a convenient central place, so that all parts of the proposed province will receive equal attention from Government.

(9.) Under the circumstances we are of the opinion that in the interests of the backward condition of Uriyas, that united Orissa may be placed (1) under a separate Chief Commissioner under the jurisdiction of the Calcutta High Court and the University, or (2) if that be considered inexpedient, united Orissa may be annexed to the Central Provinces leaving it to the mercy of the benign Government to consider the advisability of creating a Lieutenant-Governorship now or hereafter, or (3) to make such other arrangement as the Government deems fit to promote the interests of the people of united Orissa, poor and backward as they are.

II. We have hastily drawn up this report without being able to collect all the necessary materials that may be adduced in support of our reasons owing to want of sufficient time which is necessary for dealing with such subjects at length.

ANNEXURE 34.

Note by Dayamidhi Das, of Puri, dated the 28th January, 1904.

With reference to the proposal for uniting the whole of the Uriya-speaking, people, both hill and plain, under one administration and making that administration Bengal (instead of placing them under the administration of the Central Provinces), I beg to offer the following observations which indicate the balance of argument in its favour.

The true object of an administration is the happiness of the people placed under it. This object in its broader aspect, obviously embraces questions of the most comprehensive nature as well as touches the minutest of the administrative details, which alike contribute towards securing the desired end. Of course any innovation, as also the existing system, has its own advantages and disadvantages, and the balance of advantages is to be taken as the criterion of expediency. Now as regards the present question we should, therefore, see under which of the two administrations, Bengal and Central Provinces, the Uriya-speaking people are united under the new proposal, are likely to have the balance of advantages, both in broader and narrower aspects. It can hardly be denied that the nature of the administration broadly exercises a powerful and determining influence over the commercial, industrial, social, intellectual, and moral progress of the people. But there are strong grounds to believe that the people of Orissa are likely to enjoy more benefit under the Bengal Government than if they are transferred to the Central Provinces. As regards the commerce and industry, the importance of which can hardly be overrated, Orissa is bound to be a loser, if its administrative tie with Bengal is severed. With the exception of Sambalpur and some Feudatory States, which it is proposed to unite with Orissa, the important and the advanced parts of Orissa, including Ganjam and the Vizagapatam Agency tracts, are, both by sea and railway, more easily and speedily accessible to Calcutta than to Nagpur; excepting the river Mahanady, which is not navigable in all places and in all seasons, there is no natural outlet which connects these parts with the district of Sambalpur, and the formidable barriers in the shape of hills and wild jungles are not likely to be so easily removed by art at a near future. Besides being the metropolis of India, Calcutta forms the centre of a progressive trade with all its vitality and energy, and this city is only 12 hours' distance from the capital of Orissa by rail. But there is no such centre of trade in the Central Provinces, and the town having any importance on that score cannot be made so readily and speedily accessible. The imports of Orissa, specially the jute, the most important of them, finds easy market in Calcutta which they cannot possibly find in any of the towns of the Central Provinces with such advantage of communication. Although, in case of this alternative administrative arrangement, the people of Orissa, will not be debarred from having any commercial relation with

Calcutta, it is at least certain that labouring under the disadvantages of belonging to a different administration, they are bound to have their attention diverted from Calcutta and thereby to lose the commercial enterprise to which the advantage of railway has imparted new vigour since the steamer service at Chandbali and Balasore was started. There, therefore, appears no room for basing our theory that the Uriyas, backward as they are, are likely to gain anything in the direction of commerce, but are sure to lose the advantage of being administratively connected with the metropolis of India and the most populous and the civilised part of the Indian Empire.

As regards the advancement of industry, they are deriving more advantage from the existing system of administration. Having occasions and opportunity to come in contact with the civilised parts of the country and their people and the advantage of getting technical education in the Sibpur Engineering College, the interest of their industry is likely to be better promoted under Bengal administration than under the comparatively backward administration of the Central Provinces.

Then comes the social question. It can be safely accepted as a fact that the customs and manners of the Uriyas were originally as different from those of the Bengalis as of any other people of India. But by the prescription of a century since which they came in contact with the Bengalis as being under one administration, their manners and customs have, in many important respects, been replaced by those of the Bengalis who happen to be the richer and more advanced of the two. Although these changes, which I believe it is necessary to mention here, are confined to the educated and the upper classes of the society and not free from its dark side, they are in the right direction and tending generally towards the advancement of civilisation and diminution of superstition. It is not likely that breaking the prescription of such a long period they can easily find their way and associate with the people of the Central Provinces, nor such an association seems at all to be desirable. In the progress of civilization as of anything else, example is the potent and the determining factor, and I have no hesitation to pronounce that in this respect Bengal would prove a more proper and safer guide than the Central Provinces, the people of which are obviously more backward than the Uriyas here, and so, instead of getting the advantage of any example which they so indispensably require till their social customs and manners assume a definite shape, they are most likely to lose what ideas of civilization they have acquired during the period of one hundred years, because the people of the Central Provinces cannot be expected to imitate us in these matters nor is it easy for us to follow them at this stage. In the first place we have not got the numerical advantage over them as the Bengalis have over us, nor has the actual spread of civilization in this province assumed a definite potent and universally accepted shape which can operate as an example to others, specially to the people like those of the Central Provinces who are believed to be obstinately adhering to the old manners and customs. Besides the Central Provinces being full of hills and jungles and so less open to easy communication, the spirit of exclusiveness and isolation is in ascendancy there which are decidedly in favour of credulousness and superstition of the people and offer strong obstacles against the advancement of civilization and education. So under one administration there would be people having ideas of such social matters incongenial to one another and the stronger prevailing, the Uriyas of these three districts are bound to go behind and lose the benefit of a hundred years' advancement.

As regards the question of caste and language the Uriyas have nothing more common with those of the Central Provinces people than of the Bengalis. They cannot intermarry with the people of the Central Provinces as well as with the Bengalis. But their language is original, more akin to the Bengali language than the prevalent language of the Central Provinces, and so Bengal has a more proper and better linguistic relation with Orissa.

It is contended by some of us and with some amount of force of reasoning, that the Uriyas being poor and less backward and few in number, are absolutely unable to cope with and stand in competition with the Bengalis in every direction, and being under one administration they are always at a disadvantage of having to compete with a class of people too powerful and too numerous for them. It would be of course presumptuous on the part of a man having such meagre and raw experience like myself to ignore altogether the force of such an argument, but considering the circumstances on the whole, it seems to me that the balance of argument seems to be in favour of the opinion that the interests of the Uriyas is likely to be better secured if they are retained with Bengal under one administration. In the first place there is decidedly more and better scope for competition under the existing system than under the backward Government of the Central Provinces, and it is desirable that the field of such competition should be more varied and extensive which can furnish an avenue of prospects to many, although its door may be more difficult to pass rather than insignificantly narrow and easily open to success. Many will leave it as a bad job and a time may come when the spirit of competition may vanish altogether when the difficulty and the necessity will be removed. If it be assumed that the Uriyas may have a better chance of getting appointments, they are sure to get more indolent and lose more of self-reliance and self-help. Nothing can be more valuable and necessary than those admirable qualities for the march of a nation, and no administrative advantages can easily compensate that loss, which sets a nation steadily and rapidly in a retrograde movement in its moral progress. The difficulty compels the people to the necessity of developing these manly virtues, and the Uriyas having to compete with none or with the more backward people like those of the Central Provinces as they are supposed to be, they will no longer be under such necessity. If they are not to cultivate these virtues vigorously, they are bound to lose ground and fall back.

As to the intellectual development, it may at once be admitted that they will be the awful losers if they are severed from Bengal. Calcutta, the centre of learning, will be a strange place to them, or at least their attention will be diverted therefrom in a degree so much so that they will not be attracted towards it in a perceptible proportion coming in contact in important respects with a backward people; they may lose the zeal which they have since acquired for the advancement of education, in proportion to the degree in which their mind will be influenced with the superstition and spirit of exclusiveness of a credulous and conservative people. They will also lose the wide opportunity and cheapness for acquiring education in a better style and the benefit of the salutary influence of a large educated community.

Then comes the moral side of the question. The morality has got relative standards different in regard to different classes of the people imbibed with the notions acquired by prescription of the ages. It is evident therefore that even the most barbarous people have got their own idea of morality as well as the civilized ones. I do not see any reason to suppose that there is any serious divergence of feeling between the Uriyas and the Bengalis as regards the standard of their morality, and under the benevolent influence of our benign Government, and with the advance of learning and civilization, they are sure to get on admirably in this direction as one people.

I have now done with the broad aspects of the question. Now I beg to deal with the changes which will take place in the administrative details which afford a powerful argument against the separation of Orissa from Bengal. Orissa has been placed since its conquest under the most advanced and developed form of Government without any convenience, and the people have got accustomed to a detailed and legalised machinery of administration. This affords them good opportunity of more and more perceiving the principles of administration and law which helps them much to be law-abiding and reasonable and keeps them off from the tendency to commit a frequent breach of it. Presumably the administration of the Central Provinces being inferior to that of Bengal in these respects, they will have to lose those benefits and are likely to get comparatively rude and wild.

Enclosure 6 in No. 2.

Letter from the Honourable Mr. M. Hammick, C.I.E., I.C.S., Acting Chief Secretary to the Government of Madras, Public Department, to the Secretary to the Government of India, Home Department, dated the 20th June, 1904.

(Extract.)

I am directed to reply to Mr. Risley's letter, No. 3679, Home Department (Public), dated 3rd December, 1903, inviting the views of the Government of Madras on a proposal to transfer to the Province of Bengal the district of Ganjám and the Agency tracts of Gangám and Vizagapatam which are now included in this Presidency. The area affected by the proposal is 20,994 square miles with a registered population in 1901 of 2,861,244. The Government understand from the Honourable Sir Denzil Ibbetson's reply to a question put by the Honourable Mr. Cable at the meeting of the Viceroy's Legislative Council held on 5th February that it is not proposed to alter the limits of the jurisdiction of the High Court of Calcutta. It is presumed therefore that the proposal now under consideration does not involve the curtailment of the jurisdiction of the High Court of Madras. Although the proposal forms part of a scheme for the reduction of the territorial jurisdiction of the Lieutenant-Governor of Bengal, the Government of India, in advocating this addition to the province, have been actuated by a desire to unite under one administration the whole of the Uriya-speaking peoples, both hill and plain, so that the Uriya-speaking group may emerge as a distinct and unmistakable factor with an identity and interest of its own. His Excellency in Council understands that the Government of India are not led to make the proposal on account of dissatisfaction with the administration of the area affected by the Madras Government or on account of any reasonable grounds for complaint with that administration on the part of the Uriyas in this Presidency. The Government of Madras do not propose therefore to enter upon any defence of their administration, as none is called for. In framing his views on the proposal made by the Government of India, His

Excellency in Council has carefully examined the premises on which the arguments in Mr. Risley's letter are based and has endeavoured to ascertain whether the proposed change would benefit the people as a whole who inhabit the tract to be transferred. -From paragraph 12 of Mr. Risley's letter to the Government of Bengal it appears that the linguistic argument of the Government of India is based on the statistics of languages given in the report on the census taken in 1901. A table comparing the statistics in the census reports for 1881, 1891, 1901 of the languages spoken in the Ganjám district and in the Ganjám and Vizagapatam Agencies is appended to this letter. From this table it appears that so far as the Agencies are concerned, into which the full schedule was introduced for the first time in 1901, the figures for 1901 are fairly accurate, allowing for the inclusion under appropriate heads of languages which were returned in previous enumerations as unrecognizable. On turning to the census statistics relating to the Ganjám District proper (that is, exclusive of the Agency) it would appear that while the number of persons who speak Telugu has fallen from 692,344 in 1881 and 722,287 in 1891 to 342,910 in 1901, the Uriya-speaking population has risen from 748,904 in 1881 and 797,132 in 1891 to 1,274,975 in 1901. These abnormal variations cannot be accounted for by such causes as deaths and emigration or births and immigration. It is clear that either the statistics for both 1881 and 1891 or those for 1901 are inaccurate, and that careful local enquiry is necessary to ascertain the true causes of the variation and a correct estimate of the distribution of the population according to language in the Ganjám district at present. Soon after the publication of the Census report, and long before the Madras Government were aware that the Government of India proposed to transfer the district to Bengal, the Collector of Ganjám wrote to the Superintendent of Census operations pointing out the inaccuracy of the statement in paragraph 24 of Chapter VI of Volume XV, Part I of the Census report, that "in Ganjám Telugu is the prevailing language in Goomsur taluk and Oriya in all the others" and suggesting the substitution for it of the following sentence: "In Ganjám Telugu is the prevailing language, in Chicacole taluk and Oriya in the Goomsur taluk and Berhampur taluk, excepting the Ichchhápúram Khandam." As the talukwar Census tables have unfortunately been destroyed, no detailed information can be obtained now in respect of the language principally given as the parent-tongue in each taluk; the difficulty of criticizing the statistics in the Census tables is thereby increased. The Collector of Ganjám has, however, instituted careful enquiries in order to form a correct estimate of the Telugu-speaking population, and to ascertain the causes of the inaccuracy of the Census statistics. He estimates the Telugu-speaking population in the district at 855,000, *i.e.*, at about half a million more than the figure (342,910) given in the Census tables. The first cause of the inaccuracy of the Census statistics is the desire of Telugus to share in the special advantages accorded by Government to Uriyas. The school fees charged for the education of the children of Uriyas are half those paid by Telugus and others. As the Government desire to employ Uriyas in the public offices to a greater extent than at present, it is thus believed to be easier for an Uriya than for a Telugu to enter the service of the Government. The second cause is that as most of the enumerators in 1901 were Uriyas, it is probable that they entered as "Uriya-speaking" all persons who answered their questions in Uriya. This error would have a great effect, as, in tracts where there are both Uriyas and Telugus, a large proportion of the population can speak both languages. Thirdly, several Telugu castes, such as Kapus, Komatis, Kaliyas, Reddikas, &c., who live in tracts where Uriya is the prevailing language and speak Uriya as well as their mother-tongue, Telugu, were probably entered as speaking the Uriya language, the enumerators making no enquiries as to the language spoken by them at home. An example of the last cause was noticed before the Census report was published. The Deputy Superintendent of Census operations, Berhampur, states that at the time of tabulation he found that a large number of Reddikas—a Telugu caste which finds no place in Table XIII. Castes—had been returned by the enumerators as speaking Uriya. As, to his own knowledge, this was contrary to the facts, he made a reference to the

Provincial Census Superintendent, who issued orders for the tabulation to proceed in accordance with the schedules. The Collector of Ganjám reports that there is reason to believe that the movement in favour of the proposed transfer was on foot in a quiet way before the last Census, and this may have influenced some of the Uriya enumerators in entering in the returns particulars of the parent-tongues. In a tract where Uriya and Telugu are widely spoken it is natural to expect that the mother-tongue of the Uriya castes will be Uriya, and that of the Telugu castes will be Telugu. The statistics showing the distribution of the population by castes should, therefore, furnish some indication of the prevalence of the two languages. On examining these statistics it is found that 63,034 Pallis, who speak Telugu and reside on the coast, have been treated as Tamils by caste. Adding these to the recorded population of Telugu castes, we find that the number of Telugus by race in 1901, including the Telugu-speaking Pallis, was 818,417, and the number of Uriyas was 766,712. The inference from these figures is that Telugu should be more prevalent in the Ganjám District as a parent-tongue than Uriya. As it has been shown that the statistics of languages given in the Census report for 1901 are untrustworthy, it is desirable to form an estimate of the number of persons speaking Telugu and Uriya respectively as their mother-tongue. The Collector estimates the Telugu-speaking population in the Ganjám District at 855,000; he has framed no estimate of the number of persons speaking Uriya in the district. As shown above an estimate based on the statistics of races is that the Telugu-speaking population and Uriya-speaking population are respectively 818,417 and 766,712. It may, perhaps, be considered that a fairer way of framing an estimate is to derive it from the Census statistics for 1891 by assuming that the rate of increase of both the Telugu and Uriya-speaking population has been the same during the decade 1891 to 1901 as that of the whole population of the district. Estimated in this manner, 767,577 persons should have Telugu and 847,115 persons should have Uriya as their mother-tongue. One fact in this connection which it may be well to mention is that throughout the whole length of the 100 miles of Ganjám coast the great majority of the people are Telugus and Telugu is universally spoken along the littoral. This means that the chief trade and commerce of the district is carried on by Telugu-speaking people. Turning now to the Agency tracts of Ganjám, it will be seen from appended statement No. I, already cited, that by the Census of 1901, only one quarter of the population in those tracts claim the Uriya language as their mother-tongue; and that the other languages spoken are Dravidian or allied to Dravidian. The principal of these is Khond. But the Government of India argue that Khond is certain to give place to Uriya as education spreads. The Government of Madras are not aware of the grounds on which this statement is based, and they venture to traverse it. A certain number of Khonds in the Agency tracts may have a colloquial knowledge of Uriya, but they do not speak it among themselves. Khond or Kandh belongs to the very same sub-family as Telugu.* Uriya, on the other hand, is an Aryan language which is handicapped by possessing† an excessively awkward

* Census of India, 1901, Volume I., paragraph 461.

† *Ibid.*, paragraph 532.

and cumbrous written character. Nor can any argument in support of the statement be found in the Madras Census reports, for the number of persons returned in 1901 as speaking Telugu in the Ganjám and Vizagapatam Agencies is 74 per cent. and 35 per cent., respectively, more than the number returned in 1881, while the corresponding percentage for the Uriya language is eight in each case, practically the normal increase of the Uriya population. There is no bond of race or sympathy between the Uriya and the Hillman. The former regards himself as a paik, or conqueror, and looks down upon and despises the Khond, who is a simple child of nature. The traders and merchants who visit the hill tracts are almost all Telugus by caste, and it is to be expected that if the Khonds acquire any foreign language in supersession of their own, it will be that of those with whom they have business transactions, and with those whose language their own tongue has the most intimate linguistic affinities. The progress of education among such hill-tribes as

the Khonds is moreover necessarily slow, in spite of the offer of special inducements, such as scholarships and other advantages. In 1901, out of 167,783 Khonds, only 297 were literate, and from the report in the Administration of Education for 1902-1903 it appears that there were only 2,617 aboriginal pupils under instruction in the Agencies, including Gódvári. His Excellency in Council considers, therefore, that the supersession of the Khond language, through the spread of education, even admitting the validity of this speculation, is so remote a contingency that it can be left out of account in considering the proposals of the Government of India. But His Excellency in Council is convinced that if any language ultimately displaces Khond, it will be Telugu and not Uriya.

In the Vizagapatam Agency tracts the case is somewhat different. Out of a total population of 850,000, about 409,000 are returned as Uriya-speaking, while only 153,000 are Telugus. But these are not the only languages spoken; and while 441,000 are shown as having an Aryan mother-tongue, no less than 408,000, or not far from one-half of the population of the Agency speak a Dravidian language. In paragraph 13 of Mr. Risley's letter to the Government of Bengal, it is stated that the "Government of Madras have repeatedly complained of the anxieties imposed upon the Administration by the great diversity of languages with which the Madras civilians are called upon to cope." His Excellency the Governor in Council is not aware that relief in this direction has ever been sought by the Madras Government, while the proposed change will merely transfer to Bengal any difficulties which may arise out of the multiplicity of languages spoken throughout one province or presidency. It is clear from the estimate of the distribution of the population according to the parent-tongue that the officers employed in the administration of the districts which it is proposed to transfer to Bengal should possess a knowledge of Telugu as well as of Uriya, and, in the Agencies, of Khond. So far as the acquisition of the languages is concerned experience proves that, for an Englishman, it is far more difficult to learn the Dravidian language Telugu than the Aryan language Uriya; while an officer acquainted with Telugu has gone a considerable way towards the acquisition of Khond. It is also essential that the officers so employed should be able to read the language in which the records are maintained. In the Ganjám District both Telugu and Uriya have been long recognized as the languages of the criminal and civil courts. The bulk of the records in the Government offices, other than village accounts, throughout the tract proposed to be transferred has been kept in Telugu. The accounts of 453 villages in Goomsur taluk and of 234 villages in Berhampur taluk are kept in Uriya, the accounts in the remaining 30 and 148 villages, respectively, being in Telugu. The Chicacole taluk of the same district is inhabited mainly by Telugus. As regards the Police, the records in all the 49 stations in Ganjám district outside the Agency are maintained in Telugu, and the records in 13 out of 14 stations in the Agency are in Uriya; on the other hand while the records in 8 out of 29 stations in the Jeypore division of the Vizagapatam Agency are in Uriya, the records at other stations in the Agency are kept in Telugu even by Uriya head-constables. The indexes in only two registration offices in the Ganjám District proper have been kept hitherto in Uriya. The accounts of all the hill-zamindars in Vizagapatam and of some of the zamindars in Ganjám appear to be kept in Telugu, and the Uriya zamindars almost without exception employ Telugu diwans or managers for the management of their estates. It is clear, therefore, that officers employed in Ganjám and Vizagapatam should be able to read Telugu. To consider the effect of the proposed transfer it is necessary to refer to the land revenue system and the laws and regulations in the tract affected. It is understood that the revenue system of Orissa follows the Bengal model in its essence, excepting that the Government demand is fixed generally for a term of years; that there are a few estates in which the demand is fixed in perpetuity; that, omitting the Government estates which are not numerous, the rest of Orissa under direct British occupation is parcelled out into zamindaris, the incidents of which are analogous to those of similar tenures in Bengal, except that Government can periodically revise

the revenue demand; that the more important portions of the Bengal Tenancy Act have been extended to Orissa; and that except in Government estates there are no village officers dealing directly with the Collector. The Ganjám District proper includes three taluks settled on the Madras ryotwari system and administered precisely on the same plan as other ryotwari areas throughout the Presidency. The Madras ryotwari system differs in very many important respects from the system in force in Khonda and other portions of Orissa. Under the former the settlement is strictly individual, the regulations under which remissions of the assessment are allowable and under which the system is administered generally are embodied in the Standing Orders of the Board of Revenue, which form an elaborate code of practice. The ryotwari system of this Presidency has very special features of its own; and its administration in all its manifold details would present great difficulty and perplexity to officers who had not been trained throughout their career in its principles and working. As a notable example of this may be instanced the conduct of the annual settlement or "jamabandi," which plays so important a part in the relations between the ryot and the Government. There are also in the Ganjám District sixteen permanently-settled zamindaris and numerous proprietary estates. The Bengal Tenancy Act (VIII. of 1881) has no counterpart in the Presidency; and the law which it is under contemplation to enact on this subject is on different lines from the Bengal enactment, and purposes to confirm to zamindari ryots their occupancy rights in a more secure manner than, for historical reasons, it has been found possible in Bengal. To all the zamindars except one the Madras Impartible Estates Act II. of 1902 applies. Throughout the taluks and zamindaris there are innumerable inams either enfranchised under the Madras inam settlement or held on service tenure. The reorganization of the village service in zamindari estates has been recently undertaken under Madras Act II. of 1894. In the Agency tracts land is held on various tenures. Portions are held by zamindars, having estates in the plains, on service tenure under special sanads; the fees which the zamindars may collect from each village and the "nazzars" they pay to Government are fixed. Other villages are held by Bissoyis or petty chieftains, formerly holding under zamindars but now direct under Government, though the fees payable by the Bissoyis are still collected by the zamindars for Government. In other portions of the Agency tracts there is a direct settlement with Government according to actual cultivation. There are no Tributary States as in Orissa. It may be admitted that the system of administration in these tracts is of a special character and regulated by special laws, and that experience of it can be gained only locally. But if the Government of India have correctly described the aptitude of officers trained in the Bengal form of Government, there would seem some occasion for pause before making over these primitive peoples to other hands. The Government of India have remarked with

* Paragraph 7 (ii.) of Mr. Risley's letter, No. 3678, dated 3rd December, 1903, to the Government of Bengal.

of outbreaks in recent years and by difficulties met with in dealing effectually with the land-tenures of this part of the province"; and again "there remains

Paragraph 25 (iv.) *idem*.

an argument to which no small weight attaches and which cannot be left out of consideration. The Government of India have reason to believe—and their impressions were strongly confirmed by the enquiries of the Police Commission that there is no portion of Bengal where the drawbacks of an imperfectly supervised administration are more evident than in those outlying districts on its eastern border, and that nowhere is the absence of close and intimate touch between the officers of Government and the people more apparent or more regrettable. The Government of India believe that it would be an undoubted advantage to Bengal to lose these elements of weakness; and that the population and interests of the districts in question would be materially the gainers if they were brought into closer contact with the officers and head of the local

administration." In contrast with this it may be confidently affirmed that nowhere in the Presidency and perhaps in India is the Civilian Divisional Officer in so close touch and sympathy with the people or so accessible to their complaints as in these hill tracts of the Madras Presidency. The hill people have come to regard him not merely as their ruler but as their personal friend and adviser ever ready to listen to and redress their reasonable complaints. The Government believe that in so far as this contrast is real and due to the influence of the "form of administration," it may be attributed to the different attitude towards the people which the ryotwari system, prevailing in the Presidency at large, tends to foster in their officers, since it brings them in discharge of their revenue duties into close contact with the individual landholder or villager in concerns in which both he and the Government have common interests. The methods of assessing and collecting water-rate appear also to be totally different in Madras from those in vogue in Orissa. In the Ganjám District the chief system of irrigation is the Rushikulya project, and the Chicacole minor rivers system. Other portions of the district are irrigated under tanks. The outlay in the Rushikulya project at the end of 1902-03 amounted to Rs. 48,97,366. It is estimated that about 120,000 acres will be irrigable under the project when completed by the provision of a third reservoir. The charges for water vary according to the nature and class of the sources, the description of the land and the crop irrigated. Although the distribution of the water to the individual villages themselves is controlled in the case of the more important systems of irrigation by the officers of the Public Works Department, the distribution of the water to the several fields in each village, and the decision as to the amount to be levied for irrigation in each case, and the collection of the rate are duties undertaken by the officers of the Revenue Department. This is the practice throughout the Presidency, and consequently the Revenue Officers generally have acquired special skill in discharging these important duties, and in dealing with the questions which constantly arise between the Government and the ryot in connection therewith. The ryots in this Presidency consider it as of the highest moment that the minor distribution should be regulated by the Revenue Officials and not by the officers of the Public Works Department. It is understood that in Orissa, on the other hand, a fixed charge per acre is made in a long lease irrespective of the soil or of the crop, and the collection of the revenue as well as the distribution of the water is controlled by the Superintending Engineer. One important consequence of a transfer would be the creation of an *annexe* to Bengal possessing a special code of law, with the administration of which only those few officers would have any experience who had happened to serve in the new districts. In virtue of 24 and 25 Vic., Cap. 67, section 47, all the laws and regulations of the Madras Code would remain in operation in the transferred area. There is no need here to detail the many material differences between the laws and regulations in force in the Lower Provinces and in this Presidency in respect of the powers of the Collector, the organization of the police, the whole village system with its village courts and panchayats and hereditary village servants, the administration and collection of the land revenue, the irrigation law, the inam settlement, the Court of Wards, Local and Municipal Government, and numerous other matters; nor is it necessary to dwell upon the enormous advantage which the people derive from having the law applied, as it has been for more than a century, by officers to whom it is familiar. His Excellency in Council deems it sufficient merely to draw attention to the matter as one requiring very serious consideration. In this connection it seems desirable to refer to the position in which the Madras High Court would be placed should the suggested transfer be carried out. As mentioned at the beginning of this letter it is understood from Sir Denzil Ibbetson's statement in the Imperial Legislative Council that it is no part of the scheme to alter the local limits of the High Court at Calcutta: in other words the local jurisdiction of the Madras High Court would remain as it is. If this is so, this Government would invite the Governor-General in Council to take into consideration the embarrassments and difficulties which would be likely to arise from the High Court's

having administrative relations with two local governments. The population of the Vizagapatam District in 1901 was 2,082,662, of whom no less than two million speak Telugu as their mother-tongue, while only 31,000 are returned as speaking Uriya. The transfer of the Vizagapatam District to Bengal on linguistic grounds is, therefore, out of the question, and has not been suggested. The separation of the Vizagapatam Agency from the district, and the transfer of the former to another province, seem to this Government to be equally inexpedient and uncalled for. In a preceding paragraph of this letter it has been shown that even in the Agency the proportion of persons speaking Uriya or an Aryan language is very little in excess of the numbers speaking Telugu or a Dravidian language. On linguistic grounds, therefore, there would be little reason to urge a transfer. But there are administrative and geographical difficulties of more weighty import. The main arterial roads which connect the Agency tracts with the coast run through the Vizagapatam District. The configuration of the country and its geographical features necessitate the development of the interior by means of such roads connected with the ports and the East Coast Railway. The projected Vizianagram-Raipur Railway will pass through the Párvatipuram portion of the Agency, and will form a further link between the Agency and the district. The trade of the Agency is carried on chiefly by Telugus residing in the Vizagapatam District. The most convenient means of access to the Vizagapatam Agency from Ganjám and Bengal is through the Vizagapatam District. Moreover, the proposed transfer would divide the estates of many of the great landed proprietors into portions under separate administrations. The zamindars of Vizagapatam are unanimous in opposing the proposed transfer. As a precautionary measure it is necessary to have reserve police forces on the plains ready to proceed to the Agency tracts, if necessary, in addition to the reserves maintained in the hill stations. The most suitable places for the location of these reserves are in the Vizagapatam District and in Gódávári, whence they can proceed quickly to the hill tracts. In the event of disturbances in the latter, the Government of Bengal would be compelled to call on the Government of Madras to assist with its police as in former times it has been found necessary to apply to this Government for help in connection with disturbances in Bastar, Kalahandi and Nayagarh. In paragraph 14 of Mr. Risley's letter to the Government of Bengal, it is stated that, so far as any expression of views had yet reached the Government of India, they were favourable to the proposed transfer. It will be seen from the memorials and resolutions of public bodies and meetings enclosed with this letter that the petition to which the Government of India referred did not express the unanimous opinion of the inhabitants of the districts in question. The special attention of the Governor-General in Council is invited to the memorial "from the Uriyas and Telugus of the Ganjám District"

Annexure, No. 9, page 157. It may not be out of place to refer here to the history of the movement in favour of transfer. It did not originate in Ganjám nor amongst the Uriyas of Ganjám. The real originator of the movement was, it is understood, Madhu Sothan Dás, C.I.E., a pleader of Cuttack, and a Member of the Bengal Legislative Council. He appears to have no interest in Ganjám except in so far as being a Native Christian his sympathies are with the Baptist Mission in Ganjám to which the transfer would be convenient as its headquarters are at Cuttack. The most active propagator of the agitation in this Presidency is the Raja of Kallikóta and Átagada, who is related by marriage to the Raja of Maharbanj in Orissa. He has recently established a press (the Prajabandhu Press), with the sole object of furthering the movement. Hari Hara Tirupati Sarma, the schoolmaster, who appears as the first signatory in the original petition, is a person who failed to obtain employment in the service of Government on medical grounds, and has been trained at the Prajabandhu Press, and is to be employed in a new press started by the zamindar of Peddakimedi, the only other zamindar in the Ganjám District who is definitely in favour of the movement. Hari Hara Tirupati Sarma appears to be a mere puppet, and is reported to be

incapable of drafting his memorial. Some of the allegations in this memorial may be noticed briefly. It is asserted that Uriyas are ousted from appointments in the service of Government by Telugus and Tamils, that Uriya is not understood in the courts, and that Uriya is not spoken or understood by officials. The majority of officials of all grades in the Revenue Department know, however, both Uriya and Telugu. Uriya petitions are received and acted on in all revenue offices, although the bulk of the records is kept in Telugu. Notices in the "District Gazette" are published in Uriya and in Telugu. Endorsements to Uriya ryots, circular orders to Uriya village officers and revenue processes are generally issued in Uriya in all taluks where Uriya is spoken. Encumbrance certificates are granted in sub-registry offices in the language in which the applications for such certificates are made. In the Ganjám District out of 297 Revenue Officers in superior service, 47 are Uriyas, 126 others can read and write Uriya and 82 possess a colloquial knowledge of Uriya. In the Ganjám District 86 per cent., and in the Ganjám Agency tracts the whole of the revenue officials are acquainted with Uriya. In the Vizagapatam Agency, Uriya is generally known by all the members of the various revenue establishments. Of eleven sub-registry offices in Ganjám, four are located in Uriya tracts and two in tracts where both Uriya and Telugu are spoken, all these six offices are presided over by officers who know both Uriya and Telugu; of the nine clerks employed in them, five are Uriyas by birth and all are acquainted with both vernaculars. Of the eleven Sub-Registrars in Ganjám, one is an Uriya by birth and eight know both Uriya and Telugu; and of 21 clerks, 18 are natives of Ganjám, 10 being Uriyas by birth. Of four Sub-Assistant Inspectors of Schools in Ganjám district, one is an Uriya and two are Bengalis who know Uriya; of twelve inspecting schoolmasters six are Uriyas, while all three superintendents of hill schools are Uriyas. In lower paid posts such as constables and head constables the Uriyas have a large share of the appointments in the hill tracts. Every encouragement and inducement is given to Uriyas to join the public service and no qualified Uriya has ever been refused employment in the Ganjám Collectorate. The Government are anxious to procure the services of Uriyas and experience shows that their advancement, when once admitted to Government service, is more rapid than that of Telugus having similar qualifications. So far as the plea that Uriyas are intentionally kept in the background by official influence is concerned, it is remarkable that there are at the Ganjám bar only two Uriya pleaders, one of whom is a retired Sarishtadar of the District Court. The employment of Uriyas in Government service would no doubt be greater than it is now but for the opposition of past generations to education and employment under

* Orissa (1872), Volume II., pages 145-147.

Government. Sir W. W. Hunter writing on this subject says*: "In 1838 the Government entered the field and opened an English and Sanskrit school at Puri. But these institutions proved altogether unable to make head against the tide of ignorance and bigotry and presently sunk beneath the flood. In 1841 we opened a higher class English school at Cuttack which after a long series of conflicts and discouragements still survives as the principal seat of education in the Province In three great Government estates we managed between 1855 and 1859 to set on foot nineteen elementary schools; but in the latter year the total number for all Orissa with close on three millions of people amounted to only twenty-nine. The truth is the whole population was against us. Such little success as our schools obtained they owed not to the Uriyas themselves but to the Bengali families whom our courts and public offices brought into the Province The genuine Uriya has not yet (1872) quite lost his abhorrence of the infidel Government school. Many of the most orthodox elders still regard all that pertains to our system as hateful to the gods The present Inspector of Schools writes to me as strong proof of progress in Orissa that a good many Uriya Brahmans have now accepted Government employ. As late as 1860, a learned Uriya, on being appointed even to the orthodox post of Sanskrit teacher in our Puri school, was excluded for a year or two from the Brahmanical orders and stormy discussions

took place as to whether he should not be formally expelled from his caste. Though these prejudices no longer exist as a powerful influence against the progress of the Uriya, there can be no doubt that the present generation of Uriyas is reaping the fruit and is consequently suffering in the competition with the Telugu for employment in Government service. The failure of Uriyas to obtain a greater proportion of the more highly-paid posts in Government service is also largely due to their want of perseverance and ambition. The majority of those who obtain a certain amount of education is still content to become more "bhololoko," hangers-on or courtiers of Uriya zamindars in return possibly for grants of land and with little or no regular service except to flatter their master and obtain his favour. Although the present agitation had its origin outside the Presidency and has been propagated largely to promote the interests of persons who have little or no connection with it, His Excellency in Council is disposed to welcome it, if and in so far as it may be taken as a sign that the Uriya is casting off that priestridden conservatism which has been his characteristic in the past and proved a serious obstacle to his progress; but he cannot but regret the form which it has taken and the deplorable results to which it is leading by rousing ill-feeling and social antagonism between the Uriyas and the Telugus who have heretofore lived side by side in mutual respect and sympathy. Enclosed with the memorial referred to is an extract from the Commissioner's annual administration report of the Orissa Division for 1894-95, in which the extension of the division so as to include a portion of this Presidency is advocated, His Excellency in Council cannot but express his astonishment that the Commissioner—if he is correctly quoted—should have displayed such ignorance of the tract which he proposed should be transferred as to describe Goomsur and Kimedi as "States," the former being an ordinary taluk in which the Madras ryotwari system prevails and the latter consisting of three zamindaris and three hill agencies. The Commissioner urged further: "It does not seem probable that in educational matters the Uriya population is likely to get fair play either in the Central Provinces or in Madras, where they form a minority of the provincial population in each case, though mustering strong in certain districts. The disposition to insist on uniformity throughout a province and to ignore minorities involves a risk of the Uriya language being starved educationally." The Governor in Council would not deem it necessary to notice these statements were it not that the memorialists who quote them have evidently been influenced by assertions of so positive and dogmatic a character proceeding from an official in the high and responsible position of the Commissioner. It is perhaps needless to say that the statements in question are entirely unfounded. As a matter of fact very special concessions are granted to Uriyas in this Presidency in regard to education. Uriyas are admitted to all Government, Local and Municipal schools and colleges at half the usual rates charged to Telugus and others, and in calculating for purposes of grants-in-aid the fee-income of aided private schools, it is assumed that the Uriya pupils pay only half the standard rates; practically, therefore, Uriyas pay half rates in all schools whether under public or private management. Eleven Government scholarships are reserved for Uriyas and they have a share in eight scholarships in the B.A. classes reserved for backward races. Special hostels for Uriya students are attached to the Kallikóta College at Berhampur and to the Raja's College at Parlákimedi in Ganjám. It remains to consider the wishes of the people affected by the proposed transfer. Of the sixteen Zamindars in Ganjám District only two are distinctly in favour of the transfer, namely the Raja of Kallikóta and Atagada and the Zamindar of Pedda Kimedi. The former is hopelessly involved in debt, and the hill mitta of the latter was till recently under attachment for reasons of State. The Zamindar of Mandasa who signed the further memorandum in favour of the transfer has since informed the Collector of Ganjám that he has repudiated his adherence to the terms of the memorial and that he is now opposed to the transfer. The Zamindar of Dhárákóta, after considerable wavering, has expressed himself in favour of the transfer on the ground of language only. All the other Zamindars of Ganjám, including the Raja of Parlákimedi, whose opinion is entitled to considerable weight, are opposed to the

scheme or are indifferent. The Zamindars in Vizagapatam, whose estates are situated partly in the plains and partly in the Agency, are naturally averse from a division of their estates between two separate administrations. It will be seen from the resolutions passed by the District Board, Taluk Boards and Municipalities in Ganjám that local opinion, so far as thus expressed, is strongly opposed to the transfer. In the three Municipal Councils only three members have voted in favour of it. The general consensus of opinion expressed at public meetings appears to regard it with disfavour. In the Vizagapatam District the people of the plains whose commercial interests are bound up with those of the hills are strongly opposed to any change. It is to be observed that while all the Telugus are averse from any change the Uriyas are by no means unanimous, and a strong and influential section of the Uriya community is opposed to it. His Excellency in Council feels assured that in view of the facts set forth in the foregoing paragraphs, the Government of India will agree that the transfer of any portion of the Madras Presidency to the Province of Bengal is inexpedient and uncalled for. The arguments in favour of the maintenance of the *status quo* may be briefly summarized—

- (i) The linguistic argument is insufficient to justify the transfer: the statistics upon which it is founded are inaccurate, nor has account been taken of races other than Telugus and Uriyas, the dividing line is between Aryan and Dravidian languages; those who now speak a Dravidian language other than Telugu, if they abandon their own speech, of which there is no evidence, will adopt the kindred Telugu rather than the alien Uriya: in the Ganjám Collectorate the population is divided about equally between Telugus and Uriyas; in the Ganjám Agency only about one-fourth is Uriya-speaking; while in the Vizagapatam Agency, though only about one-fifth of the people are Telugus, the number of those speaking a Dravidian language is nearly one-half of the total population.
- (ii) The large number of Telugus throughout the tract and the fact that the bulk of the Government records have been kept in Telugu will render it essential for the officers employed in the tract transferred to acquire Telugu, and experience has shown that it is far more difficult for an Englishman to learn the Dravidian language Telugu than the Aryan language Uriya.
- (iii) The scheme would leave the transferred area as an *annexe* to Bengal, possessing a special code of laws and regulations, the knowledge of which the officers of another province would have to acquire specially for the service in the limited area of the new districts while as regards the application of this code they would lack that practical experience of its operation which is of so much consequence to those affected by it.
- (iv) The Madras High Court, if its jurisdiction is to remain undisturbed, would have administrative relations with two local Governments, a situation which would prove highly inconvenient and embarrassing.
- (v) In regard to the land-revenue administration there would arise special difficulties. As to the ryotwari system with all its subordinate and associated regulations regarding remission, irrigation, the village system, and other matters closely touching the daily life of the ryot, if this system is to be administered to the contentment of the people it must be by officers imbued with its principles and trained throughout their service in its methods. The zamindari administration is also on entirely different lines from those prevailing in Bengal.
- (vi) The transfer of the Ganjám District to another Government would in many cases be a serious inconvenience to merchants and traders, who frequently restrict their operations to one province owing to the unity of administration in view of the

occasions when they may need the intervention or protection of Government. It is probable that some of those who carry on business on the Ganjám coast will find it necessary to establish an additional agency at Calcutta if the scheme were given effect to.

- (vii) Public opinion too is generally opposed to the change. The memorial to which the Government of India refer represents the views of a small minority of the population of the tract to be transferred; and most of the allegations in it are misleading or unfounded.
- (viii) The population of the proposed new Bengal is 67½ millions; but the population of the Madras Presidency, if the proposed transfer is carried out, will be reduced to under 35 millions, including the Feudatory States of Pudukkóttai, Banganapalle and Sandur. The Government of India do not propose the change on account of any alleged unweildiness of the Madras Presidency; their main object is the lightening of the excessive burden now imposed upon the Government of Bengal. The proposal to transfer a population of about three millions and an area of 21,000 square miles from Madras to Bengal would seem to militate directly against this object.

In conclusion I am to point out that if the tract affected were administered under the system now in force therein by Bengal officers under the Bengal Government, the arguments which have been adduced in favour of the transfer to Bengal would apply with equal if not more force in favour of the transfer of the tract in question from Bengal to Madras. The tract has been administered by the Madras Government since 1766 and, apart from any consideration of administrative difficulties, His Excellency in Council cannot too strongly condemn, in the interests of its inhabitants, any proposal to transfer it to Bengal. It is doubtful whether the change would confer any material benefits on the Uriyas, while it would certainly be antagonistic to the interests of the Telugus who equal the Uriyas in number and form the more important part of the population, commercially and otherwise. It is useless to strive after an administration based upon linguistic uniformity which both geographical and ethnological conditions combined with the ordinary course of trade and commerce and consequent commingling of races, render absolutely incapable of satisfactory fulfilment. His Excellency in Council feels confident that when the true facts are set before the Government of India, they will abandon the proposal to transfer the Ganjám District and the Ganjám and Vizagapatam Agencies to Bengal. I am to request that, if the Government of India agree that the change should not be carried out, their orders to that effect may be conveyed to this Government at an early date without reference to their decision on the other proposals for the relief of the Government of Bengal. The agitation has led to racial antipathy between Telugus and Uriyas, and it is high time that all cause for its continuance should be removed without delay.

Annexure I.

Statement showing population according to principal languages in Ganjám District proper, Ganjám Agency and Vizagapatam Agency as returned in the census of 1881, 1891 and 1901.

Languages.			Ganjám District proper.			Ganjám Agency.			Vizagapatam Agency.			Total.		
Family.	Sub-family.	Languages.	1881.	1891.	1901.	1881.	1891.	1901.	1881.	1891.	1901.	1881.	1891.	1901.
Indo-European ...	Aryan ...	Uriya	748,904	797,132	1,274,975	201	80,994	87,682	—	382,685	408,954	749,105	1,260,811	1,771,611
		Poroja... ..	—	—	92	—	—	—	—	16,037	26,037	—	15,037	26,129
		Hindustani	7,019	8,378	6,580	68	70	27	—	2,208	2,872	7,087	10,646	9,479
		Bastari	—	—	—	—	—	—	—	346	1,688	—	346	1,688
		Laria	—	—	—	—	—	1	—	—	1,494	—	—	1,495
		Total	755,923	805,505	1,281,647	269	81,064	87,710	—	400,271	441,045	756,192	1,286,840	1,810,402
Dravido-Munda	Dravidian ...	Telugu	692,344	722,287	342,910	132	3,366	5,864	1,893	113,052	153,168	694,369	838,705	501,942
		Khond	10,344	17,490	19,758	21	148,891	157,325	—	24,509	161,124	20,865	190,890	338,207
		Konda... ..	—	—	—	—	—	—	—	—	14,623	—	—	14,623
		Gond	—	—	27	—	990	1,473	—	5,689	2,726	—	6,679	4,226
		Koya	—	—	—	—	—	—	—	7,762	9,086	—	7,762	9,086
		Total	712,688	739,777	362,695	153	153,247	164,662	1,893	151,012	340,727	714,734	1,044,036	868,084
Dravido-Munda	Munda ...	Gadaba	212	561	1,602	—	—	8	—	13,251	19,781	212	18,812	21,391
		Savara	31,465	40,192	40,448	2	61,056	68,689	—	20	47,623	31,467	101,268	156,760
		Total	31,877	40,753	42,050	2	61,056	68,697	—	13,271	67,404	31,679	115,080	178,151
		Total of Dravido-Munda	744,365	780,530	404,745	155	214,303	233,359	1,893	164,283	408,131	746,413	1,159,116	1,046,235
		Minor languages	2,101	2,904	2,750	12	20	45	—	925	1,284	2,113	3,849	4,079
		Unrecognizable	912	538	—	245,867	11,939	—	692,780	294,302	528	939,559	306,779	528
		Grand Total	1,508,301	1,569,477	1,689,142	246,303	307,326	321,114	694,673	859,781	850,988	2,414,277	2,756,584	2,861,244

Annexure 2.

EXTRACT from the Proceedings of the District Board, Ganjám, at its meeting held on Monday, the 22nd February, 1904, at 3 p.m., in the District Board's office at Chatrapur.

Resolution.—The Board resolves to enter its emphatic protest against the proposed transfer of Ganjám from Madras to Bengal for the following among other grounds:—

(1) In a country inhabited by diverse races and speaking diverse languages, and especially in the border districts where people of different races live, it is not feasible to effect the linguistic union of one race without at the same time effecting a disruption of such union among some other race.

(2) The benefits supposed to accrue to the Ganjám Uriyas by the contemplated linguistic union are more apparent than real.

(3) The administrative difficulties which such a transfer creates are innumerable and almost insuperable.

(4) Ganjám has for many centuries been historically and administratively connected with the Southern Governments and its personal rights, and tenures and customs have sprung up shaped under a system of laws peculiar to Madras, and if these laws, local and special, and modes of administration are to be superseded in favour of the local and special laws and practices and modes of administration of Bengal, many vested rights will be disturbed and serious injustice will result; and if the existing laws and practice are to be enforced by the Bengal officers it will entail great hardship and trouble alike on the officers and on the people.

Annexure 3.

EXTRACT from the Proceedings of the Berhampur Taluk Board, at a meeting held on Monday, the 11th January, 1904, in the Berhampur Taluk Board's office, at 11 a.m.

On the proposal of the Vice-President the Board by an unanimous resolution records its strong protest against the proposed transfer of Ganjám to Bengal, having regard to the long historic connection of the Ganjám district with the Government of Madras, and the absence of any grievances against that Government and the inconvenience that will arise from a change of administration and the introduction of special and local laws and practice unsuited to the habits and customs of the people of this part of the country.

Resolution.—Resolved that a copy of the foregoing resolution be despatched to the Government at once through the President, District Board, Ganjám.

Annexure 4.

EXTRACT from the Proceedings of the Taluk Board, Chicacole, at a meeting held on Saturday, the 2nd January, 1904.

Considered the proposal of the Government of India to transfer the district of Ganjám to the Government of Bengal.

Resolution.—The Board wishes to enter its protest against the transfer proposed, considering the long historic connections of the district with the Madras Government; the absence of any grievances against that Government; the trouble that will ensue with the change of land laws; and the different method of administering law and justice. The Board further desires to record its emphatic and unanimous condemnation of the scheme so far as it relates to the Chicacole, Narasannapeta, Tekkali, and Parlákimedi taluks; in all of which taluks the Telugu language is universally spoken both by Telugus and Uriyas; accounts are kept in the Telugu fashion even by Uriya merchants; and the manners, customs and sympathies of the scattered Uriya community are in harmony with their Telugu neighbours. It is therefore earnestly prayed that the population administered by and represented by this Board may be left undisturbed under the Madras Government, to enjoy the laws and customs which they have always known, in peace and quietude.

The President is requested to convey this resolution through the proper authorities.

Annexure 5.

EXTRACT from the Proceedings of the Goomsur Taluk Board, at a special meeting held in the Aska Native Choultry Hall on Tuesday, the 9th February, 1904, at 2 p.m.

Read letter R.C. No. 2/Confdl., dated 10th January, 1904, from the Collector of Ganjám, requesting to be furnished with Board's opinion as to the proposal of transferring Ganjám district to Bengal.

Resolution—On the proposal of M.R.Ry. T. V. Kondalarow Pantulu Garu and seconded by M.R.Ry. P. Seetharamayya Pantulu Garu, the Board unanimously records the following resolution:—

2. The Taluk Board resolves to record its strong protest against the proposed transfer of Ganjám from Madras to Bengal administration on various grounds of which the following are a few:—

(1) That because Ganjám is a border district containing a mixed population of Uriyas and Telugus spread over almost the whole of the district.

(2) That because the Madras Government have had a long experience of the mixed population and of its wants and aspirations.

(3) That because the Uriya section, to whom it was considered the proposed transfer would be beneficial, will be absorbed in other sections of that community inhabiting Orissa, and fail to receive special care and attention which they have been receiving at the hands of the Madras Government.

(4) That because the transfer would affect the Telugu population without improving the condition of the Uriyas.

(5) That because the progress of the backward community of Uriyas will be retarded owing to change in the methods of internal administration and the introduction of laws and practice unsuited to the habits and customs and the condition of the people of this part of the country.

3. Resolved that the copy of the above resolution be submitted to the Government of Madras through the President, District Board, Ganjám.

Annexure 6.

EXTRACT from the Proceedings of the Aska Union Panchayat at its meeting held on 16th January, 1904, at 5 p.m., in the Aska Union office.

Proposed by M.R.Ry. C. V. Ramanayya Pantulu, and seconded by M.R.Ry. Ch. Hagannadhaswamy Pantulu that a protest be recorded against the transfer of Ganjám to Bengal in view of the great improvement effected in the condition of the Uriya population included in the Madras Presidency by the special care and attention paid by the Madras Government and the inconvenience that will result from a change of administration, having regard to the habits and customs of the people of these parts.

Resolution.—Unanimously carried.

2. Resolved that the President of the District Board be requested through the Goomsur Taluk Board to recommend to His Excellency the Governor in Council for the retention of the Ganjám district under the Madras administration.

Annexure 7.

MEMORIAL from the Landed Proprietors, Merchants, Ryots, etc., of Ganjám, to His Excellency the Viceroy and Governor-General of India.

We, the landed proprietors, merchants, ryots and the general public of the district of Ganjám, in the Madras Presidency, most humbly and respectfully beg leave to approach Your Excellency with this our humble representation for Your Excellency's gracious consideration.

1. Ganjám is an Uriya district, with the exception of one of its taluks, viz., Chicacole, three-fourths of whose population are Telugus; all the rajas and zamindars, merchants, ryots, artisans and the mass being Uriyas and the small Telugu population immigrating from the South into this district being found scattered only in large towns.

2. This district having been included in the Madras Presidency, the Uriyas labour under serious disadvantages chiefly arising from the diversity of languages such as Tamil, Telugu, Malayalam and Canarese, the Dravidian languages which are in use most extensively in a predominant degree in the Presidency excepting in Ganjám, the northernmost district, bordering on the frontiers of Nayagarh in the Bengal Presidency on one side and Sambalpur in the Central Provinces on the other.

3. In this district, although both Uriya and Telugu have been recognised as Court languages by the beneficent Government of Madras, inasmuch as almost all the high executive and judicial officers and clerks are Telugus or Tamils, most of whom do not know Uriya, the repeated Government orders insisting upon the use of Uriya as the Court language in matters whereto the parties are Uriya people, and upon a fair proportion of Uriyas being employed under Government in Ganjám have practically remained quite inoperative, paucity of Uriya men or Uriya-knowing men being always pleaded as a pretext. In spite of the Government supply of Uriya forms and strict orders for their use from Civil and Criminal Courts, processes written in Telugu are issued and served upon Uriya parties; endorsements on petitions made by Revenue officers and Magistrates are written in Telugu; presentation of plaints and statements in Telugu is insisted upon; depositions given in Uriya are taken down in Telugu characters or are rendered into Telugu which often distorts the sense of Uriya words and phrases; and in registration offices, indexes are kept in Telugu and encumbrance certificates are given also in Telugu.

4. The circumstances stated above, whose existence has no justification, save the convenience of Telugu or Tamil officers, and which the Madras Government, as will be manifest from orders insisting upon the use of Uriya, justly discountenance in the interests of the Uriya parties, have not only retarded the despatch of business, but have resulted in perpetual injustice and hardship to the poor Uriyas who are put to great trouble and expense in getting Telugu orders and endorsements translated into Uriya and plaints and written statements drawn up in Telugu.

5. In the matter of education, the Telugu or Tamil teacher's ignorance of the language of his pupils causes difficulties in that interchange of ideas and thoughts which must have sufficient freedom in order that education may be sound—difficulties which the teacher's aversion to the Uriya race and tongue compels the poor Uriya people to overcome anyhow so that education, whose importance in the up-building of a nation and national character cannot be over-rated, is carried on after a slipshod fashion.

6. The Uriya language, whose decidedly close affinity with Sanskrit entitles it to higher position than many another dialect now spoken in India and derived from Sanskrit, and whose wealth of ancient literature is such as a native can well boast is gradually falling into desuetude, as Telugu or Tamil is largely talked in courts, schools and other places of public resort.

7. We beg respectfully to submit that the Uriyas of Ganjám district have been dissociated politically from the Uriya brethren of the Province of Orissa which every word is indicative of the home of the Uriya-speaking people, as a limb separated from the body to cast their lots with the Telugu and Tamil race who are admittedly far in advance of them every way, who enjoy the advantages of a superior education, official patronage and racial sympathy, and who have no manner of fellow feeling for the poor Uriya population so heavily weighted in the struggle for life.

8. The district of Ganjám had the blessing of English education bestowed upon it in 1858, that is, as many as 50 years posterior to the date when the other districts of Madras had come under its enlightening influence, and the Uriya language had not been recognised by the University of Madras till 1873, so that the people of Ganjám have been, as a matter of course, greatly distanced in the race for educational, social and official eminence by Telugus and Tamils and still lay far behind in every way even in spite of the large and liberal concessions granted by the beneficent Madras Government.

9. There is no bond of relation between the Uriyas and the Telugus, such as linguistic unity, similarity in physical features, identity of social and religious customs, inter-dining and inter-marriages. It is, therefore, well nigh impossible that the Uriyas can go abreast under the adverse influences of such ill-assorted union.

10. Orissa is contiguous to Ganjám which is far more distant from Madras than from Cuttack and Calcutta, the seats of Government, and academical learning where our children can receive education at a less cost and with better advantages. And between the Uriyas of Ganjám and those of the Province of Orissa or the people of Bengal there subsist among others the following ties of relationship—the following of the religion of Chaitanya, the great Hindu Reformer of Bengal, by far the bulk of the Ganjám people; the observance of the same holidays of religious festivities and rejoicing; the likeness in habits of living and social customs; linguistic unity with the people of Orissa and smallness of difference between Uriya and Bengali tongues,—both of which trace their origin to Sanskrit and inter-dining and inter-marriage.

11. It may be respectfully urged that the extension of Orissa as far as the northern boundary of Chicacole is evidenced by history. In the Scanda Puran, one of the ancient historical Hindu scriptures, it is stated that the country watered

by the rivers of Mahánadi, Rushikulya and Suvarnarekha is the land of the Utkalas (Uriyas). During the time of the great Solar and Gangetic line of the kings of Orissa, Ganjám appears to have been the southern frontier to the then Orissa Province. The ancestors of the present zamindars of this district were vassals of their liege-lord, the Maharaja of Furi, bound to their sovereign by a feudal tenure and obliged to be faithful and loyal, retaining the hereditary enjoyment of the zamindari taluks under them. On the overthrow of the Orissa kingdom by the Mussalman arms, the northern portion of Ganjám fell into the hands of the Nizam along with the Circars which were acquired by the British in 1766.

12. We beg to submit that the idea of changing territorial division is not new: in 1862 the district of North Canara, formerly under the Madras Government, was placed under the Bombay Government; twelve years after this, in 1874, Rékapalle and Bhádrachalam were detached from the Central Provinces and added to the Madras Presidency. Three years later on the internal transfer of the South-East Wynaad from Malabar to the Nilgiri was effected, and we venture to think that facility of administration and care for the social well-being of the people inhabiting the locality may have prompted the transfers.

13. The disturbance that may be caused by altering the existing territorial division for a little while, in the existing order of affairs, will, we beg to submit, dwindle into nothingness, considering the immense good that is sure to be done to the large population of poor Uriyas in Ganjám without causing any hindrance to the administration of the district or interfering with the social well-being and political advantages of the other people of the Presidency of Madras.

14. Under these circumstances we most humbly pray that Your Excellency will be graciously pleased to bring together the scattered divisions inhabited by Uriya-speaking people, that is, Ganjám in Madras, Sambalpur in the Central Provinces and Orissa in Bengal under the Government of Bengal or under any one Government and one University, Chicacole taluk of the Ganjám district being excluded from and Jeypore taluk of the neighbouring Vizagapatam district included in it—a measure calculated to restore the abandoned, uncared for and benighted Uriyas of Ganjám to their lost home where they can count upon the sincere affection and sympathy of their brethren in the Provinces of Orissa in striving to have to themselves in full the manifold blessings of the benign British Government of which they are now to a great extent deprived by having to fight against odds in competing with the Telugus and Tamils who are far ahead of them and who treat them with a degree of superciliousness which is intolerable.

15. Having heard of and seen instances of Your Excellency's noble acts dictated by fatherly solicitude and affection for the people, which have characterised Your Excellency's career, short as it is, we have made bold to submit this our humble representation in the fervent hope that it may meet with favour from Your Excellency and Your Excellency's Government.

16. In conclusion we most fervently and trustfully look up to Your Excellency alone to redress our hard grievances by the restoration of the Uriya-speaking tracts in the Ganjám district, to their long lost connection with Orissa, an act of justice and generosity for which Your Excellency will earn the lasting gratitude of the whole existing Uriya race and of their future generations.

May it please Your Excellency—We beg to respectfully enclose, for Your Excellency's kind perusal, an extract from the annual administration report of the Commissioner of Orissa for 1894-95.

Annexure 8.

EXTRACT from the Annual Administration Report of the Orissa Division for 1894-95.

* * * * *

12. (a) There were no other changes during the year. But I think some changes are necessary, and submit the following for the consideration of Government:—

(1) As a question of administrative reform, of which there is much to be said, I have to advocate the extension of the divisional boundaries so as to include the whole area populated by races speaking the Uriya language, or, at any rate, some definite areas adjoining Orissa where the Uriya language prevails. Orissa is a very small division both in area and population and there is no doubt that the Commissioner could find time to deal with a material addition to his work.

(2) The areas that I refer to are the Sambalpur district of the Chattisgarh division of the Central Provinces, with the Tributary States of Patna, Sonpur, Rank Rarhakol, Burma, Kalahandi, and the whole part of the Ganjám district with the States of Kimeri and Goomsur.

(3) Among the reasons for this change are, as I have said, the uniting in a single division and placing under the same laws and rules the whole local Uriya population, instead of having a portion of it forming an insignificant item of the Central Provinces, and another portion forming an equally insignificant item of the Madras Presidency. I am in possession of a map of India, date 1841, in which, either on ethnological or political grounds, the Province of Orissa includes the two portions of territory that I have proposed to absorb in this division.

(4) On political grounds it is desirable that the Superintendent of the Tributary Mahals should control the districts surrounding these States. Had he the control over the Sambalpur he could deal more efficiently with any disturbance in the States of Boad and Atmalik without soliciting the intervention of the authorities of another province, which intervention, be it ever so cordial, could not be so efficient as his own direct control. We should then have these States, and those that I have mentioned as suited to be included in the Tributary Mahals of Orissa, hedged by Sambalpur on the north, the head-quarter sub-division of Angul district on the south.

So, with the States of Daspalla and Nayagarh, by annexing the whole or part of the Uriya-speaking district of Ganjam and its dependent States of Goomsur and Kimedi to Orissa, the Superintendent would be able to act directly from all sides in the case of such a rising as occurred in last year in Nayagarh.

(5) But the advantage would not be confined to disturbed times. In the development of the country between the Bengal-Nagpur Railway and Orissa, it would be obviously advantageous to have the area to be dealt with under the same administrative control thereby to obtain unity of action among the Tributary Chiefs. Possibly as things at present stand, the time has not come for the change, but with the opening of the railway communications between Sambalpur and Cuttack the proposal would become easy of execution and would undoubtedly prove a beneficial reform: the head-quarters of the Sambalpur district are very much nearer to Cuttack than to Nagpur. The time appears to have arrived to break ground in this direction and to lay the proposal before the Government for consideration.

(6) With regard to Sambalpur the case is particularly strong. In Volume XIX of the "Gazetteer of India," page 177, it is stated that Sambalpur, "though included in the Chattisgarh division, forms no part of Chattisgarh proper either geographically or historically"; and in paragraphs 7 and 14 of the Administration Report of the Central Provinces, 1892-93, it is described as the Uriya country.

After the annexation of the district of Sambalpur it was first attached to the Chota Nagpur division and then transferred to this division, doubtless for the reason given by Sir Henry Ricketts in No. XX, Selected records of the Bengal Government, page 11, Sambalpur, viz., that "the inhabitants are most of them Uriyas, and have no affinity or community of interest of any kind with the people of Chota Nagpur."

The reason why the district was transferred to the Central Provinces cannot be ascertained in this office, as correspondence relating to Sambalpur has been transferred to the Central Provinces. Geographically the map will show that Sambalpur belongs rather to Orissa than to the Central Provinces.

(7) However, the strongest arguments both with regard to Central Provinces and the Madras areas are ethnological and philological. Ethnologically the Uriya differs from the inhabitants of the Central Provinces on the one hand and the Madras on the other; they have retained a mark individually in the face of political and other disintegrating forces, and any portion of the race that is forced into an unwilling combination with distinct races incurs the danger of having the national characteristics and aspirations sacrificed to those of the predominating portion of the population in the administration under which it is forced to live.

To cite a single instance of this, I have only to refer to the order that has been passed directing that Hindi shall be the Court language in an Uriya-speaking district.

For other instances of the fatal effects of not understanding the Uriya on the part of the Administration, I would refer you to pages 53 and 57, 70 and 71 of Mr. Toonhie's History of Orissa. I would also refer to page 117 of Mr. John Beames' Comparative Grammar to prove how easy it is to make fatal mistakes in dealing with a people otherwise than with an intimate knowledge of their idiosyncrasies.

The Uriya belongs to probably the most conservative of all the races of the Eastern India, and such disregard to his interests, as the above order implies, would be, I am sure, extremely distasteful to him. They are, as represented in Orissa, a numerically small people, the population being less than four millions, but they have contrived to spread beyond Orissa, or have always occupied those areas which I now propose to unite with Orissa. Philology more forcibly establishes the distinct claims of the Uriya to recognition as a separate race with a separate history and literature.

We have the authority of Mr. John Beames for this. He says: "At a period when Uriya was already a fixed and settled language Bengali did not exist. The inhabitants of Bengal spoke a vast variety of corrupt forms of Eastern Hindi."

It does not seem probable that in the educational matters the Uriya population is likely to get fair play either in the Central Provinces or Madras, when they form a minority of the provincial population in each case, though mustering strong in certain districts. The disposition to insist on uniformity throughout a province, and to ignore minorities involves a risk of the Uriya language being starved educationally.

As an example of the sentiment that governs men in such matters, I may refer to the Bengali educational offices in Orissa regarding the Uriya tongues as a *patois* of that of Bengal, and desiring to substitute the latter for the former, whereas Uriya is demonstrably more archaic in form and possessed a literature some centuries before Bengali as now written existed. There appears a danger of a similar spirit manifesting itself in Madras and the Central Provinces.

The Uriya language is rapidly supplanting the dialécts of the tribes of the Tributary States, and it affords, Mr. Beames says, by reason of its having absorbed a non-Aryan element, a far better medium for civilizing these primitive races than any other language.

(8) The Uriya-speaking inhabitants of the Madras Presidency are confined to the districts of Ganjám and Vizagapatam—Table D, "Population," Madras Administration Report, 1893-94; and to the States of the Agencies attached to those districts, all told, there are, 1,288,727 persons talking Uriya under the Madras Government. The majority of these 797,132 are in the Ganjám district, nearly 81,000 more in the Ganjám Agency, or together 878,126, a total not far short of the population of Puri or Balasore districts. They are the preponderating element in the Ganjám district, being over 70,000 and more numerous than the Telingas. It is believed that the Uriya population is most numerous in the north, and perhaps it would be found that the majority of the Uriyas would be met with in a definite portion of the district.

(9) The population ratio in Sambalpur is even more striking. We find from the Administration Report of the Central Provinces, 1893-94 (Table 1, C—Civil divisions, page xi, Statistical tables) that Sambalpur is the only district in the provinces in which Uriya is spoken and that its population is 796,413. We also find in Volume 1 of the General Tables, Census of India, 1891, page 367, that in the district which contains the whole Uriya-speaking population of the provinces, there are no less than 685,971 Uriya-speaking people, which gives these an overwhelming majority in this district.

(10) The division could very conveniently take over the additional million and a half that are to be found in the two provinces, or so much of them as may reside in compact areas that admit of separation.

Annexure 9.

MEMORIAL from the Uriyas and Telugus of the Ganjám district, to His Excellency the Viceroy and Governor-General of India.

Your Excellency's memorialists having learnt that some residents of the district styling themselves "the landed proprietors, merchants and ryots and the *general public* of Ganjám" have submitted to Your Excellency a memorial praying that portions of the districts of Ganjám and Vizagapatam and the Sambalpur and Orissa districts be transferred to the Government of Bengal or placed under any one or separate administration, beg to approach Your Excellency with this memorial urging the inexpediency, the inutility and the undesirability of such a measure.

2. *The history of the Ganjám district.*—The district of Ganjám originally formed part of the well-known kingdom of Kalinga, which appears to have existed so far back as the times of the Rig Veda (Dr. Rajendralal Mitra's *Antiquities of Orissa*, Volume I, page 5) and long prior to the Ramayana and the Mahabharata and other puranas, the Skanda Purana included (Rev. Foulke's Article, *Indian Antiquary*, Volume 8, pages 2 and 3). This kingdom extended from the mouths of the Ganges to the Kistna with its capital at Calingapatam situated in the Ganjám district about half way down the coast (Ganjám District Manual, page 95), and was divided into two portions—a Northern and a Southern division—the mountain spurs, which run down to the sea on the south of the Chilka lake forming a well-defined natural boundary between the two. The Southern division sent forth from time to time settlements to the North and gave some of the most important dynasties to Orissa. A debitable land existed between the two to the North, of which tract dwelt an Uriya-speaking people and to the South the Telugu races. The Telugus called the inhabitants of this intermediate tract Uriyas, while the natives of Orissa called them Telugus. The Pandits of Bengal still describe the country from Jagannath to the Kistna as Kalinga. The Native Government of Orissa practically acknowledged the natural boundary as the political one, treating as foreigners all pilgrims who came from the southern side of the Ganjám River (Rushikulya) and levying a higher tax from them. This distinction also found legislative recognition under the British

rule in its early pilgrim laws (Hunter's Orissa, pages 170 and 171). The limits of Kalinga, as defined in ancient Sanskrit books, are Jagannath or Puri to the North and Kistna to the South.

(*vide* Vaidya's Sanskrit Dictionary).

3. Orissa, under the Lion dynasty (474 to 1132 A.D.), extended from the Khanbans river, a little to the south of Balasore city to the Rushikulya river (Hunter's Orissa, Volume I, page 316). Babu Peary Mohun Acharya, in his learned history of Orissa, page 20, after considering the various English and Indian authorities on the question, places the southern limit of Orissa at Khurda in the Puri district. Mr. Vaidya, in his dictionary above quoted, also defines Orissa as * * * meaning the country above Jagannath or Puri, so that it is evident that Utkala or Orissa proper never included the Ganjám district.

4. In the twelfth century, however, an invasion from the south extinguished the Lion line. The invader, Chonanga Dev, became the founder of the Gangetic Dynasty, assuming the surname of Gajapati, and added to Orissa his paternal southern domain from the Gódavári river northwards to Orissa and extended it further northwards, thereby almost restoring the ancient kingdom of Kalinga from the Hoogly to the Gódavári (Hunter's Orissa, page 317). Even then the kingdom was divided into three parts, viz.—

- (1) Midnapore district,
- (2) Orissa, and
- (3) the country lying to the south of the Chilka lake up the Gódavári.

This southern portion, which is now included in the Madras Presidency, however, refused to pay tribute, and the administration of the Gangetic line continued to be merely nominal over this part of the country (Hunter's Orissa, pages 317-319). During the rule of this Gangetic dynasty (1132 to 1532 A.D.) the Orissa kings, having in view the wild nature of the country and its aboriginal inhabitants, were probably induced to establish their men in Ganjám to keep the Khonds and Savara tribes in check (Ganjám Manual, page 97). The Gangetic dynasty became extinct in 1532.

5. About 1571 A.D. a Muhammadan king from the south invaded the country up to Orissa, and he and his successors held for 180 years the district of Ganjám which, including the Ichchhápúram Province, then known by the name of the Chicacole Circar, was controlled by the Muhammadan power at Hyderabad. The principal seat of Government for this tract of country was Chicacole, while Ichchhápúram was the seat of a Sub-Governor (Ganjám Manual, page 99).

The Chicacole Circar, extended from the Gódavári to the Puri district (Orme's History of Hindustan, Volume I, page 335) and Ganjám was the last town in the Chicacole Circar (*Ibid.*, Volume II, page 261).

6. In 1753 the Northern Circars including the Ganjám district, were granted to the French by the Nizam; finally, in 1766 A.D., the Circars passed into the hands of the British, and the Madras Government took them under its administration by Resolution, dated 9th December, 1766, thereby securing to the Circars the natural barrier to their north (Ganjám Manual, page 110). Thus for the last 136 years Ganjám has continued to be part of the Madras Presidency (*vide* Article "Ganjám" in the Encyclopædia Britannica, 9th Edition).

7. It is thus obvious that, even from the ancient times, Orissa on the one hand and Ganjám with its sister Telugu districts on the other, were the limbs of a larger kingdom Kalinga; but Orissa never comprised the district of Ganjám, which is cut off from the former by a natural boundary, viz., the mountain spur south of the Chilka. This natural boundary, which was always recognised as a dividing land-mark in the formation of provinces, served in later times as a barrier against southern invasions and as the northern limit of southern governments. Even during the brief period of Orissa sovereignty which struggled to extend itself to the south, Ganjám, with its sister districts of the Circars, resisted such endeavours. When Native governments vanished and foreign powers made their appearance, Ganjám continued to be part of the country now known as the Circars, and during the last four centuries undoubtedly remained distinct from Orissa subject to the control of southern governments.

8. *The people of the Ganjám district.*—Ganjám is peopled by Telugus and Uriyas in almost equal numbers, Telugus being about 750,000 and Uriyas 765,000 (Census Tables, 1901, Volume XV-A, pages 177 and 189). These two races, far from occupying different portions of the district, are fully distributed over every zamindari. Government taluk and proprietary estate as landlords and tenants, except on the sea-coast, where the bulk of the population is Telugu. The inter-mixture of the races has been so complete that whole families, who are Telugus by descent, have adopted Uriya as their language of daily intercourse, while Uriya families have similarly adopted Telugu. Uriya landlords have Telugu tenants and Telugu landlords have Uriya tenants, and every calling or profession practised in the district counts Uriyas as well as Telugus among its members, except the noted silk industry of Berhampur, which has always been in the hands of Telugus. Almost every samindar maintains

an Uriya and a Telugu establishment for administrative purposes, and the contact is still closer and even more harmonious in commercial circles. This commingling of the races (so common to all border districts which cannot escape occupation by people coming from either side) tends to mutual advancement by creating the healthy spirit of emulation essential in the march of progress which certainly cannot be attained by the sort of exclusiveness advocated in the memorial under discussion. As a matter of fact, the two races have for centuries lived side by side in peace and harmony. Though in many villages there are factions of Telugus against Telugus and Uriyas against Uriyas, such a thing as a faction of Telugus against Uriyas is absolutely unknown in the district where both races live in perfect friendliness and without any racial friction. This being so Your Excellency's memorialists deeply regret the spirit in which the memorial praying for separation has been conceived, since it seeks to sow discord where there has been concord and create race animosities where perfect peace and amity have existed.

9. *Caste and Religion.*—The caste system, which, in India, forbids inter-marriage and inter-dining even among the numerous sub-sects of each race, forbids such union among the main races, viz., the Telugu, Bengalees and Uriyas. Bengalees neither inter-dine nor inter-marry with Uriyas, and while re-marriage of widows is forbidden even among the lower classes of Bengalees it obtains among several classes of Telugus and Uriyas alike. It were idle to speak of differences in religion and social observances amongst Hindus in one part of the country and another, for wherever the Aryan conquest extended, the same religious rites and ceremonies and festivals were established and as social customs amongst Hindus depend entirely on religious sanction, they are the same all over India, but for slight alterations here and there due to climate and other surroundings. One great religious system of Hinduism is Vaishnavism which claims disciples all over India, and the religion preached by Chaitanya is Vaishnavism pure and simple. The Hindu temples in our district are managed by Telugus and Uriyas alike, and are open to and attended by both races for worship. The great Hindu festivals, feasts and fasts are observed alike by both races. Some of the leading Uriya zamindars have Telugu Brahmans as their priests or Gurus, and many Telugu families have Uriya Brahmans for their purohits.

10. *Education.*—The Government of Madras established schools in this as in other districts in 1858 for the spread of Western education, and the Telugus were the first to avail themselves of this advantage. Uriya Pandits were also employed for the benefit of Uriya students, whose number, for about 14 years thereafter, was such as could be counted on one's fingers' ends. In 1873 the University of Madras, finding that the Uriya were beginning to appreciate the value of education, recognised Uriya as a second language in University examinations. The Government was also pleased to grant to the Uriyas the concession of half fees in all schools and colleges including Arts, Law and Engineering Colleges, and opened for the special benefit of the Uriyas scholarships which are being supplemented from time to time by the zamindars of the district. The majority of teachers in schools and colleges are acquainted with Uriya and both the colleges in the district have each one or more Uriya Pandits on its staff. Amongst natives of the district there are about 10 Uriya graduates and about 30 Telugu graduates, not to speak of undergraduates in both communities. There has thus been a gradual advancement in education among Uriyas as the rapidly-increasing strength of Uriya students in colleges and schools (which at present is about 30 per cent. of the total strength of the two colleges in the district) will show. Under special orders of Government passed for encouraging Uriyas in the public service, preference is given to Uriyas over Telugus in the matter of appointments, and no duly qualified Uriya seeking for employment remains unprovided for. There are very few Tamilians in the district, except in the Department of Public Works, for which neither the Telugus of the district nor Uriyas have been able to qualify themselves.

11. *Uriya language.*—The Uriya language has also been recognised as a Court language. In courts and public offices some of the depositions are recorded in Uriya, petitions and reports in Uriya are received, and Uriya printed forms are also used in Revenue and Judicial offices, &c. District Munsifs, Magistrates and Tahsildars and other important officers write their orders and judgments, &c., in English. In other particulars Uriya is employed in the conduct of public business so far as it is rendered practicable by the number of competent Uriya candidates available for clerkships and other offices. No complaint was ever made that failure of justice has occurred in any case or proceeding or that injury has resulted to any individual by reason of the lesser employment of the Uriya language in public offices.

12. Your Excellency's memorialists submit that, in the circumstances aforementioned, there is absolutely no justification or need for separating Ganjām or any portion thereof from the Circars with which it has been linked for many centuries past. If the suggested change be accepted, the law of personal rights, the common or customary law of land tenures, the enactments relating to the rights of zamindars, proprietors, ryot-wari pattadars, inamdars, &c., laws relating to recovery of rent and revenue, all other local and special laws enacted with special reference to local conditions and habits of the people, the methods of administration to some extent, even the nomenclature of office and many other matters specially suited to the localities and, in fact, the accustomed tenor of public and private life must be disturbed and altered. Much of what is learnt will have to be unlearnt, and local and special laws

unsuited to the long-established usages and customs and traditions of the people will have to be adopted at great cost and inconvenience to the ruler and the ruled alike. The existing state of peaceful progress will receive a check from which it will take a long time to recover.

13. *Inexpediency of adding Ganjám to Bengal or any other Province.*—The table

Provinces.	Number of Districts.	Area in square miles.	Population.
1. Bengal... ..	48	200,000	79,000,000
2. Bombay	25	194,185	25,000,000
3. Madras	22	150,798	42,398,931
4. Central Provinces	18	115,936	12,944,805
5. Berar	6	17,718	3,000,000
6. Orissa	4	24,240	6,000,000

in the margin will clearly show that any addition to the already unwieldy province of Bengal (the reduction of whose extent, we learn, is under contemplation) would be highly undesirable, as it will only enhance the difficulties of administration. If the question of separating Orissa from Bengal should arise, it will then be for the

Government to consider whether Orissa should not be added on to Madras, thus restoring the ancient kingdom of Kalinga to its place of old under a Southern Government.

If, however, Orissa and the Berars be united to the Central Provinces which at present are thinly populated, the extent and the number of districts in the latter province will be larger than those of Madras, and the question of separating portions of Ganjám and Vizagapatam from Madras need not arise at all.

14. The alternate proposal of bringing Orissa, Sambalpur and portions of Ganjám and Vizagapatam together and placing them under a separate administration is put forward on the ground that such a step would re-unite the so-called dismembered Orissa and bring all Uriya-speaking people under a single Government. Your Excellency's memorialists venture to think that this idea, which first found expression in an Uriya newspaper of Orissa, seems only an attempt to forestall the proposal to separate Orissa from Bengal and include it in the Central Provinces—a proposal which it is commonly believed is under contemplation.

15. That Ganjám, Vizagapatam and Midnapore districts never formed part of Orissa is amply borne out by history and there are absolutely no data to allege the contrary. To provide a separate or a single administration for each linguistic area is impossible in a country where numerous languages are spoken and where the commixture of people speaking different languages is unavoidable, especially near the borders of such linguistic areas. It is anything but reasonable to demand the separation of a few districts or portions thereof from their mother provinces and the granting of a separate administration to a province thus formed purely on linguistic grounds, regardless of the inconvenience and injury which such a step would entail on the other races inhabiting such districts or portions thereof. Your Excellency's memorialists beg leave to submit that it will serve no useful purpose to detach irregular bits of three separate provinces now under different administrations and unite such heterogenous portions under a separate administration which has no High Court or University of its own and which will not enjoy the highly valued benefits of an administration by a Governor in Council and a local legislative body.

16. A very clear case has to be made out by those who seek for the separation of Ganjám from the Northern Circars, of which it has formed a part for centuries under Hindu, Muhammadan and British rule. In the best interests of Ganjám and its people, Uriyas as well as Telugu, such a separation should be discountenanced. The advocates of such separation, who have memorialised Your Excellency, are few and form but a meagre minority of the community in the district, and it is much to be regretted that they entirely failed to appreciate the importance and the consequence of their ill-judged proposals which seem to be based entirely on sentiment and cannot be justified on historical grounds or on the plea of administrative expediency.

17. Your Excellency's memorialists therefore most humbly and respectfully beseech Your Excellency to reject the proposal for separating Ganjám or any portion thereof from the Madras Presidency.

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Annexure 10.

Memorial* from the Uriya residents of Ganjám, to His Excellency the Viceroy and Governor-General of India, dated 8th January, 1904.

We, the undersigned Uriya residents of the Ganjám district, in the Madras Presidency, most respectfully beg leave to submit herewith a memorandum of statements against the counter-memorial of the Telugus of the district recently submitted to Your Excellency against the memorial submitted by us praying for uniting Ganjám with Orissa proper, and submissively pray that the memorandum may be taken into consideration along with the other papers.

* Signed by 6,600 persons.

Annexure 11.

Memorandum of statements against the counter-memorial of the Telugus and the Uriyas (?) of Ganjám, recently submitted to the Viceroy.

In the first place it is to be contested that the counter-memorial does not emanate from the Uriyas. If any Uriya has signed it, it is because he has been coaxed to do so. Many have already withdrawn their signatures, stating that they were persuaded, without any acquaintance with the contents of the memorial, to act in that wise. The "Prajabandhu" newspaper of Ganjám has, in its issues, dated 24th June, 1st, 8th, 15th, 22nd and 23rd July, 1903, published how the Uriyas were persuaded, if not coaxed or misled, to sign the memorial of the Telugus. If some zamindars have added their signatures it is because the Diwans are Telugu men, or because they are influenced by the Telugus and incapable of exercising their own independent judgment.

II.—*Paragraphs 1 to 7 of the counter-memorial.*—A.—In these paragraphs the history of the district is narrated at length. The Telugus, after quoting several authorities, have at last pitched upon the late Peary Mohan Acharaya's History of Orissa and deliberately stated that this learned author after considering the various English and Indian authorities on the subject has written, at page 20 of his book, that the southern limit of Orissa is Kurdha in the Puri district. What Peary Mohan Babu really says is that the kingdom of the Odra kings did not extend beyond Kurdha. This statement which relates to the aboriginal tribes of the ancient Odra country being excepted, the learned author bears testimony to the far wider limits of Orissa in no equivocal terms, as will be seen from the following quotations from the book which go to prove that Ganjám was a part and parcel of Orissa:—

(a) Chapter 1, page 1, Lion dynasty of Orissa (474 to 1132). Orissa extended from the Kansband river (near Balasore) in the north to the Rushikulya river (in Ganjám) in the south.

(b) Chapter 4, page 68. The Gangetic dynasty of Orissa, 1132 to 1534. The above limits were extended in the north to the Dataibarthi river (modern Budhabalang) and on the south to Rajahmundry (Gódávári district).

(c) Page 69, Raja Anang Bheem Deo (1175 to 1202) assumed the title of the Lord Gauda Karnat and Utkal (Orissa).

(d) Page 75, Purushottam Deo (1479 to 1504). When Purushottam Deo ascended the throne, his eighteen cousins went out in different directions, each occupying a small territory. Most of the present zamindars and rajas of Ganjám and Sambalpur trace their descent to these eighteen brothers.

(e) Page 81 (state of the country). During the time of the Gangetic dynasty, Orissa extended to the Hugli river in the north and to the Gódávári river in the south.

(f) Chapter 6, page 102. The whole of Orissa was caused to be measured and its land revenue was settled by Todar Mall who divided it into two—a northern and a southern division. The southern division of Orissa was again sub-divided into two sircars—Kaulinga Dandapat and Rajahmundry.

(g) Page 105, Ram Chandra Deo (1592 A.D.), whose title to the Khurdha Raj was recognised by Todar Mall and who was honoured with the title of Maharaja by Man Singh, became lord over 14,000 square miles covering Kurdha, the whole of the modern Ganjám district, Angul, &c.

(h) Page 110. When Muhammad Takhi Khan (1725 to 1734 A.D.) was the administrator, the Soobah of Orissa extended from Landa Deulo near Midnapur in the north to Tekkali Raghunathpur (Ganjám) in the south.

(i) Prefaces to books are, as a rule, written after the completion of the books, an epitome of the contents of the book is sometimes given in the preface. The learned author in the preface to the book unhesitatingly states that Ganjám and Sambalpur are parts of Orissa and that the people thereof are Uriyas in all respects, and their mother tongue is Uriya and that the two districts were detached from Orissa by the British only.

B.—Ganjám District Manual.

(a) The zamindars of Ganjám, most of whom derived their power and estates from the Gajapathi kings of Orissa who granted them their lands on condition of feudal service . . . many of them appear to have been nominated to their estates by Purushottam Deo who ruled over Orissa in 1479 to 1504 A.D. (page 18).

(b) The Orissa kings—Kesari line of kings—said to have ruled over Orissa for more than six hundred years and doubtless extended their sway over the neighbouring tract of Ganjám (paragraph 2, page 96).

(c) The Gajapathi princes (Gangetic dynasty) gave to the country a long line of rulers and their descendants even now occupy considerable territorial possessions in both Orissa and Ganjám. The rajas of Ganjám have moreover always looked upon the kings of Orissa as their chief fountain of honour and at the present day they still acknowledge the Raja of Jagannath or Puri a descendant of the ancient Orissan kings as their chief. The foundation of the town of Ganjám is usually attributed to a member of this family (paragraph 8, page 96).

(d) The dominions of the Orissa kings certainly extended beyond the Kistna river and their power was at its height in 13th, 14th and 15th centuries (paragraph 2, page 97).

(e) Purushottam Deo (a Gangetic king of Orissa) established many of the smaller zamindars in Ganjām, whilst others were confirmed by him in their estates upon their presenting themselves before him and tendering him their allegiance in the course of his progress through the country (paragraph 1, page 98).

(f) The Gajapathi princes (of Orissa) still however continued in power both in the provinces of Chicacole and Rajahmundry until some time later (page 99).

C.—Manual of the Administration of the Madras Presidency, 1885.

(a) The Uriya-speaking tract of country resembles a quadrilateral figure of four unequal sides and contains an approximate area of 60,000 square miles (page 60, Vol. I.).

(b) The Orissa princes had extended their dominions southwards as far as Nellore (page 151, Vol. I.).

(c) Its early history is involved in obscurity and it was not until the long line of Gajapathi or Ganjavarsa kings (1132-1532) occupied Orissa that the adjoining district of Ganjām was annexed to that province (page 77, Vol. II.).

D.—Geography and History of India, edited by the Revd. A. R. Symonds, M.A., 1859.

(a) According to these (records) Orissa was governed by a race of Hindu kings who successively extended their dominions by conquest and otherwise until they included part of Bengal on the north, of Gondwana on the west, and of Telingana southwards as far as Gódávāri. It continued to form an independent Hindu State until A.D. 1558 when it was invaded by the Pathan ruler of Bengal who defeated Mukken Deo, the raja, and finally overthrew the Orissa sovereignty. In A.D. 1578 the Pathans being conquered by Akbar, Orissa was annexed to the Moghul Empire, at which period according to the Institutes of Akbar it comprehended the whole extent of country between Midnapur in Bengal on the north and Rajahmundry on the south (pages 141-142).

(b) The Uriyas or people of Orissa were formerly separated from the Telingas by the Gódávāri. The Telings or Telugus are the original inhabitants of the districts south of Gódávāri and bordering upon the Telingana desam (pages 158-159).

(c) Chicacole, anciently designated the Kalinga desam, is the largest of the Circars. Its towns are Kalingapatam, Chicacole, Vizianagram, Bimlipatam, and Vizagapatam (pages 160 and 161). It may be noted here that the list of towns does not include Berhampur and Ganjām, the principal towns of Ganjām (northern), which was evidently a part of Orissa [*vide* A (b)].

(d) A short history of Telingana is described at page 156 which conclusively shows that Ganjām did not form a part of that country.

(e) (i.) All the zamindars of the Ganjām district are Uriya rajas, who, unlike the Telugu rajas, do not drink liquor, and do not eat fowls. They are Uriyas in all respects and contract relationship only with the rajas of Orissa and Sambalpur and never with the Telugus. The rajas of the three Kimedis (Parla, Bado and Sano) still claim a blood kinship with the raja of Puri or Jagannath, the other rajas of Ganjām being considered as vassals tendering him feudal service. All the rajas of Ganjām have erected temples to Jagannath, maintain them at much cost and celebrate festivals in imitation of what is obtaining at Puri and still adhere to the very religion to which their sovereign at Puri belongs. Such temples are not to be met with anywhere in the Telugu country, not even in Vizagapatam, the neighbouring district.

(ii.) In Uriya almanacs, horoscopes, cadjan and paper, in all sunnuds issued by rajas granting assignments of lands to temples and inams to Brahmans, and in documents presented in Registration Offices and Civil Courts, the era of the Puri raja is invariably given; but in the Kimedis the era of their respective rajas is sometimes given, as those rajas are considered to be of the same family as the Puri Raja.

(iii.) At religious and ceremonial observances in making Sankalpas and such other things the races in the northern Ganjām say that they do such and such an act in "Bharatavarshe, Utkaldese."

(iv.) All the castes as returned as Uriya in the census of 1901 will be found living in the northern Ganjām and not in the southern taluk of the district.

(v.) The names of villages, towns, rivers, &c., in northern Ganjām bear unmistakable Uriya names with no tinge of Telugu phraseology.

III.—*Paragraph 8 of the counter-memorial.*—A.—The Telugus have quoted figures from the last census tables and stated that the district is peopled by both races in almost equal numbers. The District Manual has at pages 204-205: "In the northern division (of Ganjām) the bulk of the people are Uriyas who abound in the ancient zamindaris and the more mountainous part of the district . . . The Uriya population of Ganjām may be estimated at two-thirds the total population of the entire district, although some have put it down as one-half."

"Ethnically the Uriyas form two-thirds of the population of the district. Their manners and customs differ from those of the Telugus and they speak a distinct language. The Uriyas are chiefly found in the north of the district extending as far south as Parlākīmedi" (page 78, Vol. II., Manual of Administration of the Madras Presidency, 1885).

It is difficult to reconcile the census tables on the one hand and the manuals on the other. The district was entirely isolated from traffic communication till the year 1895 when easy communication was opened up by the East Coast Railway (now Bengal-Nagpur Railway). This brought large bands of Telugu immigrants into the district and hence the increase in the Telugu population. On the other hand, emigrants for Assam and Burma will certainly account for the decrease in the Uriya population.

B.—Whatever be the population, the preponderance of Uriya-speaking people is worth noting here (Census 1901, Vol. XV.-A, pages 2112 and 2113):—

District.	Population.	Uriya-speaking population.	Telugu-speaking population.	Tamil-speaking population.	Official language.
Ganjám	1,689,142	1,274,975	342,910	1,372	Telugu.
Ganjám Hills	321,114	87,682	5,864	2	Do.
Vizagapatam	2,082,662	30,760	1,999,791	2,308	Do.
Vizagapatam Hills	850,988	408,954	153,168	58	Do.
Gó dávari	2,141,917	2,939	2,099,417	4,046	Do.
Gó dávari Hills	159,842	201	119,503	147	Do.
Kristna... ..	2,154,803	1,889	2,015,815	3,741	Do.
Madras	509,346	255	108,496	318,993	Tamil.
Chingleput	1,312,122	217	312,946	965,383	Do.

The above census table shows that the Uriya-speaking population of Ganjám is 75.5, the Telugu-speaking population being only 20.3 per cent. of the total population. On the Ganjám Hills, which are sparsely populated, the Uriya-speaking population is nearly 15 times the number of Telugu-speaking people; on the Vizagapatam Hills it is three times the other. In the northern Ganjám there are whole Uriya villages and in some of them there are Telugus, whose houses in the village could be counted on one's fingers. There are nowhere whole Telugu villages in the northern Ganjám except on the sea coast. It is but natural that the Uriyas live in peace by the side of the other race, and they being much behind their Telugu brethren in educational and commercial advancements, have in every-day life to consult with and even ask for help from the Telugus. From the peon to the highest official all are Telugu people; how else will Uriya fare in their daily concerns, but by seeking friendship of the other race, however much the latter may detest the Uriyas?

A close observation of Table XIII., pages 182 to 189, Vol. XV., and of pages 165 to 172, Section B (Telugu) of Part I. (Hindu and Animistic), Census 1901, will betray certain errors with classifications of castes in both the races. The total population as per above table and page is as follows:—

District.	Uriya.		Telugu.	
	Hindu.	Animistic.	Hindu.	Animistic.
Ganjám... ..	766,247	465	755,353	30
Ganjám Hills	89,072	973	6,126	273
Vizagapatam	65,161	498	1,892,601	27,830
Vizagapatam Hills	291,950	11,470	167,652	46,995

There is the Uriya Kalinji caste quite distinct from the Telugu Kalingi caste, so is the Uriya Belama caste quite distinct from its equivalent Telugu Belama caste, and yet, strange as it may appear, the two Uriya (Kalinji and Belama) castes have altogether been left out of the Uriya group and included, by mistake, in the Telugu group of castes. If therefore proper adjustments are made (and it should be noted that the Uriya Kalinji and Belamas always outnumber their corresponding Telugu castes), the total population in both the races will show greater variations and cannot be equal, as stated in the counter-memorial of the Telugus. Moreover, if Chicacole and Narasannapéta, which may be said to be entirely populated by the Telugus, are excluded from northern Ganjám as prayed for by the Uriya, the Uriya element in the northern Ganjám will no doubt be more than two-thirds of the whole population as stated in manuals.

IV.—Paragraph 9 of the counter-memorial.—(a) The Vaishnavism of Chaitanya followed by the Telugus. The principles of both the systems might be the same, but rituals and ceremonial observance are entirely different.

A Telugu Vaishnava is, in virtue of the religion as preached by Ramanuja, kept insulated from the Dravidian Brahmans not to speak of inter-marriages, even inter-dining among them being strictly prohibited; while the Vaishnavism as advocated by Chaitanya recognises no such invidious distinctions.

There are several examples of Uriya Brahmans being employed as temple-worshippers and pujaris in mufassils in the far-off Nadia district in Bengal. An Uriya Brahmin can intermingle with his Bengalee brother neither losing his position nor society.

(b) The Uriya Brahman is always looked down upon with contempt by his Telugu brother who, belonging as he does to the Dravidian sect, is a vegetarian and as such think it pollution to touch his Uriya brother, who is of the Gauda sect and is a non-vegetarian besides. Telugu Brahmans do not act as purohits of Uriya Brahmans or other castes. Uriya Brahmans have no scruples to act as purohits of Telugu Sudra castes.

(c) As to marriage customs, it is a well-known fact that even Telugu Brahmans marry their maternal uncle's daughter and the lower Telugu castes marry their own sister's daughters also. This custom is looked down upon by the Uriya with great abhorrence. The Telugu practice of tying the "Pusti or Tali" is entirely unknown to the Uriya. In the matter of food and drink details of difference between the two races cannot be too exhaustive.

The author of the Ganjam Manual, after describing certain customs and manners of the Uriyas, says that they are quite distinct from those of the Telugu people, which he refrains from detailing, as they are to be found in the Vizagapatam Manual.

V.—*Paragraph 16 of the counter-memorial.*—The teachers in the schools and professors of the two colleges of the district are either Telugus or Tamilians. Almost all of them are quite ignorant of the Uriya language—a fact which can be proved to the hilt at any moment. When the Berhampur College was a State institution, there were special classes for Uriyas. Now that it is a private college, the committee of management have made no provision for the instruction of Uriya students, though the college has been endowed by an Uriya raja. The college committee are all Telugu men without exception. There was no Uriya pandit attached to the Berhampur College and it is only on the representation of the Uriya college students that the services of an Uriya pandit were entertained just 10 or 12 years ago. The staff of professors in both the colleges being unacquainted with Uriya no instruction in translation is imparted to the Uriya students from one end of the year to the other. The concession of half rates of school-fees allowed to the Uriya will not be a sufficient inducement so long as teachers who know Uriya are not employed. Uriya boys have to learn Telugu, a foreign tongue, before they can pretend to understand one word of the English language. This is perhaps one reason why the Uriyas are always considerably behind their Telugu brethren in the matter of education. But for the occasional employment of Matibansa Naikas of Orissa as rural teachers and pial schoolmasters, the Ganjam Uriyas would have forgotten their mother-tongue long ago and would even have run the risk of paying to a Telugu man for holding communication with their own blood relatives. It need not be stated here that almost all the Uriyas are ignorant of Telugu, and many of them have to remunerate their Telugu friends for translating to them the purport of the summons, warrant, or notice that might be issued to them.

VI.—*Paragraph 11 of the counter-memorial.*—It cannot be denied that the Uriya language has been recognized as a court language so far as Government orders which are scarcely given effect to are concerned, despite the overwhelming population literate in Uriya only as will be seen from the following table (Census 1901, Vol. XV.-B, pages 35, 36, 37, and 42):—

Taluk or Division.	Population.	Literate.	Literate in Telugus.	Literate in Uriyas.
1. Berhampur	344,368	19,308	5,046	14,127
2. Chicacole	223,373	8,741	8,366	323
3. Ganjam	95,882	5,318	170	5,126
4. Aska	115,888	5,091	432	4,639
5. Goomsur	200,357	10,818	507	10,284
6. Ichchhapuram	83,500	3,813	324	3,488
7. Narasannapeta	26,452	819	813	6
8. Purushottapur	102,396	4,996	88	4,906
9. Sompeta	971,229	2,349	1,243	1,073
10. Surada	18,662	461	12	447
11. Parlakimedi	256,414	8,638	5,505	3,096
12. Tekkali	124,626	3,829	2,965	808
13. Ganjam Hills	321,114	2,229	77	2,147
14. Vizagapatam Hills	850,998	7,943	2,817	5,083
Total	2,861,244	84,442	28,365	55,548

The Madras Government in G.O., No. 2024, dated 15th December, 1890, ordered that half the number of officials should be either Uriya or Uriya-knowing men. This order as well as the one issued by A. W. B. Higgens, formerly collector and now member of the Revenue Board, Madras, that men ignorant of Uriya should not be promoted remain dead letters. About that time the Government or the collector called for information as to how many Telugu officials were conversant with the Uriya language and every one of them without the slightest hesitation replied in the affirmative, though most of them knew not a syllable of that language. This is the reason why all kinds of processes, records of civil, criminal and revenue cases are kept in Telugu and depositions are romanized in Telugu. Any European officer deputed to examine any public office in the northern Ganjám will see with half an eye that the official language is Telugu for all practical purposes. Such an examination is most earnestly solicited by Your Excellency's humble memorialist to verify at least the statements made above. How the racial partiality and official nepotism in Government appointments evinced by the Telugu bureaucracy keeps down the backward Uriyas cannot be adequately described here, as it would necessitate descending into odious and personal details. If Uriya had been the official language, if processes were being issued in Uriya, if depositions of Uriya people were being written in their own language and if endorsements on the petitions were being so written as the Uriyas might understand the contents for themselves, there would probably have been no cause for complaint.

VII.—*Paragraph 12 of the counter-memorial.*—The census figures and the innumerable inconveniences to which the Ganjám Uriyas are subjected to the difference between the two races in their customs and manners are so striking that the immediate separation of the northern Ganjám from the Madras Presidency and its union with Orissa, whether under the Bengal Government or under a separate administration, are not only justifiable but are warranted by the statements made in the foregoing paragraphs of this memorandum. Mr. S. P. Rice, of the Madras Civil Service, in his "Occasional Essays on Native South Indian Life," says that "the Uriyas are a distinct race from the Telugus—distinct in features, in manners, in customs, in language especially. Orissa proper lies within the province of Bengal and the people of Ganjám suffer in that they have been separated from their brethren."

The Commissioner of the Orissa Division in his Annual Administration Report for the year 1894-95, Part X., Administrative Changes, eloquently advocates the separation of the northern portion of Ganjám from the Madras Presidency and its union with Orissa.

VIII.—*Paragraphs 13 to 15 of the counter-memorial.*—The counter-memorialists, in discussing at length the subject of the contemplated territorial changes, state that there are absolutely no grounds for the allegation that Ganjám was a part of Orissa. In paragraph (ii) of this memorandum, authorities, both historical and statistical, have been cited to prove the contrary. The counter-memorialists in paragraph 12 of their memorial suggest that Orissa might be added to the Madras Presidency for the sake of "old Kalinga" on the ground that Bengal has already become unwieldy. Will not the addition make the Presidency of Madras equally unmanageable and will not the people of Orissa suffer the difficulties and inconveniences narrated in paragraph 12 of the counter-memorial if the suggestion of the counter-memorialists is carried out? Will not the people of the Berars and the Sindh suffer? Did the people of North Canara feel inconvenient in any way when that district was detached from the Madras and added to the Bombay Presidency? The difficulties and inconveniences pointed out in the counter-memorial are still superficial and imaginary and time will easily cure them, since the Imperial Government is the same wherever one may go in India.

2. In this connection it will not be out of place to state that when the proposal of dividing the two districts of Gódvári and Kistna into three with southern part of Vizagapatam for revenue administration purposes is sanctioned, the northern portion of the last district with the Chicacole taluk of Ganjám might be converted into a district, the Jeypore division of Vizagapatam being separated along with the northern Ganjám from Madras.

Annexure 12.

MEMORIAL* from the Muhammadan community of the Ganjám district addressed to His Excellency the Viceroy and Governor-General of India.

On behalf of the Muhammadan community of the district of Ganjám in the Presidency of Madras, your memorialists most humbly beg to approach Your Excellency with this their humble prayer that the proposal to transfer Ganjám or any portion thereof to Bengal be dropped for the following among other reasons:—

Your memorialists, in common with the Uriyas and other backward classes, have been receiving special encouragement at the hands of the Local Government in the matter of education and Government employment. They pay only half fees in the

* Signed by 100 persons.

schools and the colleges are provided with special scholarships reserved for the community and are given preference in the public service. Your Excellency's memorialists beg to point out that the transfer may deprive them of these advantages very much required by the community, while it will bring no real benefits whatever to their Uriya brethren and will place them and your memorialists under the disadvantage of having to compete with their more advanced brethren of Bengal.

Your Excellency's memorialists have ever since the time of the Muhammadan rule been associated with the people of the Northern Circars, have their marriage and other relationship among their brethren of the Circars, and have after several centuries succeeded in adapting themselves to their present surroundings. They most respectfully beg to represent that the new difficulties they will have to contend against on account of this transfer will throw at least a century behind.

Belonging as they do, neither to the Uriya nor to the Telugu community Your Excellency's memorialists beg to state most impartially that these two races are so completely intermingled in the several parts of the district that it would be impossible to draw a line that would separate the one from the other for purposes of administrative union based on linguistic grounds. In the first place, the splitting up of the district as at present proposed on the strength of the representations made in the Uriya memorial would hand over upwards of five lakhs of Telugus to the Bengal administration. In the second place, the transfer of that tract alone that lies to the north of the Rushikulya river would leave behind an equally large number of Uriyas under Madras. It is hardly necessary for Your Excellency's memorialists to dwell on the inconveniences and hardship that would result from such arrangements. In the third place, a more central division along the heart of the district on either side of the headquarters town of Berhampur would, Your Excellency's memorialists most humbly submit, be the direct calamity to the inhabitants of the district—the Uriyas, the Telugus and the Muhammadans alike. Trade, education and seats of administration will have to shift to new centres, the result being a disastrous unsettling of the existing state of things and incalculable loss of property and wealth, both Government and private, in a district where three splendid towns—Ichchhápúram, Ganjáam and Chicacole—have already been ruined on account of similar shiftings or other causes. Your Excellency's memorialists venture to urge that a poor district like Ganjáam and the poorer Muhammadan community in particular can ill afford to be put to such recurring losses that are incidental to such shiftings and that materially obstruct and retard the progress of all the classes of His Majesty's subjects.

In conclusion Your Excellency's memorialists most earnestly appeal to Your Excellency's usual generosity and large-minded sense of justice, and beseech that the humble prayer of one of the backward communities of His Majesty's subjects may be granted.

For which act of kindness Your Excellency's memorialists will as in duty bound ever pray.

Annexure 13.

MEMORIALS* from the Uriyas of Ganjáam addressed to the Viceroy and Governor-General of India.

Your memorialists have learnt with deep concern that the Government contemplates the transfer of the Ganjáam district from the Madras Presidency to Bengal on the ground, amongst others, that such transfer would be of advantage to the Uriya community and that the unification of the Uriya-speaking people is necessary for administrative convenience.

Your memorialists respectfully beg to point out that after more than a century's association with Bengal, our brethren of Orissa, numbering more than six millions, have not made such progress as would lead your memorialists to consider the proposed transfer in any way advantageous to them. In the matter of education, which is a vital factor in the progress of any community, we find that there is but one college for the three Uriya districts of Orissa. The number of graduates in all Orissa averages only six a year. The number of Uriyas in the public services—Judicial, Educational and Executive—in Orissa is not more encouraging.

Under the Madras Government the Uriyas of this district enjoy the privilege of half fees and special scholarships in colleges and schools—a privilege not enjoyed by our brethren in other provinces. This district has two colleges, possessing the necessary equipment for the education of Uriyas, for an Uriya population of about 800,000 been producing for the last ten years one Uriya graduate on the average. In practice we are given preference in the matter of Government appointments when duly qualified. Almost all the Civilians placed in charge of the district or divisions thereof have always evinced a great deal of sympathy for us, taking a great deal of interest in the study of our language, manners and our progress.

* Signed by 4,000 persons.

The only difficulty that we may ever have felt is the comparatively small use of Uriya as a court language and in revenue offices, a difficulty which will be easily remedied in the course of a single year if Your Excellency's Government will be pleased to order that Uriya shall be the only vernacular to be used in Goomsur, Suradá, Aska and Purushottapur taluks.

Your memorialists further beg to point out that in a country like India, where diversity of languages and of races is the rule, the real interests of the people should never be sacrificed for mere convenience of administration based on linguistic grounds. No territorial distribution would be possible, so as to get rid of the difficulty of diversity of languages.

Your memorialists most humbly and respectfully beg to emphasise the fact that the transfer of this district to Bengal would place the Uriyas of this district under keener competition for life than now exists, and while depriving them of the privileges now enjoyed would bring no real benefits.

Your Excellency's humble memorialists, therefore, respectfully pray that the proposal for the transfer of this district to Bengal be dropped and that Your Excellency's Government and the Government of Madras would continue to evince for this backward community the sympathy and affection that has hitherto been generously shown.

For which act of kindness Your Excellency's humble memorialists will, as in duty bound, ever pray.

Annexure 14.

PETITION from Penta Jogalu and others of Kasibugga to His Excellency the Viceroy and Governor-General of India in Council, dated 15th January, 1904.

Your Excellency's humble subjects of the village of Kasibugga in the Tharla taluk, Ganjám district, most humbly represent that a telegram was sent from this village to the Chief Secretary of the Madras Government, humbly protesting against the transfer of the Ganjám district to Bengal, and a copy of such telegram is herewith sent for Your Excellency's perusal.

Annexure 15.

TELEGRAM from Palsa Penta Jogalu to the Chief Secretary to Government of Madras, dated 15th January, 1904.

Kalinga Komities, merchants and ryots population of Kasibugga of Tharla taluk, Ganjám, most humbly protest against transfer of Ganjám to Bengal. This taluk is fifteen-sixteenths Telugus. Transfer most ruinous, not desirable.

Copies to the (i) "Hindu," (ii) "Madras Mail," (iii) "Madras Times."

Annexure 16.

PETITION from Malla Ramaswamy Subudhi and others, Palasa, addressed to His Excellency the Viceroy and Governor-General of India in Council, dated January, 1904.

Your Excellency's humble memorialists of the town of Palasa in the Tharla taluk, Ganjám district, Madras Presidency, most humbly represent that the enclosed telegram was sent to the Chief Secretary of the Madras Government to-day, protesting against the transfer of the Ganjám district to the Bengal Presidency, and the copy of such a telegram is herewith sent for Your Excellency's perusal.

Annexure 17.

TELEGRAM from Malla Ramaswamy Subudhi, Palasa, to the Chief Secretary to Government of Madras, dated January, 1904.

Kalinga Komiti weavers, pondaries, traders, ryots, Tharla taluk, Ganjám, most humbly protest against transfer of Ganjám to Bengal. This taluk is 90 per cent. Telugus. Transfer most unjust, disadvantageous.

Copies to the (i) "Hindu," (ii) "Madras Mail," (iii) "Madras Times."

Annexure 18.

MEMORIAL from the residents* of the Ganjám district to His Excellency the Viceroy and Governor-General of India (through the Government of Madras).

Respectfully sheweth:—

That Your Excellency's memorialists are firmly convinced that the proposed transfer of the Ganjám district to Bengal, if carried out, will seriously prejudice the best interests of the people of this district, be they Telugus, Uriyas, Savaras, or Khonds; and accordingly beg leave hereby to submit most respectfully, but most earnestly, that the said proposal is not called for by any administrative or other real necessity, or by any genuine or general feeling on the part of the people concerned.

2. Your Excellency's memorialists understand that the two objects the Government of India hopes to accomplish by this proposed transfer are:—

- (a) The bringing together of the whole Uriya-speaking population under one administration; and
- (b) The relief of the Madras Government from some part of the burden of dealing with a great diversity of languages.

3. As to the first ground, the transfer of Ganjám and the Vizagapatam Agency, while intended to bring the Uriyas under one single administration, will at the same time involve the excision of Telugus, Khonds, Savaras and Gadabas—all of them speaking non-Aryan tongues—from a province which has grown used to the administration of peoples with non-Aryan languages. It is obvious that, in India, where there are different races speaking diverse languages, and yet often interspersed in given areas, it is impossible to bring together into one province all the people speaking any one language, without also dislocating from their ancient and proper environment peoples speaking other languages, and thereby creating, in regard to the latter, the very same grievance which it is sought to redress in the case of the former.

The following table will illustrate the state of things by showing some of the border languages, and the administrative areas over which they are distributed; it shows the impracticability of linguistic union for administrative purposes in a country like India:—

Languages.	Provinces.
Canarese	Madras and Bombay.
Marathi	Madras, Bombay, and Central Provinces.
Telugu	Madras and Central Provinces.
Hindi	Bengal, Central Provinces, United Provinces of Agra and Oudh, and Punjab.
Sindhi and Beluchiki	Bombay and Punjab.
Bengali	Bengal and Assam.
Uriya	Madras, Central Provinces, and Bengal.

4. If the Uriyas of Madras, though they number 1,233,785, though their language is recognised in courts and other public offices, in schools, and by the Madras University, and in the daily traffic of social and commercial life, though they, their rulers, and their neighbours have had a century and a half in which to know one another, are, after all, said to be a foreign unit and a neglected body, it is not difficult to forecast the fate of the little less than one million of Telugus of Ganjám and the Vizagapatam Agency if they be transferred to Bengal, where they will, in point of numbers, be scarcely appreciable amongst the millions of the Bengal population, where their language can never hope to be recognised by Government, and where they will be completely out of their element. Your Excellency's memorialists beg leave to say that it could never be the wish or intention of the Government of India to inflict such a serious injury on their Telugu subjects, who have as counsellors, as civil servants, and as soldiers rendered loyal and conspicuous service to Government in this very district, and have helped not a little in the arduous labours by which the Madras Government have evolved order and law out of the state of lawless disorder in which Ganjám was handed to the British Power.

5. Further, even if Sambalpur, Ganjám and the Vizagapatam Agency be added to Orissa, the scheme would still be incomplete, as, in the Madras Presidency, there would yet be a sufficient residue of Uriyas to keep alive the "Uriya problem" in Madras; for in the Vizagapatam plains, the Gódávari district and Agency, &c., there would be left 73,171 Uriyas (*vide* Census Report, 1901, Vol. XV. A., Part II., page 189). This residue would be left in a minority even more hopeless than ever, and would be more likely than ever to be "neglected."

6. Your Excellency's memorialists beg leave to say that a territorial redistribution, based solely on linguistic grounds, seems to be not only impossible, as above pointed out, but also opposed to the traditions of the Government of India—*e.g.*, the separation of North Canara from South Canara, Madras—and to one of the principles on which the larger scheme for the partition of Bengal is based, viz., that mere considerations of linguistic union have to give way before actual administrative exigencies.

7. Those advantages, which a certain section of the Uriya people imagine, will follow from the transfer to Bengal of Ganjám and the Vizagapatam Agency—*e.g.*, the improvement of the Uriya language and literature and the amelioration and consolidation of the Uriya people—are more likely to flow from other forces now at work ; *e.g.*,

- (a) the East Coast Railway which has opened up the Uriya country,
- (b) the increasing output of Uriya literature, periodical and general,
- (c) associations formed in Orissa and Ganjám which aim at creating and fostering a spirit of mutual help amongst Uriyas,
- (d) the colleges founded and maintained by Uriya zamindars at Parlákimedi and Berhampur, and
- (e) the increasing popularity of higher education amongst Uriyas.

The results that these and such like forces are bound to accomplish gradually and, perhaps imperceptibly but naturally and surely a certain section of the Uriya people wish that Government should, by adopting measures more or less revolutionary, bring about by forced growth, without any effort, or sacrifice on the part of the people themselves.

8. While it is conceded on all hands that even before the days of railways or other easy communication between Orissa and Ganjám, Upendro Bhunjo, an Uriya prince of Goomsur (in Ganjám) was the greatest of modern Uriya authors, while in Orissa to-day, the makers of Uriya literature are men like Babu Radhanath Rai and Babu Madhusudan Rao—neither of them an Uriya by race ; it must be conceded also that the Uriya language has, in Ganjám, preserved more of its pristine purity and conforms more closely to literary canons than in Orissa, where it is so largely dominated by the superior influence of the Bengali language.

9. The reasons for which a certain section of the Uriyas have prayed for the unification of the Uriya-speaking peoples are extremely vague and purely sentimental reasons, not supported by one verified instance of administrative failure or judicial miscarriage. Their prayer simply ignores the fate of the Telugus, Khonds, Savaras and Gadabas amongst whom their lot is cast and takes no account of the thousands of their own race found in other parts of the Presidency.

10. Your Excellency's memorialists further crave leave to point out that the facts and figures of the census of 1901—on the strength of which the Government of India has based its argument regarding the distribution of linguistic groups—can by no means be accepted as accurate.

Census of	Telugus by Language.	Uriyas by Language.	Telugus by Race.	Uriyas by Race.
1881 (a)	692,344	748,904	Not tabulated.	Not tabulated.
1891 (b)	722,287	797,132	Do.	Do.
1901 (c)	342,910	1,274,975	755,383	766,712

(a) *Vide* 1881 Census Report, Vol. II., Table IX., pages 159-161.

(b) *Vide* 1891 Census Report, Vol. XIV., Table X., pages 136-145.

(c) *Vide* 1901 Census Report, Vol. XV.-A, pages 112-113 and pages 172 and 189.

The above table discloses—

- (1) that, by race, Telugus and Uriyas are nearly equal in the district.
- (2) that, though the proportion of Uriya-speaking to Telugu-speaking people was about the same in 1881 and 1891, there is in 1901 an increase of 59 per cent. in the population speaking Uriya and a decrease of 47 per cent. in the Telugu-speaking population. This increase and decrease cannot but be characterised as *abnormal* when it is kept in mind that during the decade 1891-1901 the total population of the district has increased by only 6 per cent. This striking difference could not escape the attention of the Census Superintendent at Madras, who probably being unable to call for an explanation from the district authorities, merely suggested an explanation of his own. He says "some of the considerable advances in the numbers speaking the *minor languages* seem to be due to 'greater care on the part of the enumerators to avoid returning people as speaking the prevalent vernacular of the locality without enquiring what language they actually used in their houses'" (Vol. XV., Part I., page 94).

11. This explanation is *inapplicable*; for neither Uriya nor Telugu is a "minor" language in Ganjám. It is *neither a convincing* explanation; for there is nothing to show that there was greater care and discrimination in 1901 than in 1881 or 1891 (*vide* Census Report of 1891, Vol. XIII., page 362, paragraph 684; Census Report of 1881, Vol. I., pages 4 and 5, paragraphs 21, 22 and 25). It merely takes it for granted that there is a marked excess of Uriya-speaking people in the district.

12. The figures for 1881 and 1891 have never been challenged, and must be presumed to be correct; and apparently they are correct, for the Census of 1901 shows that, by race, Telugus and Uriyas are about the same proportion as they were by language in 1881 and 1891. It is quite incredible that in one decade nearly half a million Telugus have abandoned their own non-Aryan language and adopted Uriya as their house language. The probabilities are therefore rather in favour of the view that the Uriya enumerators of 1901 working in Uriya-speaking areas, have returned all Uriya-knowing people as Uriya-speaking whether or not Uriya was their house language.

13. Again the explanation given by the Census Superintendent for the very large advance in the numbers of those who speak Uriya in Ganjám and a corresponding decline in those speaking Telugu presumes that the language figures of 1891 are incorrect. Considering that such a mistake as is assumed to have been committed has actually occurred in 1891 in those parts of the district where Telugu was the prevalent language, it must also be conceded that a similar mistake must have been made in those parts where Uriya was the prevailing language so that this error should not make much difference in numbers speaking these languages, unless Telugu is accepted as the prevailing language in a larger portion of the district.

14. Further, the explanation of the Census Superintendent that the language figures of 1891 are wrong, assumes making allowance for the 6 per cent. general increase of the population in the decade, that over 4 lakhs of Uriya-speaking people must have been returned as Telugu-speaking in a portion of the district where Telugu is the prevailing language. It is needless to add that the tract where Telugu is the prevalent language must indeed be extremely large to absorb into it an Uriya-speaking people numbering over 4 lakhs. This last contingency would negative in the highest degree the possibility of the Uriya-speaking people being 12 lakhs and odd as against 3½ lakhs of the Telugu-speaking. There is therefore no ground for considering that the language figures of 1891 are incorrect in any appreciable degree.

15. The remark of the Census Superintendent at page 98 of Vol. XV., Part I., that "in Ganjám Telugu is the prevailing language in Goomsur taluk and Uriya in all others" is altogether inaccurate, and this mistaken notion probably accounts for the ease with which the questionable language figures of 1901 were accepted as correct. As a matter of fact, the prevailing language in each of the twelve taluks of the district and the total population of each taluk are as shown below:—

Name of Taluk.	Prevailing Language.	Total Population taken from the Census Reports of 1901—Village Statistics for the Ganjám District.
Chicacole	Telugu	228,373
Parlákimedi	Do.	256,414
Tekkali	Do.	124,626
Sómpéta	Do.	97,229
Narasannapeta	Do	26,452
		———— 728,094
Goomsur	Uriya	200,357
Aska	Do.	115,883
Purushottapur	Do.	102,396
Ganjám	Do.	95,882
Suradá	Do.	18,662
		———— 533,180
Berhampur	Telugu and Uriya	344,368
Ichchhápuram	Do.	83,500
		———— 427,868
	GRAND TOTAL ...	1,689,142

16. The correctness of the table with reference to column 2 may be verified by a reference to the district authorities, or an examination of the records (accounts and registers) of the various taluk offices. Taking the Telugu-speaking population at the moderate proportion on the average of 65 per cent. in the five Telugu taluks, 15 per cent. in the five Uriya taluks and 50 per cent. in the two other taluks, the figures work out thus :—

Five Telugu taluks, 65 per cent. of 728,000	=	473,200
Five Uriya taluks, 15 per cent. of 533,000	=	79,900
Two other taluks, 50 per cent. of 427,000	=	213,500
Total Telugu-speaking population		<u>= 766,600</u>

This estimate of 766,600 Telugu-speaking people is certainly in consonance with the language figures of 1881 and 1891, viz., 692,000 and 722,000 respectively, and with the race figures of 1901, viz., 755,383, and it shows the impossibility of the language figures of 1901, viz., 342,910. This estimate is also borne out by the actual experience of those who know the district personally, and, your Excellency's memorialists are confident, will be found to be correct if returns be called for from the various taluks in question.

17. The Census returns of 1901 show that in Ganjám there are 342,910 persons whose house language is Telugu. Deducting this number from 755,383 returned in 1901 as Telugus by race, we have the astounding fact that 412,473 Telugus by race have forgotten or forsaken their own language—a fact which it is impossible to believe of such a conservative race as the Telugus. This great divergency between the language and race figures of 1901 is inexplicable and has remained unexplained.

18. In these circumstances your Excellency's memorialists feel justified in challenging the language figures of 1901, and demurring to arguments based on those figures, which are irreconcilably at variance with the figures of 1881 and 1891, with the estimates made by persons well acquainted with the district, and also with the race figures even of 1901, and which therefore cannot be accepted as a safe foundation for a political measure fraught with such serious and far-reaching consequences as is the proposal for the transfer of part of the Madras Presidency to Bengal. If the Census figures of 1881, 1891 and 1901 be read, together with the necessary corrections for errors such as the Census Superintendent admits, the only unassailable inference from those *data* is that, both by language and by race Uriyas and Telugus are about equal in numbers, each numbering about three-quarters of a million in round numbers. When it is also remembered that Uriyas and Telugus are inextricably distributed over the several taluks of the district, it will be seen how unreasonable is the prayer for the unification of the Uriyas, and how impracticable its fulfilment.

19. Granting, for the sake of argument, that the Uriya-speaking population is larger in number than the Telugu-speaking population, the question arises, Which is of more importance in deciding the proper *locale* of a people, the language they talk, or the race they belong to? The former is an accident, it may change under changed circumstances, the latter is a vital and essential matter, of blood, tradition and custom, and cannot be adopted or discarded at will. One may repudiate his language but not his birth. Hence the argument in favour of race should prevail over that of language.

20. If the history of Orissa or of Ganjám be examined, it becomes apparent that the pathetic phrase of the Uriya memorialists, describing Ganjám as dissociated from Orissa "as a limb separated from the body" is mere rhetoric based on ignorance of facts. For, neither

- (a) in prehistoric times, nor
- (b) in the days of Hindu sovereignty, nor
- (c) under Moslem rule, nor
- (d) During the short-lived French supremacy, nor
- (e) since the district came under British Government,

was there such organic and vital connection between Ganjám and Orissa as the phrase pretends. The authors of that phrase certainly cannot suggest, when, how, and by whom, this limb was truncated.

21. The district of Ganjám originally formed part of the well-known kingdom of Kalinga, which appears to have existed so far back as the times of the Rig Veda (Dr. Rajendra Lal Mitra's *Antiquities of Orissa*, Vol. I., page 5) and long prior to the Ramayana and the Mahabharata and other Puranas, the Skanda Purana included (Rev. Foulke's Article, *Indian Antiquary*, Vol. VIII., pages 2 and 3). This kingdom extended from the mouths of the Ganges to the Kistna with its capital at Calingapatam, situated in the Ganjám district about half way down the coast and was divided into two portions, a Northern and a Southern Division, the mountain spurs which run down to the sea on the south of the Chilka lake forming a well-defined boundary between the two (Hunter's *Orissa*, Vol. I., pages 170 and 171). *Babu Peary Mohan Acharya*, in his learned history of Orissa, page 20, after considering the various English and Indian authorities on the question, placed the southern limit of Orissa at Khurda in the Puri district.

22. In the twelfth century, an invader from the south, Chonanga Deo, founded the Gangetic dynasty assuming the surname of Gajapati, added to Orissa his paternal southern

domain from the Gódávari northwards to Orissa and brought under his sway all the country from the Hugli to the Gódávari. The kingdom was even then divided into the three provinces of (1) Midnapore, (2) Orissa and (3) the country south of the Chilka.

This southern portion which is now included in the Madras Presidency, however, refused to pay tribute and the administration of the Gangetic line continued to be merely nominal over this part of the country (Hunter's Orissa, Vol. I., pages 317-319). During the rule of this Gangetic dynasty (1132 to 1532 A.D.), the Orissa kings, having in view the wild nature of the country and its aboriginal inhabitants, were probably induced to establish their men as Rajas in Ganjám to keep the Khonds and Savara tribes in check (Ganjám Manual, page 97).

23. About 1571 A.D., a Muhammadan king from the south invaded the country up to Orissa, and he and his successors held for 180 years the district of Ganjám, which, including the Ichchhápúram province then known by the name of the Chicacole Circar, was controlled by the Muhammadan power at Hyderabad. The principal seat of Government for this tract of country was Chicacole, while Ichchhápúram was the seat of a Sub-Government (Ganjám Manual, page 99). The *Chicacole Circar* extended from the Gódávari to the Puri district (Orme's History of Hindustan, Vol. I., page 335) and Ganjám was the last town in the Chicacole Circar (*ibid.* Vol. II., page 361).

24. The Northern Circars passed for a brief period in the 18th century into the hands of the French and then finally came under British rule in 1766, and still maintained its position as a part of the southern or Madras territory.

25. It will thus be seen that Ganjám has, for at least three centuries and a half, been an organic or integral part of the Northern Circars, and that its transfer from Madras to Bengal, instead of restoring a long lost limb to Orissa, will have the effect of excising a portion of the Circars, and seeking to graft it on to Orissa of which it had never formed a part. Though historical connection between one province and another may, generally speaking, have no independent value, yet this argument must be of use as supporting other considerations that point in the same direction, as observed by the India Government.

26. A view of how the different races are distributed over the district also supports the same conclusion. The country, to a fair breadth from the sea all along the sea coast, is occupied purely by the Telugus, and the hills and their slopes are occupied by the Khonds and Savaras, etc., who in common with the Telugus are of the Dravidian (Turanian) stock. The strip between is Uriya to the extreme north, mixed at the middle and Telugu to the south.

27. The India Government is considering the reasons against the transfer of Orissa from Bengal to the Central Provinces observe that "the prescription of a century is difficult to break though not insurmountable." Your memorialists submit that if the prescription of a century is difficult to break the prescription of several centuries and under various Governments requires very strong and cogent grounds for breaking it and they humbly submit no such grounds exist for the contemplated transfer.

28. As to the administrative anxieties said to be imposed upon the Madras Government by the great diversity of languages: your memorialists submit that, so far as they are aware, they never complained of their inability to cope with the Uriya language. The Civil List shows that a large number of Madras Civilians have qualified themselves in Uriya, it being a language easier to learn than the other languages which prevail in other parts of this Presidency.

29. It is said that no official complaint has been received from Bengal, because, the factor of its Uriya-speaking population has been one with which it has had to deal for a century and to which it has learnt to accommodate itself as best it could. Madras, whose connection with the Uriya-speaking population is longer than that of Bengal, should better accommodate itself than Bengal. If really the Madras Government should complain of diversity of languages, how much more should Bengal, with a much larger number of districts and population than Madras, complain, if to its greatly diverse languages (viz., Hindustani, Bengali, Hindi, and Uriya) Telugu besides Savara, languages altogether foreign to Bengal, be added.

30. Your memorialists submit that the Madras Government has, as a matter of fact, been successfully coping with the diversity of the languages for a century and a half and never suggested any territorial reduction on that account. Scant will be the relief afforded to Madras by the proposed transfer, as there will still remain in Madras a sufficient number of Uriyas by race and language to keep alive the Uriya problem.

31. Diversity of languages is part of the burden of most of the several Governments in India, e.g., *Bombay* has to cope with Marathi, Canarese, Guzerati, Cutchi, Persian, Beluchi, Sindhi, etc., while in the Punjab the languages are Punjabi, Hindustani, Hindi, Sindhi, Beluchi, etc. During the century and a half that Ganjám has been under its care, the Madras Government has learnt to accommodate itself to the peculiar requirements of the Uriya country, and is by long experience able to grapple with a great diversity of languages. No one can point to any instance of administrative ineptitude or inefficiency, any miscarriage of justice, any social or economic disaster or hardship or any kind of failure, due to this Government having to rule three-quarters of a million of Uriyas in the district.

32. As for the difficulty of retaining a superior staff acquainted with the local language and customs, it is common to all the districts so long as the province is inhabited by persons speaking a variety of languages.

Experience shows that no greater difficulty than was felt in the other districts of the Presidency or other Presidencies was ever experienced in Ganjám in this respect.

If by superior staff is meant the European Gazetted officers of the district, your memorialists respectfully submit that the Madras officers posted to the Ganjám district have learnt easily and in a short time the language and the customs and manners of the Uriyas which are not altogether dissimilar to those obtaining in the Telugu or Tamil districts. A glance at the Civil List will show how many Civilians of this Presidency have passed the special examination in Uriya. Indeed it is rarely if ever that an officer serving in Ganjám desires a transfer or regrets the chance of returning to Ganjám.

33. No doubt the frequent transfer of officers from one part of the Presidency to another may to some extent exercise an injurious effect both on the administration and the people. But this evil can be remedied by taking such steps as may prevent the frequent transfer of officers to distant parts, and your memorialists learn that the India Government have lately issued orders that as far as possible no distant transfers should be made and arrangements should so far as is practicable be made within the district when temporary vacancies occur. Further, the evils arising from these transfers are not peculiar to Ganjám or other parts of this Presidency. On the other hand this evil comparatively speaking presses lightly on Ganjám, and the officers of Ganjám speak Uriya far better than the average official of equal grade speaks Telugu, Tamil or Malayalam. If Ganjám be transferred to Bengal, the difficulties of administration on the score of diverse languages will be far greater. For the New Bengal will contain five Uriya districts and one district (including Vizagapatam Agency) partly Uriya and partly Telugu, against not less than 33 districts speaking three other languages, and so a Bengal official, if he be sent to Ganjám from any of the 33 districts above referred to, will have to learn not only Uriya, but also Telugu quite dissimilar to the languages of the other parts of the Presidency, and even if he be sent from the five Uriya districts he will still have to learn the Telugu language as well. At present one (Telugu) of the two languages (Uriya and Telugu) which an official serving in Ganjám learns will be of service to him in 16 or 17 other Telugu districts of the Madras Presidency (*vide* Census Report, Vol. XV.-A, Part II., of 1901, pages 112 and 113), while the other (Uriya) will be of use to him in three other districts (Vizagapatam, Gódvári and Kistna). In New Bengal, however, Telugu will be of no use to him in any of the remaining districts. Thus the Telugu people will present a new problem to the Bengal Government and the difficulty of retaining a superior staff will be much greater to the Government of Bengal than to that of Madras.

34. As to the difficulties of officering the subordinate staff from local sources for reasons already stated, the Uriya and Telugu speaking populations like their races are equally divided and these races far from occupying different portions of the district are freely distributed over every zamindari, Government taluk, proprietary estate. The Uriyas residing in parts of the district like Parlákimedi, Sómpéta and Ganjám taluks speak both Uriya and Telugu, while the Telugus that live in parts of the district like Goomsur, Purushottapur, Aska and Suradá speak both the languages. The intermingling of the races in the district has advanced so far that one has been not only speaking the language but also has adopted the customs and manners of the other. The Uriyas have been for long feeling quite at home under their Telugu officers and the Telugus have been for equally long time feeling happy under their Uriya officers. Uriya zamindars have been employing both Telugus and Uriyas as their Diwans. Almost every zamindar maintains an Uriya and a Telugu establishment for administrative purposes and the contact is still closer and even more harmonious in commercial circles. The Telugu or the Uriya that is appointed to any respectable position in the district is generally well acquainted not only with the mamools and customs but also with the language of both the races. Thus there has been up till now no difficulty in officering the subordinate staff from local sources and though the Telugu element from its superior academical qualifications preponderates in public offices at present and may continued to do so possibly for a few years to come, yet it cannot be said that their employment means the introduction of foreigners "ignorant alike of the people, their language and their ways." Except in rare cases which occur everywhere, foreigners are not brought in and even those that were brought in have shown that the language, customs, and manners could be easily learnt. In short, Uriya language or people or their customs and manners never presented any great difficulties in officering the district with superior or subordinate staff.

35. The Government of Madras have always evinced special interest in the solution of the Uriya problem by the adoption of liberal measures such as charging only half fees for Uriyas in schools and colleges including Law, Engineering and Medical, opening for the special benefit of the Uriyas scholarships which from time to time are being supplemented by the zamindars of the district and preferring generally the Uriyas in the distribution of official patronage. If in spite of these concessions the Uriyas of the district have to any extent been backward, it is because the patronage which the zamindars of the district largely extend to the more intelligent section of the Uriya Brahmans and Patnaiks as courtiers and clerks, panjas and pundits, renders them indifferent to the study of English which requires a long term of laborious studentship, and to the prizes of the public service or other professions which entail continued patience and application.

36. Whatever real or imaginary grievances there might be in regard to the employment of the Uriya language and Uriya public servants in the courts and public offices are in a fair way to be removed, now that each year increasing numbers of Uriyas are availing themselves of the exceptional educational facilities offered and qualifying themselves for the public service. At present there is not a single duly qualified Uriya who remained unemployed. In the Collectorate and the courts and offices subordinate to it, in the Forest, Salt, Education, Police, Registration and Medical departments, and in the civil courts, Uriyas are being encouraged; and the demand for them greatly exceeds the supply. Meanwhile in all the courts and the public offices subordinate officers acquainted with Uriya are employed, so that no difficulty is experienced in examining Uriya witnesses, registering and dealing with Uriya documents and utilising Uriya forms of notices, summonses, warrants, &c. Inquest reports and occurrence reports are often drawn up in Uriya; village servants—karjees, karnams, &c.—are Uriyas or Telugus, and village accounts are maintained in Uriya or Telugu according as the one or the other is the prevailing language of the locality.

37. Your memorialists submit that this district being peopled equally both by the Uriyas and the Telugus, its administration cannot be carried on efficiently or to the satisfaction of both the sections unless it is officered by men who are acquainted with both the languages. The retention of Ganjám in Madras can alone secure this object, as its natives are familiar with both the languages from their childhood and can easily learn Telugu or Uriya, as the case may be, as a second language, and the majority of Madras officers of superior grade who must have picked up Telugu while serving in ten other districts, will find it easy to learn Uriya also. If, on the other hand, Ganjám be transferred to Bengal, the Uriyas of Ganjám will lose the special privileges enjoyed under Madras, as their distinction would be lost among the rest of the Uriya population and would not have that incentive and facilities for availing themselves of higher education which they now have. Even among the Uriyas of Orissa, education does not seem to have made any rapid progress; for Orissa turns out a year, on an average, only six graduates for a population of about 60 lakhs, while Ganjám with an Uriya population of about 8 lakhs passes on the average one Uriya a year. Again, in the whole of Orissa, there is but one first-grade college, with no second-grade colleges, while in Ganjám there are two second-grade colleges with a first-grade college at Vizianagram, which is only about one-and-a-half hour's run from the southern limit of the district. As a matter of fact every Uriya of the Ganjám district that passed the F.A. examination within the last ten years has completed the B.A. course, though a few have failed to secure the degree, while many a Telugu student had to be content with his F.A. for want of pecuniary help which his Uriya brother invariably enjoys by way of scholarships. In the matter of Government employment also considering their numbers the Uriyas of Orissa do not seem to have fared better.

For these reasons, your memorialists respectfully submit that the salvation of the Uriyas of Ganjám does not consist in the satisfaction of their demand for the unification of the Uriya-speaking peoples, but in the progress they make in education.

38. Your Excellency's memorialists further submit that if the suggested change be carried out, the law of personal rights, the common law of land tenures, the enactments relating to the rights of zamindars, jaghirdars, shrotriendars, proprietors, ryotwari pattadars, inamdars, tenants, &c., the laws relating to recovery of rent and revenue, all other local and special laws enacted by the Madras Government with special reference to local conditions and habits of the people living in the Madras Presidency, including Ganjám, the methods of administration to some extent, and many other matters specially suited to the localities, will have to be disturbed.

The laws of personal rights in Bengal and Madras greatly differ. The people of Ganjám—Telugus and Uriyas alike—follow the law of Mitakshara as administered in Madras, while the people of Bengal follow the Dayabhaga, which in many and important respects differs from the Mitakshara, and again the Mitakshara as administered by the *Calcutta High Court*, with respect to a few portions under its jurisdiction, is different in some respects from the Mitakshara as administered by the Madras High Court.

And the Calcutta High Court and the subordinate Civil Judiciary of Bengal will have an additional inconvenience in mastering and administering a separate personal law for the sake of a few Uriyas and the Telugus of the newly added area.

Again common and customary law of land tenure is altogether different. The whole of Bengal, with the exception probably of a portion of Orissa, and a certain tract of Chittagong, is a permanently settled province, while Ganjám along with the other districts of Madras is chiefly a temporarily settled area, and has a ryotwari tenure unfamiliar to Bengal or Orissa. Again, the kind of temporary settlement obtaining in Orissa is unknown to Madras. This the Government of India themselves admit in criticising the reasons urged in favour of transferring Orissa to the Central Provinces to be a very weighty consideration, and say that they do not underrate its value.

Again, the Revenue and Rent Recovery Acts of these provinces vary. The Acts relating to the administration of municipalities and local boards are different, as also those relating to hereditary village servants, the local cess and the water cess, &c.

39. If various laws, regulations, and Acts which are now in force in Ganjám, notifications and rules having the force of law and Standing Orders of the Board of Revenue, be not adopted after the transfer, and if the Bengal laws be introduced into the district Ganjám will suffer seriously, and many valuable rights which have sprung up under the existing enactments will be imperilled, and the uncertainty liable to be introduced by the

change will be out of all proportion to the supposed benefits of the contemplated linguistic union, and would create a good deal of unnecessary confusion where peace and order prevail.

40. Again, as Ganjām with its peculiar laws and customs would form but an infinitesimally small portion of Bengal and not a substantial portion of Orissa, its needs are most likely to be neglected as it cannot hope to have an adequate representation.

On the other hand, if the existing laws, regulations, and enactments of Madras would continue to remain in force in Ganjām after the transfer, there is the danger of the laws, &c., becoming stereotyped unless the modifications introduced from time to time by the Madras Legislature, as also the bye-laws, circular orders, &c., be also extended to Ganjām as they are made. This would, in effect, mean the administration of Ganjām by Bengal second-hand through Madras. If, again, such new measures or modifications do not commend themselves to the Bengal Government, they will have to enact such modifications as, in their opinion, are necessary in the interests of Ganjām, for the efficient administration of which they will be responsible; and this would again add to the labours of the Bengal Government.

41. Apart from those legislative difficulties, there are also serious administrative difficulties. The land system of Madras altogether differs from the land system of Bengal. *Appropos* this subject your memorialists make no apology for taking a few extracts from the *Madras Mail*, the leading Anglo-Indian journal of Madras, as they appear to be to the point.

"It (land system) is based on a series of Acts and a very elaborate compilation of rules and regulations. These embrace the tenure of land, the settlement and collection of revenue, dakhasts, water-rules, remissions, irrigation, wells, village officers, their appointments and their duties, and countless other connected questions. The whole of this elaborate scheme, Acts and rules alike, must be absorbed *en bloc* into the Bengal revenue system. If the peculiarity of language in Ganjām makes transfers to and from the district difficult, 'will the Government of Bengal be in a better position,' if in addition to the language difficulties already dealt with, 'they have from time to time to find officers to administer in Ganjām, a complicated revenue system with which they 'have not the slightest previous acquaintance?'"

"Will it add to the Bengal Civilian's contentment when he has to master, in addition to an altogether new language Telugu, an elaborate system of revenue and other laws which after a year or two he may not need again? The ryotwari system is not only troublesome to master, but by reason of the constant close contact of the Divisional officer, and the individual ryot that it necessitates, entails infinite pains on the part of the officer who has to administer it. No better will be the position of the Judge who has to inform himself of the details of a new series of enactments and civil rights arising from the peculiar revenue system in force in the district, and if the administration of Ganjām by the Bengal Government is likely to harass the servants of that Government, no less harassing will it prove to the Ganjām ryots. We venture to doubt if, in view of the special difficulties thus involved, the Bengal Civilian will ever acquire a thorough and intimate knowledge of the Madras system of land revenue. Still less is this likely to be the case with the controlling officers. Will the Commissioner of Cuttack for example, or the members of the Bengal Board of Revenue be content after long years of service to slave at details which every Madras Civilian learns as the A B C of his revenue training during his first two years in the country? Yet such knowledge is essentially necessary to the control of the officers employed in Ganjām. And if such knowledge is wanting either in the Gazetted officers of Ganjām employed in the district or in their superiors the interests of the ryots cannot fail to be prejudiced. Imperfect control of the native subordinates, delays, and intrigue and consequent hardship to the land-holding class must necessarily follow. No system of land revenue, least of all the Madras system, will stand the strain of being carried on by officers who have but an imperfect knowledge of its principles."

42. There are equal, if not more cogent, reasons why the hill tracts of Ganjām and Vizagapatam cannot be transferred. Several zamindars in Vizagapatam have large tracts under the Agency attached to their estates in the plains. If the proposed separation be effected it will entail great hardship on those zamindars as they will be subjected to two different administrations. If, for this and other weighty considerations which it is unnecessary for your memorialists to dwell upon at length the Vizagapatam Agency be excluded, the argument in favour of the transfer on linguistic considerations will lose much of its weight, as it will practically shut out from the linguistic union about 4 lakhs of the Uriya-speaking people.

43. The India Government themselves observed in their letter, "The Bengal form of administration is too highly developed, too legalised and too impersonal for backward tracts and primitive hill tribes. This view is borne out by experience of a series of outbreaks in recent years, and by the difficulties met with in dealing effectually with the land tenure in the province." These remarks apply, your memorialists submit, with equal if not greater force to the two Agency tracts in question.

44. If the object of territorial redistribution be to give relief to the overtaxed Bengal administration, your memorialists humbly venture to submit that the various insuperable administrative difficulties pointed out above arising from the addition of Ganjām and of Vizagapatam Agency will far outweigh the relief which can be afforded to Bengal by giving up some of its districts to any other Government.

45. Your memorialists submit that considerations other than linguistic and administrative also weigh against the proposed transfer. Ganjām, as its name implies, is the granary of the world (*vide* Hunter's Gazetteer—Ganjām, page 1). It is reputed for its rice trade. It has extensive dealings in grains with the southern districts of the Madras Presidency and its maritime ports. The proposed transfer will have an injurious effect on its trade and will to a large extent break the commercial links which attach internal and maritime towns of Ganjām with Madras.

46. If, however, it be held that other considerations should be subordinated to linguistic unification, your memorialists venture to submit that since the members of the Uriya-speaking group do not object to their being placed under any one administration and since it is admitted that there are no grounds for complaint against the Madras administration and since a large and influential section of the Uriyas of Orissa have actually memorialised your Excellency objecting to their continuance under Bengal, Orissa may conveniently be added to Madras.

47.

Province.	Number of districts.	Extent in square miles.	Revenue.	Population (in British territory).
Madras	22	141,189	Rs. 11,16,51,550	382,08,609
Bombay	24	125,144	11,67,87,290	189,01,123
United Provinces of Agra and Oudh ...	49	107,593	12½ crores	477,46,324
Bengal	48	151,260	17,68,70,720	747,13,020

The above table would show at a glance that Madras, which in point of revenue and population and territory is lighter than most of its sister provinces, cannot only successfully cope with the existing diversity of languages, but can also take in Orissa with comparatively less difficulty, especially as it has had to deal with a fairly large Uriya population both in times of trouble and peace for nearly a century and a half. If, on the other hand, Madras which has been already reduced by taking away one district (North Canara) be further deprived of one whole district (Ganjām) and three-fourths of another district (Vizagapatam) on mere considerations of language, it will lose one-seventh of its extent, one-thirteenth of its population and one-sixteenth (that is, Rs. 66,00,000) of its revenue, not to speak of the loss of prospective revenue of Ganjām from its recently completed irrigational projects. The separation of these tracts from Madras will perceptibly diminish the importance of Madras and lower the prestige and position of a Presidency which is administered by a Governor in Council.

48. Your memorialists take the liberty to point out that the transfer will deprive them of the highly valued privilege of an administration steered by the ripe experience and wisdom of the Civil Service, perfected by the counsels and control of a statesman bred up in the free political atmosphere of the West.

49. If the proposed change be carried into effect, Ganjām will have to be split up into two portions, one to be placed under the Madras Presidency and the other under Bengal and the effect of this will be to efface altogether the memories and even the name of a district which was lovingly cherished by the people for a long time.

Such a transfer will entail a change in the *locale* of official and business centres of the district causing immense loss in a variety of ways.

50. The history of the district, your memorialists submit, deserves notice in deciding the question of the proposed transfer. When Ganjām was ceded by the Nizam to the Madras Government, the zamindars of the district had to be reduced to submission (*vide* Ganjām District Manual, pages 111-133).

The Madras Government had to quell almost an unbroken and continued series of disturbances and rebellions both before and after the permanent settlement till 1865 (*ibid.*—*vide* pages 134 to 198). Even subsequent to 1865 till recently they had to suppress a number of revolts and disturbances known as the *fiturias* of Kolakota, Rampa, Pachipenta, Santa Bupathi in the districts of Ganjām, Vizagapatam and Górávari.

51. The details of Agency administration, the peculiarities of the hill men and the management of semi-civilised tribes require special study. The hill tribes being very excitable and jealous of any encroachment on their ancient rights and customs used to be continually at war with one another, and even now their warlike propensities want watching and it was therefore necessary to invest the Collectors of the three districts (adjoining these tracts) with special and summary powers as Agents to the Governor under a special Act of the Madras Code—Act XXIV. of 1839 (Ganjām Manual, page 72, and Census report of 1891, Vol. XIII., page 10). In order to keep them under the special observation of the Government, the Agents are directed to make a tour through the hill tracts once a year, and the Special Assistant Agent and Assistant Superintendent of Police shall reside in the Maliahs for six or eight months in the year and the Principal Assistant and the Senior Assistant shall make yearly visits to that portion of the hills which is

under their respective jurisdictions (Ganjám Manual, page 92). The Savaras and Gadabas of the Ganjám and Vizagapatam districts also present special features. In the said districts they number 183,159 and 40,395 respectively, and their language is of the stock to which Telugu belongs, viz., Turanian (*vide* Ganjám Manual, page 66; Vizagapatam Manual, page 85). While the excess of the language figures over the race figures in regard to Khonds in this Presidency (*vide* 1901 Census Report, Vol. XV, Part I, page 106) leaves large room for doubt whether their language can be superseded by Uriya, it can hardly be doubted that the Savara language must retain its vitality and present an additional problem to Bengal, where this race is a rarity. No amount of written literature such as reports and regulations can give an insight into such matters which are mostly matters of tradition in the districts concerned. Your memorialists leave it to your Excellency's political wisdom and administrative sagacity to consider whether it is expedient that these tracts should be removed from the administration of the Madras Government whose experience of the character of the people in times of peace or revolt, invests it with special qualifications to administer the district with great efficiency, and whether it is not more desirable to avail oneself of the traditions and experience ready to hand than run the risk of casting them aside and beginning afresh.

52. It will not be out of place to invite attention to the fact that the Maharajas of Vizianagram and Bobbili, the Zamindar of Kurpam and some others of the Vizagapatam district possess large landed estates in this district, and the connection between this district and the plains of its sister district of Vizagapatam is so close that the separation cannot fail to be felt by both.

53. Adverting to the Uriya petition referred to in the Government of India's letter, your memorialists beg leave to enter their most indignant protest against the misleading and false statements therein, which are calculated to leave the impression on the Government of India that the Telugus and Uriyas in this district are completely estranged from each other and that the Telugus treat the Uriya people with superciliousness. Until the time of this petition, the Uriyas of Ganjám never expressed any desire for separation from Madras. Both the races—Telugus and Uriyas—have always lived side by side in peace and harmony. Though in many villages there are factions of Telugus against Telugus or Uriyas against Uriyas, such a thing as a faction of Telugus against Uriyas is absolutely unknown in the district. Uriya landlords have Telugu tenants and Telugu landlords have Uriya tenants, some of the Uriya zamindars have Telugu diwans and maintain also a staff of Telugu clerks and other servants. Uriya families including some zamindars have Telugu priests and Telugu families have Uriya Brahmans for their priests, and every calling or profession practised in the district counts Uriyas as well as Telugus among its members, except the noted silk industry of Berhampur which has always been solely in the hands of the Telugus.

54. The officers that have served in this district can bear ample testimony to the truth of these remarks. Such being the state of feeling between the Uriyas and Telugus till recently, it is important to inquire under what circumstances and how the petition came to be submitted.

55. The idea of enlarging Orissa seems to have been exercising the minds of a few of its leaders for the past several years. It found expression in the press, evidently for the first time, in the shape of a proposal for the unification of the Uriya-speaking peoples in the Utkala Deepika of Cuttack early in 1902. Shortly thereafter, one Mr. Neelamoni Bidya Rothno of Cuttack came to this district and started at Rambha an Uriya weekly, which took up the same idea. The extracts quoted in the appendix, from this and other Uriya papers, will disclose how, to create public opinion among the Uriyas, a sort of racial feeling was gradually engendered among the unlettered masses, how in the middle of 1903 a petition was planned, prepared and despatched, how the Government of India's letter of 12th December 1903 was held up to the masses as the final determination of the question, how objectionable language is being employed towards the Telugus of Madras and the Mahrattas of the Central Provinces, calculated almost to excite feelings of racial animosity, how Uriya gentlemen who dared to think, write or speak against the proposed transfer are cried down to shame in the eyes of the Uriya community, and how in the names of the holy Ganges and sacred Gaya, the religious instincts and superstitions of the masses are worked upon, to create a liking for union with Bengal. Public opinion on this question seems to be varied and conflicting in Orissa as is evident from memorials, etc. (copies enclosed) submitted from Cuttack. Just as the original idea itself was started in Orissa and transmitted to the Uriyas of this district so are all changes and shades of opinion similarly wafted over the waters of the Chilka lake to this district. The opinion of the Uriya community is very much divided on the question. It is, however, worthy of note that the responsible opinion of some of the zamindars in this district, viz., Parlákimedi, Maudasa, Chikati, etc., is opposed to the transfer.

56. Your memorialists further venture to point out that the three-fourth million of the Telugus in this district and the hill tribes are not in favour of the contemplated transfer.

Your Excellency's humble memorialists beg to thank your Excellency's Government for affording them an opportunity of expressing their views, and for preserving an open mind in the matter till all opinions, official and non-official, have been fully heard. In thus approaching your Excellency with this humble expression of their views, your memorialists fervently hope that your Excellency will attach due weight to the fact that this district is to the extent of a half, peopled by Telugus who have contributed largely

to the growth and prosperity of the district and who play an important part in the agricultural, commercial, and public life of the district, and pray that your Excellency, in view of the marked individuality of this tract of country as a separate district for several centuries, and its future possibilities under existing conditions, will be graciously pleased to permit Ganjám to continue its existence as a vital limb of the Northern Circars subject to the administration of Madras.

Annexure 19.

Translation of Extracts from the various Uriya Newspapers.

"Ganjám Uriya Hitabadini" of 3rd October 1902, pages 3 and 4, columns 1 and 2.

The "Prajabandhu" has made its appearance in the proper time and has set on foot an agitation to unite together the scattered portions of the Uriya country. The object of this agitation is to take steps soon to submit to Government a memorial from all Uriya-speaking country and another from the Ganjám district only. A word or two will be said in this article on the subject.

We trust that it is fit for all Rajas and Maharajas who are of *pure Uriya origin* to take part in this matter. Especially if competent men like the Rajas of Bamanda, Parlákimedi, and Mourbhunj should attempt this with attention, it is very probable that this fine and well-conceived proposal will be carried into effect.

About the time of the agitation of the Sambalpur people, we learnt from "Hithaishini" that Lord Curzon had asked the present Commissioner of Orissa about the inclusion of the Sambalpur district in Orissa. The Commissioner then replied that Orissa was mutilated owing to the separation of Sambalpur and Ganjám from it, that the Uriyas are leading their lives in an unadvanced manner, that if Sambalpur and Ganjám were united with Orissa, Orissa will rise and there will be no obstacles to administration. Publishing this, the editor wrote, "Uriyas will no doubt be greatly benefited if Sambalpur and Ganjám are included in Orissa. The Utkal Sabha has already memorialised for including Sambalpur under Orissa; the people of Sambalpur also have made the same prayer. *It would be better for the Ganjam people to represent their grievances and inconveniences and pray for the inclusion of Ganjam in Orissa.*

In the current issue of the "Prajabandhu," this important matter has been well thrashed and it has been resolved upon to send a memorial soon. We understand from a reliable source that Mr. Madhusudan Das has taken up this matter and that he will certainly one day unite together the whole of the Uriya country in one political bond. . . . This is the best time for a memorial when the Provincial Conference meets at Cuttack. That will be the best opportunity for all Uriyas to meet.

In connection with the agitation of the Sambalpur Uriya brethren the Sambalpur "Hithaishini" (of which Mr. Neelamoni Bidya Rothno was editor) has roused us. After that we prepared a memorial in Ganjám and showed there plainly that the Rajas and the people of Ganjám are all Uriyas, that Ganjám is subjected to many inconveniences on account of its being under Madras, that Ganjám Uriyas are boycotted in many respects by foreign officials of high position entirely unacquainted with Uriya and that the deplorable condition of the Ganjám people can only be bettered by transferring Ganjám to Orissa.

It is proper that all educated and high born people of Ganjám should be of one opinion. That by all means Ganjam is a part and parcel of Orissa will be unanimously admitted by all. The present separate existence is a result of political convenience. If Ganjám is united to Orissa and Orissa placed under one Government, all the Utkaliyas will spend their time in happiness. The Bengal-Nagpore Railway has united Ganjám with Orissa, and as the improvement of the Uriya language is more and more attempted, that union becomes closer. Many Uriyas of Ganjám are establishing close ties of friendship with Orissa. Within these few days the celebrated patriot of Orissa, Sri Pundit Neelamoni Bidya Rothno (now editor of the "Prajabandhu"), has become one of our Ganjám Uriyas. Through him the "Prajabandhu" has made its appearance in Ganjám and is knitting Ganjám with Orissa more and more closely. Under these favourable circumstances, the hope of Ganjám and Orissa becoming united will not be in vain. Let the Uriyas therefore take interest in the matter of the memorial and do as much as they should in connection with the undertaking.

A draft of the memorial has been prepared and it is in Berhampur. If the important teachers and respectable men of Ganjám approve of it, it will be corrected and steps taken to get it printed. We humbly request all our Uriya brethren to give their early attention to this.

(Signed) SRI GOPINATH RAJAGURU.

Special Supplement to the "Prajabandhu" of 16th December, 1903.

Published with a wood-cut representing ladies trumpeting success, immediately after the publication of the letter of the Government of India, dated the 12th December, 1903.

"Prajabandhu," of 20th January, 1904, page 3, column 2, lines 5-12.

If we happen to go to Calcutta on business for the settlements of our suits, we can take a bath in the holy Ganges which purifies the fallen, can consign the relics of our fathers and grandfathers to the Ganges, perform religious ceremonies at the shrine, and lift them from out of the Punnama naraka (hell), thus becoming entitled to be called their sons by discharging the duty which devolved on us as such.

"Prajabandhu," of 27th January, 1904, page 3, column 1, lines 20-24.

The wholesome manners and customs and the love of justice of the Bengalis is also praiseworthy.

"Prajabandhu," of 27th January, 1904, page 3, column 1, lines 57-59, column 2, lines 1-2.

Thataraja of Mandasa has over and over again given us to understand that he is fully in favour of the proposed transfer. That respectable people of his stamp should change their minds is a matter for deep regret and shame.

"Utkal Deepika" of Cuttack, 30th January, 1904, page 4, column 3, lines 7-26.

We read in the "Prajabandhu," " . . . We have been writing about territorial union for about two years, and we have been making all possible efforts to educate the common people on the usefulness of such a measure. Under these circumstances we believe that such as are constantly changing their views like senseless boys are deserving of our hatred (pity), and are unworthy of the name of men."

"Prajabandhu," of 3rd February, 1904, page 2, column 2, lines 2-12.

Those Ganjamites who had expressed themselves in favour of remaining under Bengal have—far from remaining in Orissa—persuaded themselves to remain under Madras under the influence of the frowns of the Telugus.

The Cuttack Uriyas are divided into two factions, one declaring for Bengal and the other for the Central Provinces. Alas!

"Prajabandhu," of 3rd February, 1904, page 2, column 2, lines 22-24.

If Government is not prepared to make such a change, would it publish it in the India Gazette?

"Prajabandhu," of 3rd February, 1904, page 2, column 2, lines 27-38.

Do they not remember that Sivaji and his descendants were the greatest thorns in the way of Orissa's elevation? Can any desire to benefit Orissa be expected from the descendants of those people who ruined the manufactures . . . of Orissa in all respects, and from whose wickedness the sun of Orissa's glory or greatness has almost set? . . . universal brotherhood cannot be expected of them.

"Prajabandhu," of 3rd February, 1904, page 2, column 3, lines 3-12.

As a consequence of Orissa remaining under Bengal, Bengal boys pass examinations in comparatively greater numbers. Their good luck brings them scholarships. It is not likely that the Mahratta boys of the Central Provinces will be an obstacle in their (Uriyas) way. . . . There is no doubt that greater regard will be paid to the tiger cub if it gain a victory over the bear than if it does not fight with the lion of which it is afraid. This state of things is not at all to be desired by the sons of Uriyas.

"Prajabandhu," of 3rd February, 1904, page 2, column 3, lines 32-34.

The people of Orissa are straightforward while those of the Central Provinces are hypocritical (or insincere). They attain their ends by the employment of such means as we despise.

"Prajabandhu," of 3rd February, 1904, page 3, column 1, lines 48-53.

O ye, learned zamindars and people of Ganjam, the words of Sri Yukta Hari Hara Tripathi in your last issue are literally true. Do not be deceived by the hypocrisies of the Telugus.

"Prajabandhu," of 24th February, 1904, page 3, column 3, lines 18-40.

We are not surprised when we read the opinion expressed by the Raja of Chikati. He has expressed an opinion quite befitting his position and his learning.

"Prajabandhu," of 24th February, 1904, page 4, column 2, lines 1-5.

We firmly believe that the miserable lot of the Uriyas can never be removed if the Uriyas, without considering the *pros* and *cons*, yield to the persuasions of the Telugus—express their opinions like the Raja of Chikati."

"Prajabandhu," of 24th February, 1904, page 4, column 3, lines 7-10.

Why do not the Uriyas use correct expressions? Bad habits are the result of company. Perhaps they are imbibing the qualities of the Telugus by virtue of their bad company.

"Prajabandhu," of the 2nd March, 1904, pages 1 and 2.

It may be asked, are so many others silent because the said fortune will favour (enter the house of) only a few? Again some may be saying in an indifferent tone in their favourite gatherings, "what more benefits are to be derived by Ganjám being united to Orissa?" and so on. Such men are incapable of realising what is to their own good or evil. I say to them in reply, "we are Uriyas."

Why do you so far dislike the idea of rubbing shoulders with brethren of your own race, and prefer to remain under the thumb of aliens as to shrink back from expressing your sympathy with the views of the brethren of your own race.

Although Ganjám is a small district, there are many Rajas. From olden times you have secured their patronage and have spent your lives from generation to generation.

and you have from the first set your faces against learning the language of the ruler (English) and taking up Government appointments.

Another thing—those aliens at times look down on you with contempt. How they treat you with apathy! You have heard of these things and have known them. Can it be that the warmth of your blood in your body has disappeared?

Truth speaker,

(Signed) SRI GODADHORA BIDYOBHUSHAN.

"Prajabandhu," of 2nd March, 1904, page 3, column 2.

Resolution 3.

On account of the "Prajabandhu" it has been convenient for the Ganjám Uriyas to consider about the increase of national feeling and about the free agitation in connection with the territorial amalgamation; so let thanks be tendered to the conductors of the paper.

"Prajabandhu," of 2nd March, 1904, page 3, column 3.

He (Mr. Modhusudan Das, in reply to a congratulatory address presented to him at Rambha by the Raja of Kallikóta and nine others) demolished all the arguments against the transfer and explained the usefulness of the transfer and said :—

"All can hear very soon of the issue of order of transfer. But a little delay may take place in carrying the order into effect owing to the arrangements to be made by the officials."

"Prajabandhu," of 2nd March, 1904, page 4, columns 1, and 2.

A Foreteller.

Brethren!—In these days you think in connection with the transfer of territories that the Telugu officials of Ganjám and the Hindustani and Mahratta officials of Sambalpur will throw obstacles in the way of the amalgamation by threats and deceit.

My grandpapa told me that Vishnu Sarma said :—

“Those whose life is fast ebbing away (drawing to a close) do not perceive the smell of an extinguishing lamp flame, do not listen to the advice of friends, and do not see Arundhati.

“The wickedness, tyranny, and supremacy of the foreigners in Sambalpur and of the Telugus in Ganjam is like a fast expiring life. This, therefore, is a fit time for their natures to disappear. There is no doubt of that. Hence, brethren, pick up courage, and gird up your loins.”

Annexure 20.

THE FUTURE ADMINISTRATION OF ORISSA.

Correspondence between M. S. Das, Esq., C.I.E., and Rev. Geo. Howells, B.D., dated 26th and 28th January, 1904.

My Dear Mr. Howells,

I have thought over the subject of our conversation last night and the contents of your printed statement of reasons and the letter to the Private Secretary to His Honour the Lieutenant-Governor, and I beg to draw your attention to the following facts :—

Your position as a Christian Missionary in a foreign unchristian country is very peculiar. No one appreciates more than my humble self the opportunities which a gentleman of your holy occupation has of endearing himself to the people by beneficent services to the country. No one is more grateful than my humble self to the Missionaries for their beneficent services to my country and nation. A position which gives one the opportunities of exercising his philanthropic and patriotic instincts lays him open to the danger of bringing on ruination on the country, if in the eagerness of his philanthropic instincts one selects the wrong means of improving the condition of the people. There are instances in the history of Indian missions where misdirected missionary philanthropy has injured the interest of the people. Such mistakes have an indirect effect on the relation between the Indians and the Christian Missionaries if the result proves eventually ruinous.

The interests of the country do not mean the interests of a handful of educated men—pleaders and clerks—whose opinions you had an opportunity of knowing and who you said are for Central Provinces. From conversation with some men of this class I gathered, they imagine, that the advantages to be secured to them are in the shape of honours, better appointments in Government service, and less keen competition in the lucrative professions. I consider these advantages imaginary because they are Bengali pleaders, Bengali officers, in the Central Provinces. You cannot by any means keep away the Bengalis; there can be no legislation to keep them out of Orissa. So that we shall have Bengalis all the same and the Mahratta who is a more astute administrator to boot.

As regards honours, you must have noticed that the distribution of these is not by provincial or local allotments, but by individual claim and qualification irrespective of local area. Take up the list of honours of any date and try to find out the principle underlying the distribution and you will find I am right. The best way to secure our due share in Government appointments is to secure a Government circular like that which regulates Government appointments in Assam. Seeing that Bengal had allowed the Assam circular to stand, it would be much easier for us to secure a similar circular under Bengal Government than it would be under a new administration. If we go to Central Provinces on the ground of its being more backward than Bengal, there would not be the same strong grounds for special consideration in the disposal of Government appointments, as on our own seeking we would have joined a race of equal intellectual calibre.

It must be known to you that the tenantry of the Central Provinces are the most oppressed on account of the heavy land revenue assessment there. Orissa is herself a poor province; her alliance with a richer province like Bengal is sure to be to her advantage. History, the principles of commerce and political economy, tell us that in the administrative alliance of a richer nation with a poor nation the latter is benefited. As a matter of fact there are about forty thousand Uriyas working in Calcutta alone, and when we add to this the large number who work in the mills and other centres of industry around Calcutta, I think the number would swell to some lakhs.

There is an established trade between Orissa and Bengal. It is not easy to divert this channel, surely it cannot be done by a resolution at a public meeting, or even by an order of Government. Add to this the want of facilities of communication between Central Provinces and Orissa.

There is no doubt that one of the results of the alliance of two provinces for administrative purposes is the gradual development of uniformity in the laws of the two places. The less advanced nation gradually assimilates the life and thoughts of their more advanced neighbour. This has been the result of the contact between Bengal and Orissa in the past. Not a year passes but the judicial decisions of the High Court extend to Orissa some

principle regulating the relation of landlord and tenant of Bengal. Homogeneity of conditions of life is the inevitable eventual result of association. A march in this direction is natural, and all civilised legislation aims at helping this natural tendency of man.

History abounds with instances where two communities originally governed by remarkably divergent laws in the course of time come to have a uniform codification. There are Tributary States in Orissa. Every thoughtful well-wisher of Orissa believes that the future prospects of Orissa lie in the material and educational advancement of these States. There are similar States in Central Provinces, but they are Feudatory States, and the great difference between the two classes of States is that while the States in Orissa pay a permanently fixed tribute to the British Government, the tributes paid by the States in the Central Provinces are liable to enhancement, and have been enhanced with the increase of the rentals of these States.

I should not like to place the Tributary States of Orissa under an altered State of administration where there is a chance of their losing their privileges of a permanently fixed tribute.

The condition of the ryot should be most prominently kept in view in the selection of an administration. The ryot is the backbone of the nation; he feeds the pleaders and supplies the revenue out of which Deputy Magistrates are paid. The question is: Will the condition of the Uriya ryot improve when he is yoked to his brother of the Central Provinces? I have no doubt you have given due attention to the interest of the tenantry and I shall thank you to favour me with your reasons for thinking that the condition of the tenantry will improve under the Central Provinces administration.

The early revenues settlement of Orissa was made under the same regulation which secured to Bengal the secret of its wealth and prosperity—the permanent settlement. The solemn and unequivocal promises of a permanent settlement to Orissa are contained in the Bengal Regulations, and they are the pegs on which influential men like Sir W. W. Hunter, the Hon'ble Mr. Reynolds, a newspaper like *The Times* of London, and public bodies have from time to time hung their arguments and appeals for a redemption of Government promise for permanent settlement in Orissa. No other part of the British Indian Empire enjoys the privilege of a permanent settlement, and the Bengal Code alone contains the legislation for this permanent settlement. But if we choose to go to the Central Provinces we cannot carry with us this *lex loci*. We must be prepared to bid adieu to all hopes of a permanent settlement, and must go prepared for revenue settlements of shorter duration and heavier enhancements than Orissa has hitherto experienced. I have no doubt you have with you ready a comparative tabular statement showing the period of revenue settlement and the percentage of enhancement in the two provinces. If you have them ready I shall thank you to favour me with a copy of the comparative table or the materials from which such a table can be prepared.

The poverty of Orissa coupled with the annual loss in the irrigation canals makes a union with a rich province like Bengal highly desirable. The rich revenues of Bengal alone can afford a means of adjustment to meet the annual loss on account of irrigation. The transfer of Orissa to the Central Provinces will necessitate an additional taxation of some kind on the people of Orissa to provide for this annual loss on account of Orissa canals. The Central Provinces have not an overflowing exchequer to meet this fresh demand, and you can as reasonably expect the Central Provinces to pay this annual debt, as ask a man of business to accept as his partner in a solvent business one who comes to him with heavy personal debts.

You hope (as you said to me) that the Supreme Government would pay for this loss on account of canal. It seems that you assign to the Supreme Government the benevolent position of a grandpapa, whose hoarded wealth of youthful days is readily available to equalise the income and expenditure of his extravagant children and grand-children. But, as a matter of fact, the Government of India makes it a rule to take a lion's share out of the revenues of each Local Government, and the revenues of each Local Government must contribute this share after meeting all administrative charges.

Now I must proceed to notice briefly your attacks on me personally.

Allow me to repeat what I said to you yesterday evening. I believe honestly that partnership with Bengal is the most advantageous to the interests of the people of Orissa—by people of Orissa I do not mean a few pleaders, or a few aspirants for titles and honours, or a few candidates for employments in the higher grades of Government service, but the Utkal nation in which I include all who are permanent residents of Orissa, whatever their race, nationality or religion. Taking into consideration my environments of life you will admit I have the least personal interests in the prosperity which an administrative readjustment might produce. Such prosperity is not likely to show itself before ten or fifteen years, and an old man of 58 to day is not likely to live till then or to have enough vitality to share in that prosperity. And you know I have no son or any other heir who will have his share of the prosperity.

If it is an advantage to the educated class to be transferred to the Central Provinces, I do not know any reason why I should not have my share of those advantages. I make prominent mention of these facts of a personal nature because I suspect that there must be some suspicion of my being under the influence of some unworthy personal motives, for without such a supposition it is not easy to understand why great care has been taken and is being taken to get up a memorial without my knowledge.

You charged me with having at one time been of opinion that a Chief Commissionership was most advantageous to Orissa and with having turned an advocate of Bengal administration since.

I never believed in constant loyalty to a particular opinion. I am always open to conviction and I have often changed my views on matters of sacred importance. But every public man ought to consider himself the servant of the public. He ought to bow to the reasonable wishes of the majority so long as such wishes do not conflict with moral principles, his religious faith, or the dictates of his conscience.

At the public meeting held in April last year in which both you and I took prominent parts, it was resolved that a memorial be submitted to His Excellency the Viceroy and Governor-General of India that the prayer of such memorial be (*vide* resolutions—copy sent).

I hope that you have not forgotten that both you and *Babu Gokulanand Chaudhury* took a prominent part in the drawing up of the memorial and the latter gentleman was also one of the members of the deputation who presented the memorial to the Commissioner of the division. I have mentioned above that in this matter I considered myself a servant of the public and of the Orissa Association. I feel it my conscientious duty to be loyal to the public when their wishes and opinion find a formal expression in a memorial. Any individual, who helped in the formation of these resolutions at the public meeting and co-operated in giving effect to those resolutions is bound to be loyal to the public. Any change in his personal opinion or in that of any other person would not justify his disloyalty. In fairness he is bound to give notice of his change of opinion to the public whose resolutions he undertook to carry out.

Anent your attack on my conduct *in re* the correspondence between me and the Collector of Cuttack in regard to the Government letter, you hold that I should not have simply forwarded to the Collector copies of the memorial and the resolutions of April last, but should have called a meeting of the association to ascertain their views which had undergone a change in the interval. I must confess my inability to appreciate the rational basis of your criticism. I had opportunities of knowing that our friend *Babu Gokulanand Chaudhury* had during the interval developed an opinion to the effect that it is to the advantage of Orissa to be under the Central Provinces administration. A few more gentlemen (about four of them) shared at first his views, but on conversation with me they seemed to me to have been satisfied of the reasonableness of the prayer in the memorial for Bengal administration. The opinions of the same men cannot count for the opinion of the association, and till a resolution countermanding those of April had been formally passed at a public meeting and accepted by the Orissa Association, no sensible man would hold that I was not bound to regard the documents of April as embodying the views of the association. You hold that my knowledge of the change of views by some men was sufficient reason for my calling a meeting of the association.

Will you kindly favour me with replies to the following queries for my guidance in future, provided the opinion of gentlemen experienced in the conduct of public bodies support the views which your replies may embody?

(1) Suppose certain resolutions are passed at a missionary conference, would you act according to those resolutions till they were revoked at a subsequent conference, or would you feel yourself (supposing you were the secretary entrusted with the working out of the resolutions) justified in setting at naught those resolutions, if between the date of the resolution and the date when you were called upon to give effect to it your views had undergone a change?

Would it make any difference if, instead of your views having undergone a change, those of a few other missionaries had undergone such change?

According to my views of loyalty stated above, I could not feel myself free to act contrary to the joint views of the public meeting and of the association; but your ideas give you an enviable latitude to adapt your conduct to every change of views, that being so, will you kindly tell me if you took any step to notify the gentlemen, who were present at the meeting of 22nd April, 1903, your change of views? Did those gentlemen whose joint production were the "statement of reasons" and "the letter to the Private Secretary" you showed me yesterday evening take any steps to notify to the public their change of views?

In your zeal for the cause and perhaps in your eagerness to lay the blame on my shoulders you seem to have lost sight of the important fact that the resolutions by which it was decided to submit a memorial for united administration of the whole Uriya-speaking tract for placing the whole tract under the Bengal administration or under a Chief Commissionership were passed at a public meeting called by the Orissa Association.

So the resolutions were the joint views of the general public and of the association and not of the association only. The association was authorised to make arrangements for submitting the resolutions. Even if I followed your advice and called a meeting of the association, would it be within the power of the association only to re-open those questions and rescind those resolutions?

I do not think that any body of men but those who were present at the meeting of 22nd April can constitutionally revoke that resolution. Of course it is open to the general public to call another public meeting and pass resolutions of a contrary nature, and it is open to gentlemen present at the first meeting to join in such contrary resolutions if their views have undergone change. You are mistaken in supposing that I am not open to conviction. I can assure you no one is more open to conviction, but I thought the best place to decide whether the Central Provinces or Bengal administration is more advantageous to the people of Orissa would be a public meeting, and so I suggested this to you, but you declined to call a public meeting. Your reason for declining a public discussion was that in this country people have not the courage of expressing their opinion at a public meeting. I am sorry I cannot sympathise with or envy you and your co-adjutors in your new method of compiling public opinion by getting people to sign memorials privately.

As you avoided a public meeting I had no other means left to me but to address this open letter to you, to which I request the favour of your giving me an open reply at an early date. If you do not vouchsafe a reply in four or five days, I shall make such use of this letter as I may think necessary to vindicate my own conduct and the interests of the public. I enclose copies of the resolutions and memorial of April last thanking you once more for your material help in the drawing up of those documents. I also send you the copies of the correspondence between the Collector and

Yours sincerely,

M. S. DAS.

Annexure 21.

Cuttack, January 30, 1904.
February 3, 1904.

MY DEAR MR. DAS,

WHEN I received your open letter I was somewhat surprised to find that you had made the conversation I had with you a few evenings before over after-dinner coffee the subject of an "open letter." Personally I do not feel justified in taking a similar liberty with your conversation and so shall not refer to it in the course of the present reply.

Allow me to express my extreme regret that personalities should enter to such an extent into a public question like the future administration of Orissa. You write: "I suspect that there must be some suspicion of my being under the influence of some unworthy personal motives, for without such a suspicion it is not easy to understand why great care has been taken, and is being taken, to get up a memorial without my knowledge." I think a brief recital of the circumstances leading up to the preparation of the statement will convince you that you are under a wrong impression in this matter.

In my contact with educated Uriyas of different classes, I came to understand that practically all were in favour of a Chief Commissionership for Orissa alone should Government consider it practicable from a financial standpoint, failing that, that a considerable body of Uriya opinion favoured union with the Central Provinces rather than continuance of the present connection with Bengal. You know me sufficiently well to believe that my judgment as to the existence of such a body of opinion was not hastily formed. When I was asked to render assistance in the drawing up of a memorial to Government on the question, I felt perfectly free to help a body of men for whom I had considerable respect to put their ideas in literary form, whether I fully agreed with them or not. I was not also forgetful of the fact that the public meeting in April last declared itself enthusiastically in favour of a Chief Commissionership in response to your eloquent advocacy. I was also aware that those who were responsible for the framing of Resolution III., passed at that meeting, had openly mentioned on several occasions that the first alternative suggested in that resolution, namely, the enlargement of the present Orissa division of Bengal by the addition of other Uriya-speaking tracts, was considered quite impracticable, because it was a proposal to enlarge a province that the highest Government officials had already pronounced too large. In fact the only practical proposal before the meeting was the second alternative to raise the Orissa division as enlarged to a Chief Commissionership, but it was thought wise and politic to suggest two alternatives, leaving Government to adopt that which in their opinion was "better calculated to secure the advancement of the race." In response to your fervent and eloquent speech against the amendment of Mr. J. N. Bose, to omit the alternative of a Chief Commissionership the meeting declared in no uncertain sound that this alternative was in their judgment better calculated to secure the advancement of the race. There can be no question on the point. Though individual speakers made reference to it, the public meeting recorded no opinion on the advantages of union with Bengal as against the Central Provinces. It must be admitted that the subsequent memorial, drawn up by a committee appointed by the public meeting, appears to show a marked preference for union with Bengal rather than with the Central Provinces, and that the alternative of the Chief Commissionership is in no way emphasised in the memorial. If there is any conflict between the resolutions of the public meeting and the wording and general tone of the memorial, then I stand by the public meeting and its resolutions rather than by the

memorial. When I joined you and others in the adoption and presentation of the memorial I did not consider that it necessarily conflicted with the resolutions of the public meeting, though I was deeply disappointed that it laid so little emphasis on the alternative of Chief Commissionership so enthusiastically adopted in the public meeting. You know very well that it was my own wish to lay emphasis on that alternative in the memorial, but when after due deliberation you proposed otherwise I did not demur, believing that you felt it politic to keep such a proposal in the background as much as possible in view of the increasing opposition of Bengalis. I did not for a moment imagine that you had changed your mind in the matter since the public meeting, for I felt sure you would have mentioned it if you had. I took for granted you still considered the Chief Commissionership the only practicable proposal, but that you thought it expedient to refrain from emphasising it. When, therefore, the gentlemen I have referred to desired me to help them in the drawing up of a memorial, I felt no difficulty in doing so, even though I might not be in agreement with them, believing, as I do, that all currents of opinion on such an important occasion as the present should be faithfully and fully represented to Government for due consideration. But when I was assured that the main proposal of the memorial was to be the one so heartily endorsed by the public meeting, viz., the raising of the enlarged Orissa division to a Chief Commissionership, and further when I was informed that the memorial was to contain a careful and accurate review of the arguments being urged as to the advantages and disadvantages of union with Bengal and the Central Provinces, respectively, I did not feel any hesitation in consenting to join others in forwarding to Government for consideration an advance copy of the memorial in the form of a statement. In the meantime I had studied the question as far as I could for myself, and I find myself in full sympathy with the main line of argument set forth in the statement, though still feeling myself quite free to change my views on details should sufficiently strong arguments be forthcoming on the other side. You, however, are evidently aggrieved that I did all this without consulting you. As regards that I may say that, as soon as I began to prepare the statement, I asked some of the gentlemen who helped me in its preparation whether they had consulted you on the subject. They replied that there was reason to believe that your opinion had undergone a change in this matter, and that you were now quite against a Chief Commissionership and in favour of union with Bengal, that is, that you were practically in agreement with the amendment proposed in the public meeting of April by Mr. Janiki Nath Bose, and which you then so earnestly and successfully opposed. Though their statements were quite definite I could not make up my mind that you had really changed, and though they had little hope that you had still an open mind in the matter, they expressed their readiness to join me in seeking an interview with you on the subject, and when as a preliminary to this I suggested that a copy of the statement, as soon as it was ready be sent to you, they cordially agreed. It was finished the Friday afternoon and given to the press the same afternoon. On the evening of the following Monday I received a few advance copies of statement in printed form, and within half an hour after receiving them I forwarded a copy to you, at the same time writing you a friendly note saying that I should be glad to walk over to your house after dinner to discuss the question with you. As you have not given me the permission I shall not make use in this open letter of anything you told me on that occasion. I only signed the statement to-day (Saturday), and as yet no signature has been taken for the memorial. This review of the position, I think, will convince you as well as others that you are not justified in saying that great care is being taken to get up a memorial without your knowledge. The question we are interested in is a great public question, and Government is anxious to know the views of all classes of the public. The tone and persistence of your complaints make one sometimes doubt whether you consider that we have any right to take action in this matter without consulting yourself. Should your attitude of mind be anything approaching that, I am sure it only needs to be pointed out to convince you that it is not befitting a great popular leader.

You naturally resent the suggestion that you are under the influence of some unworthy personal motives, though, as you well know, I have never hinted at any such thing in reference to you, nor has any one with whom I have discussed this subject. But allow me in all friendliness to draw your serious attention to the reference in your open letter to "aspirants for titles and honours"; your suggestion being that they are joining in this movement in the hope that under a different administration they are more likely to receive titles and honours. Christ fully recognised the strength of a deep-seated law of human nature when he taught: "Judge not that ye be not judged, for with what judgment ye judge ye shall be judged, and with what measure ye mete it shall be measured to you again." On a grave occasion like the present I can imagine nothing more likely to permanently injure the cause of one's country than that leaders on both sides should be charging one another with unworthy personal motives. In the name of our common Lord I beseech you to desist whatever others may be saying concerning yourself, though I am not aware that anything of a personal nature is being said against you by your opponents.

In your open letter you seem to disparage the opinions of educated men, clerks and pleaders in the words: "The interests of the country do not mean the interests of a handful of educated men, pleaders and clerks, whose opinion you had the opportunity of knowing." This categorical statement undoubtedly implies that the interests of the country and the interests of a handful of educated men are necessarily opposed. I cannot admit it. It is because I am convinced that an independent administration

for Orissa is for the true interests of her educated men and that the true interests of her educated men, leaders of the people, must prove conducive to the elevation of the masses of the people that I am anxious that Orissa should secure such an administration or something as near it as the circumstances will admit. You are under a completely wrong impression if you suppose that the statement advocates first and foremost union with the Central Provinces. As at the public meeting, so still we are convinced that a Chief Commissionership is better calculated to secure the advancement of the Uriya race. Failing that it is our feeling that Orissa is more likely to receive the attention she deserves by union with the Central Provinces rather than continuance under the Bengal administration. You will agree with me that it is only fair that the attitude of the educated men, pleaders and clerks you refer to, should be accurately stated and fairly faced, viz., an independent administration under a Chief Commissioner, failing that union with the Central Provinces rather than continuance with Bengal. But in the passage I have quoted above, you appear to disparage the opinion of educated men, pleaders and clerks on this question. At the same time you indicate in different parts of your letter that we should consider ourselves servants of the public and be strictly loyal to the feelings expressed by the public, and in one sentence you speak of the general public as if it were a constitutional body. You write in your open letter: "I believe honestly that partnership with Bengal is the most advantageous to the people of Orissa." That is what Mr. J. N. Bose eloquently pleaded in the public meeting of April last, and therefore proposed the omission of any reference to a Chief Commissionership, and that is the position that you with still greater eloquence contested on that occasion. You have a perfect right to change your opinion and you grant me a similar right, but I would like to quote one sentence from your open letter and leave the public to decide to whom it more applies, yourself or myself, and those with whom I have the privilege of co-operating. "Any individual who helped in the formation of these resolutions is bound to be loyal to the public. Any change in his personal opinion, or in that of any other person would not justify his disloyalty. In fairness he is bound to give notice of his change of opinion to the public whose resolutions he undertook to carry out." We wish to rescind nothing passed at this public meeting. All we should do would be to add a third alternative to Resolution III. Your position involves the rescinding of the second alternative then so emphatically approved. But who are the general public? You seem to suggest that it must be composed of men whose opinions carry more weight than a handful of educated men, pleaders and clerks. You kindly sent me with the open letter a copy of the proceedings of the public meeting of April last at which you presided. There you give a list of the leading gentlemen whose presence gave the meeting the importance you rightly attach to it. I have analysed the 68 names given and I find the analysis works out as follows:—

Pleaders, 20; teachers, 14; clerks, 12; independent gentlemen, 5; students, 5; missionaries, 3; merchants, 2; Deputy Collectors, 2; hospital assistants, 2; muktears, 2; Raja, 1.

You will thus see at a glance that the gentlemen forming the great body of the meeting to which you so often refer in your letter, viz., pleaders, teachers, clerks, are the very men, viz., educated men, clerks and pleaders, whose opinion you appear to disparage in the sentence I have quoted. But you know better than I do that the average Uriya working man has no opinion because he has little or no knowledge of the subject under discussion.

You criticise me because I express a hope that the Supreme Government will be in a position to so re-arrange its revenue as to make it possible for Orissa to receive the same financial assistance for her irrigation system direct from the Government of India as she is now receiving from Bengal. This you say is to assign to the Supreme Government the position of a grandpapa. You, on the other hand, say that the Government of India makes it a rule to take a lion's share out of the revenue of each Local Government, and, to such an extent in your view, does the Government take the lion's share, that in the case of the Central Provinces the tenantry are the most oppressed in India. Yes, I must admit that I believe in the justice and even the benevolence of the Government of India. If in your judgment that is equivalent to regarding the Government in the light of a grandpapa, I have no objection to offer. I prefer to think of the Government as a grandpapa anxious to dispense justice and exercise benevolence towards all, rather than as a lion resolved at all costs to get the lion's share. That spirit that interprets almost every action of the Government as that of a lion seeking whom he may devour has not as yet penetrated Orissa to any extent, and woe to the day when such a spirit takes possession of her people.

I am not aware that I attacked your conduct regarding the correspondence between yourself and the Collector of Cuttack. You know full well that I told you more than once that I refused to judge your conduct in that matter. I told you what I myself should have done in the matter had I been in your position. The Collector asked you for the opinion of the Orissa Association concerning "certain proposals of the Government of India with regard to the distribution of districts between Assam, Bengal, the Central Provinces and Madras." You knew that the great majority of Uriya members (not four or five) differed from yourself on the question when the matter was brought up before the Executive of the Utkal Union Conference; you knew further that the definite proposals of the Government of India as mentioned above had never been discussed by the association. If I had been in your position and known what you knew, I never would have taken upon myself the responsibility

of writing to the Collector to the effect that "the memorial and the resolutions of the public meeting express the feelings of the association." That my remarks had a rational basis is recognised by yourself, for I see from the copy of the letter you kindly sent me, that the day after our talk you wrote to the Collector: "I meant to communicate to you the feelings of the public meeting and of the association at the date of those documents," at the same time offering to call a meeting of the association for the purpose of considering the Government of India's letter, should the Collector wish it.

You express a fear that under another administration Orissa would lose all her chances of a permanent settlement. The promise under certain conditions of permanent settlement to Orissa is contained in the proclamation incorporated in Regulation XII. of 1805, and also repeated in Regulation X. of 1807. As the promises were made with the sanction of the Supreme Government, the mere fact of Orissa being under another form of administration would not alter her essential relation to the Supreme Government. If Orissa should come under some foreign Power your argument about the *lex loci*, so I am told by a legal friend, would hold good, but so long as Orissa retains her connection with the Supreme Government, she is not beyond the pale of *lex loci*.

Then, as to the term of settlement, it appears from the information supplied me by a legal friend, that the main reason why the Home Government directed it should extend to 30 years was that the two preceding settlements had been each for 30 years, and at the conclusion of the present settlement this ground will become still stronger, as by that time there would have been already three preceding settlements for terms of 30 years each.

As you may be aware, there is a growing feeling among the people of England itself against the principle of a permanent settlement, as it applies to their own country, on the ground that it favours the landlord at the expense of the tenant. In reference to India such a feeling has found expression in the notification of Sir John Woodburn, under the authority of the Indian Government, that "his own opinions were in entire harmony with the decision that the system of permanent settlement should not be further extended." This opinion was expressed in connection with the question as to the desirability or otherwise of having a permanent settlement for the whole of India. No doubt Uriyas generally would highly value and greatly appreciate the extension of the permanent settlement to Orissa, but their chance of getting it does not appear very hopeful whether they remain under Bengal or have another administration.

You consider that the Tributary States of Orissa under another form of administration would be in danger of losing their privileges of a permanently fixed tribute. Of course, if British treaties were made to be broken under any pretext and not solemnly kept at all costs, then your fear would be well founded. But not so do I consider British faith. The tribute of the tributary chiefs of Orissa has been permanently fixed in accordance with solemn treaties entered into with them. These treaties are public records accessible to all. So long as the British Government remains what it is, a constitutional Government, and not a mere despotism, solemn engagements of the kind referred to cannot be broken by the mere transfer of the tributary chiefs to a different local administration.

You wish to know how the position of the Uriya tenants would improve by their transfer to the Central Provinces? It may be asked: Would Uriya tenants suffer by the change? You appear to be well acquainted with the condition of the Central Provinces' tenantry, for you emphatically state that they are the most oppressed in India. I therefore do not understand why you ask me to supply you with comparative tables, because I can hardly believe that you would make such statements without the most exact knowledge. For the present, as against your own views on the subject, I am content to quote the opinions of two recognised authorities. Mr. Gangadhar Rao Chitnabis, C.I.E., stated in November, 1900:—"While deeply grateful to Mr. R. C. Dutt for his able and disinterested advocacy, I am not prepared to go with him when he says that our tenants' rents are above the standard he lays down, i.e., one-sixth of the produce. Even after the revision they are lower than what that standard would allow." Such a conscientious and painstaking administrator as the present Lieutenant-Governor of Bengal has also remarked:—"The highest fraction reached is one-seventh, while in some districts the proportion does not exceed one-fourteenth." It has been remarked that Sambulpur is the most lightly assessed district in India.

Regarding the question of commercial relationships it is impossible to understand how the severance of Orissa from Bengal would affect the number of Uriyas working in Calcutta or in any part of India. Even now thousands of Uriyas emigrate to Assam and other places. In a similar way it would be folly to suggest the adoption of legislation with a view of keeping Bengalis but of Orissa to avoid competition in commercial and professional life.

You say that the best way for the Uriyas to secure their due share in Government appointments is to secure a Government circular like that which regulates Government appointments in Assam. But Assam is a Chief Commissionership and not a division of Bengal, and so Bengal had no alternative but to allow the circular stand. Do you really think there is hope of such a circular being issued, or, if issued, of its provisions being effectively carried out, so long as Orissa remains a division of

Bengal? If so, it would be interesting to know the grounds of your hope, because the question is a most important one. You blame me for not calling a public meeting to discuss this question. Should I decide to call a public meeting in connection with such a subject as the administration of Orissa, probably to judge from the first part of your letter, you would consider that I was going out of my sphere and engaging in a course of action likely to bring on "the ruination of the country." My position as a Christian Missionary in a foreign non-Christian country is peculiar. So far as political questions are concerned, I am always prepared to co-operate with the people of the country in a cause that commends itself to my judgment, but I do not feel called upon to take the lead. Besides I do not consider that a public meeting, at any rate in the first instance, is the best means calculated to secure due deliberation of an important question of the character referred to. Even in European countries, as is well known, it is possible for a man of eloquence and position to get almost anything passed in a public meeting after its kind. In a country like India especially it is the educated men that give a public meeting its importance. I suggest, and I do so with the consent of some of my Uriya friends, that about a dozen gentlemen on each side of this question meet together to discuss in a friendly way, absolutely avoiding all personalities, the grave problems concerning the future administration of Orissa. We are all anxious for our country's welfare, for I consider myself a permanent resident of Orissa; we are all most deeply anxious to avoid the danger of bringing on the ruination of our country. It appears to us that a frank and free discussion of the subject in a friendly way can do nothing but good.

Believe me,
Yours very sincerely,

GEORGE HOWELLS.

Annexure 22.

MY DEAR MR. HOWELLS,

I HAD given up all hopes of being favoured with a reply to my open letter of the 28th ultimo. You do not evidently like my having written to you an open letter, but this was the only means by which I could vindicate my conduct.

Your reply refers in a great measure to administration of Orissa by a Chief Commissioner, and you refer to my views on that subject. I still maintain that a Chief Commissionership is the best, but I do not believe it is likely to be granted. The question before us is Bengal administration or Central Province administration.

In April last I was opposed to the transfer of Orissa to the Central Provinces' administration and I am opposed now. There is no change in my views.

I shall take up the last two sentences of your letter, and I should certainly like to have a conference of the kind suggested by you. This is my personal wish not as the President of the Orissa Association. Nothing is more desirable than that all permanent residents of Orissa should come to a unanimous opinion on the grave question before us now. I shall feel thankful if you can kindly arrange for a conference of the kind mentioned. I shall leave Cuttak on Saturday evening, any appointment before that will suit me. I do not think it necessary to answer your letter fully, but I shall wait till the conference and decide after it whether any further reply is necessary.

Yours sincerely,

M. S. DAS.

Cuttack, 3rd February, 1904.

Annexure 23.

MY DEAR MR. HOWELLS,

I HAVE been told by some men that the statement of reasons you gave me has already been forwarded to Government. Under those circumstances it is absolutely useless to have any meeting of men of opposite views. I feared difference of opinion among ourselves might be a reason with Government to abandon the idea of an administrative union of the whole Uriya-speaking tract. If your statement of reasons has already been submitted to Government, there is no means of showing unanimity to Government. I consulted some of the gentlemen you had asked me to invite to this meeting, and they also agree with me in thinking that a meeting now is not likely to do any good. I have pointed out this to Babu Gokulanand Chaudhury and another gentleman of his party. So please do not have the meeting on the lines suggested by me and approved by you.

Yours sincerely,

M. S. DAS.

Annexure 24.

LETTER from the Rev. G. Howells, B.D., to the Editor of the "Utkal Dipika," dated 9th February, 1904.

In your issue of Saturday last I notice some adverse criticisms regarding the position which others and myself have taken up on the future administration of Orissa. In all fairness I am sure you will allow space in your next issue for the present letter by way of explanation:—

(1) You report me as saying, "If a meeting be convened here in Cuttack no one will give expression to his opinion in opposition to Mr. Das." Allow me to say that I do not think it fair that you should report me as having said something in private conversation with a certain gentleman without ever taking the trouble to ask me the question whether I had been correctly reported, and, if so, whether I had any objection to my remark being published. But, apart from that, I emphatically deny that I ever made use of the words quoted above. There is no misstatement more misleading than that which has a basis of truth. What I did say was this: "There are many people in Cuttack, some educated, many uneducated, under obligations to or dependent on Mr. Das professionally and otherwise, who would not have the courage to express their real views in opposition to him at a public meeting." I indicated that such a remark applied not only to Mr. Das but to any man of fervid eloquence and commanding position in Orissa and even in European countries, and so it was possible to get almost anything passed in a certain class of public meetings, and yet that the voice of the educated public remain unexpressed. I suggested as a better means of securing due deliberation of such an important question as the administration of Orissa, and as a preliminary to the public meeting, that a number of representative gentlemen interested in the question and holding different views should meet together and quietly discuss the question in a friendly way with a view of coming to some unanimous opinion. Mr. Das agreed that this would be a more desirable course, and arrangements were made and time and place fixed for such a conference. Mr. Das, however, after consulting his friends, withdrew his consent to such a meeting on the ground that an advance copy of the "Statement of Reasons" had already been forwarded to Government, though in a letter written a few days before and subsequently in conversation I had informed him that I had joined with some twenty other representative gentlemen in forwarding to Government a copy of the statement. But this must have unfortunately escaped Mr. Das's attention or memory. We cannot but deeply regret that Mr. Das and his supporters should have avoided this friendly conference. I leave the public to decide whether we have shown any cowardice in this question in being afraid to face Mr. Das or the general public.

(2) We cannot too strongly declare that we have no wish to rescind anything passed at the general meeting in April last. As then, so now we emphatically declare ourselves as in favour of a Chief Commissionership for United Orissa. We are convinced that educated Uriyas are almost unanimous in favour of a separate administration. Yet it is evident from the Government letter that Government believes "that there is a very strong feeling on the part of the educated and commercial classes in favour of the existing arrangements," i.e., continuance under Bengal. Mr. Das asserts that he still thinks that a Chief Commissionership is the best for Orissa, and yet he and his friends are not prepared to take any steps to remove the wrong impression of the Government on this question. If I were to remain silent and allow Government to retain this wrong impression, I should consider that I was acting unkindly both to Orissa and to the Government. As to the two alternatives possible should the Government think a separate administration impracticable for Orissa, we are not content to have the arguments for and against union with Bengal and the Central Provinces respectively fairly and fully stated, and leave the Government to adopt that alternative best calculated to promote the interests of the Uriya race.

(3) I am extremely sorry that such unfair advantage should have been taken by two or three of those who organized and spoke at the meeting held to congratulate Mr. Das on receiving the C.I.E. Mr. Das, I am sure, would repudiate the introduction of such disputable questions on such an occasion, and some of the appointed speakers would consider it beneath them to so much as refer to the point in dispute one way or the other. A gentleman present on the occasion, who is quite opposed to the severance of Orissa from Bengal, was heard to remark: "The introduction of such disputed points is entirely out of place in a meeting of this character." This I am sure is the feeling of every fairminded man. As to the question of the amount of clapping on the occasion of these disputed points being discussed, naturally the speakers and their supporters will say that it was very large. We, on the other hand, maintain that it was significantly small. Perhaps the most astonishing and unaccountable feature in this episode is that an Indian gentleman in high position in Government service should deliberately on such an occasion argue in favour of union with Bengal as against the Central Provinces.

(4) In reference to the correspondence of Mr. Das with the Collector, all that I did was to tell Mr. Das that if I had received such a letter as he had from the Collector, and knew what took place in the executive of the Utkal union conference, without first of all consulting my brethren, I never would have taken upon myself the responsibility of writing to the Collector to the effect that "the memorial and the

resolutions of the public meeting *express* the feelings of the association." That my position was not unreasonable is indicated by the fact that the very next day (but sixteen days after his first reply to the letter) Mr. Das wrote again to the Collector: "I meant to communicate to you the feelings of the public meeting and of the association at the date of those documents," at the same time offering to call a meeting of the association should the Collector wish it. But the Collector wished to know the feelings of the association by the 17th. Mr. Das's second reply was dated the 26th. As the Collector before that date must have sent in his own views to the Commissioner, it is not surprising that he did not desire Mr. Das at that late date to call a meeting of the association.

(5) It is contended by some who admit they are in favour of a separate administration for Orissa, that it is not expedient to make known their wishes to the Government on the question, for the reason that it is an open secret that Government has already definitely settled to unite all Uriya-speaking tracts under Bengal, and therefore we shall be merely asking for the impossible. It would be interesting to know when this definite decision was arrived at. If before the publication of the Government letter then that letter would be a farce. But I do not for a moment believe that Lord Curzon would trifle with the public in that way. It was announced in all the newspapers some weeks ago that Sir Andrew Fraser indicated to a deputation that even on the question of the transference of Dacca he still had an open mind. When the Lieutenant-Governor made such a remark, I do not think he meant to deceive the public, but that he literally meant every word he spoke. It is presumption to state that Government has definitely settled this question. Though a member of the ruling race and loyal to the British Government, I have identified myself during my eight years' residence in Orissa with the interests of her people, whether such interests be intellectual or physical, political or social, moral or religious. In the question now under discussion, as in so many other questions, there is great danger that the Government misunderstand the people and the people misunderstand the Government. Whatever else we may be, let us be frank, and in manly straightforward manner respectfully inform the Government of our real feelings on this question. Be sure of this that Government will not respect us if we effusively thank them for putting United Orissa under Bengal, when our real feelings are in favour of a separate administration. It may turn out that a separate administration is impracticable, but at any rate let us have the manliness to tell Government that we think it desirable, and leave them to decide the question of its practicability or otherwise.

Annexure 25.

STATEMENT of reasons for United Orissa being made a Chief Commissionership, or a part of the Central Provinces Administration.

With regard to the union of all the Uriya-speaking tracts, as proposed in the Government letter, No. 3678, dated Calcutta, 3rd December, 1903, it is the universal feeling of Uriyas that such a course is calculated to be highly beneficial to their welfare. This feeling has already been given expression to in the Utkal union conference (held in Cuttack, December 30th), representing all Uriya-speaking people, at which a resolution was adopted recording their deep and sincere feelings of gratitude to His Excellency the Viceroy and Governor-General of India for his beneficent proposal for the administrative union of the whole Uriya-speaking tracts. On this point all Uriyas are unanimous, but as to the future administration of Orissa, opinion is divided. There are three possible alternatives, and all have their advocates, and we may be allowed in the interests of our own country and for the information of Government to express our own views on these alternatives—views which we feel sure are held by the great majority of Uriyas competent to express an opinion on the subject.

I. Some maintain that it would be to the interests of United Orissa to remain an integral part of Bengal, as at present, for the following reasons:—

(1) Orissa has been under the Bengal administration for the last 100 years, and severance from such an advanced administration at the present stage is likely to prove highly detrimental to the future progress of Orissa.

(2) During the past century, the people of Bengal have made phenomenal progress in education, literature, science and art, and this has given to Orissa a high ideal to follow, and to deprive Orissa of the inspiration of such an ideal as severance would involve and would seriously affect her future development.

(3) In language and in religion there is a close affinity between Orissa and Bengal, and such affinity should be fostered by closer union. The establishment of two separate administrations would not be conducive to this.

(4) Bengal is a wealthy province and has the advantage of a permanent settlement. Orissa is proverbially known as "backward Orissa." At present, in supporting her extensive canals, she receives considerable assistance from the comparatively wealthy administration of Bengal, and in the matter of land assessment Orissa is likely to receive more generous consideration in the successive settlements at the hands of officials alive to the advantages of the permanent settlement.

We fully recognise the weight of some of these positions, but we venture to suggest the following considerations in reply:—

(1) The mere fact of Orissa being hitherto a part of the Bengal administration does not prove that a severance at the present stage would be detrimental, any more than the severance of a youth from his mother's leading strings is necessarily ruinous to his success in life. On the contrary, this may be the time when Orissa can with advantage be severed from the leading strings of Bengal and emerge as a distinct and well-recognised factor in Indian administration.

(2) Bengal has no doubt made great progress and may, therefore, present to Orissa a high ideal to follow, but the present position of Bengal is owing to her long and close contact with the civilization and literature of the West. Why should Orissa continue to receive only the reflected rays of Western life and thought when by another form of administration she would be enabled to get light and inspiration direct from the fountain-head?

(3) In reference to religious affinities we do not think this is a matter that should weigh much in deciding a question of this kind, with a Government noted for its religious neutrality, especially as such affinities in the present instance involve no social relationship. As regards affinity of language, we are aware that it is considered by some in view of such close affinity that the continuance of Uriya as an independent language is superfluous, but the millions of Orissa may be pardoned for their disinclination to foster an affinity that threatens the displacement of their mother-tongue. In common, however, with the best authorities, we maintain that the affinity between the two languages is more apparent than real.

(4) Should it be a fact that Orissa is receiving considerable help from the Bengal administration for the maintenance of her canals, that no doubt would be a weighty consideration against severance. But, in view of the importance attached to irrigation by the Government of India, it is not unreasonable to hope that the Supreme Government will so re-arrange its revenue to make it possible for Orissa to receive the same financial assistance for her irrigation system direct from the Government of India as she is now receiving from Bengal. In reference to the land assessment, we have every hope that under an administration different from the present, there would arise in Orissa a class of officials more intimately acquainted with the country and its people, and therefore more qualified by knowledge and by sympathy to effect a settlement satisfactory to all concerned.

II. The proposal that finds greatest favour among Uriyas is that which would create a Chief Commissionership for United Orissa with the advantages of the Calcutta High Court, or with a new Chief Court of Appeal, and under one University. To the best of our knowledge this view has the support of the vast majority of educated Uriyas, chiefly for the following reason:—

Uriyas form a nation of more than eleven millions of people,* with a common language and distinctive natural characteristics, traditions and aspirations—a fact well recognised in the Government letter on the subject in the words, "The Uriya-speaking group in any case emerges as a distinct and unmistakable factor, with an identity and interests of its own." It is held that the identity of Orissa can be best maintained and its interests furthered by the separate administration of a Chief Commissioner. So long as Orissa remains united to a large, wealthy and advanced province like Bengal, forming only about 16 per cent. of the population of the entire Presidency, its wants and interests cannot but be largely subordinated to those of the predominant partner. Uriyas have their own ideals, and it is manifestly to the interests of the Government and the country that their characteristic potentialities be developed and national ideals encouraged, and this may best be realised by Orissa being granted an independent administration of its own, under the fostering care and direct supervision of the Supreme Government, rather than by remaining a comparatively small and insignificant portion of the great Bengal Presidency.

The one fear expressed in reference to this alternative is that Government may deem it impracticable from financial considerations. Should the revenue of even United Orissa be insufficient to meet the expenses of a separate administration, evidently no proposal of the kind could be entertained. If the Government after investigation find this to be so, then a large body of educated Uriyas would favour a third alternative.

III. The third alternative discussed and advocated by very many is union with the Central Provinces for the following reasons and with the undermentioned conditions:—

(1) As mentioned above, Uriyas, constitute only some 16 per cent. of the population of Bengal, while if united with the Central Provinces they would be 40 per cent. of its total population and, from a national point of view, would indeed be the largest factor in the United Province. Evidently Orissa under such an administration would be likely to receive more consideration and recognition than by remaining under Bengal.

(2) Bengal has the permanent settlement and in all respects is wealthier and more advanced than the temporarily-settled province of Orissa with its comparatively limited resources. Chiefly, therefore, on financial grounds there can be no real competition between Orissa and Bengal, but union with a province similarly circumstanced in many respects as Orissa would inspire the Uriya people with new hope and open up to them a new era of steady advancement and prosperity. It may be

maintained that Uriyas would in the long run suffer by an independent or more limited administration through not being compelled to compete with the advanced races for many years flowing in in such large numbers into their borders. No doubt such competition has in many respects done the Uriya good, but competition must have its limit. The new administration would not involve the abandonment of competition, but its limitation, for there would still be Uriyas themselves, and the large number of those from other provinces who have settled permanently in Orissa, and in many cases are as Uriya as the Uriyas themselves. We are aware that many patriotic Indians maintain that, in the interests of India's future, the one cry of educated Indians throughout the Indian Empire should be "India for the Indians," and that all distinctions of race among the Indians themselves should be resolutely ignored. But it is "manifest to all acquainted with the actual facts that the success of such a cry would mean India for the advanced races only, and that a nation like the Uriyas would be driven to the wall. The one hope of the backward races is the intervention of the Supreme Government to see that they shall get fair play in the battle of life. Any resolute action on the part of Government we know quite well is likely to raise a great outcry in certain quarters, both out of and within Orissa. We confidently maintain that the real views of Uriyas have not hitherto found full formal expression, and if the Government should be in any doubt on this question, let them invite some trustworthy non-officials well acquainted with the people and the country to express their views on the accuracy of our statements. This is a crisis in the history of Orissa and we think it right that Government should know the full facts. It is true that some months ago at a public meeting in Cuttack a resolution was adopted favouring the union of the Uriya-speaking tracts either under the Bengal Administration or under the separate administration of a Chief Commissioner. The desirability of the union of all the Uriya-speaking tracts was then the great question at issue in the minds of those who took part in the public meeting and in drawing up the subsequent memorial. So far as the minor question of the particular administration had been considered, it did appear at that time that the balance was in favour of Bengal rather than the Central Provinces. Government, therefore, would not be justified in concluding that the memorial represents the mature and deliberate views of the educated and commercial classes of Cuttack, not to speak of other parts of Orissa. The question of union was then little more than a dream, now it is practically an accomplished fact, and it is only since the publication of the Government letter that the question of the form of the administration is being seriously considered. It must be further admitted that, in the address of welcome to His Honour Sir Andrew Fraser, on the occasion of his recent visit, that reference was made to a feeling of public alarm on account of the rumoured Government proposal to sever Orissa from Bengal. It is only right that Government should know that the clause was an addition to the form of the memorial originally proposed and agreed to by the Reception Committee and was at a second meeting put into the memorial notwithstanding the protest of some of its members including the chairman and without consulting the public. A true indication of public opinion can be ascertained from what took place in connection with the proceedings of the Utkal union conference. As already mentioned, a resolution was passed thanking the Government for their proposal to unite the Uriya-speaking tracts. The significance of the omission of any reference to the form of the administration of United Orissa should be noted. The omission was a deliberate one. In the executive committee of the conference, when it was proposed to thank Government also for their suggestion that United Orissa should form a part of the Bengal administration, the great majority of the Uriya members of the committee objected on the ground that a growing body of opinion was in favour of either a separate administration or union with the Central Provinces. Ultimately that part of the resolution was unanimously omitted in deference to the strong feeling expressed against it. We therefore confidently deny, so far as Uriyas are concerned, that there is a very strong feeling on the part of the educated and commercial classes in favour of the existing arrangements. If the term Uriya be taken to exclude even naturalised members of other races, then we confidently maintain that there is an overwhelming majority of Uriyas in favour either of a Chief Commissionership or of union under certain conditions with the Central Provinces. To mention an instance of what we refer to, we hold that a careful enquiry into the currents of feeling among the Uriyas at Sambalpur would bring out the fact that, although it is their heartfelt desire to remain under the Central Provinces Government if this can be brought about with administrative union, yet they feel that they could not declare their wish to this effect in a resolution out of prudence and high respect for their great benefactor, the present Lieutenant-Governor of Bengal. The fact is that Uriyas, whether they belong to Sambalpur, Ganjam or Orissa, want the administrative union of all Uriya-speaking tracts above everything else, and rather than that this should be abandoned they are quite prepared to unite under the Bengal administration. The Government letter does not express a decided opinion but seems inclined to the view that United Orissa should remain under Bengal, and this therefore has made many Uriyas feel that rather than imperil the larger advantage of the administrative union of all Uriya-speaking tracts, it would be the more prudent course to remain silent on the less important question, viz., the character of the new administration. With them it seems a question of half a loaf or no loaf at all. We think, however, that reticence at such a crisis as the present is mistaken and are confident that the Government, whatever be their ultimate decision on this question, will not take amiss our outspokenness on behalf of our country's welfare.

(3) The strongest argument mentioned in the Government letter against the union of Orissa with the Central Provinces is that Cuttack, the capital of Orissa, is distant only 12 hours from Calcutta, as against 30—or with the new railway 20—from Nagpur, and that Orissa is therefore likely to receive greater attention from Bengal than from the Central Provinces. But surely it is reasonable to hope in view of Orissa being such a large factor in the new province—as we have indicated, some 40 per cent. of the population—that one of the salubrious sea-side resorts of Orissa would be chosen as a summer residence for the new administration. All acquainted with Puri readily admit that it would be admirably adapted for such a purpose. What therefore seems at present the strongest argument becomes the strong argument in its favour. The difficulty arising from the distant seat of Government at Nagpur might perhaps be better avoided if the seat were removed to Raipur, which is almost equidistant from all the districts concerned and would also be preferable to Nagpur from a sanitary point of view. The location of the capital at Raipur would lead to the Native States around being gradually opened up with suitable communications and thus help to develop their natural resources. Already Government has suggested that there might be two capitals for the new Eastern Provinces, viz., Dacca or Chittagong and Shillong. We might therefore well hope that a similar arrangement for the Central Provinces and Orissa would be considered feasible and desirable.

(4) Objections are sometimes raised against the union of Orissa with the Central Provinces on judicial grounds. There can be no doubt that the great majority of those concerned would prefer the jurisdiction of the High Court of Calcutta to that of a Judicial Commissioner. But if the jurisdiction of the Calcutta High Court, according to the Government letter, could remain unaltered over the new Eastern Provinces, it is manifestly not impossible to make a similar arrangement for Orissa as a Chief Commissionership, or even for a new administration including Central Provinces and Orissa. Should that be considered not feasible, then the importance of the new united administration would warrant the establishment of a new chief court of appeal. Either of the two courses would entirely remove the objections urged on judicial grounds against union with the Central Provinces.

(5) The question of a uniform system of primary, secondary and university education is perhaps the one that chiefly is emphasised by Uriyas in dealing with the advantages likely to accrue from the union of all the Uriya-speaking tracts. At present Uriya education is controlled by three different education departments and at least two universities. Manifestly this is an extremely undesirable arrangement and one calculated to give rise to grave inconveniences. How far Orissa will benefit in other directions from administrative union remains to be seen, but this much is admitted on all sides that educationally considerable advantage must accrue. This question is sometimes raised—will Orissa have the advantage of one university only if she become a Chief Commissionership or be united with the Central Provinces? It would be so evidently to the interests of the Government and the people that such should be the case, that we are confident that Government would pass an order to that effect, extending the jurisdiction of the University of Calcutta to the whole Central Provinces including Orissa. The question of a new University for the Central Provinces has from time to time been raised. The strengthening of the Central Provinces by the addition of Orissa would be calculated to pave the way for the establishment of a new university specially adapted to meet the needs of the nationalities included in such an administration.

In conclusion allow us to express our feelings of devoted loyalty to the King Emperor and the Supreme Government. Uriyas have reason to know that in the conflict and competition of race with race in India, the Supreme Government may be relied upon to protect the weak against the strong and independent of race or creed, to give to all as far as is consistent with right and justice equal privileges and opportunities. The present is a crisis in the history of Orissa, and we consider ourselves most fortunate in having at the helm of affairs a Lieutenant-Governor whose interest in the Uriyas of the Sambalpur district, while he was at the head of the Central Provinces administration, has led to his being regarded by the Uriya people as their great benefactor and a Viceroy who has shown his interest in Orissa by himself visiting our land, the first visit of the kind in the history of Orissa. We therefore have full confidence that, in putting our case in their hands, we are ensured a sympathetic consideration of our representations and a decision on the whole question that is likely to be of the greatest advantage to Orissa with her eleven millions of loyal and peaceful subjects.

Annexure 26.

MEMORIAL from the Inhabitants of Orissa, to the Honourable the Lieutenant-Governor of Bengal, dated

May it please Your Honour,—We, Your Honour's memorialists, residents of Orissa, desire to cordially thank the Supreme Government for their proposal to unite together the Uriya-speaking tracts and place them under one administration. This proposal has already given new hope to all sections of the Uriya people, and your

memorialists humbly pray that whatever the Government may decide as to the future administration of Bengal and Orissa, they may be graciously pleased to adhere to their proposal to bring together under one common administration all the districts and States speaking the Uriya language.

Your memorialists further pray, in accordance with the view so emphatically approved in April last at a public meeting in Cuttack presided over by Mr. M. S. Das, that the Government may be pleased to raise the Orissa division as enlarged to a Chief Commissionership. Should the Government consider that impracticable, your memorialists desire either continuance of the existing arrangements or union with the Central Provinces, whichever alternative Government may deem better calculated to promote the interests of the Uriya race.

Some of the reasons which urge Your Honour's memorialists to ask for a separate administration for Orissa are—

(1) Uriyas form a nation of more than eleven millions of people with a common language and may with advantage be severed from the leading strings of Bengal and emerge as a distinct and well-recognized factor in Indian administration.

(2) Uriyas have their own ideals and national characteristics, and it is to the interests of the Government and the country that the characteristic potentialities and national ideals of the Uriya race be encouraged under a separate administration.

(3) So long as the Uriya-speaking districts remain comparatively insignificant portions of other administrations, Uriyas will continue to receive in large measure only the reflected rays of Western life and thought, while by a separate administration they would be enabled to a larger extent to get light and inspiration direct from the fountain head.

(4) The success of the cry "India for the Indians" would mean India for the advanced races only, and a nation like the Uriyas would be driven to the wall. The hope of a backward race like the Uriyas is the intervention of the Supreme Government to see that they shall get fair play in the battle of life and the means best calculated to secure this is a separate administration. There can be no true advancement of India as a whole apart from the advancement of its component parts.

(5) By a separate administration for Orissa there would be likely to arise a class of officials more intimately acquainted with the country and its people, and therefore more qualified by knowledge and by sympathy to administer the province and promote the advancement of the race.

(6) So far from the granting of a separate administration doing harm to the Uriyas, through their not being compelled to compete to such an extent as regards Government appointments with the advanced races for many years flowing in such large numbers into their borders, it is maintained that such a change in administration would inspire the Uriya people with new hope and be calculated to open up to them a new era of steady advancement and prosperity.

Your memorialists are aware that there may be financial difficulties in making Orissa a Chief Commissionership, but it has been suggested that if instead of the partly Uriya-speaking tracts Chutia Nagpur and its Tributary Mahals being transferred to the Central Provinces, they be united with Orissa; and if further certain Uriya-speaking portions of the Midnapur district and of Bilaspur and Raipur be transferred to Orissa, then United Orissa would be better enabled to bear the extra expenditure involved by the establishing of a separate administration.

The proposal to have a separate administration for Orissa has the practically unanimous support of Uriyas competent to express an opinion on the subject. Failing a separate administration, the two alternatives keenly discussed among educated Uriyas are continuance under Bengal and union with the Central Provinces. Arguments for and against each of these alternatives may be found in the following which we forward with this memorial for the information of Government:—(1) A statement of reasons for United Orissa being made a Chief Commissionership, or a part of the Central Provinces administration. (2) The future administration of Orissa—correspondence between M. S. Das, Esq., C.I.E., and Rev. Geo. Howells, B.D. (3) Two vernacular pamphlets, one favouring the Bengal alternative, the other the Central Provinces.

Your memorialists beg permission to briefly review the arguments on both sides.

For union with Bengal it is urged—

(1) Orissa has been under the Bengal administration for the last one hundred years and the associations of a century are difficult to break.

(2) The completion of the railway has already strengthened the commercial links uniting Orissa to Bengal.

(3) Bengal is a wealthy province, Orissa is poor and the administrative alliance of the two is calculated to enrich Orissa. In maintaining her canals Orissa receives considerable help from Bengal, the revenue being only 3½ lakhs and the establishment 4 lakhs.

(4) Bengal has a permanent settlement, the secret of its wealth and prosperity. Severance from Bengal is to bid adieu to all hopes of a permanent settlement.

(5) In language and in religion there is close affinity between Orissa and Bengal.

(6) During the past century the people of Bengal have made phenomenal progress and given Orissa a high ideal to follow.

Against union with Bengal it is urged—

(1) Continuance under Bengal means that Orissa will continue to remain a comparatively small and insignificant portion of the great Bengal Presidency and so cannot hope to emerge as a distinct factor in Indian administration.

(2) On the principle that unequal combination is disadvantageous to the weaker side, the wants and interests of Orissa as a part of Bengal cannot but be largely subordinated to those of the predominant partner Orissa and Bengal are unequally yoked.

(3) The general spirit and ideals of the people of Orissa are largely different from those of Bengal, and continued association with Bengal is calculated to destroy rather than develop their national characteristics.

(4) The affinity between Uriya and Bengali is of such a character that continuance under Bengal may lead to the displacement of Uriya in favour of Bengali.

In favour of union with the Central Provinces it is urged—

(1) If united with the Central Provinces, Orissa would be 40 per cent. of the total population, and from a national point of view would be the largest factor in the United Province, and thus would be enabled to emerge as a distinct factor in Indian administration.

(2) In many respects Orissa and the Central Provinces are similarly circumstanced and so would be equally yoked.

(3) In view of Orissa being such a large factor in the United Province it is reasonable to hope that one of the salubrious sea-side resorts of Orissa would be chosen as a summer residence for the new administration, or the seat of Government may be located at Raipur.

(4) The importance and territorial extent of the new united administration containing Orissa and the Central Provinces would warrant the establishment of a new Chief Court of Appeal, less expensive than but containing all the main advantages of a High Court and would also be calculated to pave the way for the establishment of a new university especially adapted to meet the needs of the nationalities included in the administration.

Against union with the Central Provinces it is urged that—

(1) Union with the Central Provinces involves the abandonment of all hopes of a permanent settlement and the probability of revenue settlements of shorter duration and heavier enhancements.

(2) The tenantry of the Central Provinces is the most oppressed in India.

(3) Under the Central Provinces administration the Tributary States would incur a chance of losing their privileges of a permanently fixed tribute.

(4) The Mahratta is a more astute administrator than the Bengali.

(5) Such annexation would be followed by the adoption of the standard of study prescribed by the Bombay University.

(6) Nagpur, the capital of the Central Provinces, is at present 30 hours' journey from Cuttack.

Your memorialists humbly trust that Government may duly weigh the reasons being urged for and against each of these proposals and devoutly pray that Almighty God may vouchsafe his guidance so that Government may be led to adopt that form of administration best calculated to secure the advancement of the Uriya race.

Annexure 27.

MEMORIAL of the residents * of the Ganjam district addressed to the Viceroy and Governor-General of India.

The district of Ganjam was prior to the twelfth century the head-quarters of the Kalinga kingdom and was inhabited by the Telugus along the sea-side and by the hill tribes in the interior, both being of the Dravidian stock. The present mercantile and agricultural castes of the district, who have derived their name from the said kingdom and are, respectively, called the Kalinga Komatis, and the Kalingis, are Telugus.

* Signed by 3,000 persons.

It was only in the twelfth century when a Southern King invaded Orissa and added his paternal dominions to it that Uriyas were sent as Rajas to keep the aboriginal tribes in Ganjám under check, and they and the Uriyas that followed them drove the aboriginal tribes to the hills and settled themselves in some portions of the interior of the district. Your Excellency's memorialists, therefore, submit most humbly that it is unfair on the part of the Uriya advocates of the transfer to call Ganjám an Uriya country and demand its inclusion in Orissa.

Nothing can be farther from truth than the statement of a section of the Uriyas that "bands of Telugus came into the district after the opening of the East Coast Railway, as the race figures on the Census of 1881, 1891 and 1901 clearly show."

2. Your memorialists further submit that it is a curious coincidence that with the growth of the idea of enlarging the limits of Orissa, the number of Uriya-speaking people in Ganjám should nearly double itself during the Census of 1901.

3. The Telugus and the Uriyas of Ganjám have been all along friendly to each other (*vide* the "Prajabandu," an Uriya weekly advocating the transfer, dated 9th March, 1904, Extract No. 1) and understand each other's language well (*vide* the "Prajabandu," dated 2nd March, 1904, pages 1 and 2, Extract No. 2), and there can therefore be no administrative inconvenience in the district.

The Uriyas, who have all along been enjoying the patronage of the zamindars, have been indifferent (*vide* the "Prajabandu," dated 2nd March, 1904, pages 1 and 2, Extract No. 2) to the facilities for education offered to all alike, while the Telugus not enjoying such patronage have by sheer industry advanced comparatively. It is therefore unjust on the part of a section of the Uriyas to ask for a transfer calculated to retard the progress of the Telugus. The language difficulty and other grievances have been put forward in response to the call in the columns of the Uriya newspapers of the district (*vide* Extract No. 3), and the misrepresentations and mis-statements that appeared in the telegrams and the statements published in the Press, &c., with the object of belittling the importance of the public opinion against the transfer are only in consonance with the mis-statements contained in the very first paragraph of the original memorial for the transfer, viz., that the Telugu population is small and has immigrated into the district and is found scattered only in large towns.

4. Your Excellency's memorialists have also to invite the attention of the Government to the fact that, in spite of the circumstance that the India Government has called for the opinion of the Local Government, and in the face of Your Excellency's reply, dated 16th February, 1904, No. 367, to the letter submitted by the President of the Memorial Committee, Berhampur, on 30th January, 1904, to the effect that the memorial against the transfer submitted in September, 1903, will be duly considered (clearly showing that Your Excellency is keeping an open mind), the "Prajabandu" has been leading its readers to believe that the transfer is an accomplished fact (*vide* Extract No. 4) has published a speech purporting to have been delivered by Mr. M. S. Das, C.I.E., at Rambha, in which (*vide* Extracts Nos. 5 and 1) it is stated that all can hear very soon of the issue of order of transfer, but a little delay may take place in carrying the order into effect owing to the arrangements to be made by the officials and has by such means induced and is inducing a few Uriyas and a few zamindars to vote for the transfer.

5. Your memorialists beg also to point out that the district authorities and other local bodies do not only sympathetically carry out the benevolent concessions accorded by the Government to the Uriyas, viz., half fees in schools, sessional schools, scholarships and preference in Government employment, but have also evinced special interest of their own accord in the Uriyas in various ways. A separate institution for the education of zamindar boys other than those that the Local Government has provided for at Newington Institution, Madras, is to be opened very shortly at Berhampur, the building having neared completion. There is special provision for Uriyas in the hostels attached to the colleges in the district and there are Uriya Pandits and Uriya-knowing teachers in both of them. The managing committee of the college at Berhampur does not consist purely of Telugus as represented by the Uriya advocates of the transfer, but has for its President the Collector of the district, and has among its members the Sub-Collector, the District Medical Officer and Uriyas.

6. In conclusion, your humble memorialists beg to assure Your Excellency that public opinion is in favour of the existing arrangements and pray that with the usual sense of justice and generosity that characterise Your Excellency's Government, Your Excellency will be pleased to order that Ganjám shall continue to be under the administration of the Government of Madras.

For which act of kindness and charity Your Excellency's memorialists will, as in duty bound, ever pray.

Annexure 28.

The Translation of Extracts from the various Uriya newspapers.

Extract No. 1.

“Prajabandu,” of 9th March, 1904, pages 1 to 3.

The following is the substance of a long speech made by Mr. Das in a meeting held on the 25th ultimo in the Rambha Palace for the purpose of considering the territorial amalgamation proposal and of expressing pleasure for the honour (title) bestowed on Mr. M. S. Das:—

I do not know for what purpose my mother named me Madhusudan. My mother's advice is, wherever you may be, you will sit down (on the floor). I have always remembered the advice and shall ever remember it. After so long a time I now realize the significance of the name given by my mother. My name is Madhusudhano. I consider all the praise you bestow on me as directed towards Madhusudhan (God). I have therefore transferred your praise to God.

At present here and everywhere in Orissa there is the discussion about the agitation for territorial amalgamation.

Is there any among her sons who will say I shall not go to the lap of my mother; I shall not give ear unto my mother? Nobody will say so. Whoever says so is the basest of men, the very charcoal (blacksheep) of the race.

On account of permanent settlement the zamindar enjoys the benefit of the property of his zamindari. On that account Bengal zamindars are wealthy. The annual income of a zamindar is Rs. 30,000, and yet he pays to Government annually Rs. 150. Bengal contains many such zamindars.

When Orissa passed into the possession of the British on the 15th September, 1804, they announced that Orissa would be permanently settled after fasli 1212. It is stated in the sannads that the peshkash of the zamindar of Kujango and others will be permanently settled. Permanent settlement will be introduced in connection with the peshkash of ordinary zamindars after the land measurement survey in Orissa—after the soil improves in fertility. But the time for fulfilling the promise of the Government is past. The Government are not desirous of fulfilling their promise, because, if they do so, the landlord will be benefited at the expense of the Government. The people of Orissa are very often sending petitions to the Government asking them to fulfil their promise. In 1897, when I was in England, I spoke in two or four places that it is the duty of the Government to carry out their promise to introduce permanent settlement in all zamins. All said that it is Government's duty to carry out its promise. As the result of this the “London Times,” a very influential newspaper of England, said: “Let there be loss, if any; it is the duty of the Government to carry out its promise.”

Mr. Hunter, Honourable Mr. Reynold and Sir Cecil Beadon have also written about this. I believe that Government will be obliged some time to give effect to their promise. It is, therefore, only by remaining under Bengal Government that there can be any hope of our enjoying the benefits of permanent settlement.

Speakers have spoken of the work done by the Telugu brethren against the amalgamation. Formerly Uriyas and Telugus were known to be friendly towards each other. They are not now known to be so.

To live amidst enemies is good in many ways. We have lived scattered in many countries and learnt the virtues of various races. When a mother sends her four sons to four countries, they will learn the virtues of the four countries, return to their mother's lap and certainly increase the mother's honour. We have lived long in the company of the Telugus, Bengalis, Hindustanis and Mahrattas, and it is a very happy thing that we have imbibed the virtues of the four races. There is no doubt that our union will contribute to the honour of the Utkal mother.

Ganjám is the fountain source of honour to all Uriyas. Kavisurya of Ganjám, if not a sun among poets, was the sun of honour to the Uriyas. This Ganjám has been purified by the touch of the feet of poets like Bunjo. I am unfit to be addressed as the leader of this honoured Ganjám.

I first heard of territorial amalgamation in January, 1901. I heard of it from a very high Government official. I spoke to him at some length on this subject. I have been doing my best for the welfare of the country and shall do so. I trust that all of us will soon be united. There will be a few days' delay the cause of which is the details of arrangement to be made by officials. You can hear of the order of transfer very soon.

Extract No. 2.

The "Prajabandu," of 2nd March, 1904, pages 1 and 2.

You (Uriyas) can read and write Telugu tolerably well.

Although Ganjám is a small district, there are many Rajas. From olden times you have secured their patronage and have spent your lives from generation to generation, and you have from the first set your face against learning their language of the rulers (English) and taking up Government appointments.

Extract No. 3.

The Ganjám "Uriya Hitabodini," of 3rd October, 1902, pages 3 and 4.

The Utkal Sabha has already memorialised for including Sambalpur under Orissa; the people of Sambalpur also have made the same prayer. It would be better for the Ganjám people to represent their grievances and inconveniences and pray for the inclusion of Ganjám in Orissa.

Extract No. 4.

The "Prajabandu," of 3rd February, 1904, page 2, column 2, 1122-24.

If Government is not prepared to make such a change, would it publish it in the "India Gazette"?

Extract No. 5.

The "Prajabandu," of 2nd March, 1904, page 3, column 3.

He (Mr. Madhusudan Das, in reply to a congratulatory address presented to him at Rambha by the Raja of Kallikóta and nine others) demolished all the arguments against the transfer and explained the usefulness of the transfer and said:—

"All can hear very soon of the issue of order of transfer. But a little delay may take place in carrying the order into effect, owing to the arrangements to be made by the officials."

Annexure 29.

MEMORIAL addressed by the residents of the Vizagapatam district to His Excellency the Viceroy and Governor-General.

Your Excellency's memorialists residing in the ordinary and Agency tracts of the district of Vizagapatam have learnt with surprise and alarm from the Government of India letter published in the "Gazette of India," dated 12th December, 1903, that Your Excellency's Government proposed to separate the Agency of the district from the ordinary portion and annex the same to Bengal and crave permission to submit that the measure is not only not desired by the people affected but is cordially disliked by all classes including the Uriyas whose interests it is supposed to promote and is calculated to retard the progress and development of the country, dislocate and paralyse its trade, cause great and unnecessary hardship and annoyance to the people affected, a violent break in their institutions and traditions, engender grave administrative difficulties and is politically inexpedient.

2. Your memorialists beg leave to point out that the proposal proceeds on the erroneous basis that the Agency and ordinary tracts do not really form two inseparable and integral parts of the same district, that they can be separated without injuring one another and that the amalgamation of the Agency with Bengal is advisable in the interests of the Uriyas living therein, as it would lead to the linguistic union of the Uriya race.

3. A retrospect into the past history of the country would clearly show that as far back as history and tradition take us, the whole district was under its Hindu sovereigns, during British rule as well as when Muhammadan supremacy was acknowledged, under the same Government and was governed by the same laws and institutions. The hill zamindaris of Golugonda, Madugulá, Salur, Kurupam, Merangi,

&c., lying both in the ordinary or plain country, and what is at present known as the Agency were carved out of the Nandapur or Jeypore Raj (having been held by relations or retainers of the Jeypore chiefs) and during the latter part of the 18th century, the whole district was comprised in the Vizianagram zamindari.

4. The British Government at the time of the permanent settlement, as well as both before and after, have always treated the district as one and inseparable, having imposed a consolidated peshkash in respect of lands in every zamindari whether lying in the plains or in the hills and issued sanad-i-milkiat-istimrars without making any distinction between the ordinary and hill tracts.

5. The rebellions in the hills in the early part of the last century led the Government in 1839 to give the Collector greater administrative control over almost the whole of the district comprising the zamindaris of Vizianagram, Jeypore, Merangi, Kurupam, Belgam, Salur, Pachipenta, Bobbili, Palakonda, Andra, Madugulá, and Golugonda and Sangamvalasa and to pass Act XXIV. of 1839 excluding from its purview only what are known as the *haveli* lands situated on the coast. The Government was authorized to declare from time to time what shall be included in the Agency tracts, a distinction introduced solely to give greater latitude to the head of the district both in civil and criminal administration. In 1863 the greater portions of Vizianagram, Golugonda, Madugulá, Andra, Salur, Pachipenta, Sangamvalasa, Belgam, Merangi, Kurupam, and the whole of Bobbili, &c., were excluded from the Agency jurisdiction and were rendered amenable to the regular Government of the plains and the jurisdiction of the ordinary tribunals. Thus the Golugonda zamindars owned, before they forfeited their zamindari by their rebellious conduct, the country now comprising the ordinary portion of the Golugonda or Narsapatnam taluk and the Golugonda agency. The Madugulá zamindars are to this day entitled under the same sanad to a large tract of country known as the Madugulá agency and a considerable area in the rich alluvial plains adjoining Salur, Pachipenta, Merangi, Kurupam, Vizianagram, &c., likewise possess and own vast tracts of hill and dale and large revenue-yielding zamins in the plains. The Maharaja of Jeypore owns valuable properties in the plains and has extensive business dealings with the zamindars and people in the ordinary portion of the district.

6. The people of the district from time to time represented to the Madras Government the feasibility and desirability of curtailing the limits of the Agency and including in the ordinary portion large areas which by the rapid progress they have made in civilization are no longer to be classed as backward; the memorialists believe that the Government are disposed to lend a favourable ear to their representations and are prepared to amalgamate large portions of the Agency with the ordinary tracts. There is thus no real distinction between the ordinary and the Agency portions of the district and to separate them would be to dismember and cripple one whole and organised body and paralyse it.

7. The effect of the proposed separation would be to place almost all the zamindars in the district under two Governments, would subject them to the dual control of two distinct sets of officers, to compel them to conform to the laws of two widely different Provinces, and the result would, the memorialists venture to submit, be disastrous to the land-holders concerned and their tenants. It is well known that the Rent and Revenue Laws of Bengal and Madras widely differ from one another and the people of this district would be in the unhappy position of having to learn and unlearn a good many things and of being subject to two administrations and to distinct sets of tribunals in different provinces and cannot expect being a microscopic minority to have their laws, manners and customs studied with any great interest by the officers of Bengal.

8. The Government owns a considerable portion of the Golugonda agency easily accessible only from the plains and the whole of the Golugonda taluk with Narsapatnam as its head-quarters; the Land Revenue Settlement thereof radically differs from that of Bengal where the ryotwari settlement does not obtain and it is not too much to say that the excision thereof from Madras is unnatural and would lead to grave administrative difficulties and great hardship on the part of the people concerned.

9. A suggestion during the last century that a Special Commissioner might be appointed for the Agency tracts of the Vizagapatam district was rejected by the Government as impolitic, inexpedient and unsuitable, as amongst other reasons, it was felt that in the event of disturbances in the hills, resources both in men and supplies should be drawn from below, that the control should be general and complete, and that a dual authority over the district would lead to administrative weakness and friction. During recent years, to which pointed allusion need not be made here, the wisdom of the policy then followed of keeping the whole district under one head was clearly discerned, and the necessary supplies in men and provisions were drawn from the plains. The Golugonda and Madugulá Agencies, subject to the general control of the Collector as the Governor's Agent, are administered by the Head Assistant Collector with his headquarters at Narsapatnam at the foot of the hills, assisted by two taluk officers; the Sáluru, Kurupám, Mérangi and Belgam Agencies by the Senior Assistant Collector of Párvatipuram, stationed at the foot of and commanding the hills and holding the key thereto. The Srungavarapukota and Palakonda Agencies are in the hands of the Assistants of Vizagapatam and Vizianagram, aided by taluk

officers, whose stations adjoin the hill tracts concerned. The Jeypore Agency is controlled by a Special Assistant Agent who, during the hot weather, when the climate of the Maliahs is deadly, is, perforce, compelled to and does reside in Waltair. Easy communication between the various parts of the Agency above described is only through the plains and is only possible through the plains. The officers controlling them must, during a portion of the year, necessarily reside in the plains and no material changes are possible without seriously impairing the efficiency and weakening the authority of the administration.

10. A glance at the map of the district would clearly show that the two portions proposed to be placed under a distinct Government are integral and inseparable parts of one distinct whole, that the roads of the Agency naturally lead into the plains and that there are insurmountable barriers in the way of constructing roads in any other direction so as to connect the excised parts directly with Bengal. The Government has derived but very little revenue from the Agency in question, large sums amounting to several lakhs of rupees have been spent out of the Provincial and district revenues on roads and improvements therein, and the memorialists humbly submit that, to sacrifice the interests of the district and the Presidency, is neither justice nor good policy.

11. The Agency tracts in question are naturally and indissolubly connected commercially with the ordinary portion, the produce of the hills finds a market in the plains, the ports of Vizagapatam and Bimlipatam are the natural outlets for the hill produce, the trade prospects of the district, there is every reason to hope would be strengthened by the construction of the proposed Vizianagram-Raipur Railway and the disruption of the district cannot fail to seriously retard the progress and development of the country, paralyse its trade and divert it into new channels and expose the traders to the inconvenience and hardship of accommodating themselves to the laws of two different provinces and being subjected to the jurisdiction of two distinct sets of tribunals.

12. To illustrate the above without going into great detail by a few typical cases—

(a) A zamindar owns a rich mine in the Agency and ordinary portions of his zamindari. The mine would be governed by the laws of two distinct provinces, will be subject to the control and inspection of two sets of officers, and the rights thereto or connected therewith would have to be established in two provinces.

(b) *Disputes regarding succession to zamindaris.*—Every zamindar would be liable to be sued both in the Bengal and Madras Courts.

(c) A tenant cultivates a land under a zamindar both in the plains and in the hills and contracts to sell crop where it is produced. He is entitled to sue and liable to be sued in the Bengal and Madras Presidencies.

(d) A tenant is said to have illegally cut timber in the Agency and brought it into the ordinary tracts, he is liable to be prosecuted both in the Bengal and Madras Law Courts.

(e) The Bengal officers, in the interests of the revenue of their province, would establish toll-gates in the Agency, and Madras would, without regard to the interests of the producer, establish toll-gates in their jurisdiction to promote the interests of their own revenue.

(f) The Bengal merchants and Bengal Government would be interested in diverting the trade to their own ports and their own province.

The passengers by the local train from Calcutta arrived at the Bengal-Nagpur Railway terminus at Waltair at 2 p.m. and are given the free choice of shifting as best as they can till the Madras mail at 7 p.m. or the local at 9 a.m. the next day takes them to their destination which may be ten miles from Waltair.

Such are the benefits to be derived by the people by a dual administration. It may be said that in cases of all bordering districts, such inconveniences are necessarily felt but nowhere would almost all the zamindars and their tenants in one province own lands in another; the evils above pointed out are to be a new introduction and the separation is supposed to promote the interests of the people in the Agency.

13. The people in the plains derive their supply of fuel and timber from the hills, the tenants both in the Government and zamindari taluks have pasture grounds therein and in many cases possess grazing rights. Almost all the forests, both of the Government and zamindars, are situated in the Agency and the proposed separation leading to the dual control of the Madras and Bengal Forest Departments cannot fail to cause much hardship to the people.

14. The ordinary portion of the district is the most thickly-peopled area in the Presidency, the mean density being 453 to the square mile; whereas the thinly-peopled adjoining Agency, with 67 per square mile, is by nature intended to relieve the congested parts of their pressure, and making it a part of the Bengal Province would inevitably check the natural flow of the people into it.

15. The difference of language between the Uriyas occupying a portion of the Agency and the Telugu population is the only ground on which the proposed separation is sought to be justified and the examination of a few unquestionable facts would

reveal the hollow basis on which the argument is founded. There are 35,000 Uriya-speaking people in the plains, but it is said that the Telugus vastly outnumber them; Telugu is a tongue entirely foreign to Bengal, and hence the plains are excluded. The argument is that out of a total population of over two millions living in the plains there are only 35,000 Uriyas, whereas there are 400,000 of Uriyas in the Agency, less than half out of a total of about 850,000, and hence the Agency can be excluded. The essential error lies in viewing the district as two distinct entities unconnected with each other, and the memorialists venture to hope that the reasons given above expose the fallacy. Judging the matter from the separationist's point of view, out of a total population of three millions, the Uriyas formed but one-eighth, assuming the perfect accuracy of the census figures and to cut up the district and add three-fourths of its area to Bengal in their supposed interests can hardly be said to have the weight of reason or authority on its side.

16. The Supreme Government has also overlooked the important fact that the whole of Golconda, Mádugula, Pachipenta, Srungavarapukota, Sálúru, Kurupám, Belgam, Párvatipuram, Mérangi and Palkonda Agencies is almost exclusively Telugu; there is a considerably large element of the Telugu people in the Jeypore zamindari, especially Rayaghada and Gunupuram. The amalgamation of these tracts with Bengal would but lead to severance of the Telugu people, would land the Government in the supposed difficulty they wish to avoid, inasmuch as the Government would be placing a small Telugu population under the control of the overwrought Bengal officer, accustomed to the ways and administrations of an advanced province totally unacquainted with Telugu—a language entirely dissimilar to the languages spoken therein. The Government would by adding a district inhabited by people speaking as many languages and in various stages of civilisation materially add to the burden of the Bengal Government.

17. A considerable portion of the rest of the Agency is peopled by the Savaras, Khonds, Gadabas, Uriyas and Telugu, so that even in the Agency the Uriya-speaking people are but a minority. With great difference to the view enunciated in the letter of the Home Department referred to above, that the Khonds and their language are more proximately allied to the Uriyas than the Telugus, the memorialists beg leave to state that the Khond language is distinctly Dravidian and akin to Telugu and entirely dissimilar to Uriya, a dialect of Sanskrit (Vizagapatam Carmichael's Manual and authorities quoted therein). Inasmuch as the Dravidian tongues largely preponderate in the Agency, even conceding that the language argument has any force in it, there is an additional ground furnished by the above facts for the continuance and maintenance of the existing state of things. By the close intimacy in which the Uriyas have lived with Telugu-speaking people for centuries, large numbers of them know both the languages; the Uriyas are not the original inhabitants of the land but settlers therein, thinly scattered over a vast tract of country inhabited by various classes of people, they have never desired any change and are opposed to it. If the wishes of the people count for anything in a matter which concerns them so deeply, the memorialists may confidently assert that not only no one in the Agency and in the ordinary tracts of the districts be he of Uriya, Telugu or Khond descent, has ever desired the proposed change, but every one is bitterly opposed to it and keenly resents the dismemberment and mutilation of their beloved district.

18. Lastly the memorialists venture to point out that complete linguistic union is nowhere possible in India; the Canarese people are divided between Madras and Bombay, the Telugu-speaking race occupies Madras, Hyderabad, and the Central Provinces, there is a large Hindustani element in the ceded districts, various languages are spoken in each province and there is no reason for any departure from the traditional British policy of uniting the several races under one Government which by mutual contact and emulation lose their peculiar provincial and local characteristics and feel themselves to be British citizens of a world-wide Empire.

Your Excellency's memorialists therefore humbly pray that the Agency tracts of Vizagapatam may be allowed to continue as at present an integral part of the district and the Presidency of Madras.

Enclosure 7 in No. 2.

Letter from H. H. Risley, Esq., C.S.I., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bengal. No. 1902, Home Department (Public), dated Simla, the 13th September, 1904.

I am directed to address you with reference to your letter, No. 2566 J., dated the 6th April, 1904, on the subject of reducing the territorial jurisdiction of the Lieutenant-Governor of Bengal.

2. The Government of India agree with His Honour in thinking that the time has arrived when it is essential to reduce the administrative burden now imposed upon the Local Government, and that this relief can only be afforded by a substantial reduction of territory. They observe.

however, that the series of transfers, the effect of which is summarised in the statement contained in paragraph 50 of your letter, will leave the province with a population of about 62½ millions, being practically the same as was recorded in the Census of 1872; while the area which under this scheme will continue to form part of Bengal contains those districts which attract a large proportion of immigrants from the congested tracts of the United Provinces. Assuming then that the increase of population from natural causes and from immigration proceeds at the same rate, it seems probable that the difficulty which the present proposals are intended to meet will recur in much the same dimensions some thirty years hence. This argument will equally apply, though with somewhat reduced force, in the event of the proposed transfer of certain territory from Madras not being carried out, for even then the population of Bengal will amount to 59,384,000, and the period at which it will have again reached its present strength will only be slightly deferred. For this general reason it has occurred to the Government of India that the main object of the scheme of reconstruction would be more certainly attained, and the scheme itself would be placed on a more permanent footing if the area transferred were to be enlarged by adding to it the districts of Rajshahi, Dinajpur, Malda, Jalpaiguri and the State of Cooch Behar. The advantages which this alternative appears to present may be stated thus:—

- (1) The effect of the extension would be to give the new province a population of over 31 millions, leaving Bengal with a little more than 54 millions. A reduction of 24½ millions would undoubtedly give substantial relief to the Lieutenant-Governor, and would furnish an effective reply to the argument noticed above.
- (2) It will be seen that under these enlarged proposals the new province would have a well-defined river boundary for almost the entire length of its western frontier. Starting from the Bay of Bengal, on the west of the Backerganj District, the border would follow the River Madhumati up to its junction with the Ganges, while from this point it would coincide with the Ganges up to Sahibganj. Thence it would run along the western border of the Malda, Dinajpur and Jalpaiguri Districts to the foot of the Himalayas, where it would strike the frontier of Bhutan. The southern portion of this boundary coincides with that proposed in your letter, but from the Ganges northward the boundary of the new province according to that scheme is merely the irregular outline of the western limits of the Pabna, Bogra and Rangpur Districts and the southern and eastern border of the Cooch Behar State. Over the greater part of its length this boundary corresponds to no natural distinctions whether physical, linguistic or ethnological. It severs in two the compact and characteristic tract of Northern Bengal; and seeing that the people on one side of the line differ in no respect from those of the other, it seems likely that the plan will meet with protests from natives of Rajshahi who have property in Pabna and Bogra, and from natives of Dinajpur who have property in Rangpur. The boundary now suggested for the Lieutenant-Governor's consideration would, it is believed, be less open to objections of this kind, and would possess the further advantage of corresponding in its central portion, that is to say, between Sara and Malda, with the well-recognized geographical and social distinction between the tract known as Rárh or Western Bengal and Barendra or Northern Bengal, while from Malda to the Himalayas it would mark the point where Bengali ceases to be spoken and Hindi begins.
- (3) The boundary suggested would bring within the eastern province the bulk of the characteristic Muhammadans of Bengal.

who form 78 per cent. of the population in Rajshahi, 50 per cent. in Dinajpur and 48 per cent. in Malda. Not only would it give Dacca a central position in relation to the rest of the new Province, but it would tend, in course of time, to confer on that city the special character of a provincial capital where Muhammadan interests would be strongly represented if not predominant.

- (4) By its adoption the whole of the tea industry, with the exception of the gardens in the Darjeeling District the conditions of which are peculiar, would come under the Government of the eastern Province, which would then have within its jurisdiction a substantial number of gardens for which an adequate supply of labour procured without having recourse to the special provisions a present in force in Assam under Act VI of 1901.
- (5) The greater part of the tract within which jute is cultivated will also be brought under one Government.
- (6) By adopting this boundary the necessity for breaking up divisions will be avoided. The loss of the small district of Malda will make little difference to the Commissioner of Bhagalpur, and the fact that this division has been to some extent reduced will render it easier to transfer to it some portion of the unwieldy division of Patna. It would be easy to attach Darjeeling to the Bhagalpur Division, one district of which, Purnea, is conterminous with it, unless the Lieutenant-Governor would favour the plan of keeping it directly under him. It is understood to be so already for political purposes.

3. The following table shows the effect of the proposal now made assuming that no territory is transferred to Bengal from the Madras Presidency:—

		Area in Square Miles.	Population.	LANGUAGE.	
				Bengali.	Other.
NEW PROVINCE.					
Assam	...	56,243	6,126,343	2,948,133	3,178,160*
Eastern Bengal.	{ Dacca Division ...	15,040	10,793,988	10,620,203	173,785
	{ Chittagong Division (including Hill Tipperah).	15,859	4,911,056	4,697,718	213,338
Northern Bengal.	{ Rajshahi Division (including Cooch Behar) except Darjeeling.	17,499	8,813,016	8,351,935	461,081
	{ District of Malda ...	1,899	884,030	654,856	229,174
Total ...		106,540	31,528,433	27,272,895	4,255,538*
Bengal—	Bengal (at present), including Feudatory States.	189,837	78,493,410	41,432,899	37,060,511
Add—	From Central Provinces...	13,722	1,608,391	320†	1,608,071
Deduct—	(a) Eastern and Northern Bengal ...	50,297	25,402,090	24,324,712	1,077,378
	(b) Hindi-speaking Feudatory States of Chutia Nagpur.	11,604	583,177	—	—
Balance ...		141,658	54,116,534	—	—

* Includes 1,349,784 Assamese.

† Includes the Bengali population, if any, of Phuljhar and Chandarpur which are to remain in Central Provinces.

4. Bengal as thus reconstituted would have a population exceeding that of the United Provinces by over 6 millions instead of as now by 30 millions, while the new province, with a population of over 31 millions, would come fourth in order among the larger provinces of India.

5. It has not escaped the notice of the Government of India that under this proposal the entire section of the Eastern Bengal State Railway between Damukdia and Silliguri will be located in the new province. But under the scheme set forth in your letter this will also be the case with the portions of the line which run through Bogra and Rangpur. And the objection can readily be got over by placing the police administration wholly under the Government of Bengal.

6. I am to request that the Government of India may be favoured at the earliest date possible with an expression of the Lieutenant-Governor's opinion on this suggestion.

Enclosure 8 in No. 2.

Letter from H. H. Risley, Esq., C.S.I., C.I.E., Secretary to the Government of India to the Honourable the Chief Commissioner of Assam. No. 1903, Home Department (Public), dated Simla, the 13th September, 1904.

With reference to paragraph 12 of your letter, No. ^{197-For}~~1369-P~~, dated No. 1902, dated 13th September, 1904, the 6th April, 1904, regarding the proposed re-distribution of territory between Bengal and Assam, I am directed to enclose a copy of a letter addressed to the Government of Bengal on the subject, and to request that the Government of India may be favoured at the earliest date possible with an expression of your opinion on the enlarged scheme set forth therein.

Enclosure 9 in No. 2.

Letter from W. C. Macpherson, Esq., C.S.I., Officiating Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department. No. 2719J.—D., dated Darjeeling, the 12th September, 1904.

I am directed to invite attention to my letter, No. 2556 J., dated the 6th April last, submitting the views of the Lieutenant-Governor regarding the proposed modifications of the territorial jurisdiction of the Lieutenant-Governor of Bengal for the consideration of the Government of India. In paragraph 12 of that letter, in which reference was made to the proposals contained in Mr. Risley's letter, No. 3678, dated 12th December, 1903, regarding the transfer of certain tracts from Madras to Bengal, the following remark was made: "The Lieutenant-Governor does not know the Uriya-speaking parts of Madras to which reference is made in Mr. Risley's letter; but if their circumstances are in any way the same as those of the Sambalpur District, which have been indicated above, he would strongly support the proposal to amalgamate them also with Orissa."

2. I am to say that since that letter was written the Lieutenant-Governor has had some opportunity, in the consideration of certain cases which have come before him, and in discussion with officers and others acquainted with Orissa, to become a little better acquainted with the circumstances of these tracts, and with the arguments for and against their transfer to Bengal. The population of the area which it is proposed

to transfer from Madras may apparently be classified as follows according to the languages spoken (the figures for population being given in thousands):—

District.	Total.	Uriya.	Telugu.	Khonds.	Other Languages.
Ganjám	1,689	1,275	343	20	51
Ganjám Agency	321	87	6	157	71
Vizagapatam Agency	851	409	153	161	128
Total	2,861	1,771	502	338	250
Percentage	—	62	17	12	9

Leaving out of account the Khonds and other aboriginal races that form about 20 per cent. of the population, it is clear that of the two principal divisions—the Uriyas and Telugus—the former are much more numerous than the latter; but the latter form a respectable minority, and by reason of their wealth, position, and education exercise an amount of influence which is far in excess of what their clear numerical strength would lead one to expect. The very long time during which these tracts have been under the Madras Government, and the fact that their administration has been so largely conducted in the Telugu language, have no doubt contributed to these results; and, as might be expected, the Telugu influence is strongest in the south and the Uriya influence in the north with its headquarters at Berhampore. It must be remembered that the Telugus have taken a most active and prominent part in the administration of this part of the country, so that they cannot be ignored. Their position and influence demand that they should be fully reckoned with in the administration. It seems, therefore, to the Lieutenant-Governor that, although the Telugus in the tracts in question are apparently only about 28 per cent. of the Uriyas, it would be quite as necessary for a Bengal Officer appointed to administer these tracts to learn Telugu as it would be for a Madras officer to learn Uriya.

3. The returns of population of the plains tract, according to the Census of 1901, show that the Telugus number 755,383, and the Uriyas 766,712, the total population of the plains of Ganjám being shown as 1,689,142. On the other hand, the Uriya-speaking population is returned as 1,275,000 out of 1,689,000. These last figures *prima facie* lead to the conclusion that the greater part of Ganjám is Uriya. But the former figures regarding race lead to no such conclusion. They seem rather to confirm the general impression of those who live on the border of Madras that half the population of Ganjám are Telugus and half Uriyas. Another very striking fact is that apparently in the plains tract the percentage of Uriyas by race to population was 44 in 1881, 43 in 1891, 45 in 1901; whereas the percentage of Uriya-speaking people to the total population was 50 in 1881, 50 in 1891, and 75 in 1901. The increase within 10 years from 50 per cent. to 75 in the Uriya-speaking population, while the Uriyas by race retain the same percentage, seems to require explanation.

4. Then again there are other difficulties to be considered. The Ganjám District is divided into two portions: the plains tract, which is under the ordinary system of administration obtaining in Madras, and the Ganjám Agency tract, which has a separate administration of its own under the Collector, who is for this purpose Agent to the Governor. Apart from differences in purely Government administration such as exist in the Abkari and Salt Departments, there are other differences which affect the whole life of the people existing between this tract and the neighbouring districts of Bengal. As regards salt, for example, there is no manufacture in Bengal; and the staff is solely employed in preventive duties. In view of the magnitude and importance of salt manufacture in

Ganjám the salt administration of the district must apparently, in any case, be left with the Madras authorities. This itself constitutes an administrative difficulty. But it is in connection with the land revenue administration that the main difficulties would arise. In the plains tract there prevail side by side the raiyatwari system of land revenue, which is altogether different from anything prevailing in Bengal, and the Madras zamindari system, the incidence and conditions of which differ greatly from the zamindari system of Bengal. The village system of Madras also, with its village officers and their powers, differs greatly from the system prevailing in Bengal. In some respects it would be well, if it were possible, to imitate in Bengal the village system of Madras. But the difficulty of reproducing that system in Bengal will be great; and to bring down the village system which apparently exists in these Madras tracts to the level of the state of things existing in Bengal would be decidedly retrogressive; while on the other hand the maintenance of that system in a small portion only of the Orissa Division might be a matter of great difficulty.

5. Turning to the Agency tracts of Ganjám, which cover 3,483 square miles, the population is 321,114, of whom 90,045 are Uriyas and 6,399 are Telugus. Here, again, there is a disagreement between the figures for race and those for language, though it is only slight. The figures for language are: Telugu, 5,864, and Uriya, 87,682. The rest are Khonds and other aborigines. There is no doubt in the Lieutenant-Governor's mind that it will be quite possible for Bengal to administer these tracts quite satisfactorily; for the Government of Bengal has under its administration many similar tracts. It is unnecessary, therefore, to discuss any of the differences which exist in the system of administration. It will not be difficult for the Bengal Government to adapt its method to such tracts as these; and there is no doubt that the proportion of Telugus to Uriyas in these tracts is very small. But the proportion of both combined to the total population is also small, and the necessity for taking over these tracts, because of the number of Uriyas that are found in them, is not very great. On the other hand, it will be practically impossible to take over the Ganjám Agency tracts without taking over the rest of the district. The people of the plains and of the hills must remain under one administration; for the contact or interest has been too long, and in respect of trade is too strong, to permit of a severance of the hills from the plains. It is unnecessary also to do more than allude to the geographical anomaly involved in taking over a narrow strip jutting out of Bengal between the Central Provinces and Madras. If the Vizagapatam Agency were added along with the Ganjám Agency to Bengal, the geographical irregularity will be increased.

6. The Vizagapatam Agency covers about 13,000 square miles, and has a population of 851,000, of whom 409,000 are said to be Uriya speaking. But the Census returns have a similar excess of Uriya-speaking people over Uriyas by race as has been noticed in Ganjám. The Uriya speakers are returned at 408,954, while the Uriyas by race are only 303,420, or just three-fourths. On the other hand the Telugu speakers are returned at 153,168, while the Telugus by race are returned as 214,647. The Khond speakers are returned as 161,124, and the Savars at 47,623. The inference would seem to be that in these tracts, as in Ganjám, Uriya has become the official language, as being the civilised language most easily acquired and most generally spoken. As has already been stated, there would not probably be much difficulty experienced in Bengal in administering this tract, except from the facts that it is very vast (being equal in area to the Tributary Mahals of Orissa), and is very much more remote. In this connection, a great disadvantage in the administration of this tract by Bengal, as compared with Madras, would be a want of the plains portion of the Vizagapatam District, which at present forms the base for administrative operations in the hill tracts. It must be borne in mind that the tendency of trade, at present at all events, is in these tracts distinctly towards the south-east; and therefore the bond of interest is with the plains of Vizagapatam rather than with Bengal.

7. In regard to the opinion of the inhabitants of these tracts as to desirability of a transfer to Bengal, so far as the Lieutenant-Governor has been able to ascertain there is no feeling whatsoever on the part of the inhabitants of the hill tracts. They appear to know nothing about the proposal, and not to care about the matter at all. So far as the Lieutenant-Governor's information goes, they have said nothing about it. On the other hand, there has been some movement on the part of the Uriyas in this tract. At the Utkal Conference, a sort of national Uriya Conference, which met at Cuttack last Christmas, there were Uriya delegates from Ganjám; and they supported the movement for the union with Bengal. There appears, therefore, to be some movement on the part of the Uriyas of Ganjám to have the tracts in which they live attached to Bengal. This movement has apparently been originated, or at least fostered, by the Uriyas of Bengal. The Lieutenant-Governor understands, however, that there is considerable difference of opinion among the residents of the tracts in question, and even among the Uriya residents. He understands that protests against the transfer have been received even from meetings composed of Uriya residents of these tracts.

8. Probably it may be admitted that geographically and ethnologically the Ganjám District and the Agency tract, and perhaps also the Vizagapatam Agency tract, ought to have been under one administration with Orissa proper and the Uriya-speaking tracts of the Central Provinces, the common bond being the identity of race and the long standing connection of the Uriya Districts with the rural tribes of the hills. The ancient history of these tracts seems to indicate that this would have been a suitable arrangement; but the state of things in these Madras tracts is not apparently now anything like what it then was. The grant of the Northern Circars by the Nizam to the East India Company preceded the acquisition of Orissa from the Maharattas by 35 years. Consequently, the Uriyas of these Madras tracts have been under that Government for nearly a century and a half. The number of Telugus now residing in these tracts is very considerable; and the ties both of interest and of administrative expediency which bind these tracts to Madras seem, as already indicated, to be very strong. The Lieutenant-Governor is, therefore, unwilling that he should seem to support the transfer of these territories now from Madras to Bengal. The case of these tracts seems to be altogether different from the case of the Uriya-speaking tracts on the east of the Sambalpur District. In respect of the latter, the Central Provinces Government has distinctly admitted the difficulties of administration; the fact that the Uriya language prevails almost universally is admitted; and the people have expressed a very general desire to be annexed to Orissa.

9. From the point of view of the Bengal Government, it does not appear that the transfer of these so-called Uriya-speaking tracts of Madras to Bengal would be expedient. It would be distinctly inexpedient, as tending to increase the work of an already overburdened administration, and as necessitating the addition of the Telugu language to the languages required from its officers, and the acquisition by them of the knowledge of a system of administration differing essentially from that of Bengal. The Government of Bengal would be called upon, in regard to revenue administration and other matters, to deal with questions foreign to its experience. The objections to the transfer of these tracts so far as the tracts themselves are concerned, and the arguments which may be urged for or against their transfer on behalf of the residents, will no doubt be laid before the Government of India by the Government of Madras; and the Lieutenant-Governor is more concerned perhaps with stating the case from the Bengal point of view. He would not, therefore, have troubled the Government of India with this communication but for the fact that his experience in Sambalpur had led him to inform them that *primâ facie* his opinion was in favour of the transfer of these tracts. From what he has since learned, he is of opinion that the circumstances of these tracts differ most materially from the circumstances of that larger portion of the Sambalpur District, and from those of the Uriya Feudatory State of the

Central Provinces, which it is proposed to transfer to Bengal. What he now has reason to believe to be the circumstances of these Madras tracts, differ so materially from what he knows to be the circumstances of the Central Provinces tracts referred to, that he is inclined to think that there is no such *prima facie* case for the transfer of the former as there is for the transfer of the latter. If this view of the circumstances of these Madras tracts is correct, then Sir Andrew Fraser would strongly deprecate their transfer to Bengal, both as disturbing a well recognised state of affairs without due necessity, and as throwing an additional burden on the already overburdened administration of Bengal. The object of the scheme under consideration is to afford relief to Bengal; and the Lieutenant-Governor only gave his support (so far as it went) to the transfer of these Madras tracts because he believed, from the analogy of Sambalpur, that it was necessary, and, from the same analogy, that it would not appreciably add to the burden of administration in Bengal. The information which he has since obtained leads him to think that he was mistaken in regard to both these points.

10. The effect of this revision of the proposals made in my letter, No. 2556 J., dated the 6th April, 1904, as summarised in paragraph 50 of that letter, will be to deduct, from the total there given for Bengal, the area and population of the tracts proposed to be added from Madras, and to leave the newly constituted Province of Bengal with an area of 154,365 square miles and a population of 59,384,405. In the opinion of the Lieutenant-Governor this is an improvement on the proposals made in my former letter; because anything that, without injury to the interests of the people, reduces the area and population of Bengal is of advantage.

Enclosure 10 in No. 2.

Letter from F. J. Monahan, Esq., I.C.S., Secretary to the Chief Commissioner of Assam, to the Secretary to the Government of India, Home Department. No. 144.—4247-P., dated the 24th September, 1904.

In reply to your letter, No. 1903, dated the 13th September, 1904, on the subject of territorial changes between Bengal and Assam, I am directed to say that Mr. Fuller entirely accepts the view that the scheme of redistribution, if it is to extend beyond the transfer of the Chittagong Division to Assam, should be carried as far as is now proposed, so as to give really substantial relief to Bengal, and to create responsibilities that will be sufficiently heavy to justify the maintenance of a separate Local Government. The revised boundary line that is now proposed will not be of a purely artificial character, but in some measure will represent real distinctions in nationality, language and circumstances. It is understood that the river Mahananda is identified more closely than the western boundary of the Dinajpur District with the dividing line between Bengali and Hindi. But the strip of Bengali country which will be left in the Purnea District is of no considerable size, and it would hardly seem worth while to break up the Purnea District in order to bring this strip into the new province. I am to observe that an additional ethnological argument in favour of the proposed boundary line is that it will include almost the whole of the area over which the Tibeto-Burman tribes, known collectively as the Bodos, have extended.

These races form a most characteristic feature in the population of the existing province of Assam. The new scheme is supported by a consideration of much practical importance in that it will bring together the tea-growing areas of the Duars and of the Assam Valley. The association of the special labour system of Assam with the freedom of the arrangements current in the Duars cannot fail to promote the gradual substitution of natural for artificial lines in the recruitment and organisation of the labour forces of Assam tea gardens.

2. The new province will be of much commercial importance, containing nearly the whole of the tea and jute production of north-eastern India besides silk factories in Rajshahi and Malda and some indigo in the latter district. It will be characterized by a prominence of Mussalman interests, but it will not be popular with the European services. Indeed, its greater portion will consist of districts which are, rightly or wrongly, considered to be the penal stations of Bengal. Moreover, until the military officers of the Assam Commission retire (many years hence) members of the Indian Civil Service will have but little chance of setting the amenities of the Assam Valley, and of the Assam Hill Districts, against the loneliness and over-work which generally characterise service in the eastern districts of Bengal. It will be necessary to bear this consideration in mind when settling the cadre and rates of pay for the new province.

3. It appears from paragraph 2 (3) of your letter to the Government of Bengal that it is assumed that Dacca would be the new capital. Mr. Fuller has no such detailed knowledge as would enable him to discuss the rival claims of Dacca and Chittagong. But, as the Government of India are aware, there is some weight of opinion in favour of selecting Chittagong as the headquarters of the provincial Government; and it may be inadvisable to definitely conclude between the two places at the present stage. It may be observed that Dacca is very difficult of access from Assam and is likely to remain so for many years to come.

4. The Chief Commissioner of Assam is at present charged with the functions of a Commissioner of division over the Sylhet and Cachar Districts of the Surma Valley, over the hill districts of the Garo Hills, the Khasi and Jaintia Hills, the Naga Hills and the Lushai Hills, and over the State of Manipur. This arrangement has failed to provide sufficiently close and practical control, especially in the case of Sylhet and Cachar Districts, the administration of which has suffered considerably by lacking the attention of a separate Commissioner. The head of the Government of a vastly enlarged province will of course be still less able than the Chief Commissioner to give very detailed attention to a number of districts, and it will be desirable to bring these six districts and the State of Manipur under a Commissioner. There appear to be political advantages in placing Manipur on the same level as Tippera. The responsibility will apparently be too great to be attached to the Commissionership of Chittagong, and Mr. Fuller is of opinion that a new Commissionership should be created. A full discussion of this proposal would seem to be uncalled for in the present connection. But a reference to it is perhaps not out of place.

5. I am to remark that the State of Kuch Behar has apparently been omitted in calculating the population of the Rajshahi Division for the purpose of the table that is contained in paragraph 3 of the letter. There has also been a slip in the statement of the numbers speaking Bengali or Assamese in this province.

Enclosure 11 in No. 2.

Letter from R. W. Carlyle, Esq., C.I.E., I.C.S., Officiating Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department, dated Darjeeling, the 26th September, 1904.

(Extract.)

I am directed to acknowledge the receipt of your letter, No. 1902, dated the 13th instant, in which the opinion of the Lieutenant-Governor is invited on a suggestion of the Government of India that the main object of the scheme of reconstruction of the two provinces of Bengal and Assam

would be more certainly attained, and the scheme itself would be placed on a more permanent footing, if the area transferred were to be enlarged by adding to it the districts of Rajshahi, Dinajpur, Malda and Jalpaiguri and the State of Cooch Behar. The first of the advantages set forth in your letter as attending these proposals is that the extension would give the new province a population of over 31 millions and leave Bengal with a little more than 54 millions, and that the reduction of 24½ millions would undoubtedly be a substantial relief to the Government of Bengal. There is no doubt that there is great force in this argument. Other than substantial relief might only result in proposals for further adjustment at no long distance of time. It is most desirable that the relief given to Bengal should be such as to make adjustment as effective and permanent as possible. The Lieutenant-Governor has already added to the original proposals of the Government of India the districts which are most similar to, and intimately connected with, those which the Government of India had proposed to transfer, and one of his objects in doing so was to secure not only the transfer of a homogeneous area but also more substantial and permanent relief. He is bound to say that the proposals now made will tend to make the adjustment of areas more satisfactory in both these respects. The second argument set forth in your letter under reply is that these enlarged proposals will give a well defined river boundary for almost the entire length of the western frontier; that they will prevent the division of what is well known as Northern Bengal; and that they will thus secure the maintenance of the well recognised geographical and social distinction between Western Bengal and Northern Bengal; while from Malda to the Himalayas the boundary will mark the point where Bengali ceases to be spoken and Hindi begins. The Lieutenant-Governor admits the force of this argument. There is not indeed so much similarity to, or intimate connection with, Dacca and Mymensingh, in the districts now proposed to be added, as in those which the Lieutenant-Governor proposed for addition in Mr. Macpherson's letter, No. 2566J., dated 6th April last. The districts separated from Dacca and Mymensingh by the river have much in common; and the zemindars of these two districts have large estates on the other side of the river. This is less the case with the districts now under consideration. Rajshahi has not so much connection with Pabna and Bogra as these two districts have with the Dacca Division. But, although, the argument may not be quite so strong in regard to community of interest, it is practically the same argument; and it is well worthy of consideration. One of the main objects of the Lieutenant-Governor in recommending that the original proposals should be enlarged was that the well defined and clearly recognised area of Eastern Bengal should be handed over *en bloc*. The present proposals go further, and provide for the completion of this measure by handing over also the closely connected and well defined area of Northern Bengal. The Lieutenant-Governor does not attach much weight to the argument in favour of having a river boundary. It is always easier to work with a permanent land boundary than with the somewhat shifting rivers of Bengal. In fact, His Honour had objected to the original proposals because they made a river of most irregular character the boundary between the two provinces, and so would have probably produced a good deal of friction in regard to the disposal or management of *char* lands. The river which is now to be accepted as the western boundary is not, however, open to this objection in anything like the same degree, inasmuch as the shifting of the *char* formations is much less frequent and disputes are both more rare and less important. The boundary now proposed has also this great advantage, that it really means a linguistic and ethnological as well as geographical boundary. In regard to the third argument, to the effect that under these enlarged proposals the bulk of the characteristic Muhammadans of Bengal will be brought within the new province, the Lieutenant-Governor fully concurs with the Government of India. In the more western parts of the districts which it is proposed to add, the Muhammadans are less wealthy and influential than in the eastern parts; but it is perhaps all the more important that they should be added to the new province which will contain

so large a body of Muhammadans. In the new province the Muhammadans will have power and influence, which will enable them much more easily to attract attention to their necessities and their rights than in this province, where the Hindu population of these districts is so much more in touch with the influential Hindu elements in the other districts of Bengal. The fourth argument is one to which the Lieutenant-Governor does not attach very much importance. He believes that the tea trade has been getting on quite comfortably in Bengal, and that there is no great necessity for change in its interests. On the other hand those who are interested in tea form but a small part of the community; and it does not appear to be likely that their interest would be in any way adversely affected. The fifth argument, that the greater part of the tract within which jute is cultivated will be brought under one Government, is very much of the same character. The Lieutenant-Governor believes that jute cultivation has now attracted, and is receiving, due attention from Government. He believes that this must now be the case whether the cultivation remains in Bengal or goes to Assam. On the other hand he concurs with the Chamber of Commerce (*vide* their letter forwarded with Mr. Macpherson's letter of 6th April last), that mere territorial division will not in any way alter the course of trade or affect its interest. The jute trade and the tea trade will be unaffected by the considerations of mere boundary. Neither will the interest of the planter himself be effected, for the Acts and rules under which he carries on his operations will, it has been promised, not be affected by the transfer of territory. The sixth argument which is used in your letter under reply is that these enlarged proposals will obviate the necessity for breaking up a revenue division which would have been broken up under the proposals of the Lieutenant-Governor. His Honour accepts this argument, which is, however, in view of the other arguments of the case, of little importance. In a word then the Lieutenant-Governor supports the proposals now made by the Government of India. He has had an opportunity of discussing these enlarged proposals fully with the members of the Board of Revenue and the most senior officers in the province. With the exception of a single officer, who was inclined to advocate the retention in Bengal of the district of Jalpaiguri, so that the two sections of the Bengal tea interest might not be separated, there was complete unanimity in accepting the enlarged proposals now made. As indicated in your letter under reply, however, the interests of the Jalpaiguri planters are not coincident with those of the Darjeeling planters; and there is really no strong connection between the two districts. The proposals of the Government of India would, on the other hand, be weakened in certain important points, if Jalpaiguri were retained in Bengal. The boundary of the new province would be unsuitable; a detached Bengali District would be left in the north; Northern Bengal would not be preserved intact; and one of the revenue divisions would be broken up. In view of the fact that people everywhere, and more than all in the east, object to the change, the enlarged proposals will no doubt be objected to by many; but, on the other hand, the Lieutenant-Governor believes that the transfer of a larger area will tend to mitigate the feeling of change and to reconcile the people to the transfer. Furthermore in regard to the importance of making the relief to Bengal substantial, increasing the chances of permanency, maintaining existing physical, linguistic and ethnological distinctions, and transferring the bulk of the characteristic Muhammadans of Bengal together to the eastern province; and in consideration of the absence of any sound argument to be urged as against these advantages of the scheme, the Lieutenant-Governor thinks that the enlarged proposals should be accepted. They therefore have his support.

Enclosure 12 in No. 2.

Letter from R. W. Carlyle, Esq., C.I.E., Officiating Chief Secretary to the Government of Bengal, Judicial Department, to the Secretary to the Government of India, Home Department. No. 3853-J. D., dated the 2nd November, 1904.

With reference to Mr. Macpherson's letter No. 2556-J., dated 6th April last, on the subject of the reduction of the area of this province, I am directed to forward a copy of a note recorded by the Lieutenant-Governor on the Hindi-speaking States of Chota Nagpur.

Annexure.

Note on the Hindi-speaking States of Chota Nagpur.

In paragraph 10 of Mr. Macpherson's letter No. 2556-J., dated the 6th April last, it was proposed that five Native States, namely, Jashpur, Sirguja, Udaipur, Korea and Changbhakar should be transferred to the Central Provinces. They are Hindi-speaking States. The principal object of the proposal was to make an exchange for the Uriya States which it was proposed to have transferred from the Central Provinces to Bengal. It was pointed out that the result would be to have a belt of Hindi-speaking States on the west of the Chattisgarh Division of the Central Provinces, and a belt of Uriya-speaking States on the east of that Division. The former would be under the Central Provinces, and the latter under Bengal. Many of the advantages of this proposal are manifest at a glance.

2. The question of accessibility was not, however, discussed. As a matter of fact these States are largely composed of hill country. They are very jungly and they are not easily accessible. I have, however, recently had two experiences, which show that they are more accessible from the Central Provinces than from Bengal: and I think that it is worth while to record this fact.

3. When I was at Ranchi in the beginning of September last, the Chief of Sirguja asked me to permit him to visit me on important business connected with his States. I agreed; and he came. His head-quarters are at Bistrampur, which is a little south of the centre of his State. I ascertained from him that he had come by road from Bistrampur to Sakti, which is one of the Central Provinces States, thence from Sakti to Purulia by rail, and thence 75 miles by road to Ranchi. I asked him why he had not come straight across country from Bistrampur to Ranchi. He told me that that would be a very much more difficult journey, and that the route he had adopted was much the easier of the two. By coming by the route he adopted he had 272 miles by rail in addition to 75 miles by road from Sakti to Purulia, whereas if he had been going to Raipur, he would only have had 120 miles from Sakti to Raipur. His State is manifestly therefore far more accessible from Raipur in the Central Provinces than from Ranchi in Bengal.

4. Again I have recently ordered an enquiry by a special officer into the condition of the Feudatory States of Chota Nagpur; because I find that most of them have been but little visited, and that one of them has only once been visited, by a European Officer. I asked the Commissioner of Chota Nagpur to advise me as to the best route for this officer to take in visiting these States. In regard to the five States mentioned above, the Commissioner proposed that this officer should proceed by rail to one of the stations on the Bengal-Nagpur Railway, and so march first into Jashpur, then from another station into Udaipur, and then from a third station into Sirguja, from which he would march through Korea to Changbhakar and then go on to a fourth station on the same railway (Bilaspur-Kanti Branch).

5. Jashpur, the head-quarters of the State of the same name, is situated on the north-east corner of the State, and is therefore more accessible from Ranchi than any other of the five States; but it is about 90 miles by road from Ranchi and rather less from the line of rail. The communication with the railway is also better than the communication with Ranchi. Jashpur is therefore about equally accessible from Ranchi and Raipur. The head-quarters town of the State of Udaipur is only about 30 miles from the line of rail; and the most convenient station is Sakti, of which I have spoken already in discussing communications with Sirguja. Udaipur is thus much nearer to Raipur than to Ranchi. The State of Korea lies to the west of Sirguja and the most convenient way of getting at it at present is to go through Sirguja, so that the remarks made in regard to Sirguja apply equally to the State. Like Sirguja, it is nearer to Raipur than to Ranchi. Korea would be still more accessible if it were added to the Central Provinces. It would then be even more accessible from the Bilaspur-Katni Branch of the Bengal-Nagpur Railway. Finally, Changbhakar is the State which has never been visited but once by a Bengal officer. The

Commissioner proposes now that the special officer, whom I have placed on duty to inspect these States, should proceed from the line of rail to Sirguja, and then march west through Korea into Changbhakar and then join the Bilaspur-Katni Branch of the Bengal-Nagpur Railway at the most convenient station. A glance at the map will show that there is no comparison between the accessibility of Changbhakar from Raipur by that line of rail and its accessibility from Ranchi. It is practically inaccessible from Ranchi by road; and, if the railway be used, the difference in favour of the Central Provinces is very marked. The road from Changbhakar to Bilaspur is common to both lines; then from Bilaspur to Ranchi is 324 miles by rail and 75 miles by road, whereas from Bilaspur to Raipur is only 68 miles by rail. All these States are separated from the uplands of Ranchi by hills and jungle and are more open towards the railway; and, with the exception of Jashpur (which is equally accessible from both) they are much more accessible from Raipur than from Ranchi.

6. These facts show how very desirable it is, on the ground of accessibility to have these States transferred to the Central Provinces. It is also clear that it would greatly tend to open out these States and develop them, if they were connected directly with the head-quarters of the Political Agent (at Raipur) by comparatively short roads leading to points on the line of rail within easy distance of the Political Agent's head-quarters. The other argument to which Mr. Macpherson's letter draws attention, *viz.*, that the Political Agent of the Central Provinces would, in that case, only have to deal with one language in his Native States, is also surely one of great weight. It would also be a great advantage to Bengal if its political work had only to be done in the Uriya language, instead of having a number of States speaking two vernaculars.

A. H. L. FRASER,

Lieutenant-Governor.

Enclosure 13 in No. 2.

ADDRESSES AT CHITTAGONG.

On Saturday night, the 13th February, 1904, the Viceroy, accompanied by his staff, embarked at Calcutta on board the "Guide" for a tour in Eastern Bengal. Leaving at daybreak on the morning of the 14th, the "Guide" arrived at Norman's Point, at the mouth of the Karnafuli River, at 1 p.m., on the 15th. Here His Excellency was met by Mr. Green-shields, Commissioner of Chittagong, and other local officials, and proceeded up the river to Chittagong, where he landed at the Sudder Ghat jetty at 4 p.m., near which a large shamiana was pitched, in which, in the presence of a considerable assembly of Europeans and natives, addresses were presented to him by the Port Trust, the Municipality, the District Board, the Chittagong Association, the Buddhists of Chittagong, the Islam Association, and the Chiefs of the Chittagong Hill Tracts. The first four addresses only were read, and the subjects dealt with in them will be apparent from the joint reply which His Excellency gave to them. He said:—

Gentlemen,—The addresses that have just been read out are four in number, *viz.*, from the Port Trust, the Municipality, the District Boards, and the Chittagong Association. All join in giving me a welcome to this picturesque and interesting place, which I have always been anxious to see, and which I long ago resolved not to leave India without visiting. I return my cordial thanks for this welcome, and I am glad that I spend sufficient time here to enable me to form some impression of the features and capabilities of your town. I also gratefully acknowledge the warm expressions of loyalty to the Throne, and of appreciation of the benefits that you enjoy under the Indian Government—which find a place in the addresses.

On behalf of the Government it is also my pleasing duty to acknowledge the generous recognition that you have offered to several of our administrative acts in recent years. Allusion has been made more particularly to the fostering of native industries and the recent institution of State technical scholarships, to the preservation of ancient monuments, to the educational reforms which we have taken in hand, to the importance of the numerous Commissions of Enquiry that have been instituted and to the relief in respect of the Salt Tax and Income Tax provided for

in the Budget of last year. All of these have been stages in a deliberately formulated policy of reform, of which I am glad to say that we are now approaching the concluding stages. The results of the Famine Commission have already taken effect. The report of the Universities Commission finds its sequel in the Bill now before the Supreme Legislative Council, which in a short time will be passed into law. The proceedings of the Technical Education Commission have been followed by the steps to which you have alluded, and by further proposals that have been submitted to all the Local Governments. In a few weeks' time we shall bring out a full and reasoned statement of our educational policy, in every branch of education in India, which, I trust, will supply both a compendium and a guide to future action for many years to come. The Agricultural Banks Committee has resulted in the Bill for instituting Co-operative Credit Societies, which will be passed in the present Session. Our policy of archæological preservation, in addition to the exhaustive examination that we have made of all the Indian monuments, and the large sums that we are spending upon repair or restoration, culminates in the Ancient Monuments Bill, which is also on the verge of passing into law. Our proposals upon the Report of the Railway Commissioner, and upon that of the Police Commission, are now before the Secretary of State, and are only awaiting his orders. Action is already being taken on the Report of the Irrigation Commission, and a definite scheme of policy to be pursued over a long series of years will be exhaustively worked out in the forthcoming summer. It thus appears that in every one of these branches of administrative reform we have not enquired or laboured for nothing, but that the green blade is already showing itself above ground.

With reference to the remarks of the Municipal Commissioners about the Salt Tax, I should like to say that our information from every quarter points to the fact that the reduction of a year ago has produced a material fall in price resulting in a general increase of consumption and in unquestioned relief to the masses. In illustration of the former proposition I may mention that, whereas we estimated a sacrifice of revenue of 173 lakhs in the present year owing to the reduction, the loss will not be more than 150 lakhs and perhaps less. As regards prices and the effect upon the consumer, I find that retail prices are nearly everywhere lower; and I learn from Bombay that no fewer than 80 per cent. of the population have been beneficially affected by the reduction, and from Bengal that though the relief has naturally been experienced to a greater extent by the large consumer than by the small, and in towns more than in remote country districts—yet it has proved to be a very appreciable benefit to the poorer classes of the population for whom it was chiefly intended, amounting in the case of an ordinary family to the saving per month of the wages of a full day's labour. As regards the Income Tax, I shall, perhaps, bring home to you the extent of the relief afforded by taking the concrete illustration of your own division, where I find that under the exemption that we granted, 63 per cent. of the assesseees have been relieved of all payment at a cost of 27 per cent. of the revenue.

I now pass to the subjects which have been separately raised in the various addresses, and which more especially concern the bodies or communities by whom they were put forward. The first of these is the completion and future of the Assam-Bengal Railway, to which I need not refer to-day, as I shall be called upon to deal with it to-morrow: and the allied subject of the future of Chittagong trade and the Chittagong Port. The Port Commissioners have represented the difficulty that they experience in developing the trade of the port, owing almost entirely to the lack of funds: and among the subjects to which they have more particularly called my attention are the dredging of the bars, the need for increase of jetty accommodation, and the revetment of the river bank. They point out that the further development of the port is essential to the prosperity of the railway, just as the completion of the railway must, under proper conditions, add to the prosperity of the port, and they complain of the inadequate attention that they think has been paid to their requirements by

the Local Government. Without accepting quite all that has been said on this point, I may mention that the Government of India have on many occasions since I came to India done their best to lend a helping hand to the port: and I have probably as good a paper acquaintance with your conditions and needs as it is possible to acquire by such means. During the past three years the Government of India have sanctioned, first the construction of a second jetty, and then the transfer of both jetties to the railway company. Next we authorized you to impose river dues of 2 annas with a power of increase to 4 annas per ton; and finally we made you a loan of 2 lakhs for the purchase of the steam tug "Gekko," of which more than 1 lakh is still outstanding. In connection with my present visit I have made a renewed enquiry into your conditions to see whether the circumstances are such as to justify the more liberal treatment for which you plead. It seems to me clear from the returns that a change is already taking place in the nature of your trade, which is mainly the result of the construction of the Assam-Bengal Railway, and which is fraught with great possibilities for the future. While the coasting trade is diminishing owing to the transport by rail of produce from the interior, which used to be conveyed by water, the foreign trade shows great expansion, firstly, because of the cheaper rates at which jute, tea, and rice can be brought here for export, and secondly, from the increased purchasing power of imports in return. But if this development is to proceed at the rate of speed which would appear to be within your reach, if only you had the funds, then I agree that some outside assistance is required, in order to enable you to rise to your opportunities. Such initial outlay now will be more than recouped by the expansion of trade that will rapidly ensue. The Government of India have, therefore, decided, in the present favourable state of their finances, which admits of a generosity that is not always possible, to help you in the following ways. We will write off the unpaid balance of more than one lakh of the Gekko Loan. We will undertake, subject to the advice of engineers, to help you in the matter of a dredger to clear your bars for larger vessels, and also to pay for the revetment of the river bank: and we will lend you money on reasonable terms to provide the requisite wharves and warehouses for the anticipated development of trade. We think that this expenditure is justified, both in the interests of the port and of the railway. Government has spent enormous sums upon the latter: and from the strictly business point of view the best chance of getting a due return for our outlay is to provide the proper facilities for the trade which it is in a position to create. I hope that these announcements will put fresh heart into your people, and will pave the way for the rise of Chittagong to what in my opinion is its natural destiny, viz., to be the principal outlet of the trade of Eastern Bengal and Assam.

And now I come to the last point, though perhaps the most important. The question of the proposed transfer of the Chittagong Division has not been raised in three of the addresses, because I understand that the opinion of their authors was divided upon it. In the fourth address, that from the Chittagong Association, I am informed that the proposal has caused alarm and anxiety among the people. Now, I shall be called upon in the course of the ensuing week to deal with this subject more fully in the replies to addresses at Dacca and Mymensingh, which raise even more controversial issues than those that are excited here. But I wish at the outset to make two remarks which must be held to govern all that I say either here or there. The first is that until the Government of India has received the opinion of the Local Government and of its officers—which we have not yet done—we are not in a position to make up our minds finally on the subject, and I must not be regarded, therefore, as committing myself one way or the other. The second is that, whatever view any of us may take on either side, no good purpose can be served by making rash and violent statements either about motives or about consequences. The Government of India can have no conceivable object in view but the administrative advantage, not only of this area or that area, but of the country as a whole.

Conversely those who are alarmed at the proposals must either show that their fears are based on solid grounds, and not merely on declamation, or must be prepared to abandon them if they are shown to be unreasonable. The question is one of a balance of advantage. If the Government find that, after a careful study of the opinions submitted to them, their scheme holds the ground in the opinions of those best qualified to advise them, no one can expect them to depart from it. If it is argued that it will not attain the desired objects, or that the latter can better be attained in another way or ways, then the degree to which these views are accepted will depend entirely upon the nature and completeness of the demonstration that is offered in favour of them.

As regards the Chittagong Division, it does not, I think, seem to be generally known that the transfer was very nearly being effected seven years ago, and that the main reasons for its temporary postponement were that the Chittagong Settlement had not been completed, and that the Assam-Bengal Railway was in the same condition. I see that a great deal is made of the hostile opinion of Sir Henry Cotton. But no one has pointed out that this opinion was delivered in January, 1897, when he had only been Chief Commissioner of Assam for two months, and unquestionably and inevitably wrote as a Bengal officer and not as an Assam officer: while, though the opinions of Sir Henry Cotton and others who were opposed to the change have been published by the newspapers, I observe that no one has said a word about the opinion of Sir William Ward, who only a few months before he left Assam in 1896, after being Chief Commissioner for 5½ years, wrote a most exhaustive, able, and reasoned argument in favour of the transfer. Similarly I observe that the opinion of another Bengal officer, Sir Charles Stevens, who for a time acted as Lieutenant-Governor, has been quoted as unfavourable. But I think that Sir Charles Stevens, when he was interviewed the other day, if he has been correctly reported, must have forgotten that when a member of the Board of Revenue in 1896, he and his colleague, Mr. Lyall, reported officially most strongly in favour of the change, and only advocated its postponement for three years. The same view as to the desirability of the transfer was held both by the late Sir John Woodburn and by Sir James Bourdillon. It is shared by Mr. Fuller, the present Chief Commissioner of Assam, and by many of the most experienced Bengal officers whom I have met. It is surely absurd to suppose that these officers, the majority of them Bengal men, would have committed themselves to any proposal that would be injurious to the interests of the province or the people among whom they had spent so much, and in some cases the whole, of their official lives.

The Chittagong Association in their address have informed me that when Lord Dalhousie offered the Noabad Talukdars in this neighbourhood the boon of the permanent settlement fifty years ago, they, in their ignorance, missed the opportunity and failed to avail themselves of the privilege; and they now ask me to give it to them. This history is not quite strictly correct: and it is in any case impossible to reopen questions which have been finally determined in the course of the recent settlement operations. But the perusal of this passage has led me to wonder whether, if the present people of Chittagong refuse the change that is now offered to it of becoming the principal port of a new and powerful administration, possessing a considerable claim upon the time, attention, and purse of the head of that administration, not overshadowed by any great and potent rival, but capable of developing its own individuality on its own lines, their successors may not come to some successor of mine in the future with similar complaints of the shortsightedness of an earlier generation. I do not by any means brush aside the objections that have been raised to the transfer, some of which appear to me to possess weight. I shall have an opportunity of saying something about them when I proceed to Dacca and Mymensingh, where the arguments in question possess a perhaps greater force. I will merely say here that it must not be hastily assumed either that those objections have been overlooked by Government, or that it is impossible to provide for them: and I would counsel the members of the Chittagong Association to preserve an open mind in the matter, and not to take up an attitude which they might

afterwards find to have been shortsighted when the opinions of those in authority have been fully consulted, and when the case is more thoroughly sifted and stated than has yet been done.

It now only remains for me to bring these lengthy remarks to a close. Their length will perhaps be held to have been justified by the singular importance of the subject which I have been called upon to discuss, and by the fact that the present is rather a turning-point in the history of Chittagong. Whatever be the course that that history takes, it is my sincere wish, as it is also my belief, that a greater position and prosperity may lie before this place in the future than it has ever hitherto enjoyed.

ADDRESSES AT DACCA.

The Viceregal party arrived at Dacca on Thursday morning, the 18th February and were the guests of the Nawab in the Ahsan Munzil Palace. At 3.30 p.m., His Excellency received, in a large Shamiana near the Nawab's palace, deputations from the District Board and Municipal Commissioners, the People's Association, the Zemindars and Landholders, and the Mahomedan community, who presented him with addresses, to which His Excellency replied at length in the following terms:—

Gentlemen,—Permit me to thank you for the four addresses which have just been read. They are unanimous in offering me a welcome to this ancient and historic city, and they allude with satisfaction to many aspects of the recent policy of the Government of India. It is always a pleasure to learn that the administrative or legislative proceedings of the Government meet with the approval of important sections of the community; since although popular approbation is neither the first nor the last test either of political expediency or the public need, yet it is gratifying to learn that measures intended for the benefit of the community are appreciated by them; and, even where that appreciation may be lacking, it will usually be found that Government is acting in obedience to some higher principle which may not be universally or generally recognised at the time, but the justification of which, assuming the principle to be sound, is certain to follow. The District Board and Municipality have also congratulated me on my extension of office—an extension which has no other value or importance to me than that of turning it, if I may be permitted to do so, to the public advantage; while two of the addresses contain a regretful allusion to the absence of Lady Curzon, which cannot be deplored by you as much as it is by myself.

My opinion has been sought on three subjects of minor importance to which I will briefly advert. Mention is made of the desirability of a railway to a point opposite Goalundo so as to facilitate communication with Calcutta; and the aid of the Supreme Government is invoked. The line would doubtless be of great local advantage and I have little doubt that sooner or later it will come; but I find that it would be very expensive, especially if a bridge were required across the River Dhaleswari, which has a very broad and shifting channel, and, while there are other and more urgent calls upon the Government purse, it must wait. Next a complaint has been made of the increasing silt in the river here, which is said to impede internal traffic. I find that the matter has been investigated and written about at intervals for thirty years. It appears that less water does now enter the river than formerly, but there is still an ample depth during the rains, which is the busy season for trade; and at other times of the year the place of the river has really been taken by the railway to Naraingunj, which takes down your produce to the point of export. In any case, nothing could be done without elaborate preliminary surveys and great subsequent expense; while the science of river training is one that contains so many speculative and surprising elements that Governments are a little shy about spending large sums upon results so extremely problematical in character. I can assure you from my own experience that it is

easy to pour a good many lakhs into a river-bed, and at the end the river, without even thanking you for your trouble, makes you look rather ridiculous by going off in some entirely independent direction. The third request is that the Government of India will legislate for the restoration of the old Mahomedan system of Wakfs which was broken down by decisions of the High Court and the Privy Council some years ago. I am afraid that I can give no such undertaking. Though we are in general sympathy with any measure that will keep landed properties intact and perpetuate old families, Government could not properly undertake to legislate in such a case as this, particularly as the Musulman community is divided on the subject, and a majority of it are believed to be strongly opposed to proceeding by legislation at all.

This, Gentlemen, exhausts the list of the subsidiary topics to which you have called my attention; and I now turn to the more momentous subject of the proposed territorial changes in these parts of Bengal, which is so greatly agitating the public mind. In the first place, let me say that this seems to me to be a matter on which local communities or representative bodies are entirely entitled to express their opinions, and that addresses would not be worth receiving if subjects on which the public were thinking more strongly than any other were excluded from them simply, on the ground that the public view happened not to be in complete accord with that of the Government. It is always possible to couch such allusions in a respectful and non-contentious form, and I have never found any refusal or reluctance on the part of a local body to do so. Indeed, since I have been in India I have never been disposed to treat addresses as a mere ceremonial compliment, offered to the Viceroy as representative of the Sovereign. I have always regarded them rather as an opportunity of presenting, within reasonable limits, the views of the community to the head of the Government, whom they do not in the nature of things see very often; and it is in that spirit that I have always replied to them with perfect frankness, as I shall do on the present occasion. First let me clear the air a little. I said in my speech at Chittagong three days ago that I had not come to these parts in order to announce the final and irrefutable decision of Government, for the best of reasons, namely, that we are not yet in possession of the material upon which alone such a decision can be based. I have come rather to ascertain from enquiry the trend of local opinion—although, as a matter of fact, my visit to Dacca was promised a year ago before the question had come up at all;—and also to give you certain explanations about the point of view of the Government, which, owing to the fact that their proposals have been put forward in a necessarily condensed fashion in a single official letter dealing with questions of vast complexity covering an immense range—has inevitably been left in some obscurity, and has given rise to misconceptions or alarms which in a large number of cases it should not be difficult to dispel. I propose to act upon this plan both here and in my answer to addresses at Mymensingh, and perhaps if the people at both places will do me the favour of reading both replies, the second of which will be consecutive to the first, they will possess a clearer conception of what it is that the Government have in view, and of the possible methods of attaining it, than they have yet been in a position to form.

There are certain preliminary considerations which govern the whole case, but which, owing to the natural tendency of each community or area to regard the proposal in the manner in which it will directly affect itself, and to the absence of the wider knowledge which the Government of India can alone possess, have been almost entirely ignored. The first of these is the imperative necessity of finding a remedy for the present situation. It is beyond dispute that Bengal must be relieved. No one Government and no one Administration can possibly devote to nearly 80 millions of people the personal supervision, care, and control which are the objects for which Local Governments exist. The interests of the people must suffer, and they do suffer. Those of you who are only familiar with your own area may not know it; but we whose duty it is to keep an eye upon the whole of India, and to compare the standards in the respective administrations, know it

very well, and have known it for years. I may add also that it has been known to, and acknowledged by, almost every recent Lieutenant-Governor of Bengal. No other Local Government in India administers much more than half the number of people that there are in Bengal, and there is nothing in the circumstances of Bengal which renders Government easier or an exception more defensible here. On the contrary, the reverse is, if anything, the case. Now it is no answer to say that as one Viceroy supervises 300 millions, one Lieutenant-Governor can perfectly well govern 80 millions; for there is not the remotest analogy between the work or the duties of the two. You might as well say that because there is one Commander-in-Chief for the 220,000 men in the Indian Army, it is unnecessary to fix any numerical limit for the minor separation into divisions or brigades. Do not let us argue the point in such a transparently fallacious manner. No argument indeed can possibly get over the fact that the charge is too heavy; and those who are pleading most strongly for the essential unity of the Bengal nation as they call it, and the cruelty and hardship of ever sundering it, do not see that they are doing the worst possible service to their cause; for they compel us to look ahead to a time when the numbers must have swollen by the laws of nature to a figure which would produce a complete administrative breakdown, and when the partition which they now decry will be forced upon Bengal in circumstances of infinitely greater pain and hardship than any that are now in contemplation.

But even if you have followed me thus far, there will be many who will fall back upon two classes of argument to which I next turn. The first is what I may call the selfish argument. "If anything or anybody must be severed, at least let it be someone else. Sever Behar, sever Orissa, sever Chota Nagpur, but leave us alone." Perhaps it does not occur to you that they may be saying the same thing about you; and indeed it would not be surprising, for we all of us naturally look at these matters through our own spectacles, and we are all averse from change until we understand that we are going to profit by it. It is only those who can impartially survey the claims and interests of all, and weigh them against each other, who are in a position to decide where the balance of advantage lies. On the present occasion I need not do more than say that even were the whole of these districts which you are so anxious to submit to the fate that you deprecate for yourselves, cut off, we should have gone no distance at all towards solving the problem: for whereas one of the chief factors in the present situation is the existence of what you describe as the small and backward province of Assam on the frontiers of Bengal, we should merely reproduce this feature instead of removing it, and should surround Bengal by a fringe of petty provinces, administered by borrowed officers, and presenting most of the anomalies that are so freely denounced in the case of Assam.

The second argument is of a different character, but equally admits of reply. It is said, instead of splitting up Bengal, why not leave it alone and assist the Lieutenant-Governor by an Executive Council such as exists in Madras and Bombay? Now I wonder how many persons there are among those who use this argument who have the least conception how that system works, or who have ever studied it in operation. In the first place, the system has been specially devised for two provinces where the Governor is almost invariably a stranger brought out from England, who requires a body of local experts to guide him: and even there, as anyone who knows the inner history of India could tell you, it has been far from a smooth or perfect machine. Moreover, it is applied in Madras to a population of only 38 millions and in Bombay to one of 18½ millions. Sir John Lawrence, who knew India as well as any Englishman who ever served in this country, said, after 40 years of Indian experience, that the most efficient Governments that he had ever known were those of Lieutenant-Governors, or heads of Administrations, without a Council, and that where such men as Sir Thomas Munro, Sir John Malcolm, and Lord Elphinstone had attained success with Executive Councils in Madras or Bombay, it had only been achieved by them in despite, and not in consequence, of those conditions. The Government of India have most carefully considered this matter, and

they could not with any due regard to the future interests of the people of Bengal, recommend such a mode of Government for this province. In their opinion the Government of a Lieutenant-Governor and an Executive Council would be a Government of divided and therefore weakened authority, of diffused and therefore diminished responsibility, and, at any rate in the case, as often happens, of a Lieutenant-Governor brought from the outside and finding himself confronted with a Council of superior numbers, a Government, should he be able to overrule them, of perpetual scope for dissension, should he be unable to overrule them, one of impotence and standstill. I would further add that an Executive Council in Bengal could only, in my opinion, lead to further centralisation and Secretariat Government, which are the very evils that we desire to avoid. I pray you therefore to dismiss from your minds as in the least degree likely under present conditions the idea of an Executive Council for Bengal. It is my firm conviction that I could not bequeath to this province a worse boon than that which has been thus innocently suggested.

Gentlemen, I hope that I have now carried you to the point of realising, firstly that the case for the relief of Bengal is overwhelming, secondly that Bengal cannot be relieved by snipping off outside fragments, thirdly that it cannot be left as it is, with an Executive Council thrown in as a palliative. I now pass to the manner in which these propositions affect yourselves.

One of your addresses speaks of the universal feeling of apprehension that has been aroused by our proposals, and an effort has been made to impress me at each stage of my journey with the degree to which the public feeling has been stirred. Gentlemen, I am quite willing to concede the utmost range that is consistent with the facts to the existence of the feeling, and I really am not surprised that it should have been aroused, when I read the extraordinary tales with which the public have been frightened, and about which I shall have something to say later on. But when you ask me to believe that the feeling is universal, I am unable to follow you. In the first place, how many of the poor people, the raiyats, the shopkeepers, the petty traders know what our proposals are, or have ever been informed of the reasoning upon which they are based? I find that in the Dacca and Mymensingh Districts alone, out of an adult male population of 1,870,000 there are only 225,000, or 12 per cent., who can either read or write any language at all, and only 1 per cent. who understand English. What do the remainder know except that they have been told that an unfeeling and despotic Government is going to deprive them of their rights and liberties, and that it is their duty to attend public meetings and pass resolutions of protest? If you have any doubts on this matter, I am in a position to remove them, for I have had placed in my hands a copy of the instructions issued by the Mymensingh Association—a body which has been actively bestirring itself in getting up the agitation in this part of the country, and which I know to be in close connection with more important organizations in Calcutta. I need do no more than read to you a few extracts from this document—

“All of you should within a week gather together to hold a large meeting, and in it express your views. Specimens are given below of the resolutions that should be adopted and of letters that should be sent to different places. The language may be altered as desired. A petition is to be sent to the Lieutenant-Governor. It is necessary that it should be signed by more than a lakh of people. After the meeting telegrams should be sent on the very day to the Calcutta newspapers.”

Then follows a series of forms of the resolutions to be adopted, the telegrams to be sent, and the names of the newspapers, with instructions to proceed as economically as possible. The paper goes on to say:—

“You may slightly modify the specimens of telegrams and resolutions given above, keeping their substance intact. Such modifications are indeed to be desired. In the case of telegrams in particular, you should try your best to do this. Memorials may be written in English or Bengali. Those from the villages ought to be written in Bengali. You should soon

collect subscriptions and send them in. It is quite impossible to carry on an agitation without money. The people in Mymensingh have not been able fully to realize the danger that they may be in. All classes of people in Dacca, lettered or unlettered, have become well nigh mad."

Now, Gentlemen, I have not read out these extracts with the idea of passing any censure upon them, for it is no news to any of us to learn how agitations are engineered, but simply to confute the claim that the masses of the people are profoundly or universally stirred. If they were, it would not be necessary to adopt such tactics to rally them; and if these tactics have been found necessary, then their authors must not be surprised if the Government do not attach so much importance to their demonstrations as they themselves would wish. For my own part I earnestly deprecate the attempt that is being made to seduce the ignorant cultivators and townspeople into an agitation which I venture to say that not one in a thousand of them in the least degree understands, or if he does at all understand it, only does so upon a perverted and misleading representation of what has been actually proposed.

Do not imagine, however, even if I show the agitation to be a hollow and unreal one in so far as it is supposed to emanate from the masses, that therefore I doubt for a moment that the feelings of which I am speaking are generally entertained by many educated and thoughtful men. On the contrary, I believe this to be emphatically the case, and I think I know also quite well why they entertain them, and upon what they rest. It is to this class, therefore, that I now turn, with a few words as to the nature of the beliefs upon which they are acting.

I shall not, I think, be far wrong if I say that almost the whole of the suspicion or opposition rests upon two apprehensions. The first is that a part of Bengal is about to be handed over to a backward and inefficient administration. The second is that the people are going to be deprived of valuable rights and privileges which they at present enjoy.

The first of these impressions is reflected in one of your addresses, which describes the Government proposal as one "to make our prosperous and enlightened district the appanage of a backward province"; and I have seen the same sort of idea reproduced in much cruder form in pamphlets circulated among the people, from which one might imagine that Assam was an abode of outer darkness, inhabited by nothing but planters and tea garden coolies and savage hillmen, who speak strange languages, are sunk in ignorance and superstition, and require to be governed by primitive methods: and that the enlightened districts of Eastern Bengal were about to be handed over in perpetual bondage to these sons of Ishmael. I have even seen in papers or addresses the phrase that you are about to be ceded or annexed to Assam. Again, I wonder how many of the people who affect this sort of language have ever travelled one mile in Assam, or have any idea of its administration or people. For my own part I have seen both, and I have observed within a few hours' journey of this very place Bengal people living contentedly in Sylhet and Cachar under the Assam Administration, quite unconscious that they were the appanage of a backward province, or that they had been ceded or annexed to anyone at all. I have also spoken to Bengal officers who have served both in Assam and Bengal, and who have told me that the administration is brought much nearer home to the people in Assam than in Eastern Bengal. But even supposing that the fear were well-grounded, does it not argue the most extraordinary lack of self-confidence to urge that these enlightened districts, priding themselves as they do on their culture, their education, and their advancement, and counting millions of people, are going to be annexed by a province which is like an infant to them in respect of development and stature? Gentlemen, the population of the entire area in Bengal which it has been proposed to transfer amounts to 11½ millions of people. The entire population of Assam is only 6 millions as it is, and of these, nearly 3 millions are Bengalis already. Do you mean to tell me that these 14½ millions of Bengalis, representing as you tell me the flower of the race,

are going to be absorbed, obliterated, and destroyed, because it is proposed to amalgamate with them, for administrative purposes only, less than $1\frac{1}{2}$ millions of a race, *i.e.*, the Assamese whom you declare to be in every way inferior to your own? Such an apprehension would be the most lamentable confession of weakness in the future of the Bengal race which it is possible to conceive. If I were an Assamese, I could understand his saying that he dreaded being annexed and swamped by Bengal. But why Bengal should say that it is about to be swallowed up by Assam, I am wholly at a loss to imagine. It is a part of the same unreasoning fear that is responsible for the argument that the Bengalis will cease to be Bengalis and become Assamese, or that they will cease to speak the Bengali language. Gentlemen, as I travelled in the railway train yesterday, I saw batches of well-organized schoolboys holding up placards, on which was written, "Do not turn us into Assamese." Surely I need not point out to an intelligent audience that no administrative rearrangement can possibly turn one people into another, or make $14\frac{1}{2}$ millions of people speak any language but their own: and really the alarms that I am describing seem almost too childish to deserve notice were it not that I have found them to be seriously stated, and apparently genuinely entertained. Let me put before you for a moment another aspect of the case. Much use has been made in this controversy of history, and of all that it is supposed to teach. I also in a small way am a student of history: and if it has taught me anything of these parts, the lesson has been that under the present system of administration, Dacca, which was once the capital of Bengal, has steadily declined in numbers and influence, and that not until the jute trade was introduced some thirty years ago did it begin to revive.

In 1800 Dacca was a city of 200,000 people. In 1870 it had sunk to 69,000. Since then it has risen, owing to the circumstances that I have mentioned, to 90,000 in the last census; but whereas the increase was 10,000 between 1870 and 1880, it has only been 11,000 in the ensuing 20 years. Will anyone here pretend that, even after this advance, Dacca is anything but a shadow of its former self? Is it not notorious that for years it has been lamenting its downfall, as compared with the past?

When, then, a proposal is put forward which would make Dacca the centre, and possibly the capital, of a new and self-sufficing administration, which must give to the people of these districts, by reason of their numerical strength and their superior culture, the preponderating voice in the province so created, which would invest the Mahomedans in Eastern Bengal with a unity which they have not enjoyed since the days of the old Mussulman Viceroys and Kings, which must develop local interests and trade to a degree that is impossible so long as you remain, to use your own words, the appanage of another administration, and which would go far to revive the traditions which the historical students assure us once attached to the Kingdom of Eastern Bengal—can it be that the people of these districts are to be advised by their leaders to sacrifice all these great and incontestable advantages, from fear of being tied on to the tail of the humble and backward Assam? Is it not transparent, Gentlemen, that you must be the head and heart of any such new organism, instead of the extremities, and do you really mean to be so blind to your own future as to repudiate the offer?

That these considerations have been apparent to many of your number is evident from the suggestion which finds a place in two of the addresses, namely, that if some rearrangement of existing conditions is inevitable, you would urge the constitution of a Lieutenant-Governorship with a Legislative Council and a Board of Revenue, under which the people of this part of Bengal would retain all the rights and privileges to which they attach so much weight. I need not pause to discuss what proportion of the leading persons of Dacca or of the population at large reflect these sentiments. I merely regard the suggestion on its merits. The Mahomedans in their address have gone further; for they say explicitly that they do not share in the recent vehement agitation, and they definitely recommend the constitution of a new province, whose districts and boundaries

they proceed to name. Now, Gentlemen, it would be premature for me to discuss any such suggestion at the present stage, because it has never yet been placed officially, and I have no knowledge whether it will be so placed, before the Government of India; nor have I heard fully expounded or declared the arguments by which it may be supported. I will merely observe to-day that many of the objectors to the present scheme have themselves furnished the strongest reasons for a more ambitious one, by insisting that the relief which we proposed to give to Bengal will be swallowed up in a few more censuses, and that the evil which we desire to redress will then be as bad as before. Further, if we find upon examination that the other territorial rearrangements which were proposed in our original scheme, and which relate to Orissa and Chota Nagpur, call for any modification, and if such modification leaves Bengal much as it is, or does not substantially reduce its administrative burden, then it is clear that the case for a larger readjustment in the east of Bengal will be greatly enhanced. I must admit, too, that there are certain objections taken, not without considerable plausibility, to the present more restricted scheme, from which the larger one would be exempt. I think, therefore, that such a scheme, if put forward, will be deserving of attentive consideration.

Now as regards the objections that are entertained to the present proposal, I said just now that some were plausible. Further, I think that some are reasonable. I have not time this afternoon to examine all these objections, though I propose to continue the task in my reply at Mymensingh, which I daresay that you will be good enough to read in continuation of this. I will here deal only with three which are among the most popular. The first of these is plausible but fallacious. The second is reasonable. The third is entirely mistaken.

The first objection is as follows. It is apprehended that if a new province is formed, the people will lose the Board of Revenue, in which they place great reliance as the final court of appeal in revenue matters. Now the Board in revenue cases does not sit as a Board. Ever since Sir George Campbell's day, one member has taken the revenue cases, and it is before him that the cases come and that counsel plead. I cannot see, therefore, that there is much difference between this officer, sitting as a Board, whereas he is really an individual, and a Chief Commissioner sitting and hearing counsel, as the present Chief Commissioner of Assam does, except that the Chief Commissioner has many other duties to perform, and that, when he is not a Bengal officer, he may not, to start with, possess a full acquaintance with the revenue system of Bengal. However, it is unnecessary to pursue this point, because, whether a Chief Commissionership or a Lieutenant-Governorship be created, I think that he should certainly have a Financial or Revenue Commissioner, as already exists in other provinces, who will play exactly the same part as is now filled in Bengal by the Revenue Member of the Board. This objection, therefore, has no foundation.

The second objection is that the people of this part of Bengal would lose their representation, such as it is, in the local Legislative Council, their power of asking questions and making speeches there, and of discussing the legislation affecting the province that is passed in Writers' Buildings at Calcutta. It should, of course, be remembered that this representation is only enjoyed by the District Boards once in every eight years, and by the Municipalities once in ten years. But I understand the answer to this point to be that though it is quite true, yet local interests, if not directly represented by local members, are fairly represented by the provincial members in general, who take an interest in each other's districts; while if the further point be made that the new province, though not endowed with a local Legislative Council, would probably possess the higher distinction of representation in the Imperial Legislative Council, I learn that the answer to this is made that highly as that distinction would no doubt be esteemed, representation on a local Council is of even greater practical moment. I think that there is some force in these objections, though not

as great force as appears to be believed by those who have raised them. It is to be observed, however, that they would disappear entirely if, instead of being placed under a Chief Commissioner, the new province were held to be entitled to a Lieutenant-Governor—an appointment which would naturally carry with it the creation of a Legislative Council.

The third objection, on which I find that great stress has been laid, is the fear that the transferred districts will become scheduled districts for which the Governor-General in Council can legislate by regulation, and that the Chief Commissioner will substitute the laws at present in force in certain parts of Assam for the laws in force in Eastern Bengal. I may say at once that there is not a word of truth in this apprehension. The areas that have hitherto been dealt with by legislation in the Imperial Legislative Council will continue to be so treated, and the extraordinary suggestion that has found expression in so many quarters of a sort of conspiracy for the issue of regulations between the Viceroy and the Chief Commissioner, is purely fanciful.

I may go further and say that there is no advantage of law, government, or administration, which these districts at present enjoy, of which there is any desire to deprive them; and that the whole of the argument to the contrary upon which this agitation has in the main been built up, is without basis or justification. Indeed, the truth is in the other direction; for it cannot be disputed that the nearer the administration is brought to the people—and that would be the first and most immediate result of the projected change—the greater would be the regard for their interests that they could claim, and the closer the protection that they would enjoy.

I must now, Gentlemen, bring these remarks to a close. The further branches of the subject I will pursue at Mymensingh. I have at any rate, I hope, said enough to convince you that the proposals of Government are a very different thing from what has been widely represented, and that they have been seriously put forward, not with the object of injuring the people of any district or division or class of the community, but rather with the idea of promoting their security and development in the future. I am sure that you will give as much attention to what I have said as I have done to the views and criticisms of other parties: and I am confident that you will join with me in desiring that the solution should depend not upon ignorant agitation or unworthy prejudice, but upon a careful and dispassionate scrutiny of the real merits of the case.

ADDRESSES AT MYMENSINGH.

His Excellency the Viceroy arrived at Mymensingh on Saturday, the 20th February, at 8.30 a.m., and at noon was presented with a joint Address by the Members of the District Board, the Municipal Commissioners, the members of the Mymensingh Association, and the Anjuman Islamia. The Address, after mentioning that Mymensingh had never before had the honour and privilege of welcoming a Viceroy, gave expression to the feelings of alarm and anxiety which the proposal to separate Dacca and Mymensingh from Bengal had aroused, and concluded by a reference to certain matters of local interest.

His Excellency the Viceroy replied as follows:—

Gentlemen,—It is now my agreeable duty to reply to the combined Address which has been presented by the leading public bodies and associations of Mymensingh. A warm welcome has been given to me as the first Governor-General of India who has ever visited this place: and complimentary reference has been made to several incidents in the recent administration of the Government of India, for which I will do no more than return you my thanks, seeing that I have already dealt with the same matters in reply to the addresses at Chittagong.

Three subjects of local interest have been brought to my notice, and I will briefly refer to each.

The first is the extension of railways in the three sub-divisions of this district. This is not a matter about which I can go into detail on the present occasion. Railways are being surveyed for in the directions that you name, and I have little doubt that there will one day be a chain of connection from the direction of Shillong on the East to the main stream of the Ganges or Padma on the West. But this will not be just yet.

Next you desire to devote the entire proceeds of a local ferry to help to pay for your drainage and waterworks. I am informed that before you begin to solicit assistance of this description it would be well if the Municipal Commissioners of Nasirabad made rather more use of the powers already open to them, the local rate of personal taxation being only half of what it is in most other Municipalities in the district, and admitting of enhancement without the least hardship.

The third request is the familiar complaint of the Anjuman that the Mahomedans have not as many appointments as their numbers would appear to justify. This is quite true. But it is all a matter of education: and as long as the Hindus are ahead of you in that respect they will also out-distance you in the race for employment.

The subject, however, that is chiefly filling your minds is evidently that of the so-called partition of Bengal—although that is not exactly the phrase that I should employ: and the views that are held on the matter are fairly summed up in a sentence in your address in which you say that the proposed measure “would subject the people of these districts to manifold evils and disadvantages in matters social, religious, educational, linguistic, legislative, political, and in those connected with the administration of justice, and would deprive them of rights, associations, and privileges which they cherish most dearly.”

This sentence seems to me to sum up very concisely all the ideas and alarms that the people of these parts have been told that they ought to entertain about the Government scheme, and I am quite content to take it as a definition of the popular view. Now I am sure you will agree with me that the first essential in criticising a case is to understand it: and that it is not only unfair, but even foolish, to condemn proposals which have been put forward by a responsible Government in the interests of the community at large, upon a complete misrepresentation of their character and consequences. Two days ago at Dacca I showed that some of the principal fears which have been instilled into the people are wholly illusory; that they will not, should the scheme be adopted, lose the Board of Revenue or its equivalent; that there will be no change in the laws or the method of making the laws by which they are governed; and that as regards a local Legislative Council, if the scheme is somewhat expanded so as to allow for the creation of a Lieutenant-Governorship instead of a Chief Commissionership, this privilege also will be retained. Here at one swoop disappeared three of the principal planks of the platform upon which the leaders of the local agitation, which is said to find its chief home in Mymensingh, have taken their stand. I ask you to read my speech at Dacca, and instead of repeating it, I propose to-day to follow up the same line of thought and to show you how much or how little of foundation there is for the other apprehensions that are expressed in the sentence which I have quoted from your address.

These alarms may be epitomised in the phrase which has been paraded on flags and streamers before my eyes in many places, since I crossed the frontier of Eastern Bengal: “Save us from Assam.” It is impossible to imagine a sentence which more aptly condenses the whole of the misconceptions upon which the attitude of the people rests, and I will therefore proceed to analyse it. The general impression sought to be conveyed is that the money and labour and interests of Eastern Bengal are going to be seized hold of and diverted to the uses of an alien, a backward, and an impoverished Administration. It is rather

difficult to combat an allegation that is at once so vague and so baseless. But I find from the studies that I have made, that it has also taken the following concrete forms, which it is quite easy to confute :—

First.—I learn that the Zemindars have been told that they will lose the Permanent Settlement. There is of course no foundation for any such statement.

Second.—The raiyats have heard that they will lose the Bengal Tenancy Act and other remedial legislation of which they now profit by the benefits. This is equally fictitious.

Third.—The raiyats have been led to think that they will be taken away from their fields and made to work as coolies on the tea-gardens of Assam, and I have no doubt that a great many of them honestly believe it. It is scarcely necessary to characterize such an invention.

Fourth.—I have seen the equally absurd suggestion that the plan is devised in order to provide billets for the planters, who are to be converted into Managers of Court of Wards estates, and other desirable posts.

Fifth.—The argument has been used that the advanced districts of Bengal will be placed under uncovenanted military officers. It is enough to say in reply that no such officers have been recruited in Assam for ten years, and that they will of course be debarred, as they are in Sylhet, from any post the tenure of which is at present confined to the Indian Civil Service in Bengal.

Sixth.—I see the argument freely employed that the local cesses of Eastern Bengal will be filched away and devoted to making roads in the jungly parts of distant Assam. This argument is not a very fortunate one : for in the first place the Road Cess is a district asset, and cannot be spent anywhere else than in the district where it is raised. Furthermore, it led me to enquire how much of the Public Works Cess that comes from this division is spent here or is taken elsewhere now ; and this led to the discovery that under the present system the greater part of this Cess, the total of which amounts to about 6 lakhs per annum, is taken away from the division and is spent in other parts of Bengal, which may include Calcutta, Orissa, or Behar. No one seems to have found this out or to have thought it at all wrong for all these years. But now it is represented as a fresh ground of objection to the new province, whereas, if this were created, the funds in question would be likely, for the first time in their history, to be spent in the main in the locality where they had been raised. The argument, therefore, recoils upon those who have used it.

Seventh.—It is said that in the summer it will be so difficult to obtain access to the head of the Administration at Shillong. Why more difficult than at Darjeeling I do not see. In a few years' time when the railway connections are established of which you spoke in your address, it will of course be much easier. Moreover, the argument omits to notice that a head of the Government at Dacca will always be a good deal nearer than the Lieutenant-Governor at Calcutta.

Eighth.—It is said that the new province will be run by Assam officers, who will know nothing of Bengal revenue or land tenures. Well, as a matter of fact, Assam is run by Bengal officers as it is. It is sufficient, however, to reply that at the start the staff will be and must be entirely drawn from Bengal ; and that later on the new province, possessing as it would a Commission of its own, recruited from England, would be administered by exactly the same class of officers, and on the same scale of pay, as Bengal is now.

Ninth.—I have actually seen it said that the money of Dacca and Mymensingh is to be taken to provide pay and pension for the Civil Servants in Assam. Of course this is a mere fabrication.

I have now taken the nine most popular versions of the argument that Bengal is about to be sacrificed to Assam, and have shown that in each case they are without any foundation. If the defence be attempted that these arguments are not seriously employed, I can only reply that I have myself seen them all in print in papers or pamphlets that are in circulation among the people. They are just the sort of argument that is being used to deceive the ignorant and credulous classes; and it has seemed necessary therefore to expose them, so that the outside public may form an idea of the methods by which the agitation is being pursued.

Your address spoke also of Educational losses as resulting from the change. If I thought for a moment that this would be the result, I should hesitate greatly in recommending it. Here again it is rather difficult to gather what is signified by a mere generalization; for when it is said that Calcutta is the centre of light and leading to which all educated Bengal naturally turns, the answer is that of course it will continue to be so in the future, and that parents, if they choose, will send their sons there as before. I have ascertained, however, that this apprehension takes three definite shapes. The first is that Bengal Colleges might in future turn away students from an outside province, in order to keep the preference for local men. The second is that boys from a new province would not be eligible for scholarships reserved for Bengalis. The third is that the new province would only attract mediocrities to its Educational Service. In reply to these fears I may say at once that the Government of India would undertake that no injustice or loss of advantage should ensue, and that one province did not profit to the detriment of another. As regards the Educational Service of the new province, it will be recruited in precisely the same way and will be as good as any other. If, however, we are to regard the question of partition from the Educational standpoint, then I must say frankly that it seems to me that Dacca and Mymensingh have not only nothing to lose, but almost everything to gain by the change. The ideal of educational advancement is the multiplication of centres of tuition and learning, so that boys and young men may be well taught in reasonable proximity to their homes. It cannot be doubted that, if a new province were created, there would be an immense development of local institutions, and that this would be a source of untold benefit to the people. Everyone knows that under the present system the Dacca College has been starved, the professors have been few and underpaid, and progress has languished. I hope that a fresh start is being made there, as I said in a ceremony in which I took part yesterday. But in a new province that experiment will have an even greater prospect of success. It appears to me therefore that one of the main advantages of the suggested change will be the great impulse that it must give to Education.

I have not here or at Dacca said anything about the jurisdiction of the High Court, because it is not proposed to remove the new province from it. To this I observe it is replied that there is no guarantee that that may not some day be done. No more, I may answer, is there now. The jurisdiction of the High Court is quite as likely to be affected by the congestion of its own business as it is by any administrative rearrangement.

There is one source of local objection to which I may allude in passing. The hostility to the proposal is said to be largely fomented by the people of Bikrampur, who supply a number of very admirable subordinate native officers to the Government offices at Calcutta, and who think that they might lose this field. I suppose I might answer that the fate of provinces can hardly be decided by the interests of small individual classes within them. But I prefer to point out that the excellent Bikrampur men, who are found, I am told, as far as Shillong on the East and Behar on the West, are not at all likely to lose the openings which they have won by their abilities, and that, as good native officials are a continual necessity in this country, so, where they are produced, may they rely upon continual employment.

There remain the considerations which you describe as social, religious, and linguistic. How anybody's religion can be affected by administrative

rearrangements I do not readily grasp ; nor have I found any explanation in the papers that I have studied. The social objection I understand to be that some difficulty may be experienced in respect of marriages between persons of the same caste, and the fear that Eastern Bengalis may not be able to marry their daughters in the more restricted area of a new province. I should hesitate to pronounce on such a subject myself, though I should have thought that in a province with a Bengali population of the size that is contemplated such a difficulty would have been inappreciable. But I am assured by those who are familiar with these matters that there is no validity in the objection at all. The relaxation of caste restrictions, admitting of marriages between different parts of Bengal, is itself the result of increased communications, which produce greater intercourse and render social fusion easier : and, if this be so, then as the institution of a new province must inevitably be followed by a still further improvement in communications, the movement is likely to be, if anything, in the opposite direction from that which is feared.

As regards the loss of language, this is a criticism which I have sought, without success, to understand. Why a Bengali should cease to speak Bengali because a Chief Commissioner or a Lieutenant-Governor came to reside at Dacca, or why, as I said at Dacca, 14½ millions of Bengalis should abandon their own tongue because they enter into partnership with 1½ millions of Assamese, I cannot see nor has anyone succeeded in explaining it to me. Probability would seem to point entirely in the opposite direction, and to suggest that Assamese, whether it be a dialect of Bengali or whether it be a separate language—as to which the experts appear to differ—will be the one to disappear.

Finally I come to the sentimental objection, which is based upon the conception of nationality, and which expresses dismay at the partition of what is called the Bengali nation. I found the streets at Dacca placarded with mottoes, expressly sent for the purpose from Calcutta, containing the words "Pray do not sever Bengalis." As the people of Dacca do not, with very few exceptions, understand English, I am afraid that they did not fully comprehend what the placards meant that they had been instructed to put up. This morning also, upon my arrival here, I saw crowds of men holding up placards—also sent from Calcutta and also written in English—with the inscription "Do not divide us." I should like, therefore, for a moment to discuss this question. Pray do not think that I wish to disparage in the smallest degree the force of sentiment in human affairs, and still less that particular form of sentiment that springs from the pride of race. On the contrary, it has spurred mankind to some of the noblest and purest deeds ; and the man who is not attached to his country and his race is not fit to exist at all. There is no reason why Bengalis should entertain this sentiment one whit less warmly than any other people. But I cannot see how the argument applies in the present case. If a Scotchman crosses the Tweed and comes into England, he does not cease to be a Scotchman. If a Sikh comes to Bengal, he does not cease to be a Sikh. But here the case is not even one of crossing a border. For so far from a single Bengali being taken away from his present place, or town, or district, or division, he would remain there precisely as before, with the sole difference that the Bengali people, instead of being the predominant element in one local Administration, would in future become the predominant element in two. We offer to the Bengal nation the opportunity of forming a second unit round a second centre ; and if a reduplication of its political existence is to be regarded as injurious to its future, Bengal nationality must, I think, be very distrustful of its own powers. It is curious that among the appeals that have been addressed to me, frequent allusion is made to the fact that Eastern Bengal once constituted an independent kingdom, the people of which, I believe, still call themselves Bangals, and not Bengalis. And yet, when the offer is made of a resurrection of that unit, the objection is raised that history and nationality are both being flouted and ignored.

Gentlemen, I have now, I hope, said enough to show you that the majority, and indeed I think the whole, of the fears which you have been instructed to entertain are unreal ; that there is no right or privilege to which you attach value among those that you now enjoy that is in any risk of being

forfeited by the suggested change ; but on the contrary that Eastern Bengal would acquire a status and a prestige greatly in excess of any that it can at present claim. Several thousands of good people were brought in here to demonstrate a few weeks ago. I have little doubt that every one of them had been told that something dreadful was going to happen to him. And yet if this so-called partition were carried out to-morrow, I do not believe that there is a single man among them to whom it would make the smallest difference, except for good, in his daily life.

I should like before sitting down to bring the matter rather more closely home to you by indicating a further respect in which the change not merely would benefit, but is indeed essential to, yourselves. You profess to be thoroughly satisfied with the administration of Bengal. This is a discovery which it appears to me, as a careful student of your papers, that you have only quite recently made. And yet under that administration the whole of the Mymensingh district, with a population of close upon 4 millions of persons, has been left with a single British executive officer, the Collector of this place. Orissa contains approximately the same number of inhabitants in British territory, but Orissa possesses 1 Commissioner, 3 Collectors, and other officers in proportion. The Chittagong Division is only a little more populous, and is equipped on the same scale as Orissa. Do you mean to tell me that this is a satisfactory state of affairs ? Do you suppose it would have been tolerated for all these years had you possessed a Local Government at Dacca, instead of in remote Calcutta and Darjeeling ? Is it not a commonplace that the officers in Eastern Bengal are so undermanned and so overworked that it is the object of nearly every one among them to get away as soon as possible to some lighter and more agreeable charge ? The same applies to the judicial and the subordinate executive services. Even if you do not realize the consequences of this state of things—and they cannot help being loose and inefficient administration—the Government is bound to do so and we cannot acquiesce in the continuance of conditions so prejudicial to good government and to all progress.

But I do not believe that the people in these parts, as soon as they understand the facts, will allow themselves to be misled, or will fail to see where their real interests lie. In this speech, and in that which I delivered on Thursday at Dacca, which I again beg the leaders of local opinion here to peruse, I have dealt frankly with every aspect of the case as I have gathered it from a careful study of the publications of those who are opposing the change. If I have anywhere failed to understand or have mis-stated their arguments, it has certainly not been from intention ; and I submit that the entire case is altered by the statements that I have made on behalf of the Government of India and after full consultation with my Colleagues ; and that, if our proposals are still to be resisted, it must be on some other grounds than those which I have shown to be sometimes ignorant and often unjust. We shall of course attentively consider any representations that are made to us ; but do not let the public put into our mouths what we have never said, or into our minds what has never entered them. Let it be remembered by all parties that the true and only criterion is better government for you in your own areas, for Bengal as a province, and therefore, as a consequence, for British India as a whole.

Enclosure 14 in No. 2.

Letter from Raja Peary Mohun Mookerjee, C.S.I., Chairman of the Public Meeting held at Calcutta on the 18th March, 1904, British Indian Association, Calcutta, to The Secretary to the Government of India, Home Department, dated the 27th April 1904.

I have the honour to forward herewith copy of the Resolutions passed at a public meeting held in Calcutta on the 18th March 1904, regarding the proposed partition of Bengal, and to request that you may be pleased to submit the same for the favourable consideration and orders of His Excellency the Viceroy and Governor-General in Council.

Annexure.

RESOLUTIONS.

1. That this meeting desires to record its respectful but firm protest against the proposals of Government for the partition of Bengal, on the following among other grounds :—

- (a) That these proposals are viewed with grave and widespread alarm by the people of this province and have given rise to an agitation unparalleled in its history. An opposition, so strong and so universal, should not be ignored ;
- (b) That the division of the Bengalee nation into two separate units and the disruption of its historical, social and linguistic ties would seriously interfere with the intellectual, social and material progress of the people, which it has always been a part of the traditional policy of the British Government in India to foster and to stimulate ;
- (c) That the districts proposed to be separated from Bengal proper would lose several constitutional, educational and other privileges which they have so long enjoyed.

2. That this meeting is of opinion that the wider scheme of partition referred to by His Excellency the Viceroy, does not commend itself to public opinion, and is viewed by the people of this province with great concern and anxiety, for the reason among others that its cost, initial and permanent, would seriously add to the heavy burdens already imposed on the people. Instead of allaying the anxiety and alarm which Mr. Risley's proposals had caused, it has intensified them.

3. That this meeting is of opinion that no case has been made out for the proposed measure, but that if in the opinion of the Government of India the relief of the Bengal Government is necessary, the remedy lies not in a re-distribution of territorial jurisdiction, but in organic changes in the form of Government, such as the conversion of the Lieutenant-Governorship of Bengal into a Governorship with an Executive Council like that of Bombay and Madras, and this meeting prays that the Government may be pleased to withdraw the proposed measure, or adopt the remedy above suggested.

4. That a copy of the foregoing Resolutions under the signature of the Chairman of this meeting be submitted to the Government of India and that the following gentlemen do form themselves into a Committee to settle the draft memorial submitted to the meeting, watch the progress of this question and take such measures from time to time as they may deem fit, with a view to carry out the objects and intentions of this meeting :—

Maharaja Sir Rameshwar Singh, K.C.I.E., of Durbhanga.
 Maharaja Bahadur Sir Jateendra Mohan Tagore, K.C.S.I.
 Maharaja Suryya Kanta Acharyya Bahadur of Mymensingh.
 Maharaja Jagadindra Nath Ray Bahadur of Natore.
 Maharaja Manindra Chandra Nandy Bahadur.
 Maharaja Girija Nath Ray Bahadur.
 Raja Mahima Ranjan Ray Chowdhury.
 Raja Pramatha Bhusan Deb Ray.
 Raja Asutosh Nath Ray.
 Raja Peary Mohun Mookerjee, C.S.I.
 Raja Pramada Nath Ray.
 Nawab Syed Amir Hosein, C.I.E.
 Nawab Syed Abdus Sobhan.
 Raja Bahadur Shashi Shekharreswar Ray.
 Raja Srinath Ray.
 Kumar Manmatha Nath Ray Chawdhuri.
 Kumar Pramatha Nath Ray Chawdhuri.
 Kumar Manmatha Nath Mitra.
 Kumar Upendra Chandra Chaudhuri.
 Babu Dharani Kanta Lahiri Chaudhuri.
 Jagat Kisor Acharja Chaudhuri.
 Babu Gopal Das Chaudhuri.
 Babu Kishori Lal Goswami.
 Mr. N. N. Ghose.
 Mr. A. Chaudhuri.
 Mr. B. L. Chaudhuri.
 Mr. J. Ghosal.
 Mr. Satyendra Nath Tagore.
 Mr. A. M. Bose.
 Rai Bahadur Sitanath Ray.
 Babu Muralidhar Ray.
 Babu Ambika Charan Majumdar (Faridpur).
 Babu Charu Chandra Mullick.
 Babu Dwarkanath Chakravarti.
 Babu Surendra Nath Banerjee.
 Babu Narendra Nath Sen.
 Babu Mati Lal Ghose.

Babu Giridhari Lal Ray.
 Seth Dooly Chand.
 Hon'ble Babu Bhupendra Nath Bose.
 Ray Bahadur Rajkumar Sarvadhikari.
 Ray Parbati Sankar Chaudhuri.
 Raya Jatindra Nath Chaudhuri.
 Babu Harendra Lal Ray.
 Babu Ananda Chandra Ray (Dacca).
 Babu Basanta Kumar Bose.
 Moulvi Mahammad Yusoff Khan Bahadur.
 Babu Pasupathi Nath Bose.
 Babu Manick Lal Seal.
 Maulvi Shamsul Huda.
 Babu Janaki Nath Ray.
 Mr. Lal Mohan Ghose.
 Babu Nalin Behari Sarkar, C.I.E.
 Babu Jogendra Chandra Ghose.
 Kumar Dakhineswar Malia.
 Rai Hari Ram Goenka Bahadur.
 Babu Radha Charan Pal.
 Babu Anath Bundhu Guha (Mymensingh).
 Babu Raghu Nath Das.
 Babu Baikunta Nath Sen.
 Babu Hirendra Nath Datta.
 Maharaj-Kumar Prodyot Coomar Tagore, Member and Secretary.

Enclosure 15 in No. 2.

*From Raja Peary Mohun Mookerjee, C.S.I., Chairman of the Public Meeting,
 Calcutta, to the Secretary to the Government of India, Home Department,
 dated the 5th October, 1904.*

I HAVE the honour to forward herewith a memorial representing the views of a public meeting held at the Town Hall, Calcutta, on the 18th of March last, on the question of the proposed partition of Bengal, and to request that you may be pleased to submit the same to His Excellency the Viceroy and Governor-General in Council for his favourable consideration.

Annexure.

To His Excellency the Governor-General in Council.

The humble memorial of the residents of Calcutta, its Suburbs, and the various Districts of Bengal.

Most respectfully sheweth :—

That your humble memorialists, who represent landed and other important interests in the Province of Bengal, beg leave to approach His Excellency the Viceroy and Governor-General in Council with the following representation on the question of the partition of Bengal which is now under the consideration of the Government and which they deeply regret to say has caused the greatest possible alarm in the country. It represents the views of the public meeting convened by the Sheriff and held at the Town Hall of Calcutta, on the 18th of March last, and which was attended by numerous delegates from the Mofussil and in which the following Resolutions were unanimously passed :—

(1) That this Meeting desires to record its respectful but firm protest against the proposals of Government for the partition of Bengal, on the following among other grounds—

(a) That these proposals are viewed with grave and widespread alarm by the people of this province and have given rise to an agitation unparalleled in its history. An opposition, so strong and so universal, should not be ignored.

(b) That the division of the Bengalee nation into separate units and the disruption of its historical, social and linguistic ties would seriously interfere with the intellectual, social and material progress of the people which it has always been a part of the traditional policy of the British Government in India to foster and to stimulate.

(c) That the Districts proposed to be separated from Bengal proper would lose several constitutional, educational and other privileges which they have so long enjoyed.

- (2) That this Meeting is of opinion that the wider scheme of partition, referred to by His Excellency the Viceroy, does not commend itself to public opinion, and is viewed by the people of this Province with great concern and anxiety for the reason among others that its cost, initial and permanent, would seriously add to the heavy burdens already imposed on the people. Instead of allaying the anxiety and alarm which Mr. Risley's proposals had caused, it has intensified them.
- (3) That this Meeting is of opinion that no case has been made out for the proposed measure, but that if in the opinion of the Government of India the relief of the Bengal Government is necessary, the remedy lies not in a re-distribution of territorial jurisdiction, but in organic changes in the form of Government, such as the conversion of the Lieutenant-Governorship of Bengal into a Governorship with an Executive Council like that of Bombay and Madras, and this Meeting prays that the Government may be pleased to withdraw the proposed measure, or adopt the remedy above suggested.
- (4) That a copy of the foregoing Resolutions under the signature of the Chairman of this Meeting be submitted to the Government of India.
- (5) That the following gentlemen do form themselves into a Committee to watch the progress of this question and to take such measures from time to time as they may deem fit, with a view to carry out the objects and intentions of this meeting.

2. At the very outset your humble memorialists need hardly state that the movement, based on spontaneous popular feeling, inaugurated in Eastern Bengal, for the purpose of entering respectful protests against the project, was of a character never before witnessed in that part of the country. The very fact that hundreds of public meetings were held, not only in towns but also in important villages, which were attended by thousands and tens of thousands of people, representing all classes of interests, and where Resolutions were unanimously passed objecting to the introduction of the measure, leaves no room for doubt as regards the genuineness of the movement. The memorials of the people of Dacca and Mymensingh to His Honour the Lieutenant-Governor containing about one lakh of signatures, have proved this point so conclusively that your memorialists do not think it necessary to make any further remarks of their own upon it. They deeply deplore the fact that His Excellency the Viceroy was led to suppose that the agitation, at least to some extent, was an artificial one.

3. Your humble memorialists further beg to submit that the people of Western Bengal are as much agitated over the question as those of the East. If they had not at an early stage given expression to their views and sentiments in a tangible form, it was mainly in deference to the official announcement that His Excellency the Viceroy would proceed to East Bengal and declare a definite line of policy. They therefore postponed the public meeting which they had arranged to hold in February till they had heard what His Excellency had got to say on the subject. It is with great sorrow your memorialists have to submit that the speeches of the Viceroy, instead of removing the grave apprehension occasioned by the scheme of Mr. Risley, have greatly aggravated it for reasons which they will state later on.

4. With the permission of His Excellency in Council, your memorialists beg leave, in the beginning, to state the grave nature of the disadvantages under which they labour in discussing this question. In the first place, the Government has shifted its grounds so many times that your memorialists are at a loss to ascertain definitely what its real policy is. In the second place, several important official papers which, in their humble opinion, ought to have seen the light of day, have been withheld from publication. And, in the third place, the opinion of such an important and competent authority as the Hon'ble High Court has not been invited on the subject.

5. With regard to the first, what your memorialists find is, that both the Government of India and the Government of Bengal were interpellated in 1896 on the proposed transfer of the Chittagong Division to Assam. In reply to a question on the 6th of February, 1896, the late Sir John Woodburn, the then Home Member of the India Government, gave the following reply :—

“The Government of India decided in 1892 that the Chittagong District should be transferred to Assam as soon as settlement operations were concluded in it. It was at the same time decided that the expediency of transferring the whole of the Chittagong Division should be considered by the Lieutenant-Governor of Bengal and the Chief Commissioner of Assam. That question is now under the consideration of those authorities and will be eventually submitted for the discussion of the Government of India.”

6. In answer to a further question on the 26th of February, 1896, the same Hon'ble Home Member replied as follows :—

“The main grounds which led the Government of India to decide that the question of the transfer of the Chittagong Division to Assam should be considered by the Lieutenant-Governor of Bengal and the Chief Commissioner of Assam were the following :—

“The Government of India considered it desirable, if possible, to relieve the Lieutenant-Governor of Bengal of some portion of a charge which, owing to

the development of the country and the growth of the population threatens to become too large to be administered by one Government. Assam, on the other hand, is the smallest Province in British India for which there is a separate administration, and the addition to it of the Chittagong Division would not have the effect of throwing too great a burden on the Chief Commissioner. The interests of that Province will be materially benefited by its being brought into direct communication with the sea, while those of the port of Chittagong are likely to receive more attention when it is annexed to Assam than can be given to it as one of several parts connecting the Province of Bengal with the sea. It is desirable that the whole of the territory through which the Assam-Bengal Railway will run should be brought under one administration."

7. A few days after, that is to say, on the 1st March 1896, Sir Alexander Mackenzie, the then Lieutenant-Governor of Bengal, gave the following reply to a similar question :—

"The proposal to transfer the Chittagong Division to Assam was put forward in a Conference which met in Calcutta in January 1892, to examine certain questions relating to the country of the Lushai and Chin tribes. It was suggested that if the South Lushai Hills, with their avenues of access through the Chittagong District, were transferred to Assam, as was strongly recommended, it would be convenient that the whole Chittagong Division should also be transferred."

8. It would thus be seen that, if the Government of India and the Government of Bengal did not exactly contradict each other in 1896, they gave different grounds for the proposed transfer. In the opinion of the former the Division of Chittagong was proposed to be transferred—(a) to afford relief to the over-worked Government of Bengal ; (b) to give work to the under-worked administration of Assam ; (c) to secure a direct communication for the latter with the sea ; and (d) to place the Assam-Bengal Railway under one Government. The Government of Bengal, however, not only referred to none of the grounds referred to above, but put the matter upon an altogether different basis. What Sir Alexander said was that the question was of a minor administrative convenience, that is to say, if the South Lushai Hills with their avenues of access through the Chittagong District were transferred to Assam, then it would be convenient to amalgamate the whole Chittagong Division with Assam. It is a remarkable fact, to which your memorialists most respectfully draw the special attention of His Excellency in Council, that, though occupying the position of the Lieutenant-Governor of Bengal, Sir Alexander Mackenzie did not state in his reply that Bengal was too heavy for one ruler, and that therefore a portion of it should be made over to Assam to secure relief for the latter.

9. In answer to another question on the 26th of February 1896, the late Sir John Woodburn made the following important declaration in the Supreme Council :—

"The Government of India have made no proposal that Dacca and Mymensingh should be transferred to Assam, nor is such a proposal at present under their consideration."

10. It is thus quite clear that there was no proposal of the transfer of Dacca and Mymensingh to Assam in 1896. Strangely enough the present Home Member contradicts directly his predecessor on this point. On 22nd January 1904, in reply to a question by Dr. Asantosh Mukerjea, the Honourable Sir D. Ibbetson said :—

"The attention of the Government of India was directed in 1892 to territorial re-adjustments on the eastern frontier of Bengal in connection with the administration of the Lushai Hills. The first proposal was to transfer the Chittagong District to Assam as soon as the revision of settlement, then in progress, was finished, and the Assam-Bengal Railway was nearing completion. The transfer of the whole Chittagong Division was also considered ; and during the discussion which ensued, it was proposed to transfer the Districts of Dacca and Mymensingh as well."

11. Here is a direct contradiction between the statement of one Honourable Home Member with that of another, and your humble memorialists are at a loss to decide which is the correct one. However, judging from the Note of Sir Henry Cotton, it appears to your memorialists that the question of the transfer of Dacca and Mymensingh was not formally before the Government of India in 1896, for if it were so, Sir Henry, as a subordinate, could not have expressed himself so strongly on the subject as he did, namely, that "I scout the idea of the transfer of the Districts of Dacca and Mymensingh to Assam. The proposal, if it were made public, would excite a storm of protest, and I imagine that the Government of Bengal would be strongly opposed to this suggestion as I am myself."

12. The important facts your memorialists gather from the above are—(1) that in 1892 only the District of Chittagong was proposed to be transferred to Assam ; (2) in 1896 the whole Division of Chittagong was contemplated to be annexed to Assam ; (3) the transfer of Dacca and Mymensingh was never thought of at the time, but yet your memorialists find the same proposal embodied in the letter of Mr. Risley, dated 3rd December 1903, and forming a prominent feature of his scheme. And, later on, yet another project, in which many more Districts have been included, is before the Government. All this shows that those who are for the partition of Bengal have no definite policy of their own ; hence they are changing their grounds every now and then and are as much in the dark about their own project as the outside public are.

13. What your memorialists beg most respectfully to enquire is that the transfer of Dacca and Mymensingh having been not under the contemplation of the Government of India, in 1896, what led the latter to change their views afterwards? Your memorialists may also be permitted to ask,—why was the emphatic protest of a distinguished authority like Sir Henry Cotton ignored and Dacca and Mymensingh included in the scheme of Mr. Risley? Sir Henry says that the Government of Bengal would be as strongly opposed as he himself was to the transfer of Dacca and Mymensingh. Was the Government of Bengal consulted before the proposal in question was accepted by the Government of India? There is no explanation on this point in Mr. Risley's letter to the Government of Bengal, and your memorialists are at a loss to understand why such a step taken which, as Sir Henry Cotton justly apprehended, has called forth "a storm of excitement" the like of which was never seen before.

14. Your memorialists humbly believe that, in order to enable the public to understand the question fully and meet the arguments of the Government, all official papers connected with it should have been published. They deeply regret this has not been done. Mr. Risley in his letter to the Government of Bengal states that this matter "drew the attention of Sir Stafford Northcote so long as 1868, and that in the discussion that followed, it was very thoroughly examined by a number of high authorities." His Excellency the Viceroy the other day also referred to the Note of Sir William Ward and the opinions of Sir John Woodburn, Sir C. C. Stevens, and Sir James Bourdillon. It is also generally known that Sir Charles Elliott, Sir Alexander Mackenzie, Mr. Judge Casperz of Chittagong, and Mr. Judge Greaves of Sylhet expressed their views in more or less lengthy notes when the proposal of transferring Chittagong to Assam was raised by the Government of India. The opinion of none of the above-mentioned authorities has been published, and the only documents on the subject in the possession of your memorialists are the letter of Mr. Risley to the Government of Bengal, dated 3rd December 1903, and the three speeches of the Viceroy in East Bengal, besides the Note of Sir Henry Cotton and the opinion of the High Court published by the Press.

15. The Government had no doubt good grounds for withholding the documents, though what they are is not known to the public; but your memorialists deem it their painful duty to state that such a step has produced two unfortunate results, namely, it has withheld knowledge and information from your memorialists which might have enabled them to deal with this matter more exhaustively than they are able to do with the scanty materials before them, and secondly, it may raise the suspicion that the Government withheld the papers because they are not favourable to its project. That there is some ground for this suspicion cannot be denied. For instance, His Excellency, referring to the Note of Sir William Ward, remarks:—

"I observe that no one has said a word about the opinion of Sir William Ward, who wrote a most exhaustive, able and reasoned argument in favour of the transfer."

Yet Your Memorialists learn from the Note of Sir Henry Cotton that Sir William's scheme "contemplates the appointment of a separate Judicial Commissioner for Assam and the consequent exclusion of the Civil and Criminal Jurisdiction of the High Court"—a proposition which is fatal to the scheme of both Mr. Risley and that of His Excellency the Viceroy which he propounded at Mymensingh.

16. In the humble opinion of Your Memorialists it is an unfortunate circumstance that the opinion of the Calcutta High Court has not been invited with regard to this most important subject. Your Memorialists are aware that, in reply to a question by the Hon'ble Mr. Cable, the Hon'ble Home Member was pleased to state that, "as it is not proposed to alter the limits of the High Court's Jurisdiction, it does not seem to the Government of India necessary to Consult the Hon'ble Judges at the present stage." But Your Memorialists submit that, over and above the question of the jurisdiction of the High Court, there are several other important points involved in the proposed partition of Bengal in which the opinion of the Hon'ble Judges is essential. For instance, in its judicial aspect, the question divides itself mainly into two branches:—(a) the law to be administered; (b) the judicial agency. With regard to (a), is it a fact that all Regulations and Acts of Legislature that may be in force in the District at the time of its transfer to Assam, would gradually cease to have operation in the District, when transfer has been effected? As regards the judicial agency, would the people of the transferred Districts enjoy the same privileges in the matter of Civil and Criminal administration of justice as they do under the Regulation Government? For these and other grounds, Your Memorialists are strongly of opinion that an independent, impartial and judicially trained body of distinguished officials like the Hon'ble Judges, who have the confidence of both the people and the Government, might have been profitably consulted, especially as their opinion was sought in 1896 by the Government. It is not for your humble Memorialists to criticise the wisdom of the Government; but they may be permitted to say that the impression may be further strengthened that the Government did not invite the opinion of the High Court lest it might go against the scheme of the Government. As the Government is actuated by the best of motives and sincerely desirous of deciding the question on the basis of absolute justice and fairness, such an impression ought to be removed by taking the Judges of the High Court into its confidence and asking their advice in a matter which has so profoundly convulsed the whole of Bengal.

17. Your Memorialists beg now to submit their humble observations on the proposals contained (1) in Mr. Risley's letter, No. 3678, dated the 3rd of December, 1903, and

(2) the three speeches delivered in East Bengal by His Excellency the Viceroy. Mr. Risley's proposal is to transfer the Chittagong Division along with Dacca and Mymensingh to Assam, and it is based mainly upon four grounds:—(a) Bengal with a population of 78½ millions is too large for the Lieutenant-Governor; (b) improvement of the Chittagong port; (c) an imperfectly supervised administration in Eastern Bengal; (d) incapacity of the Assam administration to pay its own way.

18. His Excellency the Viceroy approves of the scheme of Mr. Risley, but, at the same time, admits that it has several defects which, in His Excellency's opinion, can be removed by creating a new Province by the amalgamation of Assam with a larger number of Districts than those mentioned in the letter of Mr. Risley.

19. With regard to the first ground (a) in Mr. Risley's letter, your memorialists propose, with His Excellency's permission, to discuss it later on in some detail, as the entire Government scheme is based upon the assumption that the Government of Bengal is over-burdened with work. As regards the second ground (b), your Memorialists are not quite clear why it is necessary to divide the Bengalee nation for the purpose of improving the port of Chittagong. They believe it is quite possible for the Government of Bengal to improve it in the same way as it has improved the port of Calcutta. If the Government of Bombay can manage the Bombay and Kurachee ports, your Memorialists do not see why cannot the Government of Bengal in the same manner take charge of two ports. Your Memorialists are, however, opposed to the principle of public money being spent for the creation or improvement of a port. If the Chittagong port should be improved, it should be done by private enterprise and not by the money of the tax-payers. In the humble opinion of your Memorialists, therefore, the improvement of the Chittagong port has not the remotest connection with the dismemberment of Bengal.

20. The third ground is, to quote the exact words of Mr. Risley, that "there is no portion of Bengal where the drawbacks of an imperfectly supervised administration are more evident than in the outlying Districts in eastern border." The meaning of the above, your Memorialist believe, is that the eastern Districts being far away from the personal supervision of the Lieutenant-Governor, they are more criminal than those nearer the seat of the Government. Statistics, however, show a different result. The percentage of three Districts, Dacca, Mymensingh and the 24-Pergunnahs, taking the years 1898, 1899 and 1900 is approximately shown below:—

	Per 1,000 population.
Dacca	1.5
Mymensingh	1.5
The 24-Pergunnahs	7.6

21. The 24 Pergunnahs is thus five times more criminal than Dacca or Mymensingh, though it is nearest to the capital city. It should also be borne in mind that the eastern Districts, being now under the more enlightened Government of Bengal, are bound to deteriorate, and not to improve, like Sylhet, if transferred to the backward administration of Assam, where the Deputy Commissioners not only exercise Judicial and Executive functions but also Civil and Revenue powers, and where they are also invested with special powers to try certain offences which ordinarily go before a Court of Session.

22. Lastly, (d) incapacity of Assam to meet its own administrative expenses, that is to say, Assam should be maintained by some prosperous Districts of Bengal. Such an arrangement, your Memorialists submit, is extremely unfair. It means that Dacca, Mymensingh and the Chittagong Division should agree to enrich Assam at the cost of themselves and their kith and kin. As the *Pioneer* remarks, "the necessities of poor Assam are evidently great; but how can it be said that the transfer of important districts from Bengal is not due more to erect in Assam a vigorous and self-contained administration than to any desire to further the interests of the people of those very Districts by an improvement to result from a more perfectly supervised administration?" The position seems to be this: The net revenue of Dacca, Mymensingh, Chittagong, Tippera and Noakhali is now spent for the benefit of those Districts as well as that of other Districts of Bengal. If they are transferred to Assam, the latter will swallow up all this revenue, as its needs are many, leaving nothing for Dacca and Mymensingh, and depriving Bengal of what it has hitherto enjoyed.

23. How the Districts, proposed to be transferred, are likely to fare, may be judged from the condition of Sylhet, which formerly belonged to Bengal and was made over to Assam in 1874. Mr. Risley is pleased to state that the objections which were raised thirty years ago to the absorption of Sylhet have proved to be unfounded. Facts, however, tell a different story. If the Governor-General in Council will be pleased to refer to the report of Mr. R. H. Greaves on the transfer of the Chittagong Division to Assam in 1896, he will find that since its severance from the administration of Bengal, Sylhet has practically sunk into obscurity. Mr. Greaves, who had experience both of Bengal and Assam, and who closed his judicial career in 1896 as the District and Sessions Judge of Sylhet, after a meritorious service of over 26 years, was asked by the Calcutta High Court to record his experience of that District, and he did it in a lengthy letter. The Calcutta High Court based its opinion to a considerable extent upon what Mr. Greaves wrote.

24. In the opinion of Mr. Greaves the fiscal and executive administration of Sylhet has undergone considerable deterioration. The changes for the worse have been marked

in the Judicial Department of the administration. Many Regulations and Acts which up to the time of its transfer had been in force in Sylhet ceased to have operation in that District after it came under the administration of Assam. And many Acts which have been passed since and are now in operation in the Regulation Districts of Bengal have not been extended to Sylhet. To take an example. The Bengal Tenancy Act VIII of 1885 has not yet been extended to Sylhet, although it was one of the oldest of the Districts of Bengal. A reference to the Census report of Assam will also disclose the startling fact that population has steadily decreased in the town of Sylhet since its connection with Assam. In 1872, when it was in Bengal, its population was 16,546. In 1901, that is to say, after it had been 27 years under the Assam administration, its population came down to 13,893. It is officially admitted that there is stagnation in the population of the whole District of Sylhet. Under these and other circumstances, described in detail in the Opinion of the High Court and the Note of Sir Henry Cotton, your memorialists strongly feel that the progress of the Districts it is proposed to transfer would be seriously jeopardized by the proposed transfer.

25. It is not necessary to dwell further on the proposal of Mr. Risley, for it has been universally condemned. Even the young Nawab Bahadur of Dacca and his small following and dependents, who have proposed what is called "an alternative scheme," have not accepted it. Nay, His Excellency the Viceroy himself plainly admitted in his Mymensingh speech that there were serious objections to Mr. Risley's proposal which could be removed by the creation of a new Province with a Lieutenant-Governor. Indeed, an enlightened, generous and far-seeing Ruler like Lord Curzon could not but sympathise with the hard lot of the people of the Districts who, after an enjoyment of the benefits of a Regulation Government for upwards of 150 years, were suddenly proposed to be made over to the inferior administration of a Chief Commissioner, through no fault of theirs, thereby depriving them of the advantages of a local Legislative Council and other valued privileges; and hence His Excellency was anxious to remove all fears on this score by a declaration to the effect that, to quote His Excellency's words, "as regards a local Legislative Council, if the scheme is somewhat expanded so as to allow for the creation of a Lieutenant-Governorship instead of a Chief Commissionership, this privilege also will be retained." Your memorialists may thus take it that His Excellency does not favour the proposal of Mr. Risley to create a larger Chief Commissionership in the East by annexing five Eastern Districts of Bengal to Assam, and has supplanted it by a scheme of his own.

26. Your memorialists have now to examine the proposal of the Viceroy. In his Mymensingh speech His Excellency complains:—"Now I am sure you will agree with me that the first essential in criticising a case is to understand it, and that it is not only unfair but even foolish to condemn proposals which have been put forward by a responsible Government in the interests of the community at large upon a complete misrepresentation of their character and consequences." Exactly so; but your memorialists most respectfully submit, it was not quite the fault of the public if they could not understand the true aims and objects of the Government in this respect. As your memorialists have taken the liberty of pointing out before, the Government case was never put clearly. There had been so many elements of uncertainty and vagueness in the official declarations,—so much shifting of grounds and contradictions,—that the people felt confused and embarrassed, hence they raised issues, some of which were probably irrelevant. If the Government had one continuous and definite policy, several misconceptions, both on the part of the public and the authorities, might have been avoided. Even now, your memorialists beg to state with sorrow, the intention of the Government is not quite clear to them.

27. Judging, however, from the two declarations of the Viceroy at Dacca and Mymensingh, it seems tolerably clear to your memorialists that, in the opinion of His Excellency, (1) the partition of Bengal has become absolutely necessary on account of the alleged over-work of the Lieutenant-Governor of Bengal, and (2) that His Excellency prefers a new Province under a Lieutenant-Governor to an enlarged form of the Assam Chief Commissionership with Dacca, Mymensingh and the Chittagong Division. Taking the second point first your memorialists shall quote the following passages from his Mymensingh speech to show what the Viceroy really means. For ready reference the passage already quoted above, is reproduced here:—

"And that as regards a local Legislative Council, if the scheme is somewhat expanded so as to allow for the creation of a Lieutenant-Governorship, instead of a Chief Commissionership, this privilege also will be retained."

Here are a few more passages:—

"It is sufficient, however, to reply that at the start the staff will be and must be entirely drawn from Bengal; and that later on, the new Province, possessing as it would, a commission of its own recruited from England, would be administered by exactly the same class of officers and on the scale of pay as Bengal is now."

"In reply to these fears, I may say at once that the Government of India undertake that no injustice or loss of advantage should ensue, and that one Province did not profit to the detriment of another. As regards the educational service of the new Province it will be recruited in precisely the same way and will be as good as any other."

28. It is absolutely clear from the above that His Excellency advocates what is called "the alternative scheme" which contemplates the creation of a new Province by dismembering many more Districts of Bengal than those mentioned in Mr. Risley's letter and

putting it under a separate Lieutenant-Governor with a Council. Your memorialists consider it their humble duty to inform His Excellency in Council that this declaration, coming as it did from the highest authority in the land, instead of allaying the apprehension of the people, has greatly enhanced it. For if Bengal is divided into two and placed under two separate Lieutenant-Governors of equal status and position, it would mean that, instead of one as now, its seventy-eight millions of people will be required to maintain two Lieutenant-Governorships; in other words, they will be made to pay almost double of what they now contribute as administration charges. Under the present arrangement, the people of Bengal have to maintain 280 members of the Civil Service, but if another Province is created with the half of Bengal, then they will probably have to make provision for nearly another 280 civilians, minus 3 or 4 Commissioners of Divisions and the Magistrates and Judges of the Districts proposed to be transferred to the new Province. In the absence of a definite scheme before them, your memorialists are unable to give any accurate idea of the amount of money that will be required annually for the maintenance of the proposed Lieutenant-Governorships; but judging from the assurances of His Excellency that both the new and the old Provinces "would be administered by exactly the same class of officers and on the same scale of pay," and that "the Government of India undertake that no injustice or loss of advantage should ensue, and that one Province did not profit to the detriment of another," it can be safely assumed that the cost of administration might almost be doubled. Indeed, there can be no two opinions that the creation of two Lieutenant-Governorships will cause an enormous increase of administrative expense. Your memorialists respectfully submit that such a project cannot but fill the minds of the people with the gravest possible fears.

29. It should also be remembered that the building up of a new Province means not only huge cost but also great confusion. When Sylhet and Cachar were transferred to Assam in 1874, heaps of valuable papers belonging to the Board of Revenue and other offices were either lost or stolen during their transit to the Assam Secretariat. It was confusion all along the line and it took many years before order was restored in those two Districts; yet Sylhet and Cachar are only on the outskirts of Assam, and their inhabitants in constant touch with the Assamese. The confusion will be necessarily many times more if advanced Districts like Dacca, Mymensingh and others are transferred to Assam, or a separate Province is created with Assam and a large number of Bengal Districts.

30. As for creating a Lieutenant-Governorship like that of Bengal, it means that the new Province will require its Belvedere, Revenue Board, High Court, Secretariat, Public Works Department, Educational Department, Law Department, Survey Department, Financial Department, Medical Department, Jail Department, Sanitation Department, Police Department, Meteorological Department, Forest Department and others. Each of the Departments mentioned above will require its separate building. The Calcutta High Court cost over 20 lakhs and a single hall of the new Secretariat building cost 4 lakhs. From a statement furnished by the Government of Bengal to a question put by the Hon'ble Bhupendra Nath Bose, it would seem that the value of the various public buildings in Calcutta under the local Government is almost one crore and forty-three lakhs of rupees, and the average annual cost of maintenance of the same is a little over one lakh and thirty-seven and a half thousand. So the mere initial cost of building up the new Province will come up to a huge amount. If the opening out of only 15½ miles of broad roads in Calcutta will require seven crores of rupees, one can fairly draw the inference that the building up of a new Province will cost many times seven crores.

31. In short, while the people of old Bengal, reduced to about half of 78 millions, will have to bear alone the entire cost of the present administration, the inhabitants of the new Province will have also to carry a similar burden upon their shoulders, besides finding an enormous amount of money for building up another Bengal.

32. Your memorialists humbly submit, the dreadful effect of this arrangement cannot but strike terror in the mind of every body intelligent enough to understand the situation. It means one of two things: either additional taxation will be imposed upon the already-overburdened people of Bengal, or all useful works will have to be starved for the purpose of securing funds. If fresh taxation is resorted to, the Government will be compelled to tax the land, in spite of the solemn pledges given by Lord Cornwallis; if no taxation is imposed, funds, so urgently required for improvement in every direction, will be applied to meet the cost of the proposed double administration and to create a new Province. A more dismal prospect cannot be contemplated.

33. Your memorialists have now to deal with the most important point upon which the whole scheme of partition is based, namely, the allegation that Bengal with a population of 78½ millions is too heavy for the Lieutenant-Governor. In the humble opinion of your memorialists the work of the ruler of the province, instead of showing any increase, has been very much reduced since the last 30 years. The fact cannot be denied that the duties of the Lieutenant-Governor in the sixties, seventies and even in the eighties were more multifarious and difficult than they are now. The country in those days was more unsettled and not intersected by railways and other means of communication as now. The Province has now been so specified that one English Executive Officer, as the Viceroy observed the other day, was able to keep the peace of a District like Mymensingh containing 4 millions of people. The administration, instead of growing complex, has been rendered far easier in every direction. Mr. Risley refers to the increase of population from 67 millions in 1872 to 78½ millions at the present moment, but he omits to mention the various means introduced by which the strain upon the head of the Government has been removed.

34. First, of all, if the population of Bengal in 1872 was 67 millions, the number of Civilians who helped the Lieutenant-Governor at that time in the administration work was 259. And if the last Census shows an increase of 11 millions since then, the number of Civilians has also risen to 279, that is to say, 20 more. If one Civilian Magistrate is able to administer the affairs of a District containing 4 millions of souls, four more Civilians ought to have quite sufficed for keeping control over the 11½ millions which have increased since the seventies. But, in the place of four, there are twenty Civilians to help the administration of the Province, not to mention the number of Subordinate Magistrates and police officers which has also been increased.

35. It should also be remembered that Magistrates have been empowered with powers which their predecessors in the seventies or even in the greater part of the eighties did not possess. A Magistrate can now convert a respectable gentleman into a special constable, or bind down a man to keep the peace, or to quarter a Police force in a village or a number of villages. In this way the art of administration has been made so easy that even a Deputy Magistrate is quite competent to keep the peace of a whole District. As a matter of fact, several Deputy Magistrates, raised to the position of District Magistrates, have been just now administering the affairs of Districts without any hitch.

36. Besides, the number of Honorary Magistrates, Municipalities and District Boards have increased with the increase of population, and they are helping the good administration of the country in their own way.

37. It should not also be forgotten that, if 11½ millions of people have increased since 1872, they are not turbulent like the Afghans, but gentle, law-abiding and non-criminal in their nature. The fact should further be taken note of that at least half of these 11½ millions are women and children.

38. Then the progress of education, newspapers, Post Offices, Telegraphs has added to the peace of the country. Your memorialists cannot but express their surprise that the extent to which administration has been improved and facilitated by modern progress is altogether ignored in Mr. Risley's letter.

39. It is not at all clear to your humble memorialists why the work of the Lieutenant-Governor is too heavy when he has to manage only the civil administration of Bengal which has been thoroughly quieted down, which has no frontier troubles or important Indian States to deal with, and when the various parts of the Province, as stated above, have been connected with one another by a net-work of railways, steamer service and public roads.

40. As for "personal administration," even if every District had a Lieutenant-Governor of its own, 99 per cent of its population would be as far from coming in contact with him as they are now. The Lieutenant-Governor of Bengal lives at Belvedere, which is only 3 or 4 miles from the heart of the town. But, not even ten scores of the people of Calcutta come across His Honour in the course of the whole year.

41. It is the District Magistrates who practically rule the country. His Honour the Lieutenant-Governor has thus ample time to direct his attention to the development of the resources of the Province and the advancement of the moral and material progress of its people.

42. If the Government, in its wisdom, yet thinks that the Lieutenant-Governor should be relieved of his work, the remedy, in the humble opinion of your memorialists, lies not in the re-distribution of territory, but in organic changes in the form of Government, as suggested by various distinguished authorities. The re-distribution of territory, as proposed by Mr. Risley, can never be a proper method to afford relief to the Lieutenant-Governor. For the same process will have to be repeated after every two or three decades of years when there has been another increase of population to the extent of 11 millions. But such difficulty will not arise if the Lieutenant-Governorship is converted into a Governorship with an Executive Council. No less an authority than Sir Stafford Northcote proposed this remedy.

43. In conclusion your memorialists are profoundly thankful to His Excellency the Viceroy for the expression that he does not "disparage in the smallest degree the force of sentiment in human affairs, and still less that particular form of sentiment that springs from the pride of race." No measure of Government had previously moved the people of this country so powerfully on sentimental grounds as the proposed partition of Bengal has done. Their feelings have been stirred up in a manner which it is impossible for the rulers to realise, because of their want of touch with the vast majority of the children of the soil. The project has cast a deep gloom over all classes of people from the highest to the lowest; and the Town Hall meeting is a proof of the fact that, with the exception of perhaps of an interested few, the entire intelligent portion of the population of Bengal—Hindus and Mussulmans,—were strongly of opinion that a greater calamity could not befall the country than the dismemberment of any portion of it, either for the purpose of forming a Chief Commissionership or a Lieutenant-Governorship.

44. Your memorialists respectfully submit that they are moved by no idle sentimentalism when they urge that they will suffer nationally, linguistically, and socially by the proposed division. This is a matter which is very difficult for the rulers to understand, as their manners and customs are different from those of the memorialists. The people of Eastern Bengal are called "Bangals"—a term of reproach, because their spoken language is not as chaste and their pronunciation as correct as it ought to be. But this defect has

almost disappeared, because Eastern Bengal and Western Bengal are now under one Government and have one capital city. Their language is, however, sure to deteriorate if the people of the East and the West are rent asunder and placed under two separate Governments. The same remark applies to the social progress and the development of national feeling of the people. A Brahmin or a Kayestha of one part of Bengal will not now object to form matrimonial connection with a Brahmin or a Kayestha of the other. But, divided by two Governments, they will not have opportunities of associating with each other, and all social connections will in due course cease to exist between them. Similarly, to develop national feeling, it is absolutely necessary that the people should live under one and not different administrations. Your memorialists have thus serious objections to the scheme of partition both on sentimental and practical grounds, and they humbly pray that the Government will be graciously pleased to let Bengal remain as it is, and thereby allay the grave apprehension which the measure has created throughout the length and breadth of the country.

And your memorialists as in duty bound shall ever pray,

PEARY MOHUN MOOKERJEE,

Chairman of the Public Meeting.

Enclosure 16 in No. 2.

STATEMENT NO. I.

Statement illustrating the amount of public business in the four major Provinces.

Particulars.	Bengal.	Madras.	Bombay.	United Provinces.
Number of names in last Civil Lists ...	5,860	1,987	3,718	3,122
Total provincial expenditure (in lakhs of Rupees).	5,38	3,81	5,15	4,15
Number of civil suits instituted	658,790	347,583	191,823	545,985
Number of offences reported under the Indian Penal Code.	211,674	120,546	65,821	123,080
Strength of police force	27,687	22,692	24,263	25,073
Number of public colleges and schools ...	51,794	20,792	9,549	7,758
Number of civil hospitals and dispensaries	567	479	238	364
Number of municipalities	158	61	167	104
Number of persons whose occupation is "Law," as shown in the Census Tables, India, 1901.	23,517	12,357	8,135	12,171
Number of pages in proceedings volumes, 1901-02.	30,548	—	—	17,995

Enclosure 17 in No. 2.

STATEMENT NO. II.

Statement illustrating the work of the Bengal Secretariat.

1867—62,878 letters issued and received.	
1872—73,022	" "
1882—98,706	" " (Assam having been separated.)
1892—1,16,634	" "
1902—1,53,012	" "

Enclosure 18 in No. 2.

STATEMENT No. III.

PROVINCE.		Area in square miles.	Population.	LANGUAGE.		RELIGION.		REMARKS.	
Present.	Proposed.			Bengali.	Others.	Hindus.	Muhammadans.		
Assam	Assam (as at present)	56,243	6,126,343	2,948,183	3,178,160	3,429,099	1,581,317		
		56,243	6,126,343	2,948,183	*3,178,160	3,429,099	1,581,317	* Includes— Assamese .. 1,349,784 Hindi .. 356,054 Manipuri .. 255,765 Bodo .. 218,049 Kha-si .. 177,802 Garo .. 137,154	
	Eastern Bengal.	Dacca Division	District of Dacca	2,783	2,649,522	2,507,724	988,075	1,619,639	† Includes— Hindi .. 118,165 Garo .. 32,329
			" Mymensingh	6,332	3,915,068	3,816,751	1,088,857	2,705,543	
			" Faridpur	2,281	1,937,646	1,923,112	733,555	1,189,351	
			" Backergunge	3,645	2,391,752	2,379,616	713,800	1,565,024	
		Chittagong Division, including Hill Tippera.	District of Tippera	2,499	2,117,991	2,108,167	622,339	1,434,020	‡ Includes— Tippera .. 101,499
			" Noakhali	1,644	1,141,728	1,141,125	274,474	866,290	
			" Chittagong	2,402	1,353,250	1,327,349	318,245	908,054	
			" Chittagong Hill Tracts	5,138	124,782	51,420	36,365	4,662	
			Hill Tippera	4,083	173,325	69,657	110,192	45,323	
		Northern Bengal.	Rajshahi Division, including Gooch Behar except Darjeeling.	District of Rajshahi	2,593	1,492,407	1,429,010	325,111	1,135,202	§ Includes— Hindi .. 220,798
	" Dinajpur			3,946	1,567,080	1,443,671	726,429	776,737	
	" Jalpaiguri			2,992	787,380	694,100	534,025	228,487	
	" Rangpur			3,493	2,154,181	2,090,418	776,640	1,371,430	
	" Bogra			1,359	854,533	836,921	154,131	680,185	
	" Pabna			1,839	1,420,461	1,399,967	357,065	1,002,914	
		Gooch Behar	1,307	566,974	547,845	397,946	168,236		
		District of Malda	1,899	684,030	654,856	129,174	440,398	‡ Includes— Hindi .. 183,673	
	TOTAL	106,540	31,528,433	27,272,896	†4,255,538	12,036,352	18,036,688	¶ Includes— Assamese .. 1,349,784	

Bengal		189,837	78,493,410	41,432,899	37,080,511	49,687,363	25,495,416	
	Bengal (as at present)	189,837	78,493,410	41,432,899	37,080,511	49,687,363	25,495,416	
	<i>Add—</i>							
	From Central Provinces.	3,778	640,243	**181	1,608,071	610,755	3,539	** Includes the Bengali population, if any, of Phuljhar and Chandarpur—Padampur.
	(Sambalpur (minus Phuljhar and Chandarpur—Padampur). Five Uriya Feudatories (Bamra, Bairakhol, Sonpur, Patna, and Kalahandi).	9,871	843,420	139	**320	823,038	1,964	
	<i>Deduct—</i>							
	(a) Eastern and Northern Bengal	50,297	26,402,090	24,324,713	1,077,378	8,807,253	16,435,371	†† Includes the Bengali population (which is presumably inconsiderable) of the five Hindi-speaking Feudatory States of Chutia Nagpur.
	(b) Hindi-speaking Feudatory States of Chutia Nagpur (Chang Bhakar, Korea, Sirguja, Udaipur and Jaspur).	11,634	593,177	—	††538,177	369,020	5,593	
	Balance	141,580	54,088,900	17,108,507	‡‡37,008,027	42,160,932	9,039,955	‡‡ Includes Hindi (about 26,000,000), Uriya (about 7,600,000).
Central Provinces (including Berar)		133,604	14,627,045	(Hindi) 6,548,200	(Others) 8,078,845	12,182,834	519,343	
	Central Provinces (as at present)	133,604	14,627,045	6,548,200	8,078,845	12,182,834	519,343	
	<i>Add—</i>							
	Hindi-speaking Feudatory States of Chutia Nagpur (Chang Bhakar, Korea, Sirguja, Udaipur and Jaspur).	11,604	593,177	‡‡538,177	—	359,020	5,593	‡‡ Includes other languages less widely spoken for which figures are not available.
	<i>Deduct—</i>							
	(a) Sambalpur (minus Phuljhar and Chandarpur—Padampur).	13,644	1,538,662	71,736	1,536,655	1,439,843	5,503	
	(b) Five Uriya Feudatories (Bamra, Bairakhol, Sonpur, Patna and Kalahandi).							
	Balance	131,564	13,621,559	7,059,641	‡‡6,542,190	11,052,011	519,432	‡‡ Includes Marathi (about 4,421,464).

Enclosure 19 in No. 2.
STATEMENT NO. IV.—*Estimate of Cost.*

Designation.	Annual cost.	Total.	Designation.	Annual cost.	Total.
ASSAM.	Rupees.	Rupees.	NORTH-EASTERN PROVINCES.	Rupees.	Rupees.
Chief Commissioner and his staff	62,000		Lieutenant-Governor and his staff (including establishment).	1,34,202	
Exchange compensation allowance	1,960		Exchange compensation allowance (Private Secretary and Aide-de-Camp).	1,405	
Allowances	300		Allowances (hill journey and tour)	2,200	
Tour expenses (including those of Secretariat).	6,100	70,360	Contingencies	676	1,38,483
One Civil Secretary, one Public Works Secretary, two under Secretaries, one Assistant Secretary, and office establishments.	1,68,494		Three Civil Secretaries, one Public Works Secretary, four Under Secretaries, one Assistant Secretary, three Registrars and office establishments.	3,57,888	
Exchange compensation allowance	4,775		Exchange compensation allowance	7,070	
Allowances (Civil Secretariat)...	486		Do. for Public Works Secretaries.	2,620	
Contingencies (")...	15,400	1,95,105	Allowances	36,800	
Allowances and contingencies, Public Works Department (roughly).	6,000		Supplies and services } Civil Secretariat.	200	
Financial Commissioner	<i>Nil.</i>	<i>Nil.</i>	Contingencies	26,900	4,57,478
Inspector-General of Police, Jails, Registration, Stamp and Excise with a Personal Assistant and office establishments.	46,791		Ditto ditto for Public Works Department (roughly)	20,000	
Exchange compensation allowance	1,600		Legislative Council	3,000	3,000
Allowances	2,400		Financial Commissioner, one Secretary, one Junior Secretary, one Assistant Secretary, one clerk of Court and office establishments.	1,30,146	
Contingencies	3,220	54,011	Exchange compensation allowance	3,184	
Principal Medical Officer and Sanitary Commissioner, with office establishments.	26,850		Allowances	6,500	
Exchange compensation allowance	1,350		Supplies and services	4,065	
Allowances	350		Contingencies	20,205	1,64,100
Contingencies	1,515	30,065	Inspector-General of Police, one Personal Assistant, two Deputy Inspectors-General and office establishment.	1,13,440	
Director of Public Instruction and office establishments.	22,845		Exchange compensation allowance	4,542	
Exchange compensation allowance	975		Allowances	10,062	
Allowances	2,300		Contingencies	9,542	1,37,586
Supplies and services	350		Inspector-General of Jails and office establishment.	34,800	
Contingencies	2,215	28,685	Exchange compensation allowance	1,330	
Director of Agriculture, Assistant Director and office establishment.	37,138		Allowances	1,800	
Exchange compensation allowance	1,296		Contingencies	3,470	41,400
Allowances	4,400		Inspector-General of Excise, Stamps and Registration, Assistant Commissioner of Excise and office establishments.	48,051	
Supplies and services	300		Allowances	2,200	
Contingencies	2,425	45,559	Contingencies	12,185	
Comptroller, Assistant Comptroller, Chief Superintendent and office establishment.	49,242		Exchange compensation allowance	1,600	64,036
Exchange compensation allowance	738		Inspector-General of Civil Hospitals and office establishments.	31,896	
Contingencies	3,070	53,100	Exchange compensation allowance	1,500	
GRAND TOTAL (Assam) ... ..	...	4,76,885	Allowances	2,400	
			Contingencies	4,143	39,939
			Sanitary Commissioner and Deputy Sanitary Commissioner and office establishment.	42,264	
			Exchange compensation allowance	2,100	
			Allowances	7,700	
			Supplies and services	595	
			Contingencies	7,304	59,963
			Director of Public Instruction, Registrar and office establishment.	61,128	
			Exchange compensation allowance	1,500	
			Allowances	3,500	
			Contingencies	3,060	74,188
			Director of Agriculture, Assistant Director and office establishment.	33,828	
			Exchange compensation allowance	1,296	
			Allowances	3,000	
			Contingencies	5,262	43,386
			Accountant-General, Deputy Accountant-General and Assistant Accountant-General and office establishment.	1,00,000	
			Exchange compensation allowance	2,000	
			Contingencies	10,900	1,12,000
			GRAND TOTAL (North-Eastern Provinces)...	...	13,35,559

No. 3.

Despatch from the Secretary of State for India to His Excellency the Right Honourable the Governor-General of India in Council, dated 9th June, 1905.

(Extract.)

The proposals contained in the letter of Your Excellency's Government, dated the 2nd February last, having for their object the reconstruction of the Provinces of Bengal and Assam, have been considered by me in Council with the care and attention demanded alike by their great administrative importance, and by the large amount of popular feeling which has been excited by their public discussion. Your Excellency in Council has come to the conclusion that, in view of the enormous area and population of the territory now administered by the Lieutenant-Governor of Bengal, the constantly increasing number and complexity of the problems pressing for solution, and the ever growing importance of Calcutta, already the second city in point of numbers in the Empire, it is urgently necessary to afford that Government some relief from the burdens which now weigh upon it by reducing the mass of its responsibilities. You review in your letter the previous history of the question, which dates back now for nearly 40 years, having been first brought into prominence by the events connected with the Orissa famine of 1866, you point to the constantly increasing congestion of business in the Bengal Secretariat, as evidenced by the vast growth of correspondence; you enumerate the important measures of administrative development which now, as always, call for the attention of the Lieutenant-Governor; and you cite authorities to show that the burden of affairs thus created cannot but exceed the powers of the most industrious administrator to deal with; while as things are at present, it is inevitable that much important business should be left to be disposed of by secretaries on their own initiative, without that personal attention from the Head of the Government which the methods of Indian administration require. I cannot doubt that the case for relief as presented by Your Excellency in Council is in the main thoroughly established. The growth of population, the urgency of new administrative needs, the demands for progress in all directions, cannot fail to exert a continual and increasing pressure upon the head of the administration, which must ultimately lead to a breakdown unless such relief, in some form or other, is afforded. If it could be argued that the urgency of the necessity at the present moment is not fully established, it might with perfect justice be replied that, even if this were so, with the constant advance in the demands upon the Lieutenant-Governor's powers, the time must soon come when the limit of the possible will be reached, and that it is the duty of the Government of India to forestall, by prudent measures taken in advance, a deterioration which would otherwise be certain to set in. Indeed, I do not find, in the many criticisms of your proposals contained in the papers which you forward, any serious attempt to question the reality of the necessity for relief, though there is naturally some diversity of opinion as to the best methods by which it can be afforded. You then proceed to discuss the form which such relief should take; and in your letter you state at length your views upon the proposal which is a revival of that put forward by several high authorities in 1867-68—that the Lieutenant-Governor should be assisted by a Council, as in the Presidencies of Madras and Bombay. I will not reiterate the

arguments which (in agreement with the weighty judgment of Lord Lawrence in 1868) have convinced you that such an arrangement is not expedient. I fully agree with you that, in the circumstances of Bengal, such a system would be likely to lead to less satisfactory results than are even at present attained. To a Governor appointed from home and fresh to India, the assistance of colleagues possessing local knowledge and experience is, of course, indispensable; but to a man who has already spent some 30 years of official life in India such colleagues, if entitled to equal votes with himself on any disputed matter, might be rather a hindrance than a help. The men selected as Councillors would of necessity be those whose advice is already available to him, as Secretaries or as Members of the Board of Revenue; but whereas the Lieutenant-Governor now feels his full responsibility in accepting or rejecting such advice, it would be otherwise if he were obliged to discuss matters of controversy with colleagues of equal voting power with himself. The responsibility would be reduced by being shared with others, the line of least resistance—probably an ineffective compromise—would be chosen, and time and patience would be wasted. It is unnecessary further to dwell upon this proposal. I fully concur with you in thinking that strong personal government is, in an Asiatic country, the most effective form of administration, and that nothing would be gained by dividing authority and responsibility between colleagues of equal power with the Head of the Government.

You then go on to lay before me the remedy which you advocate, namely, the reduction of the area and population placed under the administration of the Lieutenant-Governor of Bengal, and the erection of a new province, consisting of Eastern and Northern Bengal, united with the territories now administered by the Chief Commissioner of Assam, into a Lieutenant-Governorship, having its capital probably at Dacca. You explain the steps by which you have arrived at this conclusion, which, in its complete form, has not yet been laid before the public for criticism. The effect would be to reduce the area of Bengal, now 189,837 square miles, with a population of 78½ millions, to 141,580 square miles with a population, including the Presidency and Burdwan Divisions of Bengal proper, Bihar and Bhagalpur, Chutiya Nagpur, and Orissa (the last increased by transfers from the Central Provinces), of 54 millions. The new province would comprise the present Province of Assam and the Chittagong, Dacca, and Rajshahi Divisions of Bengal, with the district of Malda added and that of Darjeeling excluded; the population would be 31 millions, of whom 18 millions would be Muhammadans and 12 millions Hindus. Of the speakers of Bengali, who now number 41½ millions under the Lieutenant-Governor of Bengal, three-fifths, or 24½ millions, would be transferred to the new province while in the reduced Bengal there would be left only two-fifths, or 17 millions against 37 millions speaking other languages, chiefly Hindi and Uriya. The new province would have to be fully equipped with the usual secretariat and departmental establishments for whose accommodation, and for the residence of the Lieutenant-Governor, buildings would have to be erected at the place selected as the provincial capital; and the extra recurring expenditure involved is put approximately at rather more than 8½ lakhs of rupees a year. This estimate does not, however, include one item which will evidently be necessary, the erection of the Surma Valley Districts of Assam, with the adjacent hill districts, and, perhaps, the State of Manipur, into a Commissionership; and no estimate is attempted of the cost of construction and maintenance of the necessary buildings. It does not appear from your letter that any material reduction in the cost of the departments in the reconstituted Bengal is likely to be secured as a set-off against the increased outlay in the new province. You have no difficulty in showing that the detailed criticisms evoked by the scheme are very largely met by the arrangements which you propose. The new province will involve the establishment of a Legislative Council; the law of the transferred territory will remain unaltered; a substitute will be found for the Board of Revenue in a Financial Commissioner, or, as I should think would prove to be necessary, two such Commissioners; the jurisdiction of the High Court will remain as at

present; the educational facilities now afforded by Calcutta will continue to be available to the new province; the openings for Government employment to the educated classes will, so far as can be foreseen, not be materially curtailed; and there is no reason to apprehend that general commercial interests will, in the long run, be injuriously affected. The new province, though it will include a very large proportion of districts now considered the least eligible in Bengal, will have a separate self-contained Civil Service of its own, and thus no longer be subject to the disadvantage which is alleged to result in Assam from being at present dependent upon officers borrowed from Bengal for its administration. There are, no doubt, many points in the organization of the new province which will remain for settlement before the scheme can be carried into effect, some of which will be noticed below; but, if the principle is conceded there is no reason to anticipate that insuperable difficulty will be felt in giving effect to it. Having regard to the opposition which has been excited by your proposals, it becomes incumbent upon me to consider carefully whether any practicable alternative scheme could be suggested for securing to the Lieutenant-Governor of Bengal that relief from an excessive burden of work which is admitted to be necessary. In your letter one such alternative scheme is examined, which also involves a redistribution of territory, and, while leaving the Bengali-speaking area to be administered from Calcutta, removes from the Lieutenant-Governor's jurisdiction the Hindi-speaking territory (Bihar and Chutiya Nagpur), and transfers Orissa to the Central Provinces. You state the reasons which have induced you to reject this scheme and in these reasons I am disposed upon the whole to concur. Another method of relief which has been suggested to me is one which was briefly touched upon by some of those who took part in the discussion of 1867-68, but does not appear to have been prominent in the debates on the present occasion. I refer to the lightening of the burden of detailed administration now pressing upon the Lieutenant-Governor which might be secured by making over certain portions of the province to the charge of Commissioners invested with powers corresponding to those which, under Act V of 1868, may be delegated by the Government of Bombay to the Commissioner in Sind. It has been urged that by this means it would be possible to entrust to a Commissioner so empowered a substantial part of the work of Government, reserving for the central controlling authority only those general questions of principle and method, or special classes of administrative problems, which it might seem desirable to retain in the Lieutenant-Governor's hands. The exact degree of the devolution necessary or advisable would be a matter for consideration by persons familiar with the details of administration in Bengal and Sind; but it has been suggested that there is reason to suppose that the relief afforded would be material in amount, that the efficiency of administration would gain by decentralisation, and that such enlarged Commissionerships, imbued with greater power and responsibility, would form the best possible training for higher office. I understand, however, that, although this scheme is not mentioned in the correspondence, you have nevertheless had it under consideration, and have rejected it because in your opinion, it would not afford the Lieutenant-Governor of Bengal adequate relief from his present burdens, while maintaining in existence the injurious dependence of Assam upon Bengal for officers. I should have been glad if it could have been examined in greater detail before being finally set aside; but I recognise the care and labour which you have bestowed upon the difficult questions presented in the papers before me; and I am unwilling to differ from the conclusions arrived at, after so much deliberation, by Your Excellency in Council. Being, therefore, of opinion that a measure of relief is absolutely necessary, and that there is no practicable alternative, I give my sanction in Council to the general principles involved in your proposals—that is, to the constitution of Assam and Eastern and North-Eastern Bengal into a province under a Lieutenant-Governor; to the exchanges between Bengal and the Central Provinces recommended by you; and to the maintenance of the *status quo* as regards the transfers originally suggested between Bengal and Madras. Before,

however, measures are taken to put the scheme into execution, I should wish for a further expression of your views upon certain points. The first is the question of the name of the new province. You propose that it should be called "The North-Eastern Provinces." I have reason to think that the important commercial interests represented by the tea industry would complain if the name of Assam, now so widely known in the markets of the world as the chief source of Indian tea, were to disappear from the list of Indian Provinces; and I should be disposed to prefer "Eastern Bengal and Assam" as the name of the new Lieutenant-Governorship. This name would be strictly analogous to that of "the United Provinces of Agra and Oudh." You suggest, and embody the suggestion in the statement of establishment forming enclosure No. 19, that the functions of the Board of Revenue should be discharged by a single Financial Commissioner. I am, as already stated above, inclined to think that a Board of two members will be found necessary. It must be remembered that the new revenue authority will have to deal with territories under two wholly different revenue systems, and that it is, therefore, desirable that it should include members possessing experience of both. Moreover, although the departmental business of the Board of Revenue in Bengal is distributed between the two members and disposed of by them singly, all important appeals are heard by both members jointly, and parties appearing before them are represented by counsel. I am given to understand that importance is attached by the people to this constitution of the Board, and I suggest that it should be continued in the new province. I have already drawn attention to the omission from the statement of expenditure of the amount required to provide a Commissioner for the charge of the Surma Valley, the Hill Districts and Manipur, who will evidently be necessary. I should also desire to be furnished with some estimate of the cost of providing the new buildings (including the appropriation of the land required) at the new provincial capital, and of the cost of maintenance, which should be added to the estimate of recurring expenditure. Any savings which may be thought possible in the cost of administering the reduced province of Bengal should also be shown. The mode in which the existing staff of the administration should be distributed between the two provinces as reconstructed requires consideration, and I shall be glad to learn what you propose under this head. If a choice is allowed, it seems probable, considering the unpopularity of Eastern Bengal districts, and the obstacles to service in those parts of Assam which possess greater amenities presented by the military element in the Commission, which cannot be employed in the regulation districts, that a very large proportion of the officers now serving in Eastern Bengal would elect to remain under the Government of Calcutta.

No. 4.

Resolution of the Government of India in the Home
Department.

No. 2491, DATED THE 19TH JULY 1905.

(This document has already been presented to Parliament. *Vide* Cd. 2658.)

No. 5.

Letter from the Government of India to the Right Honourable
St. John Brodrick, His Majesty's Secretary of State for
India, dated Simla, the 3rd August, 1905.

(Extract.)

We have the honour to address you in reply to your telegram of the 25th July last, in which you intimated that you were prepared to accept the draft proclamations submitted to you with our despatch No. 6, dated the 9th February, 1905, but desired that, before steps were taken to obtain the Royal assent to the first of the draft proclamations, you might be supplied with such information as would enable you to complete it. You further requested that an assurance might be given that we had made all arrangements necessary for the administration of the new province. The first of these requests can, we think, be most conveniently met by submitting a re-draft of the proclamation in the form which we propose that it should finally assume. The revised draft is annexed as Enclosure 1 to this despatch, and it is only necessary to add here a few explanatory remarks. You will observe that (as intimated in our telegrams Nos. 2368 and 2563, dated the 10th and 21st July last), we have accepted the name "Eastern Bengal and Assam" for the new province, and that we propose to fix the strength of the new Legislative Council at fifteen. We may explain that our decision on the latter point has been taken after consulting the present Chief Commissioner of Assam. The question of the date from which the new province shall come into existence is a most important one, and has received our careful consideration. It is, in our judgment, most desirable that the scheme of reconstruction should be brought into force with the least possible delay, since to defer it would be to afford opportunities for the renewal of agitation on the part of those opposed to the measure. We are of opinion, therefore, that formal legislation should be immediately undertaken in order to enable the Governments of the new province and of Bengal to exercise jurisdiction in the territories respectively transferred to them, since under Section 47 of the Statute, 24 and

25 Vict., C. 67, the laws obtaining in those areas will remain in force therein after the reconstitution of the provinces, until they are repealed. We have accordingly caused a Bill to be prepared in our Legislative Department, a draft of which (Enclosure 2 to this despatch) we have now the honour to submit for your approval. It will be seen that, with the exception of Clause 4, which creates a Board of Revenue for the new province, we have abstained from introducing any substantive alterations of importance in the laws at present in force in the areas affected, and that, in accordance with the precedents afforded by Acts VIII. and XII. of 1874, the scope of the measure has been restricted to effecting only such changes as are absolutely necessary to enable existing laws to be administered under the new conditions in the reconstructed provinces of Bengal and of Eastern Bengal and Assam. The Act which we propose is a short one and its provisions are for the most part self-explanatory. We will only refer here to Clause 4 (2) of the draft Bill, and to Heads III. and IV. of Part I. of Schedule D annexed to it, which vest in the new Board of Revenue in respect of the districts transferred from Bengal those powers which are at present exercised or exerciseable by the Board of Revenue of Bengal, while in respect of the territories at present comprised in the Chief Commissionership of Assam they provide that the new Board shall exercise only such of the powers hitherto vested in the Chief Commissioner as the Lieutenant-Governor, with the previous sanction of the Governor-General in Council, may think fit to delegate to it. The effect of these provisions will be to secure for the more advanced districts to be transferred from Bengal an authority in revenue matters of precisely the same kind as that which they have hitherto possessed, while giving the local Government power to retain for the less highly developed districts of Assam the more elastic and less impersonal control which has hitherto been exercised in them by the Chief Commissioner. Thus the revenue administration will for the present remain in the same position as it now is throughout the territories constituting the new province. Upon this point the Chief Commissioner, whom we have consulted, has—we think, rightly—laid the strongest emphasis. In submitting the Bill with these remarks for your approval, we desire to ask permission to introduce it during the present Simla session of our Legislative Council. This course is, we think, justified by the considerations of urgency to which allusion has already been made, and by the fact that the Bill will be, for the most part, of a formal and consequential nature, ancillary to the proclamation by which the actual partition will be effected. In the event of your approving of the Bill and according your sanction to the course of action which we propose, we should be glad to receive intimation of the fact by telegram in sufficient time to enable us to introduce the Bill at latest by the 8th September next. We anticipate little difficulty in passing it within a month from that date, but to allow for unforeseen delays, we propose that the 16th October next should be fixed as the period from which the partition shall take effect, and that this date should be specified in paragraph 2 of the draft proclamation. We propose to follow the precedent of the Burma case and to issue the proclamation on some date prior to the introduction of the Bill and after receipt from you of intimation of His Majesty's assent. Before leaving this part of the subject, we would explain that the Bill in its final shape has not as yet been examined by the local Governments concerned; we have, however, been in communication with them on the subject and have in great measure availed ourselves of their suggestions in framing it. We do not anticipate, therefore, that they will have any alterations of substance to propose, but in the event of their suggesting material changes, we shall communicate further with you by telegraph. We proceed now to explain briefly, the arrangements which we propose to adopt in order to provide the establishments required for the administration of the new province in the initial stage. In our telegram of the 10th July last above cited, we have already indicated the general lines upon which we intend that the re-organisation of establishments shall proceed, but while it is evident that the final settlement of details must

occupy a considerable time it is imperative that from the outset appointments must be made to the administrative posts in the new province in order that the government may be properly conducted. We propose, therefore, to take as our starting point the scale of establishment which was summarized in statement IV. attached to our despatch dated the 2nd February, 1905, subject to the modifications rendered necessary by the substitution of a Board of Revenue for a Financial Commissioner, and by the addition of a Commissioner for the Surma Valley to which our attention was drawn in your despatch, dated the 9th June last, and to certain other minor changes, which, on a review of the proposals, it appears to us to be possible to effect in respect of particular posts. We intend, subject to your approval, to sanction the creation of these posts on a purely provisional basis, with effect from the constitution of the new province, and we shall make it clear that the arrangements thus made may be modified after fuller consideration, and that they are subject to your confirmation. We believe that, so far as the higher posts are concerned it will be found necessary to make few changes in the scheme already worked out, but the scale of subordinate establishments is more conjectural, and we shall, therefore, authorize the entertainment at the outset of only the indispensable minimum of clerical and other minor establishments pending the formulation of final and detailed proposals. In the draft Proclamation we have refrained from filling in the name of the first Lieutenant-Governor of the new province since, we understand, that, following the ordinary practice, His Excellency the Viceroy has been in communication with you upon the subject. We trust that the explanations which we have now given will convince you that the measures which we have already in train are sufficient to ensure that the new administration will be adequately equipped from the beginning for the proper performance of its functions, and we believe that they justify us in giving you the assurance for which you have asked.

Enclosure
19, page
242.

Enclosure 1 in No. 5.

PROCLAMATION.

The Governor-General is pleased to constitute the territories at present under the administration of the Chief Commissioner of Assam to be, for the purposes of the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), a Province to which the provisions of that Act touching the making of laws and regulations for the peace and good order of the Presidencies of Fort St. George and Bombay shall be applicable, and to direct that the said Province shall be called and known as *the Province of Eastern Bengal and Assam*, and further to appoint to be the first Lieutenant-Governor of that Province, with all powers and authority incident to such office.

2. The Governor-General in Council is pleased to specify *the sixteenth day of October one thousand nine hundred and five* as the period at which the said provisions shall take effect, and *fifteen* as the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations.

3. The Governor-General in Council is further pleased to declare and appoint that upon the constitution of the said *Province of Eastern Bengal and Assam* the districts of *Dacca, Mymensingh, Faridpur, Backergunge, Tippera, Noakhali, Chittagong, the Chittagong Hill Tracts, Rajshahi, Dinajpur, Jalpaiguri, Rangpur, Bogra, Pabna and Malda*, which now form part of the Bengal Division of the Presidency of Fort William, shall cease to be subject to or

included within the limits of that Division, and shall thenceforth be subject to and included within the limits of the Lieutenant-Governorship of the *Province of Eastern Bengal and Assam*.

Enclosure 2 in No. 5.

A Bill to make certain provisions regarding the application of the law in force in the Province of Eastern Bengal and Assam and in certain territory transferred from the Central Provinces to Bengal.

Whereas by Proclamation No. _____, dated _____, the Governor-General, with the sanction of His Majesty, has been pleased to constitute the Province of Assam, being the territories mentioned in Schedule A, to be, for the purposes of the Indian Councils Act, 1861, a Province to which the provisions of that Act touching the making of laws and regulations for the peace and good order of the Presidencies of Fort St. George and Bombay shall be applicable, and to direct that the said Province shall be called the Province of Eastern Bengal and Assam, and further to appoint a Lieutenant-Governor of that Province ;

And whereas by the said Proclamation the Governor-General in Council, with the like sanction, has been pleased to declare and appoint that, upon the constitution of the said Province of Eastern Bengal and Assam, the districts mentioned in Schedule B shall cease to be subject to or included within the limits of the Bengal Division of the Presidency of Fort William and shall be subject to and included within the limits of the Lieutenant-Governorship of the Province of Eastern Bengal and Assam ;

And whereas by Proclamation No. _____, dated _____, the Governor-General in Council has been pleased to declare and appoint that the territory mentioned in Schedule C shall cease to form part of the Central Provinces, and shall be subject to and included within the limits of the Bengal Division of the Presidency of Fort William ;

And whereas it is expedient to make certain provisions regarding the application of the law in force in the territories affected by the said Proclamations ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Bengal and Assam Laws Act, Short title and commencement. 1905 ; and

(2) It shall come into force on the

2. The Proclamations referred to in the preamble shall not be deemed to have effected any change in the territorial application of any enactment, notwithstanding that such enactment may be expressed to apply or extend to the territories for the time being under a particular administration.

Saving of territorial application of enactments.

3. All enactments, and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under enactments, which, immediately before the commencement of this Act, were in force in, or prescribed for, any of the territory mentioned in Schedule A, B, or C, shall, in their application to that territory, be construed as if references therein to the authorities, territories or Gazettes mentioned in Column 1 of Schedule D were references to the authorities, territories or Gazettes, respectively, mentioned opposite thereto in column 2 of that Schedule.

[Cf. Reg. VI. of 1901, s. 6.]

Construction of certain references in enactments in force in territory mentioned in Schedules A, B, and C.

4. (1) There shall be a Board of Revenue for the Province of Eastern Bengal and Assam, to which the provisions of the Constitution and powers of Board of Revenue in Eastern Bengal and Assam. Bengal Board of Revenue Regulation, 1822, and the Bengal Board of Revenue Act, 1850, shall, so far as may be, apply. III. of 1822. XLIV. of 1850.

(2) The said Board of Revenue shall discharge, in respect of the territory mentioned in Schedule B, all the functions which, immediately before the commencement of this Act, were vested in or exercisable by the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal, and, in respect of the whole or any portion of the territory mentioned in Schedule A, such of the functions which at the same date were vested in or exercisable by the Chief Commissioner of Assam as the Local Government may, with the previous sanction of the Governor-General in Council, delegate to it.

5. For the purpose of facilitating the application to any of the territory mentioned in Schedule A, B or C of any enactment passed before the commencement of this Act, or of any notification, order, scheme, rule, form or by-law made under any such enactment— [Cf. Reg. VII. of 1901, s. 7.]

Powers to Courts and Local Governments for facilitating application of enactments.

(a) any Court may, subject to the other provisions of this Act, construe the enactment, notification, order, scheme, rule, form or by-law with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court; and

(b) the Local Government may, by notification in the local official gazette, direct by what officer any authority or power shall be exercisable, and any such notification shall have effect as if enacted in this Act.

6. Nothing in this Act shall affect any proceeding which, at the commencement thereof, is pending in or in respect of any of the territory mentioned in Schedule A, B or C; and every such proceeding shall be continued as if this Act had not been passed. [Cf. Reg. VII. of 1901, s. 94.]

Pending proceedings.

7. The enactments specified in Schedule E are hereby repealed to the extent mentioned in the fourth column thereof.

Repeal.

SCHEDULE A.

The Province of Assam.

The Districts of Goalpara, Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Sylhet, Cachar, Garo Hills, Khasia and Jaintia Hills, Naga Hills, and Lushai Hills.

SCHEDULE B.

Territory transferred from Bengal to the Province of Eastern Bengal and Assam.

The Districts of Dacca, Mymensingh, Faridpur, Backergunge, Tippera, Noakhali, Chittagong, the Chittagong Hill Tracts, Rajshahi, Dinajpur, Jalpaiguri, Rangpur, Bogra, Pabna and Malda.

SCHEDULE C.

Territory transferred from the Central Provinces to Bengal.

The Sambalpur District (except the Chandarpur-Padampur Estate and the Phuljhar Zamindari).

SCHEDULE D.

(See Section 3.)

PART I.

Construction of Enactments, &c., in force in Territories mentioned in Schedules A and B.

1	2
<p>I.—The Local Government of Bengal ...</p> <p>II.—The Local Government of Assam</p> <p>III.—The Board of Revenue of Bengal</p> <p>IV.—The Chief Controlling Revenue-authority or the Chief Revenue-authority</p> <p>V.—All officers and official bodies not mentioned in the foregoing clauses I to IV (except the Treasurer of Charitable Endowments) whose authority extended, immediately before the commencement of this Act, over the Province of Bengal generally, inclusive of the territory mentioned in Schedule B.</p> <p>VI.—The Chief Commissionership of Assam.</p> <p>VII.—The local official Gazettes (English or Vernacular, as the case may be) of the Government of Bengal.</p> <p>VIII.—The local official Gazettes (English or Vernacular, as the case may be) of the Government of Assam.</p>	<p>The Local Government of the Province of Eastern Bengal and Assam.</p> <p>(a) The Local Government of the Province of Eastern Bengal and Assam in the territories mentioned in Schedule A, and</p> <p>(b) the Board of Revenue of the Province of Eastern Bengal and Assam in the territories mentioned in Schedule B.</p> <p>(a) The respective officers who, immediately before the commencement of this Act, exercised similar functions in the Province of Assam, or</p> <p>(b) such other officers, respectively, as the Local Government of the Province of Eastern Bengal and Assam may, by notification in the local official Gazette, appoint in this behalf.</p> <p>The territory mentioned in Schedule A.</p> <p>The local official Gazettes (English or Vernacular, as the case may be) of the Government of the Province of Eastern Bengal and Assam.</p>

PART II.

Construction of enactments, &c., in force in the territory mentioned in Schedule C.

1	2
<p>I.—The Local Government of the Central Provinces.</p> <p>II.—The Court of Wards of the Central Provinces.</p> <p>III.—The Superintendent of Government Wards in the Central Provinces.</p> <p>IV.—The Chief Controlling Revenue-authority, or the Chief Revenue-authority, of the Central Provinces.</p>	<p>The Local Government of Bengal.</p> <p>The Board of Revenue of Bengal.</p>

PART II.—*continued.**Construction of enactments, &c., in force in territories mentioned in Schedule C.*

1	2
<p>V.—The Judicial Commissioner of the Central Provinces.</p> <p>VI.—All officers and official bodies not mentioned in the foregoing clauses I to V (except the Treasurer of Charitable Endowments) whose authority extended, immediately before the commencement of this Act, over the Central Provinces generally, inclusive of the territory mentioned in Schedule C.</p> <p>VII.—The local official Gazettes (English or Vernacular, as the case may be) of the Government of the Central Provinces.</p>	<p>The High Court of Judicature at Fort William in Bengal.</p> <p>(a) The respective officers who, immediately before the commencement of this Act, exercised similar functions in the Province of Bengal, or</p> <p>(b) such other officers, respectively, as the Local Government of Bengal may, by notification in the local official Gazette, appoint in this behalf.</p> <p>The local official Gazettes (English or Vernacular, as the case may be) of the Government of Bengal.</p>

SCHEDULE E.

Enactments Repealed.

(See section 7.)

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
1874	VIII.	The Assam Chief Commissionership Act, 1874.	The whole Act.
1874	XII.	The Sylhet Act, 1874	The whole Act.
1875	XX.	The Central Provinces Laws Act, 1875.	The second sentence of section 3 and column 4 of Schedule A in so far as they apply to the territory mentioned in Schedule C.

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1905.

REPORT
OF THE
**North-West Frontier Enquiry
Committee**

AND
MINUTES OF DISSENT

BY
MR. T. RANGACHARIAR

AND
MR. N. M. SAMARTH



DELHI
GOVERNMENT CENTRAL PRESS
1924

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REPORT OF THE NORTH-WEST FRONTIER COMMITTEE.

INTRODUCTORY.

1. The genesis of our Committee is to be found in the debate instituted by Sir Sivaswamy Aiyer in the Legislative Assembly on the 21st September 1921. The Resolution then passed in the Assembly fell into two parts, the former advocating the immediate transfer of the judicial administration in the North-West Frontier Province to the Punjab High Court, the other advocating the appointment of a Committee to report on the expediency of the re-amalgamation of the five settled districts with the Punjab. The Government of India decided to deal with the Resolution as a whole, and to subject the expediency of a partial or complete re-amalgamation of the province with the Punjab to a searching enquiry by a Committee on the frontier itself. For the moment, however, their hands were tied. Negotiations for an Anglo-Afghan Treaty were in progress at Kabul and it was thought inadvisable to add to the excitement those long-drawn-out negotiations were creating on the frontier. The general stir set up along the frontier by our tour through the province proved the wisdom of this delay.

2. By the beginning of February the frontier had settled down sufficiently after the conclusion of the Afghan Treaty towards the close of November to permit of the announcement of the decision to appoint a Committee. Its actual composition and the terms of reference were announced in April. The Committee was to comprise eight Members :—

The Hon'ble Saiyid Raza Ali, Member of the Council of State.

Rao Bahadur Tiruvenkata Rangachariar, M.L.A.,

Chaudhri Shahabuddin, M.L.A.,

Mr. Narayan Madhav Samarth, M.L.A.,

Khan Bahadur Abdul Rahim Khan, M.L.A.,

Mr. A. H. Parker, District and Sessions Judge, Punjab.

Mr. H. N. Bolton, Revenue Commissioner, North-West Frontier Province, with Mr. Denys Bray, officiating Foreign Secretary, as President.

It had been the wish of Government to include Sir Sivaswamy Aiyer, the chief spokesman in the Assembly on the side of re-amalgamation with the Punjab. That his visit to England precluded him from accepting nomination was a matter of regret to Government; it was equally a matter of regret to ourselves. It will be observed that the Committee included six members of the Legislature, of whom no less than five are non-official. Of the five non-official Indians, one belongs to the United Provinces, one to Madras, one to the Punjab, one to Bombay and one to the North-West Frontier Province. All three Englishmen are civilian members of the Punjab Commission. One has served throughout in the Punjab; the second has served almost continuously in the Frontier Province both before and since its creation; the third joined the Province shortly after its creation and left it after couple of years.

The terms of reference.

3. The terms of reference on which we have to report are these :—

- (i) whether it is expedient to separate the administration of the five administered districts of the North-West Frontier Province from the political control of the adjoining unadministered tracts;
- (ii) whether if such separation is expedient, it is expedient to re-amalgamate the five districts with the Punjab;
- (iii) whether, if such separation is not expedient, it is expedient (a) to retain the whole province directly under the Government of India, and if so (b) to constitute a Legislative Council for the five administered districts;

(iv) whether if the retention of the province under the Government of India is expedient, it is expedient to transfer the control of the Judicial Administration to the High Court of the Punjab, and if not, what measures are recommended for the improvement of the existing judicial system; and

(v) the approximate financial effect of any proposals recommended.

4. We met on the frontier on the 12th May, and recorded evidence, official and non-official, in Peshawar, Kohat, Bannu, Dera Ismail Khan and Abbottabad. After taking the evidence of the Registrar of the Punjab High Court in Lahore, we proceeded

Our procedure. to Simla, where we recorded the evidence of the Punjab Government and of non-official witnesses from the Punjab, and spent several days in an unfortunately fruitless attempt to secure unanimity of opinion amongst ourselves. Some idea of the scope of our enquiries may be gathered from the fact that the memoranda we examined and the evidence we recorded cover no less than 1,711 foolscap pages of print. Despite the overwhelming majority of Muslims in the Frontier Province, Hindus and Muslims were represented almost equally in the witnesses before us. The evidence of the urban minority was exhaustively recorded. At every centre we listened patiently in particular to the views of the local Bar. It was a pleasant tribute to the catholic character of our enquiry that it attracted even non-co-operators to air their views before us.

5. We made no attempt to count heads. We endeavoured to follow up the main currents of opinion, to gauge the strength of the opposing forces and to probe the validity of the arguments that impelled them. We found two main currents. Hindus and towns are generally in favour of amalgamation; Muslims and villages are generally in favour of a separate province. There are of course cross currents. Thus many Muslims especially in the towns favour amalgamation; many Hindus, especially in the villages on the border are against it. But the courses of the main currents are well-defined, and if the question were to be decided by numbers only, the vast preponderance of the rural and Muslim population over the urban and Hindu population, would have enabled us to cut our labours short by a summary verdict against re-amalgamation. For even in the settled districts the Hindus, including Sikhs represent only 7.9 per cent. of the total population against the Muslim percentage of 91.6; in the tribal tracts of course the number of Hindus is microscopic. Of the Muslims in the districts, 39.5 per cent. were returned at the census at Pathans. But this does not represent a true picture of the Pathan character of the Frontier Province, for probably all the Saiyids and the great mass of the village dependents form part of the Pathan tribal system*. The tribal tracts are almost wholly Pathan.

6. A rapid survey of the past history of the province will perhaps help towards a proper appreciation of the problems presented in our terms of reference. Some 900 years back the frontier districts were part of the Punjab, for Peshawar was then a province of Lahore. On the invasion of India by Mahmud of Ghazni, they passed into the possession of the various Muslim rulers of Afghanistan, and did not revert to the Punjab until the Sikh conquest in the third decade of the 19th century. But the Sikh occupation was never effective: it amounted to little more than periodical military incursions for the collection of revenue. Its real nature may be gathered from the lurid description of Bannu and Dera Ismail Khan given by Edwardes then a servant of the Sikh Government, and from the description of Peshawar, perhaps even more graphic, given by Major James, who wrote thus in the 'fifties:—

“The periodical visits of the Sikhs were calamitous to the people; their approach was the signal for the removal of property and valuables and even of the window and door-frames of the houses; crowds of women and children fled rightened from their homes, and the country presented the appearance of an emigrating colony: as the hated host advanced, they overran the neighbourhood,

* These are the salient statistics for the five Districts according to the last census:—

	Rural.	Urban.
Moslems	1,850,275	212,511
Hindus	55,219	94,652
Sikhs	9,303	18,737

The language of 53 per cent. of the population is Pushtu.

pillaging and destroying whatever came within their reach and laying waste the fields. The maintenance of internal order was scarcely attempted; blood-feuds between districts, villages and families were unchecked or followed only by the levy of fines, when the Government officers deemed it prudent to interfere. . . . Dacoities and raids were constant occurrences and but lightly thought of until their frequent repetition would cause the tribes in the plains to retaliate under the guidance of their Malik and Arabs."

This description refers specifically to Peshawar; it applies equally to the other Trans-Indus districts under the Sikh rule.

7. With the annexation of the Punjab, British rule laboriously evolved order out of chaos. In the early days there was no special agency for dealing with the tribal tracts. Our relations with the tribes were conducted by the deputy commissioners of the adjoining districts, mostly through the intermediary of the Khans. The system of political agencies started in 1878 with the appointment of a special officer for the Khyber during the second Afghan War, and his duties for many years seem to have been merely to keep the pass open. The Kurram, which was ceded by Afghanistan in 1879, was not made a separate agency till 1892. In 1893 the boundary between Afghanistan and India was fixed by the Durand agreement, and the line known as the Durand line was demarcated for the greater part of its length in the following year. Under this agreement, the British Government became responsible for a definite strip of tribal territory intervening between British India and Afghanistan, and the dealings of our officers with the tribes became more intimate in consequence. The three remaining agencies, Malakand, Tochi and Wana were created in 1895-96, not that the whole trans-frontier area was parcelled out among these five trans-frontier agencies. On the contrary, roughly half of it remained, and still remains, under the control of the Deputy Commissioner of the adjoining districts. The Malakand was placed directly under the Government of India from the outset. All the other agencies remained with the Punjab Government.* Thus, the creation of agencies, if the Malakand is excepted, did not sever the tracts from the districts. The subordinate agency alone became separate; the superior control of both lay in the hands of one officer, the Commissioner of Peshawar or the Commissioner of the Derajat, and the whole frontier area—save only the Malakand—remained under the Punjab Government. The reasons for treating the Malakand as a thing apart are not far to seek. But we are tempted to enlarge on them to illustrate the practical difficulties in making a cleavage between the administration of the districts and the control of the tracts. Most of the large area covered by the Malakand agency was administered, either by ourselves as in lower Swat, or as in Chitral, Dir and Bajaur, by Chiefs in alliance with and subordination to us. In other words, in the greater part of the Malakand agency we were concerned with territory under a definite form of administration. Contrast this with the conditions in the so-called Independent Territory of Tirah, Waziristan and the rest. We have, it is true, driven roads up the great arteries of the Khyber, the Kurram, the Tochi and the Gumal. But with the partial exception of the Kurram, where our tribal administration on the tribal lines has since developed beyond all expectation, our writ did not and does not run beyond the immediate limits of our roads. And in the rest of the vast block of Independent Territory, tribal law—or what we should call lawlessness—was and is the only law and its ultimate sanction is the rifle in the hands of the individual tribesman. The only control we could and indeed still can exercise over it is political control, exercised in and through the districts, or brute force, exercised in the last resort by the forcible exclusion of the tribesmen from the districts or by punitive expedition into their country.

8. From the time of the British annexation of the Punjab down to 1901, the frontier districts and the adjoining frontier tracts remained with the Punjab. In 1901 in consequence of the decision of His Majesty's Government "that the conduct of external relations with the tribes on the frontier should be more directly than heretofore under the control and supervision of the Government of India", the whole area was taken under the immediate charge of the Government of India.

* Except of course when they were the scene of actual military operations. The Khyber may also seem an exception. The Political Agent corresponded direct with the Government of India, but only in so far as he acted as a post office between Simla and Kabul; moreover, as a purveyor of Kabul news, he sent copies of his reports direct to the Government of India. But in ordinary tribal matters he was under the Punjab Commissioner of Peshawar. Thus, this exception belongs to the category of exceptions that prove the rule.

The task before us is described in many words in our terms of reference. It may be described in brief thus:—Should the frontier continue as a separate Province, or should it be split up into two, the one half, the districts being re-amalgamated with the Punjab and the other, the trans-frontier tracts, retained under the direct control of the Government of India?

FIRST TERM OF REFERENCE.

- (i) "*Whether it is expedient to separate the administration of the five administered districts of the North-West Frontier Province from the political control of the adjoining unadministered tracts.*"

9. Perhaps the easiest way to get into the thick of our problem is to analyse the reverse problem that exercised the Government of India up to the time of

The problem prior to 1901. Lord Curzon. The ingredients in the problem were the same as they are now:—the frontier districts, obviously the proper concern of a local Government, and the adjoining tracts, no less obviously the proper concern of the central Government. With the annexation of the Punjab, both had fallen automatically to the Punjab Government. Throughout the latter half of the last century the Government of India, chafing increasingly at the interposition of the Punjab Government between themselves and the conduct of political business on this vital section of India land frontier, strove to devise some means of getting the political control of the tribes directly into their own hands. Scheme after scheme was evolved, discussed, discarded. Yet where was the difficulty? The problem was pressing, for the all-India aspect of the trans-frontier question deepened with every successive frontier expedition and at every successive stage in our relations with Afghanistan. A stroke of the pen surely could have brought about the obvious solution—the assignment of the political control of the tracts to the Government of India and the assignment of the administration of the districts to the Punjab Government. What then paralysed the Government of India through all those years of increasing anxiety over the North-West Frontier problem and of increasing embarrassment at their inability to fulfil their indivisible responsibility for it by taking it directly into their own hands? One thing and one thing only. The conclusion from which they struggled in vain to escape every time they returned to the problem—that judged by the test of the security of the districts, judged by the test of the controllability of the tribes, tribal tracts and districts form one organic whole, that can only be properly managed if both parts are placed under one and the same authority. For note the corollary. The Government of India could only assume direct control of the tracts if they cumbered themselves at the same time with the administration of the districts.

10. As far back as 1877 Lord Lytton had propounded the inseparability of districts and tracts and the necessity for the Government of India assuming direct control over the latter, and had pointed to the dismemberment of the Punjab as the only solution. Not until 1901 were the five frontier districts transferred from the Punjab to a minor administration directly subordinate to the Government of India, and the North-West Frontier Province created, simply and solely to secure for the Government of India direct control over the tracts. The problem before the creation of the province was: Is it possible for the Government of India to secure the conduct of external affairs on the frontier without dismembering the Punjab? The problem that confronts us now is the reverse. Without impairing the conduct of external affairs by the Government of India, is it possible (and if so, expedient) to re-amalgamate the districts with the Punjab?

11. At the very outset of our enquiry therefore we are faced with the question Sir Mackworth Young's assertion of the which proved such a stumbling block to inseparability of tracts and districts. successive Viceroys down to the time of Lord Curzon. Can the administration of the districts be separated from the control of the tracts, and if not, why not? Some of us—even some among those of us, who now constitute the Majority on our Committee—entered upon our labours in the belief that the answer could not be otherwise than simple, and that quite apart from the expediency of the re-amalgamation of the districts with the Punjab, their separation from the tracts could present no insuperable difficulties. But the closer we got to frontier realities, the greater did those difficulties loom. It

is not easy to present those difficulties in a clear and concise form to those who have no first-hand experience of them. Perhaps the best presentment which we have come across is that put forward by Sir Mackworth Young. In quoting it we may expose ourselves to the charge of plagiarism. On the other hand, we may claim a lack of prejudice, for Sir Mackworth Young was the protagonist of the Punjab against its dismemberment, and his authority has perhaps been more freely cited by advocates of re-amalgamation with the Punjab than any other. His words are these :—

“The duty of maintaining friendly relations with, and control over, the trans-frontier tribes is inseparable from that of managing the tracts within the British border.—The grounds for this statement are so well put by Mr. Merk that I reproduce his words :*

‘Thousands of our subjects are constantly visiting independent territory many thousands of the hillmen regularly migrate to our districts, whole clans live for half the year on this and for the other half of the year on that side of the border ; where the residents within and without the frontier are not men of the same clan or of the same tribe, they are connected by the intimate ties of common race, of marriage, neighbourhood and of an association, territorial and social which has endured for many generations. In short, there is no impassable gap or gulf, difficult to cross, between British and independent territory ; the frontier is in reality only an arbitrary line drawn through the limits of a more or less homogenous population. That being so, it will be readily understood what an infinity of questions, of disputes, and disagreements of business arises from the daily intercourse of these people. This business must be settled promptly and with justice, or the peace of the border is endangered ; it is business which is quite distinct from the Imperial questions in which British and independent interests, as such, are arrayed against each other. And upon the successful administration of the daily business of the frontier it chiefly depends whether, under ordinary circumstances, the border is heard of or not.’

“There are tracts in regard to which separate political charges have been framed to which the above remarks apply only to a minor degree. But they apply with special force to the whole of the Peshawar and Kohat border from the Malakand to the Kurram, including the Khyber Pass and the Afridi and Orakzai tribes†. The political management of the last-named tribes is closely bound up with the management of the British border and, although there are tracts in regard to which the position is less clear, this is more or less true all along the border. And Mr. Merk touches the point when he says that the business which arises in consequence of the close connection between the people on either side of the border is quite distinct from the Imperial questions in which British and independent interests are arrayed against each other. There are numerous references in regard to such matters in which a decision of the local Government may be called for, but a pronouncement of the Foreign Department of the Government of India would be unnecessary and out of place. In short, a great deal of our management of the trans-border tribes is carried on in the daily course of border administration, and it is not expedient that it should be magnified into a Foreign Office question. On the other hand, the separation of the trans-frontier from the cis-frontier aspect of many questions now disposed of by our frontier officers is impossible. This was fully realized by Lord Lytton when proposing the creation of a Frontier Chief Commissionership, in the words : ‘Mixed up as are the tribes within and beyond our border, he (the Chief Commissioner) must evidently have charge of the immediate frontier districts as well as of all our trans-frontier relations. I confidently affirm the inseparable connection of portions of British territory

* Mr. Merk's opening words which Sir Mackworth omits, are worth reproduction :—

“The population on either side of the boundary line are as closely interwoven and intermingled, socially commercially, and in all matters of everybody life, as are the inhabitants of Nancy and Metz or for the matter of that the people of Berwickshire and Northumberland.”

† It should be noted that Sir Mackworth was here concerned with the old Peshawar Division only, in connection with a proposal to place the Commissioner, Peshawar, under the Government of India in tribal matters. But his remarks apply with equal force to the Bannu and Dera Ismail Khan border from the Kurram to the Dera Ghazi Khan border.

with trans-frontier tracts and the necessity of entrusting the control of both to the same local officer."

Sir Mackworth wrote this while the fate of the frontier districts still hung in the balance. But even after the decision had gone against him he was engaged—"with anything but a light heart" as he pathetically remarked—in working out a scheme for the dismemberment of the districts from the Punjab, he strenuously advocated on the same grounds the necessity for including in the frontier province the Hazara district which Lord Curzon desired to exclude. "Its exclusion", he wrote by the hand of his Chief Secretary, "would clearly be an anomaly....., Political questions connected with the Black Mountain tribes in particular contain elements of trouble that might break out at any time into active disturbance... But the Black Mountain tribes... are not the only factors that require to be considered... The relations of the Swati clans... with the Mansehra Tashil, those of the Hassanzai and Akazai with Agror, and those of the Nawab of Amb and Tanaul and his subjects with the Mansehra, Abbottabad and Haripur Tahsils of the Hazara District, are so closely intermingled that they cannot be separated. Similarly, the politics of the tribes of the Lower Indus Valley... are intimately connected with Hazara... The authority that rules in Hazara must also have political control over the independent tribes adjoining the Hazara border."

-12. The ultimate object of our whole frontier policy is the security of India. The immediate object of our North-West Frontier policy is to control the transfrontier tribes as to secure lives and property in our frontier Districts. How do we exercise the measure of control that we now have, and how do we hope to improve it? One way no doubt is by occupation and administration. But the occupation of the whole of Independent Territory, even if advisable, would require years of military operations and involve expenditure that we cannot dream of in the present state of India's finances. Some idea of its magnitude may be drawn from the cost of the present partial occupation of Waziristan, an operation which, after two years of fighting, and great loss in men and material, is still far from effective as a means of preventing raids. Three tracts it is true, Kurram, Lower Swat and Daur, have welcomed our occupation. The vast majority of the tribes would not. They have always been independent and are determined so to remain. Even Akbar abandoned the task of conquering the Afridis and found it easier to control them by dominating their cultivation in the plains. This brings us to the other alternative: to leave the tribes their independence and to establish with them such friendly relations as will minimise the possibilities of disturbance and of loss to the British districts adjoining them. One means to this end is the tribal allowances, which Sir Dennis Fitzpatrick described as "the only system to adopt unless we are prepared to go in for a series of Geok Teppes" or in other words a ruthless Forward Policy. Historically these allowances are a legacy handed down from the Afghans and Sikhs; and they have grown from time to time, partly in compensation for ancient tribal rights (e.g., the taking of tolls) we have extinguished; partly in return for concessions (e.g., the construction of roads) that we have acquired; partly in payment for services (e.g., the policing of tribal country) we have demanded. In practice they serve above all as a retaining fee for the periodical attendance of the tribal community in the districts to settle up cases and as a lever to enforce the payment of claims. For note that it is within the district that the political authority ordinarily acquires and exercises his control. In Independent Territory—as distinct of course from the few areas in actual occupation—he cannot even enter, unless it is cut by a road built under agreement with the tribes; even then he cannot set foot beyond the road itself. His one great hold over the tribes lies in their economic dependence on the districts. Tribal existence in many cases is barely possible without access to British Territory, and economic stress drives most of the tribes in the winter to the districts to work as labourers, to cultivate lands and to trade in wood, skins, herbs and such other produce as their inhospitable country affords. Barred from Independent Territory himself, it is in the districts that the political authority consolidates his resources of control. It is in the districts that he acquires most of his knowledge of the tribal leaders and gets most of his openings for building up his personal influence. And when things go wrong and the tribe becomes unfriendly, it is in and through the

districts—more especially by debarring tribesmen from access to the districts, and by seizing them when they are to be found in the districts—that he is able to bring an unfriendly tribe to book*. What then would be the result of separation? If we place an Agent to the Governor-General in charge of the tribal tracts alone and divest him of all authority in the districts, we deprive him of his only peaceful means of controlling the tribes. They will be at times under one master and at times under another, in a position to play off one against the other—as only trans-frontier tribesmen can—with countless chances of creating friction between the two. And the inevitable result will be that in the general confusion such peaceful control as we now exercise will be gone, and we shall be driven perforce into the adoption of a Forward Policy of military domination. And if it is urged that these dangers of friction are exaggerated and that differences of opinion between Deputy Commissioners and Political Agents are at present infrequent, the answer is two-fold; first, the mere presence of the common authority, the Chief Commissioner, is operating all the time—more often unconsciously and imperceptibly perhaps than otherwise—to prevent those differences arising and to harmonize the control of the agencies with the administration of the districts: and second, it is not to the actual number of cases that we must look but to their nature and inherent gravity, for questions of peace and war hang on the decision.† Take away the common authority, have separate cadres for tracts and districts, and the difference in point of view will be crystallized into one perpetual antagonism. And it is the districts that will suffer. As matters now stand, the Chief Commissioner holds the balance between the divergent interests of districts and tracts, and knowing the needs and claims of both can represent both to the Government of India.

13. There is yet another frontier axiom to be stated: the inseparability of the various parts of the Pathan transfrontier.

The inseparability of the whole Pathan transfrontier. If this has bulked less largely in frontier controversies, it is not because it has less validity than the inseparability of trans and cis-frontier, but simply because it has never been seriously questioned by anybody. It is transparently obvious to every frontier officer and to every reader of frontier history. To the former it is brought home by the day's routine. The latter needs no further proof than the events of 1897 when the whole transfrontier was ablaze from Wano to Buner; or the 3rd Afghan War which set the whole transfrontier agog from Wano beyond the Pathan country into Chitral. That Mahsud links up with Wazir; Wazir with Zaimusht; Zaimusht with Orakzai; Orakzai with Afridi; Afridi with Mohmand; Mohmand with the tribes of Bajaur; Bajaur with Dir; Dir with Swat; Swat with Buner; Buner with the Indus Valley and the Indus Valley with the Black Mountain—all this is so obvious to the frontier officer that he does not pause in his advocacy of this or that solution of the frontier problem to enlarge upon it.

14. Few Indian problems have aroused greater or more persistent controversy than the frontier problem. No class of Indian official has entered the arena of

Unanimity of expert opinion. public controversy with views more outspoken and independent than the frontier officer. Yet, whether battling in the cause of a forward policy or ranged against it, whether arguing for continued control of the tribes through the Punjab or pressing for the direct control of the Government of India, whether espousing or combating this ingenious compromise or that—all frontier experts, from frontier officer to

* Under Section 21 of the Frontier Crimes Regulation:—

In the event of any frontier tribe, or of any section or members of such tribe, acting in a hostile or unfriendly manner towards the British Government or towards persons residing within British India, the Deputy Commissioner may, with the previous sanction of the Commissioner,

Blockade of hostile or unfriendly tribes

by order in writing direct:—

(a) the seizure, wherever they may be found, of all or any of the members of such tribe and of all or any property belonging to them or any of them;

(b) the detention in safe custody of any person or property so seized; and

(c) the confiscation of any such property; and may, with the like sanction, by public proclamation;

(d) debar all or any members of the tribe from all access into British India; and

(e) prohibit all or any persons within the limits of British India from all intercourse or communication of any kind whatsoever or of any specified kind or kinds, with such tribe or any section or members thereof."

† Cf. Sir John Maffey (Volume I, page 135), Mr. S. E. Pears (Volume I, pages 763 and 781); and Appendix 7 (Volume III, page 27).

Lieutenant-Governor and Viceroy, have been unanimous that the frontier tracts and frontier districts form one organic whole which can only be properly managed if both parts are in the hands of one centralising and controlling authority on the frontier itself.* It is a healthy instinct to bring expert opinion to the bar from time to time, especially when it stands in the way of an alternative solution of a difficult problem. But when, amid an amazing diversity of opinion, held at all stages of a constantly recurring and burning controversy by experts of every conceivable school of thought, bent one and all on pressing home his own particular solution of a vital problem, we find one crucial point, not merely assumed but questioned, scrutinized and reaffirmed—even when its negation would further the particular solution advanced—then scepticism is surely silenced. However difficult that point may be to reconcile with a layman's predilections or *a priori* ideas, even the most unpractical theorist is compelled to accept it. For mark how the separability of transfrontier control from frontier district administration has been brought under review at the many stages in this ancient controversy and how it would have availed both disputants to prove it possible. Take 1877, when Lord Lytton before the creation of transfrontier agencies propounded his famous scheme for placing the whole frontier from Chitral to Mekran directly under the Government of India. Take 1879, when the first transfrontier agency, the Khyber, was started during the second Afghan War. Take the years 1892 to 1896, which saw the addition of the Kurram, Malakand, Wana and Tochi transfrontier agencies. From the time of Lord Lytton, when all transfrontier affairs were conducted from within the districts, to the time of Lord Curzon, when the five transfrontier agencies were in being, not a single authority, however much exposed to the temptation of bolstering up his own particular contention, was able to advance the argument of the separability of tracts from districts. Indeed, from the time of Lord Lytton to the time of Lord Curzon there would have been no controversy at all, had it been possible to sustain this argument. It was the transfrontier control, and not the districts, that the Government of India sought to secure. It was the districts, and not the transfrontier control, that the Punjab Government sought to retain. Both could have got what they wanted, had they been able to prove the separability of districts and tracts. Both were forced to admit that districts and tracts were two inseparable parts of one organic and indivisible whole.

15. And it is the same to-day. Undeterred by the unanimity of all past expert evidence, we ourselves scrutinized Present-day evidence analysed: a fresh the validity of the expert assertion of the inseparability of districts and tracts. Every expert witness we examined reasserted that proposition† and supported it by arguments. Every single one when asked by us to assume the re-amalgamation of the districts with the Punjab, declared that in that event the tracts must go back to the Punjab with them. Not that we contented ourselves with the cross-examination of official witnesses on this crucial point. We were at pains to test the official verdict by the view and arguments of almost all the non-official witnesses

* *E.g.* Lord Lytton :—"I confidently affirm the inseparable connection of portions of British territory with transfrontier tracts and the necessity of entrusting the control of both to the same local officer." Sir Alfred Lyall :—"It is an established principle from Peshawar to Karachi that the frontier can only be managed properly if both sides of it are in the hands of the same British authority." Lord Lansdowne :—"All the circumstances seem to point to the creation of a single frontier charge entrusted to the management of a single officer under the immediate direction of the Government of India." Lord Elgin :—"The Commissioner and the Government of India cannot deal thoroughly and exclusively with external relations with the tribes without including some administrative work within our border." Sir F. Cunningham :—"It would be a grievous mistake to divorce the Deputy Commissioner from the management of the border clans who march with his district." Lord Curzon :—"The impossibility of severing the external relations of the tribes from their internal administration and of separating hill politics from plain politics."

† *E.g.* Nawab Sir Abdul Qayyum :—"Separation is neither advisable nor practicable." (Volume I page 2.) Wazirzada Mohammad Akram Khan :—"Our interests are so common that we can never be separated." (Volume I, page 35.) Sir John Maffey :—"I do not think there is anybody who has any real experience, official or non-official, who would think it feasible to separate these two component elements." (Volume I, page 121.) Mr. P. J. G. Pison :—"To have one authority administering the five districts of British India and an independent authority controlling the trans-border tracts would be a disaster of the first magnitude." (Volume I, page 219.) Mr. S. E. Pears :—"Whatever the grounds may be which are believed to support the proposed separation, those grounds do not include the most vital ground of all, namely the improvement of the defensibility of the North-West Frontier." (Volume I, page 355.) Sir John Maynard :—"It is quite impossible to separate the administration of the settled British districts from the management of the tribes. The two must go together." (Volume II, page 483.)

that appeared before us. Here indeed unanimity was lacking. while few residents in the towns could see any difficulty in the separation, few residents on the border could contemplate the possibility of it. Indeed, the more intimate a witness's knowledge of the problem and the closer his everyday association with the actual border, the nearer his approximation to the reasoned conclusion of the expert that the separation of districts and tracts is impracticable.* And what was adduced before us on the opposite side? For the most part[†] blind assertions of the expediency of separation because the districts suffered from connection with the tracts[‡]—assertions that would be valid enough, were it in our power to reshape the map or configuration of India and give other districts, let us say from Madras or Bombay, a turn in the unpleasant duty of sentry-go on the frontier. and the nearest approach to a reasoned argument we elicited was an appeal to the analogy of the separation of the administration of British districts from the administration of adjoining Indian States.[‡] Perhaps nothing could more strikingly illustrate the validity of the expert argument than this despairing appeal of the non-experts to a transparently false analogy. In the Indian States there is administration. Except in parts of the Kurram and Malakand and along the fringes of the Tochi road, there is no administration in the tracts at all.

16. The conclusion forced by the sheer process of reasoning on the Majority of our Committee is this. In existing conditions it is not merely inexpedient, for

<p style="text-align: center;">Our finding.</p>	<p style="text-align: center;">all practical purposes it is impossible to separate the districts and tracts. Under two conditions and two conditions only, can we conceive the possibility of a complete divorce between the administration of the districts and the control of the tracts. And these two conditions cover the two extremes of possible frontier policy. First, a rigid Close Border Policy, under which all transfrontier tribes would be absolutely excluded, as by a China wall, from all intercourse with the districts whatsoever; second, a thorough-going Forward Policy under which the transfrontier tracts would be completely dominated and the whole area up to the Afghan frontier brought under our definite administration. To us the one policy seems almost as much out of the question to-day as the other, though for very different reasons. To place two and a half millions of transfrontier people, linked to the cis-frontier by ties of blood and economic necessity, beyond the pale, some thirty years after exclusive responsibility for them has been publicly secured by international pact, is a course which no civilized Power and no Power with any political foresight could adopt. And if an extreme Close Border Policy is unthinkable, at the present juncture an extreme Forward Policy is hardly less so. Whatever the arguments that may be adduced in its favour—and we are not concerned here to weigh them—they are overwhelmed for the moment by the crushing weight of financial stringency.</p>
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SECOND TERM OF REFERENCE.

“(ii) Whether, if such separation is expedient, it is expedient to re-amalgamate the five districts with the Punjab.”

<p style="text-align: center;">17. As we have decided the first term of reference in the negative, the Finding.</p>	<p style="text-align: center;">second term of reference does not arise.</p>
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* (), for instance the evidence of Khan Bahadur Haji Gulam Haider Khan, etc., (Volume I, page 202); the Hon'ble Major Muhammad Akbar Khan, C.I.E., (Volume I, page 205); Khan Bahadur Mian Musharraf Shah (Volume I, page 313); Mr. Ali Haider Shah, etc., (Volume I, page 354) of Peshawar; Pir Imran Shah, etc., (Volume I, page 409); Khan Raz Muhammad Khan (Volume I, page 461); Khan Bahadur S. M. Nauroz Khan, etc., (Volume I, page 475) of Kohat; Khan Bahadur Sher Ali Khan, etc., (Volume I, page 595) of Bannu; Maulvi Nur Baksh, etc., (Volume I, page 626); Nawab Alladad Khan (Volume I, page 737); Major Nawab Ahmad Nawaz Khan (Volume I, page 799); Khan Bahadur Mirban Khan, etc., (Volume I, page 827); Nawabzada Abdurrahman Khan, etc., (Volume I, page 867) of Dera Ismail Khan; Khan Bahadur Muhammad Akbar Khan, etc., (Volume II, page 193); and Wali Muhammad Khan, etc., (Volume II, page 343) of Hazara.

† *Vide* Hindu witnesses *passim*, with the notable exceptions of Rai Sahib Ishwar Das of Kohat (Volume I, page 422); Rai Sahib Diwan Chand of Abbottabad (Volume II, page 153); the Hon'ble Lala Harkishan Lal of Lahore (Volume II, page 528); Rai Sahib Chowdhri Rochi Ram (Volume I, page 743); Lala Ghanisham Das (Volume I, page 753); and Rai Bahadur Diwan Jaggannath (Volume I, page 339) of Dera Ismail Khan.

‡ *Vide* in particular Rai Sahib Thukar Datta, whose memorandum and evidence constitute the most elaborate argument for re-amalgamation presented to us. (Volume II, page 225.)

THIRD TERM OF REFERENCE. PART I.

“(iii) Whether ~~of~~ such separation is not expedient, it is expedient (a) to retain the whole province directly under the Government of India.”

18. Under the first half of this third term of reference we are implicitly, if not explicitly, invited to consider the possibility of the re-amalgamation of the frontier districts with the Punjab, there inseparability from the frontier tracts notwithstanding. If this necessarily meant control of the transfrontier by the Punjab Government, we should have had no hesitation in deciding summarily against it. For not only is the transfrontier in itself a big factor in India's foreign policy, it is inseparably linked up with our relations with Afghanistan; and both these factors in our foreign policy have taken on an added importance with the emergence of Afghanistan as an independent nation into the arena of world politics. Whatever the differences between us otherwise, all members of the Committee are agreed that the management of external affairs must vest in the Central Government. And though as matters now stand, we conceive that the Government of India—whatever the difficulties and drawbacks inherent in such an arrangement—might still conduct transfrontier business through the medium of a major Local Government, we all recognise that the difficulties and drawbacks would increase with the development of the General Reforms Scheme, until with the next definite advance in that scheme, such an arrangement would become unworkable altogether. For a Central Government to entrust responsibility for the conduct of external affairs on its critical land frontier to an autonomous Local Government would be a violation of all constitutional theory and practice.*

19. To ourselves therefore two propositions appeared established:—first the inseparability of districts and tracts; second, the necessity for the direct control of the tracts by the Government of India. Hence, quite apart from the unwillingness of the bulk of the North-West Frontier population to merge itself in the Punjab, and quite apart from the unwillingness of the Punjab to receive it back, logic seemed to force us to the conclusion that the retransfer of the districts to the Punjab is impossible. It was only our desire to carry our two dissenting colleagues along with us into an unbiassed examination of the best form of administration for the frontier districts that prevented us from accepting that conclusion as final. In our anxiety to consider with them that crucial question with an open mind and on its own merits, we laboriously explored at their invitation every conceivable avenue of escape from the logical conclusion that, given the inseparability of the two parts and the impossibility of entrusting one of them to the Punjab Government, it is impossible to entrust to the Punjab Government the other. With them we patiently traversed the whole ground covered in the past. We unearthed with them every compromise that had been considered—and rejected—by past students of the problem. In particular we debated long and patiently the old suggestion that, while retaining a central unifying authority in Peshawar, we should endeavour to combine the control of external affairs by the Central Government with the internal administration of a local Government, by placing the Chief Commissioner directly under the Government of India for external affairs and under the Punjab Government for the internal administration. But like our predecessors† we have been compelled to recognise the practical impossibility of drawing a hard and fast line between the internal and external aspects of even workaday matters on the frontier; the consequent difficulty of partitioning frontier business into two water-tight compartments, one under the Punjab Government and the other under the Government of India; the delay, the uncertainty, the friction and the confusion that would result from the referring of questions to the Government of India,—some through the Punjab Government, some direct, and some through both channels at one and the same time; the obvious embarrassment

* The constitutional position of Alsace-Lorraine in the old German Empire is an interesting and instructive parallel.

† E.g., Sir Charles Aitchison:—“It would probably be difficult to devise a scheme more full of the seed of future misunderstanding, confusion, and divided responsibility.” Sir Robert Egerton:—“It is almost impossible to exaggerate the inconvenience which might arise from this division of authority. It would have the worst effect upon the internal administration of the frontier districts.”

of an officer serving two-masters ; and the danger of placing anybody, even a selected officer of the rank of a Chief Commissioner, in a position to act as arbiter—for this is what it would in practice amount to—between the supreme and a subordinate Government, and even to play one Government off against another.

20. Having traversed this and every other compromise that had cropped up in the past history of the case, our colleagues in the end broke entirely new ground. Their final proposition is one that has never occurred to anybody before. It is this, Hand over the districts and such transfrontier areas as are to-day under the control of the various deputy commissioners to the Punjab Government ; let the Government of India exercise direct control over the remainder, namely, the existing transfrontier agencies. Our colleagues claim that this scheme, while providing for the re-amalgamation of the districts with the Punjab (which to them is not merely the chief attraction, but the *a priori* assumption on which the whole edifice has been based), provides for the control by the Government of India over what our colleagues consider the only part of the transfrontier that counts in external affairs. And they claim that it recognizes the inseparability of the districts and tracts in so far as such inseparability is recognized in actual existing conditions, and that it entails the minimum of disturbance in present arrangements, seeing that the agencies are already separated from the districts.

21. Now if this simple solution were really feasible, it would be strange indeed that it had never occurred to any of the expert minds that have bent themselves to the frontier problem*. For the same five districts and the same five agencies were in being at the time of Lord Curzon and Sir Mackworth Young. Lord Curzon wanted to secure transfer of the transborder control for the Government of India ; Sir Mackworth Young wanted to retain the districts for the Punjab. If both could have secured their ends by this simple arrangement, why in the name of wonderment did neither think of it ? For the simple reason surely that it violates the two fundamental canons of frontier management. It violates the inseparability of the districts and the tracts ; it violates the inseparability of the transfrontier as a whole. Our colleagues have sought to minimize their breaches of these two canons. They urge that it is merely the outlying fringe of transfrontier territory inseparably attached to the districts that they propose to detach from the direct control of the Government of India. But the word 'fringe' is a strange word to apply to territories occupied by tribes embracing 47 per cent. of the whole transfrontier population, and including such powerful and important tribes as the Mohmands and Orakzais. And they argue apparently further that just because the tribes occupying this so-called fringe are manifestly inseparable from the districts, their external importance must be so negligible that their control need not vest in the Government of India. The line of argument is difficult to follow ; the conclusion at any rate has no foundation in fact. From an external point of view these tribes are no whit less important than any in the agencies. The Orakzais for instance occupy Tirah jointly with the Afridis and the politics of the two are inseparably interlinked. Yet under our colleagues' scheme the Orakzai half of Tirah would be controlled by the Punjab Government, and the Afridi half by the Government of India. Or take the Mohmands, whose politics link up with Afridi politics on the south and those of Bajaur on the north. Not only do the Mohmands occupy independent territory, they spill over into British territory on the one side and spill over into Afghanistan on the other ; indeed it is questionable whether it is in Afghanistan that the bulk of this powerful tribe resides or within our own sphere of influence. The Mohmands are thus a concrete example of the inseparability of tracts and districts ; of the inseparability of the transfrontier as a whole ; and of its inseparability from India's most intimate foreign relations. Yet this is another tribe whom our colleagues would place under the control of a subordinate Government,

* The only approach to it we have been able to discover is a tentative suggestion by Sir F. D. Cunningham in 1898 "to give the Punjab Government real authority, and power to issue final orders in respect to affairs with clans on the immediate border fringe, and in all but matters likely to lead to serious results or to hostilities on a large scale." He did not develop his scheme, as he foresaw that it would be ruled out as "retrograde" (and this a quarter of a century ago!) and merely used it to lead up to his advocacy of a separate province. But as he was throughout concerned to prevent "the divorce of the Deputy Commissioner from the management of the border clans who march with his district," it would of course have included many tribes, notably the Afridis, then as now under the agencies, and it bears therefore only a superficial resemblance to the Minority's proposal. Sir Mackworth Young dismissed it with the caustic remark that he had no observations to offer. Lord Curzon ignored it altogether.

Or take Waziristan : the Mahsuds and the bulk of the Wazirs our colleagues would leave to the Central Government ; the Bhattanis (now under the Deputy Commissioners, Bannu and Dera Ismail Khan) and some of the Wazir clans (now under the Deputy Commissioner, Bannu) would be handed over to the Punjab. Yet the Wazir clans are so interlaced ; the Mahsuds and Bhattanis and Wazirs are so interlaced ; the whole congeries of clans in Waziristan is so interlaced not merely among themselves but with the Bannu and Dera Ismail Khan districts, that not content with the ultimate unifying authority of the Chief Commissioner, the Government of India have for years maintained another unifying authority on the spot subordinate to him—the Resident in Waziristan—to unify the external politics in this jumble of districts and agencies.* To ourselves the ingenious scheme of the Minority is transparently unworkable. It is open, and that in a greater degree, to every objection that has been substantiated against every other compromise that engaged serious consideration in the controversies of the past. To attempt any division of responsibility in the different parts of the transfrontier area between the Central and a major Local Government would paralyse the management of India's most vital frontier affairs. It beggars the imagination to picture the friction, the confusion, the chaos, the paralysis of all action that would supervene under our colleagues' scheme not merely over the local officers (who would *ex hypothesi* belong to the two absolutely separate cadres), not merely over the high representatives of the two Governments on the frontier, but over the two Governments themselves. One thing is quite clear. Any attempt at a rigid separation of agencies from districts such as the Minority contemplates, would result by the force of administrative gravity in the adoption, possibly unconscious but none the less irresistible, of a Forward Policy in the agencies. For, if the officers in the agencies were deprived of the exercise of that control within the districts which the present subordination of both districts and agencies to the Chief Commissioner provides, they would be driven to seek escape from impotence by acquiring an authority within the agencies they do not now possess. This they could only do by enlarging the area of our military occupation and direct administration. We said before and we say now that there is no inseparability between the districts and tracts if the tracts are dominated, administered and converted into districts. Unless and until India is prepared to face the implications of a Forward Policy and to enforce it, districts and tracts must remain an inseparable whole under a unifying authority on the spot in direct subordination to the Central Government.

-22. We pause to pay our tribute to the ingenuity with which our colleagues have attempted to reconcile the re-amalgamation of the districts with the Punjab (to them the be-all and the end-all of the whole business) with a recognition—half-hearted though it be—of the inseparability of districts and tracts, on which the fulfilment of all-India interests depends. That they have failed is no matter for surprise, for they have attempted to reconcile irreconcilables. We have watched with admiration their patience in probing the wide field of expert evidence past and present ; their assiduity in plucking from the most unpromising context a word here and a sentence there that seemed to serve their purpose ; and the skill with which they have joined the broken fragments into a ingenious mosaic of plausibility. We shall be as much surprised as disappointed if our admiration of their patience, assiduity and skill, is not enhanced on reading their studied minute of dissent. But the issues on the frontier are fraught with consequences to India too vast for us to dare to follow them in seeking illusory refuge from the facts of the frontier in an intellectual *tour de force*. It is a mere coincidence, we wonder, that our Committee should have split up into a Minority from the south of India and into

* In advocating their scheme before us, our colleagues made great play with the fact that the Resident in Waziristan is at present in certain matters not subordinate to the Chief Commissioner but in direct correspondence with the Government of India, and adduced this as an argument for the separability of the two. But they overlook the fact that Waziristan is still the scene of military operations and that when military operations are in progress the chief military authority on the spot becomes automatically the Chief Political Officer, with the Resident as his Chief Political Adviser, to the temporary extinction of the Chief Commissioner. Moreover they overlook the fact that even in present abnormal conditions the Resident remains under the Chief Commissioner to unify the external aspects of the districts with the transfrontier.

a Majority who live or have served in the north? From a man of northern India not even the rosiest coloured spectacles can disguise the grimness of the frontier or its ever-present peril to all-India. To those who have living experience of the North-West Frontier any compromising with all-India interests on this vital land-frontier of India, any subordination of those paramount interests to the interests, real or imaginary, of a section of the population in the North-West Frontier Province, is inconceivable. Unless and until we definitely advance our administration up to the Afghan frontier—on the advisability or reverse of which it is not for us to express an opinion—we are convinced that frontier districts and trans-frontier tracts, whether regarded from the point of view of the security of the districts or from the point of view of the security of India, form an inseparable whole; that the all-India interests in the transfrontier are so paramount that its control must vest directly in the Central Government, and that it is therefore inexpedient—we make bold to say impossible—to transfer the administration of the districts from the Government of India to any major Local Government.

23. Let us now examine the foundations on which our colleagues have built up their scheme. They argue (at least so we understand) that, come what may, the re-amalgamation of the districts with the Punjab is essential; for four main reasons:—

The Minority's arguments in favour of re-amalgamation.

- (a) the separate frontier province is an experiment that has proved a failure;
- (b) its continuance would constitute a political danger;
- (c) it involves a financial drain on India;
- (d) the defects in the administration of the districts are so grave that they cannot be remedied except by re-amalgamation with the Punjab.

24. We shall deal with each point in detail. At the outset our colleagues laid stress on what they regard as the fact that the Secretary of State in 1901 himself looked upon the frontier province as experimental. But as a matter of fact the necessity for the creation of a separate province was accepted by the Secretary of State as established. What he regarded as experimental were merely the details of the scheme for the civil administration that Lord Curzon propounded.*

The record of the Frontier Province in its external relations.

Now the reason for the creation of the Frontier Province was the more effective management of transfrontier affairs under the direct control of the Government of India.† It was the necessity for the better safeguarding of all-India interests on the frontier, and this alone, that brought the Frontier Province into being. What then has been its record here? During the first thirteen years of its existence, notwithstanding the increased complexities introduced by the rise in the price of necessities of life, with the consequent aggravation of the economic stringency in the transfrontier that is at the bottom of half of our frontier trouble, and by the great influx of arms of precision into the transfrontier especially from the Persian Gulf, there were three expeditions only:—a short expedition to bring the Mahsud blockade instituted under the Punjab régime to a close; a 'week-end war' in the Afridi country in 1908; a sharp and salutary expedition against the Mohmands a month later. This is a contrast indeed to the record of 55 expeditions during the 52 years of the frontier stewardship of the Punjab Government, or one every twelve months, culminating in the general conflagration of 1897‡. But the real test was to come. At the outbreak of the Great War and on the entry of Turkey on the side of our enemies, he would have been a bold student of frontier history

* Secretary of State's Despatch of the 20th September 1901: "You forward for my sanction a detailed scheme for the administration of the new Frontier Province, the creation of which was generally approved in my despatch No. 140 (Political of the 20th December last)."

2. The scheme has been drawn up with great care, and I am prepared to accord to it the general approval for which Your Excellency's Government ask.

3. At the same time it can only be regarded at present as experimental, and in some respects the proposals appear to be unusual. I refer more particularly to the combination, in the office of Revenue Commissioner of the duties of Revenue and Financial Secretary with those of Divisional Commissioner."

† Secretary of State's Despatch of the 5th August 1898: "His Majesty's Government are of opinion that the present arrangements are not satisfactory and that it is desirable that the conduct of external relations with the tribes on the frontier should be more directly than heretofore under the control and supervision of the Government of India."

‡ Cf. Imperial Gazetteer, North-West Frontier Province, pages 80-2.

(even though his study went no further back than 1897) who ventured to predict anything but one vast conflagration from one end of the frontier to the other. Even a local frontier rising is a serious business at all times. A general rising during the Great War, when India was bled white of troops and beginning to strain every nerve in the cause of the Empire, would have involved a crisis of the first magnitude, and might have led to international complications of the gravest character. Yet despite the machinations of Turkish, German and other foreign emissaries, who moved freely among the tribes, preaching fanaticism, and lavishing gold, arms and promises of support, the frontier as a whole was kept quiet. Such trouble as arose under the impetus of these external agents was isolated, thanks to the firm administration of the frontier authorities and the co-operation of His Majesty the Amir Habibullah Khan who, having publicly declared his neutrality in the war, impressed on the Government of India again and again the necessity for avoiding any provocative action on the frontier that might embarrass him in fulfilling his pledge. But this is only one half of the picture. If India was shielded from imminent perils arising from the Great War, it was her stalwart frontier population whom she had in a large measure to thank for keeping those perils from her. With the assassination of His Majesty the Amir Habibullah Khan, the whole position on the frontier changed. The unprovoked aggression on India that followed unsettled two great blocks of the frontier, the Afridi country and Waziristan. Even after the Afghan invasion had been thrown back, these two areas remained gravely disturbed, and the inevitable result of the breach in our relations with the Afridis, and the Wazirs and Mahsuds of Waziristan, was a succession of raids on our unfortunate districts unparalleled even on this blood-stained frontier. But by skilful management the Frontier Administration succeeded in bringing the Afridis, to a satisfactory settlement without a punitive expedition. The case was different with the Mahsuds and Wazirs. In Waziristan military operations are still in progress as we write; here we are still contending with the aftermath of an external war forced upon us by Afghan aggression on India. And there is to ourselves a strange irony in the suggestion that India's frontier ills can be remedied by an amalgamation with the Punjab, seeing that the events in the Punjab of 1919 and the reports that reached Afghanistan that the Punjab was in open revolution were among the contributory causes of that war.

25. But the very decrease of frontier expeditions has been made one of the grounds of complaint against the Frontier administration. Granted, it is said, that all-India interests have been thereby secured, this has only been at the expense of the security of the frontier districts; if the tribes had been punished more, the districts would have suffered less. And we are asked to look to the grave increase of crime for proof. Now, if the total volume of crime were any criterion, the records of the Frontier Province would be clean enough; for there was a decrease up to the year of the Afghan War. But it is very different when we turn to "serious crime"—murder, dacoity, robbery and kidnapping. For the first seven years of the Frontier Province there was a decrease: then came a rise, and the province shows a grave increase in serious crime on the whole during the last 20 years. But so does nearly every province in India.* It is not, however, in the total volume of crime or even of "serious crime" that the indictment against the frontier administration centres,

*Comparative statement of serious crimes (murder, dacoity, robbery, kidnapping) in the North-West Frontier Province and other Provinces.

	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920
Punjab	831	826	739	818	790	709	917	832	876	1,052	1,197	1,348	1,301	1,398	1,174	1,018	909	1,185	1,139
United Provinces ..	1,528	1,595	1,421	2,071	..	2,017	2,500	1,994	1,848	2,160	2,150	2,211	2,695	2,738	2,706	2,491	3,308	..	2,669
Bombay	1,538	974	842	754	834	..	893	831	847	679	994	971	863	934	860	833	991	1,372	1,169
Madras	1,649	1,472	1,663	1,929	1,814	1,930	1,944	2,027	1,911	2,041	2,257	2,254	2,276	2,439	2,240	2,130	2,909	3,157	2,629
North-West Frontier Province.	386	366	289	293	262	238	308	443	479	567	492	483	479	675	841	664	590	984	1,364

but in the great rise in that form of crime peculiar to the province—serious trans-frontier crime.* There is a prevalent idea that the Hindus are the chief sufferers; but Hindus and Muslims are victimised alike, though for obvious reasons the Muslims suffer more in loss of life and the Hindus more in loss of property.† Here unfortunately a comparison with old statistics is denied us, since separate statistics for transfrontier crime do not appear to have been kept by the Punjab Government. For the first seven years or so, the Frontier Province kept trans-frontier crime down. In the years 1908-10, when the Gulf arms traffic had penetrated to the transfrontier, there was a sharp rise; then came a gradual drop until the outbreak of the Great War, when the figures in 1915 reached the unprecedent figure of 345. They dropped again gradually until 1919, the year of the Afghan War, when they reached the unparalleled height of 611. In the following year they dropped to 391, and in the last year ending with the 31st March 1922 they have dropped to 194. Grave though this figure is, the sharp and progressive drop from the appalling figure of 1919 holds out promise that the situation is again coming under control.

26. In considering this form of crime we have to ask ourselves, first, the causes that have led to it, and then, whether a change in administration would have lessened it. Now the main causes are palpably three. There was the great

External causes. influx of arms of precision into the transfrontier, which set in during 1907 when the arms traffic in the Gulf was at its highest. Then there was the general unrest set up by the Great War, which the frontier felt in a way that India did not. And lastly there was the upheaval provoked on the frontier by the Afghan War, from the effects of which India was shielded by the frontier which bore its full brunt. To argue in the face of these external causes, that the increase of transfrontier crime is due to the separation of the frontier districts from the Punjab is a transparent example of the fallacy of *post hoc ergo propter hoc*. One might as well argue that until the separation of the districts from the Punjab, the river Indus was kept within bounds; that since the separation it has encroached on Dera Ismail Khan; that re-amalgamation with the Punjab is therefore the only way to drive it back into its proper channel. These external causes lay beyond the power of any Local Government, lay indeed beyond the power of the Government of India itself, to control. But even though this be granted, critics of the administration of the Frontier Province argue thus. Under the present régime the one and only consideration is the maintenance of friendly relations with the tribes; the interests of the districts are ignored; had the administration of districts remained in the hands of the Punjab Government, the Punjab Government would have insisted upon a series of punitive expeditions against the tribes even during the Great War. Now it is clear that the paramount interests of India commanded

*Statistics showing the number of raids committed in the North-West Frontier Province from 1906-07 to 1921-22.

Year.	Number of raids.	Year.	Number of raids.	Year.	Number of raids.
1906-07	41	1911-12	71	1916-17	292
1907-08	56	1912-13	77	1917-18	223
1908-09	99	1913-14	93	1918-19	189
1909-10	159	1914-15	165	1919-20	611
1910-11	114	1915-16	345	1920-21	391
				1921-22	194

†Cf. the statistics of Dera Ismail Khan.—

Year.	MUSSALMANS.				HINDUS.			
	Kidnapped.	Killed.	Wounded.	Value of property lost.	Kidnapped.	Killed.	Wounded.	Value of property lost.
				Rs.				Rs.
1919-20	107	54	51	3,32,315	18	8	10	7,38,426
1920-21	32	26	25	1,00,227	4	..	..	49,148
1921-22	19	15	25	1,26,530	9	2	2	16,431

‡It is believed that there were some 29,000 breechloading rifles in the transfrontier in 1905, and 140,000 in 1920.

the reduction of punitive expeditions on the frontier during the Great War to a minimum. It is equally clear that so paramount were those interests that not even the advocacy of the Punjab Government could have secured the overriding of them at a period so critical. And though according to a shortsighted view the interests of the districts may be thought to have suffered, the longer the view we take, the more obvious it becomes that the districts in the end were the gainers by the subordination of their apparent immediate interests to the all-India necessity for maintaining peace on the frontier in a crisis of such magnitude. If on the frontier we are still suffering from the aftermath of the Great War, so is the world at large. But on the frontier we are suffering from the aftermath of yet another war, a war forced upon us without rhyme or reason by Afghanistan. Not until we emerge from the most laborious process of re-construction after these two up heavals, will it be fair to bring the statistics of transfrontier crime into comparison with the statistics before the creation of the province. Even then we shall have to review them in the light of the general rise in crime within India as a whole.

27. Not that we be little the gravity of that rise. Far from it. We regard it as most serious, and we advocate that it should be combated by every possible means within our power. On the policy now being pursued in Waziristan it is not for us to comment. But whatever be the outcome of that policy, we are convinced that the border villages should be placed in a position to defend themselves against transfrontier raids. We have been provided with statistics to show that the frontier districts are now much better armed than in the days of the Punjab.* But this is not enough, for the tribes across the border are immeasurably more so. The old equilibrium must be restored as far as may be and the cis-frontier provided with adequate powers of resistance. In the exposed towns of Kohat and Bannu, and in the rural areas generally licences to carry arms should be given freely. In the rural areas specially exposed to raids, registration of rifles is all that should be demanded. Wherever the local supply of arms in the border villages is manifestly inadequate, arms should be issued by Government, preferably on the responsibility of the Khans or other tribal leaders. We have had striking evidence adduced of the gallant record of the Frontier Constabulary in combating transfrontier raiders, and we gladly add our tribute to the tributes paid by the witnesses before us. But we feel that every effort should be made to re-invigorate the old responsibility of the Khans and border villages to keep watch and ward on the frontier marches. We urge that in outlying tracts, some of the duties now imposed on the Constabulary and the police should be entrusted to village levies organized under the Khans, and that on them should be placed more and more that responsibility for which they receive remissions of land revenue and which they are best able to fulfil. This is conspicuously a reform that can be introduced as effectively from within; in fact even more effectively, for the local needs can be ventilated with far greater force in a local Council than in any wider Council without. This indeed has been disputed on the ground that the Punjab Government, unlike the frontier administration, had it in its power to reward border defence services by the grant of land. This no doubt is true: but we recommend that in future allocations of canal lands that come under their control the Punjab Government should definitely set aside a proportionate share to the frontier districts in recognition of their defence of the frontier†. On all sides we heard expressions of regret at the disappearance of the Punjab Frontier Force. It would hardly be within our province to make a definite recommendation on this score. Yet we cannot help feeling that the activities of the transfrontier raider—than whom there is no better judge of the calibre of the forces he has to contend with—would be appreciably curbed, if we reverted to the old system of maintaining for specialized frontier service a number of regiments, recruited from races adapted to hill fighting, continuously trained on the frontier and thus familiar with the terrain and ways of the Pathan.

* *Vide* Volume III. Appendix 20, page 47 *Seq.*

† This was put to Sir John Maynard (Vol. II, pages 525-6), who thought it a very reasonable proposition but was unable to commit the Punjab Government to its acceptance.

28. But, urge our dissentient colleagues, grapple with the problem of raids as successfully as you may, the very continuance of the Frontier Province, overwhelmingly Muslim in population and linked to the trans-frontier by many and manifest affinities, is a political danger to India. When the stress comes, when the storm bursts, who shall say that it will not go over bodily to the enemy? Before the British element in the administration of India is reduced, let us merge this Pathan population in the cleansing rivers of the Punjab*. We ourselves have a more robust faith in India's power of giving scope for the self-development of the Pathan as of her other peoples within her all-embracing nationality. And surely with good reason. Did the Frontier Province fail India in the stress of the Great War, which she felt in a that the rest of India did not, or in the storm of the Afghan War, which spent itself on the frontier and left the rest of India unscathed? India has cause indeed to be thankful that it is a race as manly and as staunch as the Pathan that holds the ramparts for her on this historically vulnerable frontier. In the face of the record of the Frontier Province, tried in the supreme tests of 1914 to 1919, the fears of our Hindu colleagues are indeed idle. And if self-determination is to be allowed any play at all in India, it should surely be allowed to the Pathan race whom Providence has interposed between India and foreign aggression. The danger from outside is there, as all past history shows; the mere administrative division of the warlike Pathan race—were this practicable—would not eliminate or even diminish it. Indeed the reverse is the more likely. For mistrust breeds mistrust. The Pathan of the districts is now keenly alive to the issues before us; and if mistrust of the Pathan is to override the Pathan's self-determination for self-development in a separate province, the danger of his turning westwards may become real. On the other hand, if liberal institutions are now granted to the frontier districts and the foundations of a Frontier Province are well and truly laid, it is not wholly visionary to hope that with the gradual march of civilization into the tribal tracts these too will eventually join their kindred of the districts in forming a strong and contented community at the danger-point of India's frontiers, a barrier against all possible enemies from the west. But if the Pathan race were now dismembered and one half merged against its will in the Punjab, the tendency would be for the other half to look elsewhere than to India, and one of the most warlike races of Central Asia might be lost to the Indian Empire.

29. Again it was urged that the defects in the frontier administration are so radical, are indeed so inherent in any miniature administration, that they can not be remedied from within. Now we will make one prefatory remark. Thanks to the publicity with which our arrival on the frontier was heralded and the very nature of the scope of our enquiries, our Committee brought a searchlight to bear on all branches of the frontier administration to the like of which no other province has been exposed. Our enquiries were open not only to sections of the public avowedly bent at all costs on a return to the Punjab, but also to individual malcontents with personal grievances, and even to non-co-operators eager to tilt against the established administration. That we heard the worst that was to be said is certain. Yet nothing that we heard approached, we will not say what has been alleged but what has happened elsewhere. Take for instance the complaints of high-handedness of the frontier official in his executive actions. Four notable examples were placed before us. There was the stoppage of the post and telegraph services within Peshawar after the city roughs had done their best to mar the Prince's visit to the city. Asked under what law this stoppage had been enforced, Sir John Maffey at once took the whole responsibility on himself and replied "the law of common-sense," explaining that the action had not been taken until income-tax collectors had been beaten out of the city.† Then there was an accusation that the Khilafat movement in Bannu had been ruthlessly broken up by the rounding up of innocent villages by the soldiery. But what were the facts? The villages were rounded up on suspicion of harbouring outlaws responsible for a series of diabolical raids with kidnapping in Bannu city, and the capture of one of the most blood-stained outlaws on the frontier in their midst proved the justice of these suspicions up to the hilt.‡ Then we were shown an order declaring Manshehra to be unde-

*This was put in an extreme form in the evidence of Professor Gulshan Rai of Lahore (Volume II, page 715).

† *Vide*, Vol. II, pp. 154, 165, 209.

‡ *Vide*, Vol. I, pp. 615, 618; Vol. II, pp. 82 *seq.*

Military control, ordering the inhabitants to remain indoors, and forbidding all entry into the town. But here again what were the facts? The whole countryside had been inflamed by the preaching of a Maulvi; parts of the Tahsil were in armed rebellion and attempting to set up an administration of their own; the transfrontier was on the point of rising, and did indeed rise and sack some of the Constabulary posts within 24 hours of the order. The primary object of the order was to ensure the peaceful arrest of the ringleader. As soon as this was effected, the Deputy Commissioner went into the town and told the inhabitants they could go about their ordinary business.* And finally there was brought to our notice an amazing order threatening intending visitors to the Ahmedabad Congress with expulsion from the district. The fatuity of this notice was admitted by the Deputy Commissioner himself, who, while not attempting to disclaim responsibility for it, explained that it was due to a misreading of his instructions by one of his subordinates.† It is not for us to sit in judgment on these and other examples of executive action on the frontier. But we would say this. The proper check and the best check on ill-advised executive action are the publicity and the criticisms afforded by a local council, which alone can appreciate the validity of the causes that prompted it and can determine whether the local conditions call for its revocation. Still less is it for us to criticise executive action in other provinces. But we cannot refrain from remarking on the incongruity of our colleagues from Madras and Bombay pressing on this ground for re-amalgamation with the Punjab, seeing that the record of the Frontier Province is clean of events like the Moplah tragedy, the Malagaon riots, and Jallianwala Bagh, which figure in the recent history of Madras, Bombay, and the Punjab.

30. Then there is the allegation that all political life on the frontier has been stifled. Not only is there no freedom of the press, there is now no press on the frontier at all, though a few journals have sprung up from time to time only to disappear. But in spite of insinuations to the contrary, it appears that not a single newspaper has been confiscated or forcibly stopped on the frontier. Their extinction has been due to financial reasons. For the demand for a local organ is not strong enough to compete with newspapers from Lahore and elsewhere, which can be placed on the general frontier market as speedily as anything that the Frontier can produce. This clearly is a defect that amalgamation with the Punjab would not be calculated to remedy; rather the reverse. Another element in the indictment against the frontier administration is that the system of election has not been introduced into any of its Municipalities or district Boards, although machinery for it was provided in the Abbottabad District Board as far back as 1886. As the underlying suggestion is that had the districts remained with the Punjab, the elective system would have been introduced as a matter of course, it is to us a little strange that the Punjab itself did nothing in this direction in the 15 years from 1886 onwards that Abbottabad remained under its control. It is strange also that in more than a third of the Punjab districts, including the frontier district of Dera Ghazi Khan and the whole of the Rawalpindi Division, there is no elective element in the District Boards to this day. Indeed the whole argument is based on a complete misconception, for during the last twenty years the elective principle in local bodies has in the Punjab lost far more ground than it has gained‡. One obvious reason why the frontier administration has halted in the march forward is suggested by the experience in the Peshawar Municipality, where the attempt to introduce election was only abandoned because the Hindu and Muslim communities could not be brought to agree over the distribution of the seats. Nevertheless, whatever the difficulties, we are of the opinion that the elective principle with an elected majority and a liberal representation of minorities should now be introduced into all Municipalities, and as far as possible into Notified Areas and District Boards. This again is clearly an example of a reform that can be as easily introduced from within as by amalgamation with the Punjab.

* *Vide*, Vol. H, pp. 396, 398, 436, 481.

† *Vide*, Vol. II, pp. 9, 458, 481.

‡ The Punjab statistics speak for themselves:—

	Total number.			Number with right of election.		
	Municipalities.	Notified areas	District boards.	Municipalities.	Notified areas.	District boards.
1901-02 ..	137	46	27	109	..	16
1920-21 ..	101	108	29	78	1	18

31. Many witnesses pointed to the danger of stagnation in a Province where the cadres of the various departments are necessarily small, and claimed that Sir Mackworth Young's prophecy that there would be "down-grading in every branch of the internal administration during the next half century" was being fulfilled. Though we had no definite evidence in support of this, we feel that there is a deficiency of the trained civilian element in the Imperial service, and that difficulties will arise during the next few years on the retirement of the last of the Punjab officers who have been in the Province since its formation. It is not that the military political officer is necessarily inferior to the civilian; what is needed is the constant infusion of a civilian element in touch with the march of affairs in a regular province. The flow of civilians from the Punjab contemplated in the original scheme has not been forthcoming, and the flow of civilians through the Political Department is uncertain.* We therefore recommend that of the present cadre of the settled districts sixteen officers† should be obtained on deputation from the Punjab, and that for this purpose the Punjab should recruit for sixteen officers above their present strength, the recruitment of the Political Department being proportionately reduced. As it will take some time to give effect to this change, we advise that a certain number of military political officers (say five) should be exchanged forthwith with Punjab civilians for a term of years. We understand that the Punjab Government are willing to entertain these proposals subject to the arrangement of details. A similar system of exchanges might with advantage be arranged in the Provincial service. Not that we believe the charges of inefficiency that were made in some quarters against them. On the contrary, those of the Provincial service who came before us as witnesses impressed us by their high standard of intelligence and independence of character. The proposed exchanges would however broaden the scope and outlook of the service. The small size of the Province has also been blamed for the frequency of changes among officers‡. We do not believe that this trouble is due to the size of the Province or that changes are more frequent than elsewhere. Thus Mr. Parker, the Punjab official Member of our Committee, has had 32 changes in 24 years' service, a record for which it would be difficult to find a parallel in the North-West Frontier Province.

32. The Frontier Province is assailed as a financial drain on India, and it is stated that the expenditure has increased out of all proportion to the revenue. The mover of the resolution which gave rise to our Committee stated§ that the additional cost of the formation of the North-West Frontier Province was estimated at Rs. 3,55,507, and that the cost of the administration had so far exceeded the estimate that in 1920 the expenditure exceeded the revenue by more than 109 lakhs. This is not a correct comparison. In the scheme drawn up in 1901 for the administration of the Province, the revenue was estimated at 36 lakhs and the expenditure at 64 lakhs. But certain items of a temporary nature were excluded from the estimate of expenditure, and the actual cost of the Province in its first complete year (1902-03) amounted to 74 lakhs. It thus started with a deficit of 38 lakhs. The revenue in 1921-22, a year of bad harvests, was 60 lakhs, an increase of 66 per cent. above the estimate of 1902-03. The actual expenditure was approximately 200|| lakhs, shewing an increase of 170 per cent. in 20 years, which serious though it is, compares favourably with the increase of 216 per cent. shewn in the budget estimates of the Punjab for the same period.¶ The deficit was 140 lakhs, or more than three and a half times as great as in 1902-03. Within the districts a serious item of expenditure is the Upper Swat Canal, which, designed and constructed for the Province by the

*Of the twelve Indian Civil Service officers now in the Provincial list, six were there before the separation in 1901, one joined in 1902, one in 1904, one in 1911 and the remaining three since the war.

†Thirteen posts and a leave reserve of three.

‡Details will be found in Appendices 26-28. The statistics look worse than they really are, as all changes for short leave, etc., have been shown; e.g., there was only one permanent Deputy Commissioner of Peshawar from February 1912 to January 1919; yet the office is shown as having changed hands seven times during this period.

§ Legislative Assembly Debates, Volume II, page 728.

|| This total includes 9½ lakhs for interest on works for which capital accounts are kept. No such item is included in the expenditure of 74 lakhs in 1902-03 and the amount cannot now be ascertained.

¶ Cf. Volume I, page 115 *Seq.* In the case of the North-West Frontier Province we quote the actuals for 1921-22, since received, in place of the budget estimates quoted by Sir John Maffey.

Punjab Irrigation Department, is now being worked at an annual loss of about five lakhs. It is hoped that it will in time become a source of revenue.

33. But more than half the expenditure is incurred not on Civil administration proper but in connection with the tribal

The Frontier must always remain an Imperial charge. tracts and border defence. The revenue of the tribal tracts is insignificant and expenditure on border defence yields no return in revenue. It is obvious therefore that if the expenditure of districts and tracts is taken as a whole, the expenditure in a time of rising prices must outrun the revenue. The largest increases since the formation of the Province appear under the heads Political (28 lakhs) and Police (40 lakhs). These large increases are partly due to the larger forces of Border Militia and Frontier Constabulary now found necessary to counter the vast improvement in the armament of the tribes, and partly to the enhanced rates of pay of all ranks, which have had to be advanced *pari passu* with the increase in the pay of the Indian Army. Thus the principal rise in expenditure, has been incurred for the protection of India's land frontier, and for this it is clear that India as a whole must pay. It is out of the question for the frontier districts to bear the charge. It was not borne in the old days by the Punjab, for the Political head was always Imperial, and there is no reason to suppose that the sum would be reduced by returning the districts to the Punjab now. The reverse might well be the case, for unless the tracts also were returned to the Punjab, a Forward Policy would be inevitable. Though the cost is high, it compares not unfavourably, when the importance of the North-West Frontier is considered, with 54 lakhs* which India is paying for Baluchistan. We allude elsewhere to measures which are being taken to reduce the deficit and to make the internal administration of the districts as far as possible self-supporting.

34. At one time we thought that we might secure economy and possibly increased efficiency by the amalgamation of some at

Educational amalgamation with the Punjab condemned. any rate of the technical Departments with the Punjab. As a test case we were pressed to examine Education. But if Education were really a test case, the whole matter would drop. For educational amalgamation with the Punjab would not spell economy, since an Inspector would still have to be maintained on the frontier on a pay little if at all less than that drawn by the present Director of Public Instruction, and the staff of the Punjab Director would almost certainly have to be strengthened. Nor would it promote efficiency in view of the natural tendency of the Punjab Government to rate educational needs in direct ratio to their proximity to Lahore. That frontier education was starved under the old Punjab régime,† and that it has made remarkable strides since the severance of the districts from the Punjab, admits of no dispute‡. And any slackening in the educational efforts now being made on the frontier would be deplorable, for it is to the spread of education that we look for the ultimate solution of many of our frontier difficulties.

35. If the Frontier Province could point to no other educational achievement

The Islamia College. than the bringing of the Islamia College of Peshawar into being, it might well be proud of its record. Set on the utmost verge of the frontier at the very gate of

* According to the actuals of 1920-21. By the Budget for 1921-22 Baluchistan costs 62 lakhs and by that for 1922-23, more than 64 lakhs.

† Rupees 33,000 is all that is shown in the budget estimate of 1902-1903 as to be spent on primary and Rs. 84,000 on secondary education, in the frontier Districts. The annual expenditure transferred from the Punjab to the new province for education in 1901 was only Rs. 22,510.

‡ Cf. Vol. II, page 383, seq.

		Number of Schools.	Number of Scholars.	Expenditure. Rs.
<i>Primary education (boys).</i>				
1901-02	.. .. .	154	7,341	33,000
1920-21	.. .. .	636	25,336	3,14,000
<i>Secondary education (boys).</i>				
1901-02	.. .. .	28	5,082	84,000
1920-21	.. .. .	76	15,830	5,24,000
<i>Primary education (girls).</i>				
1901-02	.. .. .	8	516	2,400
1920-21	.. .. .	56	3,515	54,500
<i>Secondary education (girls).</i>				
1901-02	.. .. .	Nil	Nil	Nil
1920-21	.. .. .	4	825	14,800

India, where the great highway from Central Asia debouches into the plains, it stands forth a not unworthy embodiment of Indian civilization. Though instituted primarily for the benefit of the Pathans, it has from the start been catholic in character, opening its doors to one and all, irrespective of race and creed. There is hardly a transfrontier tribe that is unrepresented in it: and the spirit of good-fellowship between Mahsud and Wazir and Afridi and many another transfrontier tribesman, sons of the Mehtar of Chitral, and British subject from the districts, was not the least striking among the impressions of the College we carried away with us. The Islamia College is a triumph of self-help, for it owes its existence mainly to private effort. It is now suffering from the prevailing financial stress, and suffering also, like many another Muslim institution of the kind, from the attacks of the non-co-operators. True, private generosity is not likely to be withheld once its straits are known. But for Government to stint its support, would be short-sighted policy indeed. It is not only by the expenditure of blood and treasure on military expeditions that the turbulent transfrontier is to be subdued. Force we must always maintain on India's vulnerable frontier, and that in full measure. But in the gradual enlightenment of the educational darkness that from time immemorial has brooded over the transfrontier; there lies hope for the eventual solution of some of our frontier troubles and for the gradual lifting of some of our military burden. It is not within the settled districts alone that the beneficent influence of the Islamia College will be confined. If it continues to be wisely managed, and to command, from private and Government sources, sufficient funds for its development, its influence will penetrate—slowly no doubt, but none the less surely—beyond the districts into the tracts, and beyond the tracts still further afield.

36. But the fact that we had to rule educational amalgamation with the Punjab out of court did not bias us in weighing the *pros* and *cons* of amalgamating other departments. In particular we examined the case of the Police. Here again we could detect scant prospect of economy, for the necessity of keeping a highly paid officer in Peshawar would remain. Nor could we see any hope whatsoever of increased efficiency. For one thing, the frontier requires a special organization in its police, since its needs are special, and the work is special. For another, as matters now stand, the frontier is able to secure the pick of the Punjab cadre in order to fill its superior appointments. And it is to this that we attribute in a large measure the superior efficiency of the frontier police over the police in the Punjab. We heard hard words said against them, it is true. How could it be otherwise? In every province the police is the favourite target for complaints. But the worst that was said against them fell far short of the wholesale condemnation levelled against the Punjab Police in a recent enquiry, and complaints were tempered by praise* especially of the Frontier Constabulary. At the same time we feel that economy would be served without any appreciable loss of efficiency by placing the District Police and Frontier Constabulary under the administrative charge of one and the same officer. This is a reform which we understand is now being introduced. We are inclined to suggest a similar doubling up of the Secretary for Irrigation and the Secretary, Public Works, for we doubt whether the present arrangement under which Civil Works in the province are carried out by the Military Works Department, is economical in the long run. We can see no prospect of economy in placing either Irrigation or Civil Works under the Punjab, though we see advantages and little difficulty in the advice of the Punjab experts being made available in cases of real importance. We were a little more doubtful over the Jails, Medical, and Public Health Departments, which are now under the Chief Medical Officer. But though in the Jails branch some increase in efficiency might be gained by amalgamation with the Punjab, neither economy nor efficiency would be likely to result from the amalgamation of all three branches. And it is clear that if economy is to be served, all three must be transferred to the Punjab, or none at all. But sanitary arrangements on the frontier not only demand an officer on the spot; they are an Imperial concern, the responsibility for which cannot be shifted on to a Local Government, for the frontier acts as a buffer against the encroachment of disease into India by land. Hence, our only recommendation on this score is that practical jail experience should be looked upon as an essential

*E.g., Rai Sahib Raizada Eshwar Das (Volume I, page 428):—"I think our police is not bad. I think they do a lot of work both political as well as-criminal. They have to do more manifold duties than the police in the rest of India. I am very proud of the Frontier police."

qualification for the appointment of Chief Medical Officer. In strictly technical matters we advise close association with the Punjab. Agricultural farms seem a case in point. The assistance of the Punjab in the prospective introduction of co-operative credit has already been secured.

THIRD TERM OF REFERENCE. PART II.

“ And if so, (b) to constitute a Legislative Council for the five administered districts.”

37. We now approach what is perhaps the most delicate part of our task. There exists on the frontier a strong and conscious desire for participation in the Reforms that must be satisfied. But where as most of the Hindus of the province, and the urban Hindus in a body, demand satisfaction of their political aspirations in a larger entity, the majority of the Muslims, and the Pathans almost to a man, will not be content with the fulfilment of their political aspirations save within their own province. We felt this cleavage between Hindu and Muslim on the frontier. It was emphasized in the frontier debate in the Punjab Legislative Council, in which, while the Sikh vote was split, the Muslims cast a solid vote against re-amalgamation and the Hindus cast a vote no less solid in favour of it*. It is to ourselves a matter of profound regret that there has been a like cleavage among ourselves, and that our two Hindu colleagues have found it necessary to part company with us. But however much we have struggled against it in the examination of the great issues before us, the cleavage is there—on the frontier, in the Punjab and among ourselves—and it would be cowardice to pretend otherwise. The local Hindus shrink from the perpetual minority that confronts them in a frontier province. The Hindus of the Punjab are anxious to come to the rescue of their frontier brethren and are confident of their power to cope with the Muslim influx which re-amalgamation would bring to the Punjab. Our two Hindu friends on the Committee are swayed—if we judge them aright—not merely by a sympathy with the frontier Hindus in their lot, but by a fear that a separate Muslim frontier province would constitute a political danger. We have endeavoured to show that their fear of a Muslim frontier province is unjustified. And we are convinced that the safeguarding of the Hindu minority can be adequately secured in the local Reforms Scheme we advocate.

38. Now under the Government of India Act as it stands, an Advisory Council is all that could be given to the province. This clearly will not do. Not only is there a general soreness in the province over its total exclusion from the Reforms hitherto, there is a general demand for its participation in them to the full measure now. Indeed, the fear that a “ glorified District Board ”—to borrow an expression freely used before us—was the utmost that the separate province could hope for seems largely to have inspired such Muslims in the province as favoured amalgamation with the Punjab. The frontier inhabitants are assuredly not behind the rest of India either in intelligence or capacity to manage their own affairs; their aspirations for reforms have been awakened into full consciousness, and will not be satisfied by anything short of the essentials of the Reforms enjoyed elsewhere. Whatever the form of the Council introduced into the province it must be something live and vigorous. The day for an Advisory Council is past. A Legislative Council is essential.

*The actual voting was,—

<i>Against amalgamation.</i>		<i>For amalgamation.</i>	
Muslims	27	Muslims	<i>Nil.</i>
Hindus	<i>Nil.</i>	Hindus	16
Sikhs	5	Sikhs	5
Englishmen	6	Englishman	2
	Total		Total
	38		23

The Punjab Government abstained from voting, but expressed itself strongly against amalgamation in the course of the debate. (Official Report, Punjab Legislative Council Debates, Volume IV, No. 1.)

39. Economy must clearly be the guiding principle in introducing scheme of reforms into a province so little self-supporting. Partly for this reason but partly also in view of the smallness of the population, we cannot recommend a Legislative Council of more than 30 members, with an official President (without extra emoluments), and if necessary an honorary Deputy President. We advise an elected majority of at least 60 per cent. Sir John Maffey, we observe, while favouring 50 per cent. was willing to consider 60 per cent. if special representation were given to the khans. To the adequate representation of the hereditary Khans we ourselves attach importance. For most of the Pathans still recognize the authority of their tribal leaders and are tractable and well behaved under their control, and in view of the hot-headedness of the Pathan we feel that care should be taken in the early stages that the introduction of democratic institutions does not suddenly undermine the influence of the tribal leaders, who both by custom and by government are held responsible for the protection of the Hindus in their areas. Special representation of the Khans is indeed called for in the interests of law and order. The interests of the non-Muslim minority will be secured by allotting to them double the number of seats to which their numerical strength would entitle them. We recommend the appointment of a Minister to take charge of all subjects that are transferred subjects in the Punjab. Until such time as the province is self-supporting, his pay should not we think, exceed Rs. 2,000 a month. He is not likely to need any establishment beyond a clerk or stenographer and a couple of orderlies. One member will suffice for the Executive Council. No expenditure will be entailed, for the Revenue Commissioner is already available as Finance Member. The scheme will obviously entail further representation of the province on the Indian Legislature. In so far as we can judge, an appropriate representation, consonant with the general scheme of Reforms, would be two Members in the Council of State and four in the Assembly.

40. Some deviation, however, from the constitution of a Legislative Council in a Governor's province is unavoidable. For there are three main difficulties peculiar to the province:—the weakness of its financial position; the close connection between its internal and external politics; the paucity and characteristics of its population. In dealing with the financial position the first thing to do is to reclassify frontier expenditure into charges incurred in the tribal tracts or on border defence, and charges incurred on the internal administration proper. It is of course with the latter alone that the Legislative Council would be concerned. But while expenditure in the Agencies is already separate, expenditure in the transfrontier areas under the charge of the various deputy commissioners is at present lumped up with the district expenditure, and so is the expenditure incurred in the districts on the Frontier Constabulary and other border defence. All such charges must clearly be removed from the purview of the Legislative Council and treated as Agency expenditure under Section 45 (A) (1) (c) of the Government of India Act, subject to the control of the Government of India. If the expenditure is thus distributed and retrenchments now in contemplation are put into effect, then according to rough calculations we have made the present deficit on the internal administration would drop from about 56 lakhs to about 20 lakhs a year, with some prospect of ultimate extinction. How this deficit should be made good, whether by a lump contribution from the central revenues or by the removal of certain heads of provincial expenditure from the control of the local Council, it is hardly for us to advise. But once equilibrium has been established in the provincial budget, the Legislative Council should have the same power over it as a Legislative Council in a major province.

41. Though we thus envisage the introduction into the Frontier Province of "full fledged reforms" to quote the phrase in which the local demand was generally put to us—we are keenly alive to the necessity for safeguarding the paramount all-India interests. We do not recommend that the Chief Commissioner should be given either the style or status of a Governor. In the tribal tracts he must remain as heretofore the Agent to the Governor-General. And even in the internal administration, the peculiar position of the province, its financial dependence on central revenues, and the close and at times inextricable connection between its

internal and external affairs—all these factors combine to call for a wider power of control and a closer supervision by the Governor General than he exercises over a Governor's Province. What the limit of that control and supervision should be it is not for us to define. In any case our recommendations cannot be carried out without an amendment of the Government of India Act; the nature of that amendment we must leave to constitutional experts. But for our skeleton constitution for the Frontier Province we claim this. It embodies at a very low cost all the essentials in the reforms enjoyed by a major province: it sets up a Legislative Council with an elective majority; it includes a Minister and an Executive Council, and it makes full provision for the introduction of adequate safeguards for the interests of the small non-Muslim minority and for the paramount interests of all-India.

FOURTH TERM OF REFERENCE.

"(iv) Whether if the retention of the province under the Government of India is expedient, it is expedient to transfer the control of the Judicial Administration to the High Court of the Punjab, and if not, what measures are recommended for the improvement of the existing Judicial system."

42. The witnesses were as sharply divided over the desirability of judicial amalgamation as over the desirability of complete amalgamation with the Punjab. In fact we came to look upon the opinion expressed by a witness on the administrative question as a precursor of his attitude towards judicial reforms. There were no doubt exceptions here and there; but as a general rule advocates of administrative re-union were also the advocates in the alternative of judicial fusion, just as those in the opposite camp could reconcile themselves to the idea of being merged in the Punjab as little judicially as administratively. The arguments in support of judicial amalgamation may be thus summarized:—

- (a) the public have greater confidence in a High Court than in a court-consisting of a single judge;
- (b) the smallness of the province restricts the field of recruitment for judicial service, and denies its officers the opportunities of adequate training and a larger experience;
- (c) to the higher judicial posts are frequently appointed officers of the Political Department who are ill-equipped for discharging the duties of a Judge;
- (d) there would have been no appreciable rise in serious crime had the Province been subject to the jurisdiction of the Punjab High Court;
- (e) the excessive use of certain provisions of the Frontier Crimes Regulation has seriously affected the efficiency not only of the police but also of the judiciary;
- (f) the extraordinary powers exercised over the legal profession in the province have retarded the growth of an efficient and independent Bar.

43. Now it is not claimed that the judicial system in the Punjab is any different from that in the Frontier Province, except in one essential. The main advantage of transferring the judiciary to the Punjab High Court would lie in the fact that all first civil appeals and some second appeals, together with murder references and some criminal appeals, would then be dealt with in the High Court by a Bench of two Judges, whereas they are now dealt with by one Judicial Commissioner only. The advantage of this would be immense; indeed if it could not be secured save by judicial re-amalgamation, we should have had to recommend judicial re-amalgamation on this ground, its disadvantages notwithstanding. For it is manifestly improper that a murder reference, on which turns the life or death of a man, or a first civil appeal of a large valuation that involves difficult questions of law and fact, should be determined by a single Judge. Fortunately this essential reform can be secured within the Frontier Province itself by the appointment of an additional Judicial Commissioner—an appointment that seems called for otherwise, for the file of pending appeals consequent on the rise in litigation—and a further rise must be expected if the application of the Frontier Crimes Regulation is restricted as we recommend—is a warning that unless steps are taken to afford relief to the Judicial Commissioner the arrears may become

unmanageable. That the province at large claims the right like other provinces to have its important cases heard finally by a Bench of Judges is undeniable. And the claim is irresistible. But hardly less resistible appears to us the demand of the majority in the province that their cases should be heard finally, not at the distant capital of some outside province, but within the capital of the province itself. Several witnesses asked us to picture the unhappy lot of a frontier litigant if he had to go all the way to Lahore. A stranger in a large city, unable very possibly to make himself understood, and bewildered by the overcrowding of the Bar, he would be hard put to it to select the right type of lawyer to appear on his behalf. But even more serious for him would be the inevitable delay until at last the final decision was passed. To a Pathan justice delayed is justice denied. Whether he would contain himself in patience for 1,329 days (the average duration of a first civil appeal in the Punjab High Court for 1921) to hear the result of his case is doubtful in the extreme. For he is temperamentally hot-headed and impatient of delay, with an hereditary tendency to take the law into his own hands. In short we are convinced that the raising of the Judicial Commissioner's Court to a Bench of two Judges will result in greater convenience and contentment and conduce to the better governance of the people of the province than a transfer of Judicial control to the High Court of the Punjab. And the additional Judicial Commissioner should be a member of the Bar, on the same pay as the Judicial Commissioner without allowances.

44. Now one advantage in judicial re-malgamation that at first appealed to

Enlarged judicial training and experience
essential for the provincial service.

us was the escape that it seemed to offer from the disadvantages inherent in a small judicial cadre. As it is, a judicial officer of the provincial service is often re-posted to the same district, and is exposed to the imputation that his family and other connections with the province give him at times an unconscious bias in the discharge of his official duties. But what improvement would the substitution of Lahore for Peshawar produce on this score? If the idea is that Punjabis should displace natives of the province in the judiciary, we come up at once against strong and obvious objections. Though the frontier in the old days used to attract the pick of the Imperial Service officers from the Punjab, it never had the same attraction for the Punjab Provincial officer. There is therefore no likelihood of the pick of the Punjab judicial officers seeking transfer to the frontier; indeed it is much more probable that the Punjabi would regard transfer to the frontier as banishment to a penal settlement, and would continually be seeking to get away. It is not through unwilling officers, or officers of doubtful merit, transferred from the Punjab, to a province which requires not merely book learning or a sound knowledge of law but also qualities of courage, endurance and determination, that tone will be given to the frontier judiciary. In any case, even if the judiciary were brought under the Punjab High Court, the provincial judicial service would still be manned mainly by the local element. It would be a diseased mind that would seek to deprive the natives of a province that exposes itself to daily risk so that other provinces may live in peace, of careers in Government service on the ground that some inconvenience may be felt over their postings and transfer. Their claims to full admission into Government service are incontestible. And if judicial amalgamation were effected, even then under the principle in vogue in the Punjab High Court* the tendency would be to keep them in the division near their homes—in other words in the frontier districts. At the same time we recognize the great importance of securing full training and opportunities for larger and more varied experience to the judicial officer of the frontier. But we are convinced that it is not in the judicial fusion of the province with the Punjab that the solution is to be sought, but, first, in the insistence on a minimum educational standard—say Matriculation, in the first instance—for direct appointment to the Provincial Service; second, in the thorough grounding of junior judicial officers both of the Imperial and Provincial Services in the Punjab or United Provinces, where special classes have been instituted for junior officers; and, finally, in the periodical interchange of officers between the Punjab and the North-West Frontier Province, to which the Punjab† Government have agreed and to which the Lahore High Court has no objection provided the judicial officers to be interchanged have similar qualifications.‡

*Vide Mr. Gordon Walker, Vol. II, page 624.

†Vide Sir John Maynard, Vol. II, pages 492-93, 524.

‡Vide Mr. A. L. Gordon Walker, Vol. II, page 637.

45. Much of the criticism of the judicial administration centred in the fact that the exigencies of the Political Department led to the frequent appointment of ill-equipped military officers to judicial posts. We have scrutinized the roll of incumbents of the higher judicial appointments since the creation of the province.* Now the record is not so bad as it looks at first sight, for the roll contains a large number of military officers who were either Punjab Commission Officers of judicial standing in the Punjab or had undergone a full judicial training in the Punjab or in the United Provinces, some of them men of marked judicial ability, and one at least a barrister-at-law. Nevertheless it is clear that too little discrimination has been exercised in the past in filling judicial appointments. We have elsewhere recommended that 13 posts in the province should be filled by officers from the Punjab. This will automatically bring relief on the judicial side. And though we are not prepared to recommend the exclusion of officers of the Political Department from judicial appointments altogether—for judged by the past this would debar a certain number of men of marked judicial aptitude—we recommend that it should be laid down as a definite rule that no officer should be posted to a superior judicial appointment unless he has had an adequate judicial training and experience. And with a view to a continuous strengthening of the judiciary in the province, we recommend that the gradual building up of a separate judicial service, Provincial and Imperial, should be kept in view, and also the progressive Indianization of the superior judicial service, partly by recruitment from the Bar.

46. The contention that the continuance of the judiciary under the Punjab Chief Court would have checked the rise in crime is not easy to follow. In fact it seems to be based on a confusion of thought.

Judicial amalgamation would not result in a decrease of crime or expenditure. The Punjab High Court has been powerless to check a rise in crime within the Punjab itself where the causes have been internal: it would have been even more powerless to check a rise in crime in the distant frontier where the causes have been for the most part external. Nor could any marked improvement in efficiency have been looked for in the provincial judiciary, for a distant High Court is not likely to exercise greater supervision over or evince greater interests in the frontier Courts than a Judicial Commissioner at Peshawar in close touch with his subordinates. Indeed it is the meticulous criticisms of the local Courts made by the Judicial Commissioner in his annual reports and the reviews of the local Administration† that have furnished critics of the judicial administration of the province with most of the material for their indictment. Nor would judicial re-amalgamation spell economy. The Punjab High Court have told us that they are willing to undertake the judicial administration of the frontier province with the help of "one more Judge and perhaps two". Seeing that much of the work now done by the Judicial Commissioner would have to be done by a Bench of two Judges, there is no doubt in our own minds that two additional Judges would be required, with the possibility of a third in the not very distant future.

47. One of the commonest objects of attack on the administration was the Frontier Crimes Regulation, the excessive use of which was charged with weakening the efficiency both of the judiciary and the police. Now as an argument in favour of complete or judicial re-amalgamation with the Punjab it is singularly wide of the mark; for the Regulation was a legacy from the Punjab régime, it

*Vide Vol. III, Appendices Nos. 26 and 27.

†Vide the memorandum of Mr. E. H. Kealy, Appendix 20, Vol. III, page 92, especially the following extract "As regards judicial inefficiency I gather from what I have read in the papers that some of the outside public opinion at any rate on this subject is based on our own outspoken criticism in the Chief Commissioner's Reviews of the Annual Reports on the administration of Civil and Criminal justice, by reason of which it is said the administration stands condemned out of its own mouth. I happened to be the drafter of these reviews for the year 1915 to 1919 which contained perhaps some of these criticisms referred to by the public. I was led to draft these particular reviews in such somewhat outspoken terms as a result of the state of affairs which had been revealed to me during the winter of 1914-15 when I was on special duty inspecting the courts in the Dera-jat Division which made me realize the almost complete neglect, at any rate, of the important duties of inspection. When, therefore, I was appointed Secretary, I determined to work at this particular point and also towards the improvement of the judicial department so far as this could be done by any administrative action. Hence possibly the reviews of those years are worded somewhat more strongly than they might have been in ordinary circumstances and I gather that in many ways the work of the subordinate courts is probably not much inferior to that of the Punjab, by which standard I personally was unable to judge ours, having had no experience of it."

is still in force in the Indus districts of the Punjab, and the Punjab Government have made it clear that they would not repeal it if the frontier districts were forced back upon them.* Nor can we contemplate its repeal ourselves. To repeal its civil sections would be to inflict grave hardship on the Pathans, who rely on them for a cheap and expeditious settlement of their disputes by a Jirga—the Pathan equivalent of Panchayat—according to their ancient tribal custom. To repeal the criminal sections would be to undermine the forces of law and order and to deprive the Hindus in particular of one of their greatest safeguards, in a land where passions are hot, blood feuds are endemic, legal evidence is exceedingly difficult to obtain, and refuge from the arm of the law is close to hand across the border. To repeal the transfrontier sections would be to paralyse our whole system of transfrontier control. Indeed the validity of one or other of these propositions was admitted under questioning by nearly every critic of the Regulation, however loudly he had called for its repeal. But if repeal is out of the question, amendment is essential. To attempt to follow the witnesses over the range of their criticisms and suggestions would carry us too far afield. But we are quite clear that the Jirga system has been overdone: the number of cases referred to Jirgas has become so great that there are not enough Jirga members of weight to go round. Hence steps should be taken forthwith to restrict its application by executive order. One obvious restriction is the exclusion from its scope of urban areas, except in so far as transfrontier tribesmen are concerned. Another is the drastic curtailment of the delegation to lower officers of the powers vesting primarily in the Deputy Commissioner. And there are doubtless other restrictions and improvements in the working of the Regulation, such as the confining of the uses of the political lock-up to the strict letter of Section 21, the scrupulous selection of men of integrity for service on Jirgas and the debarring of a second reference to a Jirga except under the written sanction of the Local Government, that can be introduced at once by executive action alone. Its actual amendment is pre-eminently one of the first matters that the local Legislative Council should take under its consideration. But the subject is so wide and demands such close study of local needs and characteristics that it will be well for a small committee to prepare the ground beforehand. In Regulation VII of 1901 the power given to District Magistrates and Session Judges to enhance sentences should be withdrawn.

48. Caustic comments were made to us on the existence of restrictions on the legal profession and the consequent absence of an independent Bar in the province. We were not conscious ourselves of any lack of healthy independence in the local Bars, representatives from all of which urged their views before us in trenchant fashion. But if most of the existing restrictions appear to have become a matter of formal routine rather than to be still actively operative,† we can well understand that their very existence is galling and feel that their continuance is not only unnecessary but improper. The rules‡ to which objection is chiefly taken are three:—the insistence on the renewal of licenses from year to year; the restriction of licenses to a particular place of business, and the vesting of the power of revision of the Judicial Commissioner's decisions in the local Government. We advise that all three restrictions be removed. We consider that a license once granted to a barrister, advocate or vakil of a High Court should not require renewal; we regard prescription of a particular place of business as an unwarrantable interference with the profession and we hold that the local Government should have no voice in the enrolment or regulation of legal practitioners. We gather that the original object of applying special rules to the province was to discourage the overcrowding of the Bar by outsiders, as being likely to foster litigiousness and to lead to abuses in the peculiar conditions of the frontier. But the number of legal practitioners in the province is now so great that we think that no native of the province should be refused enrolment, except for reasons which would justify refusal under the Legal Practitioners Act, and that any legal practitioner enrolled in a High Court should be allowed casual appearance in the subordinate courts of the

*Vide Appendix 41, Volume III, page 123.

†For one notable instance to the contrary, in which a Mansehra pleader was ordered to remove his place of business see Mr. P. J. G. Pison, Volume I, pages 254—7.

‡For the rules, see *North-West Frontier Gazette*, 1913, Part I A, page 780.

province without special permission or payment of a fee. Whatever the justification for the old restrictions may have been at the outset, the Bar and province alike have outgrown them.

49. We have little doubt that resentment over these galling restrictions has been largely responsible for the lead taken by the Bar in the advocacy of re-amalgamation with the Punjab. They certainly impart some show of reality to the otherwise seemingly unreal clamour for judicial amalgamation as against internal judicial reforms. For not only is judicial amalgamation repugnant to the local sentiment in the province at large, it runs counter to the whole spirit of the times. Not content with their administrative separation from Bengal, the Beharis did not rest until they were cut adrift from the Calcutta High Court and given a High Court of their own. In the United Provinces few proposals have aroused such fierce controversy as the proposal to amalgamate the Oudh Judicial Commissioners' Court with the High Court of Allahabad; indeed the people of Oudh would prefer administrative separation from the province of Agra rather than submit to it. Equally tenacious of their Judicial Commissioners' Court are the people of Sind, and any suggestion to amalgamate the Judicial Commissioners' Court at Nagpur with the Bombay or Allahabad High Court would provoke a storm of opposition in the Central Provinces. The only province throughout the whole of India of which certain parts are under the jurisdiction of an outside Court is Assam, where the arrangement is a last relic of Assam's historical association with Bengal. So strong is local sentiment and the spirit of the times against it that judicial re-amalgamation seems to us almost meaningless except as a stage on the road to complete re-amalgamation. This was admitted by several witnesses, one of whom described it as "the thick rather than the thin edge of the wedge." The pith of the matter was given us by the most senior Indian Judicial Officer of the province:— "If you take away the judicial administration, nothing will be left to him (Chief Commissioner); his prestige and patronage will be gone. I think the transfer of the judiciary is equivalent to the transfer of the whole province to the Punjab."*

Some of us entered on our enquiry with a predisposition in favour of judicial amalgamation. A closer examination of its implications, closer contact with the local sentiment, and an appreciation of the simplicity of introducing effective judicial reforms within the province have led us to a decisive condemnation of it. We doubt whether we are far wrong in saying that if the people of the province had their choice between either judicial amalgamation or complete amalgamation, they would reject judicial amalgamation as subjecting them to most of the disadvantages of re-union with the Punjab without any of its advantages, and would choose complete amalgamation, always provided that the Hindu and Muslim communities in the frontier districts were accorded representation in strict proportion to their numerical strength on the Punjab Council. And this, despite their passionate desire for self-development in their own province.

FIFTH TERM OF REFERENCE.

(v) *The approximate financial effect of any proposals recommended.*

50. Let us now pass our conclusions and recommendations in review. They are these:—

- Summary of our conclusions.
- (a) Apart from the fact that the re-amalgamation of the five districts with the Punjab would be repugnant to local sentiment and to the decision of the Punjab Council, districts and tracts must remain a separate unit in charge of a minor administration under the Government of India, since the control of the tracts is inseparable from the administration of the districts, and the all-India interests demand that, like all other major foreign business, it should vest in the Central Government.
 - (b) No time should be lost in granting reforms in the Frontier Province by the creation of a Legislative Council with an elective majority, Member and Minister, and the fullest powers compatible with financial considerations, the safeguarding of the minority and the securing of all-India interests.

* Rai Bahadur Lehna Singh, Additional Divisional and Sessions Judge, Peshawar. (Vol. II, page 123.)

(c) The administration should be reformed, notably by the raising of the Judicial Commissioner's Court to a Bench of two Judicial Commissioners, the setting up of a regular flow of Indian Civil and Provincial Service officers from the Punjab, the imposition of a minimum educational standard for direct recruitment to the Provincial and Munsifs' Services, insistence on a full course of a training in a major province for officers of the Imperial and Provincial Services, the amendment of the Frontier Regulations and the revision of the rules for the enrolment of legal practitioners, the introduction of the elective system into Municipal Committees and as far as possible into District Boards and Committees of Notified Areas, and greater facilities for the inhabitants of the exposed parts of the province for obtaining and carrying arms.

These proposals involve a small increase of recurring expenditure as follows :—

	Rs.
(1) Reforms—pay of Minister and allowances of Members	42,500*
(2) Additional Judicial Commissioner and establishment	43,782†
(3) Eventual extra cost of Punjab officers	26,880‡
Total ..	1,13,162

We understand that no new buildings will be required either for the Council or the Judicial Commissioners' Court.

Thus at an annual cost of under a lakh and a quarter it will be possible to introduce the essential elements of the Reform Scheme into the province; to provide for a Judicial Commissioners' Bench and to set up a constant flow of civilians from the Punjab to strengthen the judiciary and general administration. We have not thought it necessary to attempt to work out the cost of re-amalgamation with the Punjab, but our impression is that a comparison would be in favour of our scheme. Though the cost of participation in the Reforms within the Punjab would doubtless be less, judicial amalgamation would cost somewhat more, while very considerable additional expense would be involved by administrative amalgamation owing to the fact that the Punjab time-scale is substantially higher than the military time scale in the Political Department. But if there is a pressing need for new expenditure in the province on political, judicial, and administrative reforms, we recognise that there is need and also scope for retrenchment. Partly at our own instance a Retrenchment Committee has gone into the frontier finances. Its recommendations are still under consideration and the final result uncertain. But we gather that over and above the deductions effected by the Legislative Assembly in the budget for the current year, the Committee has recommended reductions amounting eventually to several lakhs in the expenditure, and the exploitation of fresh sources of revenue from which substantial returns may in due course be expected. However pressing the urgency for retrenchment no consideration of economy should be allowed to delay the introduction of the

	Rs.
*Salary of Minister	24,000
Establishment of Minister	3,000
Daily allowance of 25 non-official members for 30 days at Rs. 10 per day	7,500
Travelling allowances of members	3,000
Stationery and contingencies	5,000
Total ..	42,500
†Additional Judicial Commissioner at Rs. 2,750 and establishment	38,782
Travelling allowance, etc.	2,000
Contingencies	3,000
Total ..	43,782

‡The Political Department is recruited on a basis of 3 Civil to 7 Military officers. The difference in pay between Civil and Military officers average approximately 200 rupees per month. If 16 Political Department officers are replaced by Punjab civilians the extra annual cost will be $\frac{1}{10}$ of $16 \times 200 \times 12 = \text{Rs. } 26,880$.

Reforms we advocate. Our scheme is not a costly one, seeing that India depends largely for her security on the contentment well-being and good governance of the North-West Frontier Province.

CONCLUDING REMARKS.

51. One closing word. The Frontier Province did India supreme service during the critical year of 1914—1919. That it will continue to do India yeoman service we firmly believe. But that India will ever be able to forget its existence in an era of peace and security comparable with that of internal India, we hold to be visionary. There is no room for counsels of perfection on the frontier. There has been no Golden age in the past; we can see none in the future. This troublous area will remain, what it has been throughout the history of India, the critical section of India's land frontier. But this we say and with confidence. For India to seek to shelter behind a major Local Government in the control of the frontier is to us inconceivable; the burden on the Punjab would be too heavy; the issues to India are beyond all measure too grave. But if the Pathan nationality is allowed self-determination and given scope for that self-development within the Indian Empire under the Reforms Scheme after which it is now striving, we are assured that with a contented frontier population India can face with calm resolution the future that the frontier has in store for her. The prospect on the frontier if all India interests are tempered with and an attempt is made to crush the Pathan's will for self-determination in order to gratify the supposed interests of a tiny minority, we decline for our part to contemplate.

52. That we found much that calls for overhauling and re-adjustment in the administration is patent from our recommendations. But the very nature of the remedies we urge implies that they are for the most part beyond the power of the Local Administration. Where we have criticised the existing system, we recognize frankly that it is the system itself that is at fault and not the officers who have been called upon to work that system. Though local passions ran high with our progress through the province; though we deliberately invited full and frank evidence from all sections of the public, and though our invitation attracted even avowed non-co-operators to ventilate their grievances before us, we heard nothing even from the most irresponsible witnesses to suggest a state of affairs in the frontier administration in any way comparable with that accepted apparently as fact by the Corruption Enquiry Committee in the Punjab. From the Provincial Services, in which local men naturally preponderate, we had before us witnesses who in shrewdness and general capacity could pit themselves against any in India; and our heavy labours were lightened by the candour and ability with which the British officers, with Sir John Maffey at their head, gave their evidence before us and endeavoured to meet the criticisms that we urged and the difficulties that we felt. Indeed, we were throughout impressed by the public spirit that animated the frontier officials, whether Indian or British, to press upon us views on policy which ran apparently counter to their private interests. Short though our tour was in the province, we could not fail to appreciate something of the difficulties and the dangers that face our officers in their important work on this the most vulnerable stretch of our long land frontier, and we desire to couple our criticisms of the administration itself, with a tribute to the public spirits, determination and courage with which Indians and Englishmen entrusted with the administration are carrying out their ceaseless task of defending India against aggression from outside.

(Sd.) DENYS BRAY.
 „ ABDURRAHIM KHAN.
 „ A. H. PARKER.
 „ S. RAZA ALI.
 „ SHAHABUDDIN.
 „ H. BOLTON.

9th October 1922.

MINUTE OF DISSENT BY MR. T. RANGACHARIAR.

Resolution of the Legislative Assembly and the terms of reference to the Committee.

1. This Committee was appointed in pursuance of two Resolutions passed by the Legislative Assembly which run as follows:—

‘ That this Assembly recommends to the Governor-General in Council that the powers of control and superintendence over the judicial administration in the North-West Frontier Province, now vested in the Judicial Commissioner and the Chief Commissioner of that province and all jurisdiction, original, appellate or revisional now vested in them and all powers and authority in relation to the administration of justice including the power to make rules for regulating the practice of the courts, and to authorize legal practitioners to appear and practise in such courts, be transferred to the High Court of the Punjab, and that the necessary legislation be undertaken to invest the High Court of the Punjab with the same jurisdiction, powers and authority in the five administered districts of the North-West Frontier Province as are now exerciseable by that court in the territories now vested in the Government of the Punjab and the Delhi Province.’

‘ That this Assembly recommends to the Governor-General in Council that a Committee be appointed including a certain number of elected members of the Indian Legislature for the purpose of considering and reporting:—

- (i) whether the separation of the five administered districts of the North-West Frontier Province from the Punjab Province has fulfilled the expectation of the Government of India from the political, military or financial point of view, or has been attended with any substantial advantage to the internal administration, and
- (ii) whether it is expedient to re-amalgamate the said districts with the Punjab Province leaving under the direct control of the Government of India the political administration of the unadministered tracts on the British side of the Durand line.’

It will be noticed that the first portion is a definite recommendation, and the second portion merely asks for a Committee of Enquiry to consider the points arising therein.

The terms of reference to the Committee, though somewhat differently worded, raise the same question in a different form—

- (i) ‘ Whether it is expedient to separate the administration of the five administered districts of the North-West Frontier Province from the political control of the adjoining unadministered tracts ;
- (ii) ‘ Whether, if such separation is expedient, it is expedient to re-amalgamate the five districts with the Punjab ;
- (iii) ‘ Whether if such separation is not expedient, it is expedient (a) to retain the whole province directly under the Government of India, and if so, (b) to constitute a legislative council for the five administered districts ;
- (iv) ‘ Whether, if the retention of the province under the Government of India is expedient, it is expedient to transfer control of the judicial administration to the High Court of the Punjab, and if not, what measures are recommended for the improvement of the existing judicial system ;
- (v) ‘ The approximate financial effect of any proposals recommended.’

The first of these questions is "Whether it is expedient to separate the administration of the five settled districts of the North-West Frontier Province from the political control of the unadministered districts." On this, that it is the most important and most difficult of the questions referred to us, I agree with my colleagues and I have given the most anxious consideration to it. I cannot however bring myself to consider this question so technical as to deprive myself of the right to examine it and treat it as a matter purely for experts. During the course of the evidence and the discussion, some of the official witnesses, as also one or two of our colleagues, including our distinguished President, felt the difficulties of even conceiving the possibilities of separation. The Government of India were apparently of opinion that the question was not so plain as to admit of only one answer—for otherwise I cannot understand the question being referred to this Committee at all. I therefore venture to consider it on its merits.

2. In dealing with this question, we have to remember that political control of the adjoining, unadministered districts, is a recent, though gradual, growth, during the British régime; and it would therefore be futile to look back to history—whether to Sikh days, or Muhammadan days or even prehistoric days for guidance in this matter.

In the first place, it is essential to ask ourselves why this problem has arisen at all. By the Proclamation of March 29th, 1849, the Frontier territory up to the foot of the hills was annexed by the British as part of the Punjab, from the Sikhs. The state of the Frontier territory during the Sikh régime is well described by my colleagues in their report which it is therefore hardly necessary for me to repeat. The maintenance of internal order was scarcely attempted; blood feuds between districts, villages and families were unchecked, or if at all checked, were followed only by the levy of fines when the Government officers deemed it prudent to interfere. The Pathans continued to govern themselves by their rude and sanguinary laws. The Sikhs were unable to adopt any systematic restraint of these deep-rooted habits and feelings which filled the district with crime and blood. Such was the condition when the Punjab Government took the districts up to the foot of the Frontier hills. For a short time the districts of Peshawar, Kohat, and Hazara were under the direct control of the Board of Administration at Lahore, but about 1850 they were formed into a regular division under a Commissioner. Dera Ismail Khan and Bannu, under one Deputy Commissioner, formed part of the Leiah Division till 1861, when two Deputy Commissioners were appointed and both districts were included in the Derajat Division, an arrangement which was continued until the formation of the North-West Frontier Province. *The internal administration differed in no way from the rest of the Punjab (vide page 90 in the Imperial Gazetteer of India, North-West Frontier Province).* Another authority states "The five districts of Peshawar, Kohat, Bannu, Dera Ismail Khan and Hazara were administered on the same system as the rest of the Punjab" (*vide page 8 of Mr. Ewart's book*).

To maintain the peace of the border, a special force known as the Punjab Frontier Force was raised under the direct orders of the Board, which continued under the control of the Punjab Government till 1886, when it was amalgamated with the regular army.

It is not within our province to discuss whether the Punjab Government managed the Frontier well or ill. But so far as the settled districts are concerned, the attitude of the people during the Mutiny of 1857 is the highest tribute that can be paid to the success of the internal administration—especially where these districts had experience only for a bare eight years of the first beginnings of settled rule—(*vide page 19 of the Gazetteer*).

3. Expeditions, in large numbers, against the Frontier tribes, during the early years of British rule till 1883, were measures required for the establishment of a strong rule and a peaceful border in countries which had never before known law and order. There were 17 such expeditions between the annexation and the outbreak

of the Mutiny. Between 1857 and 1878, there were only a few important operations.

Between the outbreak of the second Afghan war and the Pathan revolt of 1897, there were 16 expeditions against Frontier tribes, of which eight took place before peace was concluded with Kabul. By the adoption of such measures, by the Government of the Punjab, from time to time, comparative peace on the border was secured by the year 1883. Thus we find it stated (at page 59 of the Gazetteer of Dera Ismail Khan of 1883): "The crimes of the district present no marked features. There is a good deal of cattle-stealing in the Kachi and a fair amount of ordinary theft and house breaking everywhere. Dacoity is almost unknown and cases of highway robbery and violence are infrequent and, except when the hill tribes are at open war with our Government, rarely occur on the border. A few murders occur now and again, mostly in connection with women. Ordinary assaults are, of course, common enough, but affrays, in which large numbers take part on each side, are very rare, and are seldom accompanied with any real fighting. Regarding the Waziristan border, we find it stated at page 165 of the same volume—"Raids and offences of all sorts have, during the last two or three years, become exceedingly rare." We also see it stated in the Gazetteers of the same year of the Kohat District:—"As a general principle, the border villages of this district have been supposed capable of defending themselves from the incursions of the trans-border tribes. Their inhabitants are men of warlike races, who used to hold their own previous to annexation. Now and then, troops have marched to the hills to punish a tribe for lifting cattle and for such like offences. But cases in which trans-border tribes have come down in sufficient strength to plunder and burn British villages have been exceedingly rare. No such cases have occurred even on the upper part of Samilzai, which is most exposed of all to hostile incursions"—*vide* page 140, Kohat Gazetteer.

The condition of things ultimately arrived at is thus described by Sir Dennis Fitzpatrick in a note which he prepared in 1896: "Raids, in any force to speak of, across the frontier of British India, which were formerly so common, are now practically unknown, and we have to deal only with crimes of the type which always does, and must, prevail even in British India where we have to do with turbulent people. Punitive expeditions properly so-called have practically done their work and have now almost ceased to be necessary." If that was the condition of things in 1896, it may well be asked how the summer of 1897 found the country in such an inflammable condition. The answer to this is found at pages 16 to 19 of Mr. Ewart's book: "The development of the frontier proceeded normally from 1880 to 1897. * * * The gradual extension of British control over the frontier tribes necessitated various punitive and other expeditions. * * *" The frontier tribes had watched this penetration of their hitherto independent villages with growing anxiety. The demarcation of the Durand Line, with its accompanying definition of spheres of influence; the setting up of political agencies, and, finally, the passing of troops in all directions through their territories, and the garrisoning of these tracts which were not only strategically important but were the most fertile parts of tribal country—all this was regarded as part of a deliberate menace to their independence. Such a menace was bound to arouse the ever present fanaticism of the Pathan. The result was a revolt against the government—which however was speedily put down.

This revolt did not seriously affect the result already achieved in 1896—for we find in the Administration Report of the Punjab of 1898-1899 stated at page 8: "Fortunately the history of the frontier, during the past year, has been more peaceful than in 1897-98, though the gradual simmering down of the excitement due to the risings of the previous year has probably caused a considerable recrudescence of crime on the Waziristan border. The only portion of the border which was seriously disturbed during the year is the small corner lying between Bannu, Kohat, the Tochi and the Kurram, which is at present not directly or entirely under the political control of any one officer. Hazara reported that, for some years past, there was little to record of its frontier, which was one of peace undisturbed. The Mohmands who had been debarred from holding any communication with the Peshawar District for some time made overtures, and full compliance with the

terms imposed. The Aka Khel tribes were brought to their senses by a large reprisal on the whole tribe. Since then all has been quiet."

Dera Ismail Khan reported "no serious offences."

In the Report of 1899-1900 of the Punjab, we further find it stated at page 2: "Except for the misconduct of Mahsuds, the history of the border is fairly satisfactory." After the first year of the formation of the province, we find it stated: "There was increased security all along the border." *Vide* the Report, 1901-03, page 6, and again at page 12 it is stated: "The frontier enjoys complete peace", Wazir outrages having been checked. In fact, for the first seven years after the formation of the new province, the frontier enjoyed almost unbroken peace. *Vide* page 26 of Mr. Ewart's book.

4. Such was, in general, the state of the districts, when, in the face of considerable opposition and grave misgivings in some quarters, Lord Curzon's scheme for creation of the North-West Frontier Province, and the separation of these districts from the Punjab came into effect by which established administrative units of the Punjab province were broken up, and "the whole executive power on both sides of this external frontier was vested in the hands of a single Commissioner without the restraint which a trained experience of financial and administrative responsibility on a large scale imposes upon an authority charged with the governance of a first class province." The object with which this severance was made was "that the conduct of external relations with the tribes on the Punjab frontier should be more directly than heretofore under the control and supervision of the Government of India."

The Secretary of State, in sanctioning the general idea underlying the proposal, stated thus: "But in the case of the settled districts, which you propose to detach from the Punjab, it is clearly undesirable that the people, who had already enjoyed benefits of a highly organized administration—with its careful land-settlements, its laws and regulations, and the various institutions of a progressive civil government, *should be thrown back from the stage which they have already reached.* The Governor of a large province not only possesses a special and large experience of British administration but can summon to his aid and counsel heads of departments and Commissioners of Divisions whose advice may be of the utmost value. The Governor-General's Agent will not without special arrangement be able to count on such assistance. I have not overlooked the fact that Your Excellency intends to draw upon the Punjab for skilled officers in the subordinate branches or in the technical departments. But I am not satisfied that this will meet the whole case. For the important question of *superior direction* remains to be dealt with. Nor does the recent experience of Baluchistan appear to me to be altogether relevant since no part of that Agency can claim to have a district or part of a district in any respect *so advanced and settled as the Trans-Indus British districts which you propose to detach from the Punjab.*" He further added: "It seems to me probable that in so small a province it will not be easy to *keep the staff at the requisite level of efficiency* unless picked officers are largely imported from other provinces." He dwelt largely on the "advantage that must accrue to the Frontier districts of British India from the application to them of the ways and means at the command of *a first class administrative unit.*" "The necessities of districts are best secured if they form an integral part of a large province." He concluded in these words "If it is necessary to transfer the settled districts from the control of the Punjab Government and to place them under the same administration as the adjoining tribal country, it is important that *the possible results of such a policy should be fully considered* and provided for." And finally when he conveyed a general sanction to the detailed scheme which went up in 1901, he observed "that for the time being it could only be regarded as experimental and that its actual working would have to be carefully considered".

5. The experiment has been tried for 21 years and this is *the first opportunity* the Government of India have availed themselves of to consider the results of its actual working.

Results of the working of the New Scheme now under examination for the first time.

At the time of the separation as already pointed out the internal administration of these districts was on the same lines as the rest of the Punjab. A Legislative Council which had been created for the Punjab in May 1897 had jurisdiction over the British districts of the North-West Frontier until by the constitution of the latter as a separate administration in 1901, its jurisdiction was withdrawn, with the result that the Frontier Province has no Council now (*vide* page 59, Gazetteer North-West Frontier Province).

The reforms either under the Morley-Minto Scheme of 1908 or the Montagu-Chelmsford Scheme of 1919 which would have automatically applied to these districts if they had not been separated, did not apply. There were twelve Municipalities under the Punjab Government, it having first begun with six under the Act XV of 1867. In 1904 there were 10 Municipalities and now they have dwindled back to the original six (*vide* Report of the North-West Frontier Province on the working of the Municipalities 1920-21).

Like other portions of the Punjab up to 1903, the non-official members of the District Boards for the Abbottabad and Haripur Tahsils were appointed by a system of election which was, that year, given up by the new administration on account of "the apathy shown by the people in these elections" and there is not a single municipality in which the election system has been introduced and the proposal to resort to election in one instance which was started at the instance of the Government of India after interpellation in the late Imperial Council was abandoned—only last year—in deference to the opinion of "most responsible" people in Peshawar that the system is unsuited to a frontier city.

True, in the Punjab also the elections to the Municipal Councils and District Boards were generally marked by indifference even as late as 1911-12 (*vide* page XI, Punjab Administration Report 1911-12). But the policy pursued by that Government was to assist the development, in every possible way, of the growth of real civic spirit and every effort was made to foster a sense of responsibility, so that, steady, though slow, progress was obtained in the matter of local self-government by about 1918-19 (page IX, Punjab Administration Report of 1918-19). These districts if they had remained part of the Punjab would have profited by such a policy.

6. Substantial advance has been made in the spread of the co-operative movement in the Punjab Province under a special department. Central credit societies developed; primary agricultural societies were formed; cattle insurance societies likewise grew up (*vide* the Punjab Administration Report of 1918-19). As early as 1911-12 the Punjab Government records that in no direction has progress been more striking than in the development of co-operative societies (*vide* paragraph 34, Punjab Administration Report 1911-12). The difficulties such as there were in the spread of this movement, whether in the case of agriculturist societies or in the case of weavers' societies in urban areas, were met with a firm resolve to surmount them. These benefits, again, the five districts were deprived of, because of the separation. The powers of interpellation and the moving of resolutions granted to the Legislative Council by their reconstitution in 1909 were freely availed of and here once more these districts lost the benefits of a participation in such exercise of legislative powers.

Considerable activity was displayed by the Legislative Council in amending and passing laws suited to the changing needs of the province. Likewise, systematic improvements were made in every direction which certainly would have benefited these districts also but for their separation.

There were no less than 218 newspapers published in the Punjab so early as the year 1912; whereas in this province there is even now not a single newspaper, though it is stated that for a short time, there was a newspaper, which however soon ceased to exist. There is not a single political association in

these districts. It cannot, therefore, be denied that these districts have, by their separation, been deprived of the benefits of the laws and regulations and of the various institutions of a progressive civil government and that they have been thrown back from the stage they had already reached by the time of their separation. The fear expressed by Lord George Hamilton in his Despatch of the 20th December 1900 has turned out only too true.

7. The reasons for separation (as has been already stated) and for the formation of this new province concerned purely and solely the management of the political relations with the frontier tribes and the separation of these districts followed, as this was considered the only practical arrangement that they should be placed under the same control and authority as the tribal areas.

Reasons for separation.—
 (a) Prevention of raids in times of peace.
 (b) Securing tribal help in times of war.

It may be asked, why is it the Government of India have been anxious to bring the independent frontier tribes more under their control? In the words of Sir Henry Brackenbury—the reasons were “(1) to prevent them raiding in times of peace; (2) to have them on our side in times of war.” We have, now, to examine whether the actual results achieved in these directions by the formation of this province during the last 22 years justify the action then taken. Reference has already been made to the condition which prevailed on the border about the time of the formation of this province and immediately thereafter. I have been shown an official compilation which quotes

Expectations not fulfilled—Increased Insecurity to life and property.

1907.

Sir Harold Deane, the Chief Commissioner, as advocating a Forward Policy in 1907, on the ground that the attempt to maintain peaceful relations with the Mahsuds had resulted in inordinate expense, and a widespread conspiracy to terrify Government by assassination. I have been shown also various confidential border reports. The border report of 1908 records a steady growth of kidnapping and

1908.

that the tribes had been arming themselves during the last three years. It also records that the tribal territory was the best market for arms, that troops were not available, on account of some recent orders, to assist the civil authorities. The Chief Commissioner felt the necessity for strong border villages and pointed out the futility of the policy of trying to induce the tribes by personal influence, persuasion, threats, and bribes, to police the border for us. He recorded the fact that formerly people of well-behaved villages on the border in British territory were allowed to possess arms and could in their walled villages hold their own against raiders. And he regretted that the order issued against the unanimous opinion of the local officers in 1900 withdrawing that privilege had not been cancelled, seeing that it had left British subjects exposed like sheep to wolves, and that the situation was becoming very difficult with heavily armed tribesmen, defenceless villages, and untrained military police and militia in the place of an active well-armed frontier force.

In the report of 1909-10 an improvement in the arming of villages had good effect; but we find in 1910-11, an account of gangs of professional outlaws, and the summer of 1910 left the frontier in a state where life and property were not safe even in the main routes and people had to pay double revenue—one to Government and the other to dacoits and the border military police could not be relied upon as they were ill-trained, ill-disciplined, underpaid, and without hope. The conditions apparently became so unbearable on account of the steady growth of kidnapping that we find interpellations in the Imperial Legislative Council in the years 1911 and 1912.

“At that time the Hindus were a wealthy people in the village parts and as such were bound to suffer in the course of depredations at the hands of the frontier tribes.” Later on we find “that the attention of the raiders is devoted impartially to representation of both religions.” (*Vide* Police Report for 1920.)

8. Encouraged by the fact that the partition of Bengal, which was also one of the acts of Lord Curzon, had been annulled in 1911 and in view of the readjustment of the province of the Punjab after the creation of the province of Delhi, the resi-

dents of Dera Ismail Khan and Hazara repeated a request, which they had made at the time of the separation itself, to keep their districts "peaceful and settled districts," at least as part of the Punjab. To this effect, memorials were sent. They contended that separation had not proved advantageous; that the head of the province had very little leisure left to him to give his undivided attention to the settled districts; that the main purpose for which the province was carved out had not been accomplished as there was a recurrence of so many raids and dacoities. They further pointed out that they were not where they were before the separation but had been thrown back some fifty years. This shows to some extent at least that the separation was unpopular in the beginning and an early opportunity was taken by the people to re-agitate this question. (*Vide* Appendix 34.) This further shows that the people did not submit to the separation without protest and that the separation had in their judgment disastrous results. In his

1915-16.

Confidential Report of 1915-16, which I have been shown, the Chief Commissioner remarked that tribal allowances had in many cases failed to secure the friendliness of the tribes, and stated that insufficient use was made of the hold we possess over them in their dependence during the winter months upon intercourse with British districts. He cited the history of Dera Ismail Khan as one long tale of rapine and outrage and said that in the northern half the people were endeavouring in despair to sell their property and leave the country. What a contrast to the description in the Gazetteer of 1883 already quoted! He further remarked that the insecurity of life, property and honour in the districts bordering on Waziristan made it difficult to understand why the people had not moved *en masse* across the Indus, and he referred to the superhuman but fruitless efforts made by Government. The Confidential Report for 1917-18 stated that the Dera Ismail Khan people could sleep occasionally in their beds after persistent harassment for five years. In

1920.

1920 tribal lawlessness was rampant and an attempt is made in the report to justify the inaction on the part of the Government. Questions were asked in the Imperial Legislative Council in the year 1920 by Mr. Surendranath Banerji and others and we find articles and letters in the *Tribune* that year wherein the question of re-amalgamation and the unsatisfactory condition of the frontier province is prominently discussed.

Reference is also made in the correspondence published in the *Tribune*, under the heading "An experiment that failed: the North-West Frontier Province," to the Resolution passed in the Punjab Provincial Conference held at Jullundur (*vide* issues of the *Tribune*, dated March 27th, 1920; April 3rd, 1920; April 5th, 1920; May 23rd, 1920; September 29th, 1920).

Lala Harji Mal in his Memorandum referred to the fact that when Colonel Wedgewood visited Peshawar in 1920, the people put up arches asking for re-amalgamation with the Punjab. The position must have been serious, for an authoritative document, already referred to, to which I have had access, cites the Chief Commissioner as declaring on the 25th August 1919 that Government's unwillingness to adopt a Forward Policy argued an apparent indifference to the chronic state of raiding and outrage to which the people of the districts were subject, without hope of compensation for their losses. Mr. Barton is cited in the same military compilation as holding about the same time that any sort of moral or material progress was next to impossible without a Forward Policy. Mr. Sachidananda Sinha also gave notice of a Resolution in the Imperial Council in 1920 raising the question of the re-amalgamation, which was ready for discussion but was not reached. Mr. Pison in his Memorandum, dated the 15th May 1922, refers to this fact as he had to prepare a note for that expected discussion. By 1920 therefore the people again began to re-open the question of the separation and there was strong agitation.

9. Taking as the text the memorial presented to the Chief Commissioner by the Hindu community of Banau, the Chief Commissioner in a very welcome but belated and overdue circular, dated 24th of August 1921, refers to the "appalling injuries suffered by our citizens, the dishonour of women, the upheaval in family life, the

Growth of serious crime and the helplessness of the people and of Government even then manifest.

grief and anxiety in the home, the natural resentment at the impotence of Government in protecting its tax-paying subjects" and further remarks, "Indeed the only creditable feature of the business is the marvellous patience shown by those whom it is our duty to protect more stoutly." He laments "*The loss of the old grip and decay of virility in dealing with cases of this kind.* Executive energy seems to have rusted in the sheath and a wooly and belated political settlement with the tribe concerned is too often accepted as an adequate solution of wrong inflicted." Stronger words have not been used by the numerous witnesses who have given evidence before this Committee. The figures relating to crimes show a steady and appalling growth, *vide* Appendix No. 21, and figures given in the attached statement. The figures relating to raids have to be noted carefully.

From Police Reports.

		<i>Serious crime.</i>			<i>Number of murders.</i>	<i>Raids.</i>
			1901	..	197	..
			1902	..	201	..
			1903	..	208	..
			1904	..	151	..
			1905	..	176	..
1906	..	2,458	1906	..	160	41
1907	..	2,520	1907	..	192	56
1908	..	2,885	1908	..	175	99
1909	..	3,101	1909	..	255	159
1910	..	3,316	1910	..	272	114
1911	..	3,827	1911	..	322	71
1912	..	3,663	1912	..	316	165
1913	..	3,998	1913	..	394	345
1914	..	3,561	1914	..	416	292
1915	..	3,638	1915	..	400	223
1916	..	3,777	1916	..	353	189
1919	..	5,094	1919	..	474	611
1920	..	5,469	1920	..	644	391

Again, it is not only the increase in the number of crimes but the nature thereof which calls for notice. So early as 1908 a gang of nearly 30 people entered the city of Peshawar, posting sentries on points overlooking and commanding the Andar Shahar—in this premier city in the province, looted the houses of Chela Ram and Kirpa Ram, both men of great wealth. The raiders were able to make good their retreat after killing 2 policemen and 2 chowkidars and taking away Rs. 43,444 worth of loot. This was on the 28th of January 1908. On one occasion a large amount of property belonging to an officer of the 57th Rifles was carried off in broad daylight on the Kehat-Bannu road. On another occasion in 1909, the Naib-Tahsildar of Bannu was kidnapped on the same road whilst travelling in the Mail tonga.

In the report of 1909-10 the Inspector General of Police refers to the increase of kidnapping raids in Bannu and thinks that they are due to the bad example set by the relatives of the kidnapped Hindus in getting them released by payment of ransom.

Reference is made again in the report of 1910 to a gang of dacoits cutting their way through troops, both horse and foot, after causing 20 casualties. As to kidnapping, the District Magistrate of Bannu also remarked on the bad example set by the Hindus of ransoming their kidnapped relatives. The Sessions Judge comments on that thus:—

"The unfortunate people have no choice in the matter. They get little assistance from their Muhammadan villagers. Indeed many of them no doubt share in the ransom; and so far the Government has been able to do little to help them." The Judicial Commissioner, agreeing with the Sessions Judge, adds further: "In consequence of the insecurity of life and property many Hindus have removed

with their valuables for refuge to the towns of Bannu and Lakkhi." This was as early as 1909.

This migration, by the way, from the village to the town is also a noteworthy feature. In paragraph 105 of the Report of the North-West Frontier Province for 1901—03 we find it stated as follows :—

"The North-West Frontier Province is almost wholly agricultural. The urban population is only $\frac{1}{4}$ th of the total, and shows no tendency to increase at the expense of the rural. There are no large industries to attract the population to the towns. Those that are towns now, except Peshawar and Dera Ismail Khan, are either expansions of large agricultural villages, or bazaars which had grown up round the many cantonments of the province."

But if we turn to the recent Census figures (*vide* Appendix No. 18), since 1911, the migration of the Hindu and the Sikh population to the towns seems to have been very large. The rural population decreased from 68,083 to 58,042 which makes a decrease of 16 per cent. Whereas the urban population has increased in the same period from 81,456 to 109,879 which makes an increase of 47 per cent.

These figures gain significance when taken along with the Judicial Commissioner's statement referred to above. But, alas! even towns have become unsafe now that daring raids are made into walled cities or even into cantonments, protected as they are by barbed-wire fencing.

In 1909, the two cases referred to at page 53 of the Appendix, of the incursions into Bannu City, when four children of a poor clerk were taken away (whom after a delay of months, he had to ransom back by paying Rs. 20,000) from the heart of Bannu City; and the case of the attack on the Hindu Ashram inside the city walls, are terribly instructive in this respect. The attack on Karam Chand's house in Peshawar and other attacks in other walled cities instanced by witnesses before the Committee in their evidence are other examples indicative of the amount of security enjoyed even by towns.

10. Turning now to the second of the objects of bringing the independent frontier tribes under the control of the Government of India—*viz.*, "to have them on our side during the time of war"—the policy hitherto pursued has apparently not proved a success. In 1894 Trans-frontier policy was reviewed and certain facts and conclusions were stated which, according to the authoritative document already referred to, applied equally to the situation to-day. Briefly the reference was to the old uncertainty of the attitude of the tribes and the old attempts to face both ways. The military advocate of a Forward Policy urged that we were faced with a very similar situation now except that the Province had been raided and harried continuously in the meanwhile; that we were placed in a extremely difficult position during the Afghan War in 1919; that much money had been spent and many lives lost in punitive expeditions, and that the tribesmen had become much better armed; that the system introduced by Lord Curzon in 1899 of tribal militia and allowances had, after 20 years' trial, failed completely under the first real test of religious fanaticism, and that the system ought to be replaced by a Forward Policy. This is rather important as that system was also part of the scheme of the separation and formation of this province. It appears that the policy advocated by Lord Curzon of withdrawing regular troops to cantonments in the rear and the entrusting of frontier posts to be held by the Militia did not stand the test of the wave of fanaticism which flooded the border in 1919 and at a very critical moment landed us in a very trying position.

11. The situation to-day on the frontier is admittedly grave, very grave (*vide* Mr. Ewart's evidence). In answer to my question "Do you think the trans-border tribes are such a danger to this country?" he replies "yes, they are a great source of danger." (Page 325 of Volume II of Evidence). The answer elicited to my question "what, do you think, has been the effect of the last 30 years' policy of the Indian Government towards the

trans-border tribes; has it been effective?"—was "I certainly should not say ineffective. It may not have resulted in the full realization of the hopes of the authors". (Page 324 of Volume II of Evidence.) To my leading "you think the policy is resulting in making friends with them", he rejoined "In the main essential principles of the policy, I think we *will* succeed" (mark, the tense is future). He pointed out that one of the remarkable features in the frontier policy is "that there never has been as much as 20 years' continuous progress. That makes it exceedingly difficult to judge of the results of the policy. Answering another question, he says "all along the tribes have played this double rôle"—having previously replied 'yes' to my question "As I gather, your trouble is this—the trans-border tribes are corruptible material and there are 2 if not 3 possible agencies which are inimical to us and these inimical agencies are likely to tamper with them and thereby make them a source of danger"—Mr. Pears gives evidence thus:—

Q.—Which of the tribes is the most troublesome?

A.—There are many competitors for that honour.

Answering another question, he says 'Relatively, I admit that the formidable nature of the tribes was nothing so great in 1900 as it is now', and when questioned 'Is the situation growing grave' he replies 'I think it is already very grave and it is bound to grow graver unless some very striking change is effected.'

Q.—Things are growing more and more complicated in your experience?

A.—Yes, inside districts as well as outside.

Q.—So that the Chief Commissioner's charge is becoming more and more difficult?

A.—Yes.

Colonel James also takes the same view.

In the face of such admissions by such responsible people it will be unsafe to draw any inference, contrary to these admissions, as Sir John Maffey and my colleagues ask us to do, from the lucky escape during the Great War from any great conflagration on the frontier.

12. Thus to put it mildly, it can hardly be claimed that the experiment has proved a success in the face of what has been stated above in either direction. We have now to examine the question from the point of view of the districts more closely. It has already been shown that the situation as regards security of life, property, and honour, has been steadily growing weaker and weaker; and this tendency began to be felt some four or five years before the war, within a very few years after the formation of the province when the old traditions of the Punjab rule gradually and finally made way for the new régime about 1907-08. *Post hoc, propter hoc*, is certainly not a sound rule to go upon. To take it for granted that the present state of affairs is entirely due to world causes, the Great War, the Afghan trouble, and the Khilafat or non-co-operation agitation, and the increase in arms, jointly or severally, as has been done before us by several witnesses speaking on the official side, including the Chief Commissioner, will likewise be a wrong perspective. For, this tendency to decline manifested itself clearly and definitely even before any of these causes began to operate, as has been shown already.

We have now to see whether the system of administration introduced for the districts after their separation has not been at least one of the principal causes, if not the main cause, to which it is true the other subsidiary factors mentioned above contributed their quota in later years and which quota it is admitted was not an insignificant reinforcement.

In theory, no doubt, the Government of India took up the direct administration of these districts as well as of the border control. But in actual practice, the Commissioner took the place of the machinery of the Punjab Government and continued in himself the functions of both the Commissioner of the two divisions whom he displaced as also the supervision and control "of a strong administration

equipped with all the resources of Government" which also he displaced. He was also the Agent of the Governor-General so far as the trans-border affairs were concerned. The Government of India is not equipped with the machinery for carrying on the ordinary civil administration of a province, as a first class provincial Government is.

13. It was anticipated that a small frontier administration would be expensive and inefficient for lack of senior supervisors and that there would be a tendency to subordinate the rights of inhabitants of the directly administered districts to considerations of policy as regards the tribes or Afghanistan. The Chief Commissioner and all the chief responsible officers formed part of one service—the political service—which was organized and trained more for external and foreign politics than the internal administration. The policy to be pursued by him towards the tribes had been laid down for him by the Government of India at the time of this change and that was "to depend upon keeping the tribesmen in good temper." The Deputy Commissioners in charge of the district were responsible to him and not to any other strong Government as was the case before. The Political Officers and the Deputy Commissioners had to pursue that policy so that strong and retaliatory measures to be taken then and there were not taken for fear of offending the tribes although there was often provocation grave enough for it.

14. The separation of the province from the Punjab was due to an apprehension that the Punjab Government had shown aggressive intentions during the 80's and 90's and when a new government was placed in charge displacing the former one, its tendency naturally would be to dispel by its action, even at the expense of the people of the settled districts, the suspicion engendered or supposed to have been engendered in the minds of those tribes, *vide* Mr. Ewart's Book. The first misgiving which the Secretary of State entertained about the new arrangement, *viz.*, the danger of placing one man in sole executive charge of both the sides began to manifest itself soon after the formation of the province in several directions. The deterioration no doubt was not noticed for some time as the administrative machine ran on the old grooves. It was originally anticipated that the Chief Commissioner was to have *some only* of the powers of a local administration. But he assumed all the powers very soon. A Revenue Commissioner was appointed as the controlling and final appellate revenue authority and he was to be responsible for the framing of the annual budgets of the various departments under his charge, and he was to be the financial authority, as he was to be the Revenue Secretary, to the local Administration. Somewhere about 1909, the Chief Commissioner, even without the knowledge of the Government of India, deprived him of this position and took that power unto himself and his Secretary.

Thereby all financial control on proposals, and sanctions, by an expert officer was removed. It is after this, that the flood-gates of extravagance were opened as it were; and a scheme which had been sanctioned on the faith of a representation that the extra cost involved thereby would not exceed 3 lakhs and odd inclusive of both trans-border and cis-border expenditure is now costing *more than five times what it was at the start*. From the year ending 1901, November, to 1903, April, the revenue was 36 lakhs and the expenditure 51 lakhs. In the years 1909-10 the revenue was 56.91 and the expenditure went up to 106.85; the expenditure on the internal administration exceeding the revenue by 14 lakhs but if civil works were excluded as an Imperial item then the expenditure on the internal administration would have been less than the revenue by about 7 lakhs—*vide* Administration Report for 1909-10. But it is after the years 1909-10 that the expenditure went on increasing without any limit. In 1918-19 the expenditure on internal administration was 73.36. To-day that expenditure alone is 130.55 which exceeds the revenue by about 60 lakhs, and if the trans-border expenditure is added the deficit will be 2½ crores. This distribution between cis-border and trans-border expenditure was recently made by a

special officer, Mr. Dutt, in consultation with the heads of departments as also with the Secretary to the Chief Commissioner and these figures have been supplied to the Committee. One cannot resist the conclusion drawn in some Finance Department noting dated the 29th April 1922, to which I have had access, to the effect that the North West Frontier administration has very little incentive for economy. An attempt has since been made to make a further redistribution between the expenditure on the settled districts which however would not affect this conclusion. If you deduct on one side, you will have to increase on the other and the same officer is responsible for both. That the inefficiency of the protection afforded to the tax-payer of the settled districts was not due to any tendency of niggardliness on the part of the Government of India will be apparent from the fact that the expenditure on the ordinary police alone is now nearly 31 lakhs whereas it was only 5.2 lakhs in 1902 (*vide* page 26 of Mr. Short's Memorandum). The strength of the police on the 31st of December 1902 was 3,113 whereas last year (*i.e.* 1921) it was 5,471. This is exclusive of the military police on which a further outlay of 23,95,000 is incurred—which was only 10,60,000 as recently as 1918-19. It cannot be said that money was not fully available for political expenses, for, whereas the expenditure on that item stood at 20 lakhs in 1902-03, it has now risen to 118 lakhs and it may be noted it stood at 48½ lakhs only in 1918-19.

A few items of expenditure are worth mentioning. For this small, miniature province, a training college has been started recently in 1916, which costs about Rs. 35,000 per annum, and for which a very costly building is being put up and very nearly completed. This so-called college trains teachers (1) for the junior Anglo-Vernacular and (2) the Senior Vernacular classes only. In the junior Anglo-Vernacular class, training is given for two years. There are no students in the first year class because there is no scope in the province for persons trained in the college and even in the 2nd year course there are only less than half-a-dozen pupils. The two Inspectors of Education, who have given evidence before this Committee, say that there is no need for such a college, and that although they are the two senior educational officers of that province they were not consulted at all on it. The cost of training each pupil in this college was 3,144-10-8. Till 1920, the average attendance of the college was only nine (9) when a new Vernacular class was added with 20 stipendiaries and for this institution, we have got a principal, a vice-principal, and professors. Such extravagance is bound to result whenever you have a miniature province like this with a separate administration. It is impossible to avoid the temptation of having all this paraphernalia of a government, especially when it is so close to a first class province.

The Irrigation Department may also be mentioned. Till 1915 this was being managed for this province by the Punjab Government. This province was naturally ambitious to have a department of its own as the Chief Commissioner would have to be master in his own house with the result as is disclosed in answer to an interpellation by Mr. Shahani in the Assembly on the 23rd of March this year, *viz.*, in 1918-19 the net loss was Rs. 4,39,974; in 1920, Rs. 5,08,231 and in 1921-22, Rs. 6,91,331.

Education undoubtedly has made relatively good advance within recent years in the district—a very good advance indeed. It may be stated that the policy pursued in the province till about 1909 seems to have been “to avoid the danger of educating a class for whom there was no employment which they hoped to achieve by making the student pay highly for advanced education (*vide* the report on Education, 1909-10). These districts, it should however be stated, have made more progress in education now than they did when they were under the Punjab. But the same advance would have been secured at a much lesser cost if these districts formed part of a larger unit. Reference has already been made to the training college. For educating 132 students, 2 Arts Colleges were maintained in this small province. The forest department is worked at considerable loss of 2 or 3 lakhs of rupees, agricultural farm is run at an annual loss of Rs. 3,000 to 4,000 (*vide* Colonel James' evidence) and if the province is to be equipped in all directions—such as engineering, medicine, technological and other institutions, the cost is bound to be prohibitive.

It was suggested that the Punjab was likely to neglect these frontier districts. But with a Minister in charge of Education, responsible to the Local Council in which these districts will be adequately represented, such an apprehension is reasonable neither to entertain seriously nor to accept. It has to be remembered that in geographical extent these five districts are less than four average districts of the Punjab and likewise that in population—area, the whole of the North-West Frontier Province is much less than even the smallest division in the Punjab.

15. This province has got all the departments of a first-class province. The annual reports are issued by this province under all the following heads which may be noted with advantage:—

- (1) Forest,
- (2) Sanitation,
- (3) Excise,
- (4) Civil Justice,
- (5) Criminal Justice,
- (6) Administration of the border,
- (7) The Police.
- (8) Land Revenue, Land Record, Government Litigation and Estates under the Court of Wards,
- (9) Agriculture,
- (10) Jails,
- (11) Municipalities,
- (12) Dispensaries,
- (13) Chemical Examination,
- (14) Vaccination,
- (15) External Land Trade,
- (16) Stamp returns,
- (17) Season and crops,
- (18) Kharif crops,
- (19) Joint Stock Companies,
- (20) Archæological Survey,
- (21) Irrigation,
- (22) General Administration Report,
Public Works Department,
- (23) Public Instruction,

and so on.

However extravagant it may be, an administration cannot find a separate head for each of these branches. Hence here the Revenue Commissioner has by himself to control the following departments:—

1. Land Revenue.
2. Opium.
3. Stamps.
4. Excise.
5. Assessed taxes.
6. Forests.

7. Registratfon.
8. Scientific and other minor departments.
9. Civil Works.
10. Refunds and drawbacks.
11. General Administration.
12. Stationery and printing.
13. Ecclesiastical.
14. Minor Irrigation works.
15. Famine Relief.
16. Miscellaneous.
17. Industries.

Apart from this list of departments controlled by him, he is also Registrar of Joint Stock Companies, Registrar of Co-operative Societies, Registrar of Births and Deaths, Inspector-General of Registration, Commissioner of Famine Relief, and he is the Final Court of Appeal in revenue matters.

The ways and means at the command of the Punjab Government in these respects could easily have been availed of, without all these make-shift arrangements if these districts had remained part of the Punjab and it is well we are reminded here of the fear of the Secretary of State that "it is probable that in so small a province it will not be easy to keep the staff at the *requisite level of efficiency*."

Here are a few official statements made in the various reports which throw considerable light on this aspect of the question.

In the Report of 1911 the Judicial Commissioner remarks :—"The number of offences reported during the year was the largest received since the creation of this province. It is a regrettable feature of the situation that crime of the more virulent type has shown a progressive tendency to expand. Burglary is more rife than at the commencement of the decade. In view of these outstanding facts it must be admitted that crime is spreading. The most potent cause of the present conditions is that a great part of serious crime goes unpunished ; partly because most cases never reach the stage of a trial in court at all. The obvious inference is that our present machinery, police as well as judicial, is not fully adapted to the conditions of the province."

The Chief Commissioner would not admit it. This was in 1911. But he tried to throw the blame on the indifference of the people to truth.

In the Report of 1912, the Judicial Commissioner remarks :—"It is undesirable that Naib-Tahsildars, most of whom are inexperienced, should be made responsible for a large part of the criminal work." The Sessions Judge, Mr. Renny, remarks :—"The most disquieting feature of the year was the alarming increase in violent crime. That serious crime is in the upper grade cannot be denied." He refers to the fact that "political considerations make it desirable in recognition of Pathan sentiment to permit the repatriation of outlaws ; and if repatriation is made easier it is not without significance that the policy should coincide with a general all-round increase in crime. The immunity from punishment cannot but have a disastrous effect on potential law-breakers. Apart from the inherent difficulty of the problem of detection, the *progressive abandonment* by the police of the *time honoured methods of detection*, added to the low percentage of conviction", he considers "is an added encouragement to the professional depredator." He further remarks that in many cases the burglars and thieves had many of the Khans and the leading maliks on their side.

In the Report of 1914, after a comment on the unsatisfactory disposal of cases by Magistrates due to slovenly procedure, slackness in disposal, and inefficiency, the conclusion is drawn by a district magistrate :—"This is the result of recruiting Extra Assistant Commissioners not on merits of education and fitness but on those of family position." As early as 1909,

Political considerations predominant.
Frequent changes in personnel of officers due to system.

the evils resulting from too frequent changes in the personnel of district officers had also begun to be felt and to be adversely commented on in Judicial Reports. The period between 1902 to 1905 was hall-marked in the history of the Peshawar District for a fall in crime and this coincided with the fact that both the Deputy Commissioners and the Superintendent of Police were uninterruptedly together in the district and therefore were able to apply system, local knowledge, experience and influence. The local administration was advised to avoid frequent transfer of officers. As early as 1908-09 the difficulty was felt that the Provincial Service or rather the officers in general had suffered a loss to their prospects by transfer to the small cadres of the North-West Frontier Province (*vide* the report of 1908-09).

By 1909, it was also felt that none of the superior judiciary had much legal training and by 1914 the criminal work of the magistrates was characterised as 'not good' for the reasons either that they were inexperienced or that they had fallen into a groove from which it was impossible to displace them. In the Civil Administration Report of 1912, Mr. Bunbury, the then Judicial Commissioner, states as follows:—“Two of the most important posts of District Judge and Additional District Magistrate in this province were held by officers who were not fitted by their previous training and experience for their appointments. The Judicial Commissioner considers it his duty to draw attention to the inconveniences of a system which necessitates the posting of comparatively senior officers of the Political Department to judicial appointments in this province for which they are not properly qualified. Such postings are made because the officers cannot conveniently be provided for otherwise. The system cannot fail to affect injuriously the interests of the public. *The protest is directed against the system and not against individual officers concerned.*” Owing to the difficulties inherent in the arrangement of postings of officers in a small province, the Chief Commissioner in his remarks in 1911 refers to the detrimental effect of frequent transfers.

Mr. Tucker, Judicial Commissioner, as he went on leave, thought it his duty to place his view that “the work of the Court has suffered by the inexperience of many of the officers appointed to judicial duties. The position is one which has caused a good deal of anxiety. The work done is indifferent and the want of experience in a judicial capacity is often apparent.” In 1915 again the Review concludes with the remark “that the service is suffering from stagnation”. More criticisms of this type can easily be multiplied. But I feel I have already prolonged this portion of the report and I have appended copious extracts in a separate annexure.

It will be noticed that the remarks quoted are almost all prior to the year 1914. A glance at the long list of names in Appendix No. 26 will show how frequent the changes have been in the personnel of officers responsible for the carrying on of the administration of the district.

On a rough analysis of the figures in the Appendices 26—28, I gather the following:—Between 1901 and 1921 the Chief Commissioner was changed 10 times and 7 persons have held the charge—one of them, Sir George Roos-Keppel, held the office for nearly 9 years. In the Revenue Commissioner's place there had been 19 changes in the period between 9 persons, of whom 2 were Indian Army Officers. In the Judicial Commissioner's place there were 18 changes between 9 persons. In the Divisional and Sessions Judges place in Peshawar there were 42 changes, of which on 19 occasions military officers held the post—altogether between 18 persons. In the Derajat Division there were 22 changes, of whom 6 military officers on 6 occasions held the post among 16 persons. Among District Judges of Peshawar there were 56 persons and on 27 occasions military officers held the post. In Hazara between 1901 and 1915 there were 30 changes. Kohat District Judgeship was formed in 1916. Before that there was only the Deputy Commissioner who acted as District Judge. There have been 11 changes in Bannu; 21 changes in Dera Ismail Khan and since 1910, when the District Judgeship was constituted, there had been 10 changes. Among the Deputy Commissioners, where one would look for continuity of policy and outlook having regard to the very onerous duties which he has to discharge, let us compare the figures. In Dera Ismail Khan there have been 34 changes between 25 persons and on 15 occasions military officers held the post. In Bannu there have been 33 changes between 20 persons and on 19 occasions military officials held the post. In Hazara, there have been

20 changes, between 15 persons and on 12 occasions military officers held the post. In Kohat between 1909—15 there have been 18 changes and on 9 occasions military officers held the post. Between 1901—1909 there have been 11 changes—altogether therefore 29 changes.

In Peshawar from 1908 (we have not got the figures previous to that) there have been 18 changes between 13 persons and on 10 occasions Army officers held the post. In the City Magistrate's place, Peshawar, from 1908 alone there have been 38 changes.

I do not go down to the lower grades of Assistant Commissioners and the rest. There is something rotten somewhere to have produced these results and yet so much is made before us by the official witnesses of the importance of the office of the Deputy Commissioner and of the difficulties of administering the border and of the complex problems on which may hang peace or war.

16. Is it any wonder that the people have suffered in the way they have done all these days? Now I ask who is there responsible for all these things? Was there anyone to control the Chief Commissioner in his administration of the district? If this was done by the Foreign and Political Department of the Govern-

Defects of the system.

Conflict of interest.

Chief Commissioner, Agent to Governor-General.

Duality of functions.

ment of India, was there a strong Government responsible for the internal administration of these districts and to protest against this sort of dealing with the districts? The Chief Commissioner was their mere subordinate. Either he did not protest or was unwilling to protest. In a difficult administration like this where you combine conflicting interests and duties in the head of the district it is all the more necessary that there should be some continuity. If within the short period of 20 years there could have been this enormous number of changes in the posts of responsible officers, one cannot resist the conclusion that it is the system which is at fault—the system of harnessing political with administrative tracts and of the Government of India assuming direct responsibility for the internal administration of settled districts. The Chief Commissioner is superior in rank to the Foreign and Political Secretary. The Chief Commissioner is the final authority on internal administration and is responsible to nobody else and there is not the faintest trace of any responsible review of his internal administration and the Government of India are not equipped with the machinery for that purpose in their foreign or other department.

On a perusal of the yearly reports I found a casual reference in one of the early years, *i.e.*, 1902, to a review by the Government of India of the Report on the administration of Civil Justice here, after the formation of this province. I asked for further information on that whether there were other similar reviews in that or other departments in later years and I was informed there were none. Presumably, they have gone out of fashion, for now the Chief Commissioner is treated as the local Government, whereas the original intention was that he should have only *some* of the powers of a local Government (*vide* Lord Curzon's Minute, paragraph 53). Here is a system which makes the final authority in internal administration combine in itself the function of Agent to the Governor-General so far as political matters go. The latter comes under the notice of the Government of India: the former does not. There is a conflict of interests between the two, admittedly. Is it any wonder that the Chief Commissioner should feel so strongly the obligation of satisfying the Government of India in the Foreign Department in respect of his political duties and that with every good intention in the world, he would be unable to discharge his administrative duties efficiently—especially as his political charge was daily growing graver as singled out to us by Mr. Pears? If the Chief Commissioner was responsible to another strong government for his internal administration which can press the interests of the districts with some force and authority, which would arrest careful consideration at the hands of the Government of India even in cases of mixed questions of the internal and external policies, things would have taken a different turn altogether.

I wish to place myself, in judging of this question as if it arose for consideration

Question considered as if it arose in 1915. in the year 1915 for it was only after that year the situation became graver in consequence of other agencies—the Great War and other factors already allud-

ed to on which great reliance is placed in condonation of the defects of the internal administration of these districts—and I propose to consider whether I can brush them aside as merely due to temporary causes as my colleagues would desire me to do and as remediable by bare changes and reforms in the existing machinery for internal government in these districts.

17. There were three vital changes introduced at the time of the separation of this province—
Changes on separation.

- (1) To the first of these, I have already alluded—*viz.*, placing the same officer in charge of both sides and in supreme charge of one side in these districts.
- (2) The second is the weakening of the position of the villagers by disarming them and neglecting their village defences.
- (3) Lastly, there was the withdrawal of the protection afforded by the Punjab Frontier Force (which included such a mixture of elements as the Punjabis, the Gurkhas, the Rajputs and the Pathans), and relying solely on local militia for border protection.

The last of these changes has been found a failure after a trial of considerable length—for nearly 20 years.

Field for recruitment to provincial services too limited and excessive preponderance of the local element and therefore of one community.

18. For the formation of this small province the field for choice in recruitment of provincial services naturally became very limited.

Several witnesses have given evidence before us that the Pathans are closely connected with the tribes across the border by kinship, and community of language, sentiment and customs, and that they are so closely bound up in various ways that it is one of the ruling objections to the separation of these districts from the border.

One has to face the facts, however unpleasant the duty. During my tour with the Committee on the frontier, I have formed a very high opinion of the natural qualities of both head and heart of the Pathan and have felt great admiration for him. He is certainly a valuable asset for the Indian nation and I should like very much that there should be opportunities for Indians from other parts of this country from the Punjab downwards to come into closer contact with him and likewise I should desire the Pathan to meet these other Indians. This will undoubtedly result in mutual advantage and enrichment. Are there such opportunities now and has the Pathan such opportunities? Confined as he is in a small and narrow groove it is a wonder that he has still retained those fine intellectual qualities which are seen in him to-day. He held his own apparently during the days of the Punjab; for I find it stated during the Punjab Administration in paragraph 42 of the scheme report of 1902 "there are at present a large number of the natives of the frontier district holding appointments as Extra Assistant Commissioners, *Cis-Indus*"—; and again at paragraph 55 I find it stated "these frontier districts now contribute more than their share to the subordinate and provincial services of the Punjab. Too much emphasis cannot be laid on this fact for unfortunately an impression has been created in the minds of the people of the district who have given evidence before this Committee that they are likely to suffer by amalgamation with the Punjab in the matter of recruitment to the services.

It is true that by recruitment to the Punjab service, the natives of the districts may not be able to serve in their own districts and may have to suffer frequent transfers in a large province. But is it good in the public interest that in a small province like this where we have these strong feelings of affinity and where Khans are supposed to wield such great influence and where scions of those families are recruited to the services that they should be retained permanently in service within their own districts? In the scheme drawn up, the danger arising from such a condition of things was mentioned but has unfortunately not been provided against for I find it stated in paragraph 42 that "it is not advisable that in the personnel of the new provincial service there should be too great a preponderance of the local element."

This is a well-recognized rule in all administrations and indeed it should be more salutary in a province like this where we have such extraordinary conditions, where the people of the district have got such close affinity with persons who in the words of Colonel James, "do not deserve any consideration at all at our hands as neighbours. Hit them whenever you can, how you can, and as hard as you can."

Here are a few extracts. Writing in 1909, Mr. Barton, District Magistrate, Kohat, says:—"The abduction of rich Hindus is an enterprise to which the outlaw gangs devote their energies. The Pathan villages have not rendered themselves conspicuous for assistance on such occasions and as a rule they confine themselves to a perfunctory Chigha with absolute avoidance of risks." The Sessions Judge also remarks: "They (the Hindus) get little assistance from the Muhammadan villagers—many of whom no doubt share in the ransom." The Sessions Judge of Peshawar in 1912 remarked: "there is reason to believe that in many cases the burglar and the thief had many of the Khans and the leading Malikis on their side." In 1920 the Judicial Commissioner remarks: "The hostile attitude of the tribes re-acted on the people as a result of the close ties of kinship which unite the Cis and Trans-border men." The Deputy Commissioner of Hazara in certain cases which he tried in the year 1921 has made the following observations: "It is quite clear that a gang of badmashes has formed in the Manshera Tahsil which has become a terror to the Hindus of the country-side and its object is to attack and loot rich Hindus and their shops. It is quite likely the prevailing scarcity due to drought and high prices has induced the members of this gang to commit the depredation. It is equally clear that some influential persons are covertly assisting this gang while all the local Muhammadans have combined to suppress all information which is likely to lead to the arrest and punishment of the members of this gang." He remarks in another judgment: "there is no doubt that the culprits were backed by influential local Khans" in connection with the same area.

I am quite willing to accept Colonel James' explanation that it might have been due to the particular circumstances of that year 1920-21 in that Tahsil and I am also willing to grant that such cases form the exception than the rule. For I have heard it acknowledged by the Hindu in many a place that the Khans of the various localities generally helped the Hindus who were dependent on them, in times of danger. At the same time we should not ignore the ties of kinship referred to so much in the evidence; and, to put it at the lowest, it will not be safe to depend altogether on an executive service—both the magistracy and the police, composed entirely of the people of the district. Unless we have a fair sprinkling of outside officers both in the police and in the magisterial lines, there is very little room for healthy emulation and example—especially where the local people have to be recruited without much regard to personal merit or education but on grounds of family position—and public interests are bound to suffer as in fact they do now.

Major Garstin makes the significant statement in answer to the question 'What do you think is the general attitude of the people living inside the border? Is there a spirit of hostility between them and the raiders and are they in a state of demoralised sympathy with them?' (Answer) I think the majority of them are apathetic.

Q.—Have you found the Khans really of any use in tracing culprits or in suppressing raids?

A.—Some of them are of use but some of them are apathetic.

Q.—What is the general impression?

A.—When I came here, generally they were not doing much. They are now being made to help us.

The evidence of Lala Gobind Das, M.A., LL.B., Prosecuting Inspector of Police, also shows that "there is a net-work of relatives spreading throughout the province and sometimes throughout the same district even; and that acts to the detriment of public interest." That being so, the recruitment as it is confined to such a small province must act as an additional source of danger. That the provincial service, both the executive and the police—now is almost

entirely manned from the local people, will be apparent from a comparison of the figures given in Appendix No. 25—whereas at the time of the separation there was a very fair representation of officers from different communities such as the Anglo-Indian, the Punjabi Muhammadan, the Hindu, the Sikh and the Christian.

Causes for Increase in crime as disclosed in Official Reports.

19. The increase in crime as disclosed in the official reports is due to the following causes :—

- (1) Laxity of proper supervision by the police (*vide* Criminal Administration Report, 1907,—Judicial Commissioner, and District Magistrate, Kohat).
- (2) Inefficient investigation of offences,—large offences being untraced (Judicial Commissioner, 1909).
- (3) Frequent transfers of officers (Sessions Judge, Peshawar, 1908, and Review of Police Report, 1909).
- (4) Too frequent references to the *jirga* encouraging a habit of careless investigation (Judicial Commissioner, 1903, and District Magistrate, Hazara, 1913, Judicial Commissioner on Criminal Administration Report, 1910).
- (5) Want of proper judicial training for the Magistracy (Judicial Commissioner, 1912 and 1914).
- (6) Weakness and invertebracy of the magistracy and their want of moral fibre (Judicial Commissioner, 1907, 1911-12 and 1914).
- (7) The policy of repatriation of outlaws on account of political considerations.

Reference may be made to the official extracts annexed to this (Enclosures A, B and C) and also to the evidence of Rai Bahadur Bhai Lehna Singh, M.B.E., Additional Divisional and Sessions Judge, Peshawar.

Q.—Do you think the people of these five districts deserve good government—of which the essentials are (1) security of life and property ; (2) good administration of civil and criminal justice ; (3) moral and material progress including free press, free platform and an independent bar.

A.—Certainly they do.

Q.—Do you think that under the present system of Government they get it ?

A.—It is their misfortune that they happen to be on the frontier.

Q.—As an experienced officer of this province I want your opinion. They have not security of life and property because of the increase in serious crime ?

A.—No.

Q.—I suppose that you find from your experience that this increase has been steady ? So far as I am able to see from the official reports, they attribute this to four causes :—

- (1) Inefficiency of the police.
- (2) Want of good administration in criminal law.
- (3) Policy of repatriating outlaws.
- (4) And restlessness on account of the Afghan war. Do you agree that these things exist ?

A.—Yes.

Q.—As regards the inefficiency of the police, you have already stated—' not only are they inefficient but corrupt.' As regards the administration of criminal law, the weakness and invertebracy of the magistracy, the want of moral fibre, light punishments which have no deterrent effect, the low percentage of convictions, crime left unpunished too often, want of proper judicial training in the judiciary, and constant reference to *jirgas* are the causes mentioned as to why the administration of the criminal law is not effective. Do you agree with that ?

A.—Yes. I do.

Q.—The frequent transfer of officers, and the numerous references to the *jirga* encourage a habit of carelessness in investigation. Do you agree with that?

A.—Yes, certainly.

Q.—As regards the magistracy, I think you have already told us the subordinate judiciary are inefficient.

A.—As a whole.

Q.—That is due to the system of recruitment?

A.—Yes.

Q.—And that is due to giving appointments for political reasons?

A.—Yes.

Q.—Irrespective of personal qualifications?

A.—Yes,—personal qualifications do not play as great a part in this province in the selection of candidates as in other provinces. The causes mentioned by me hold good in every service.

Q.—Have you got a bar here, independent to have political agitation of a constitutional kind?

A.—I think you cannot call the bar here independent in that sense.

Q.—The pleaders have given expression that certain things have in this administration acted as a deterrent to healthy public life.

Do you agree?

A.—Yes. (Pages 131—133 of Volume II of Evidence.)

To this may be added the testimony of Wazirzada Muhammad Akram Khan, retired District Judge. (*Vide* page 35 of Volume I of Evidence.)

In reply to a question, by my colleague, Mr. Abdul Rahim Khan, at the close of his evidence which ran as follows:—

Q.—In regard to British officers of the Punjab (Extra Assistant Commissioners) have you heard any complaints about corruption—I mean even those who had entered by competitive tests? he gave the pathetic answer “Corruption does not depend upon the degree of education but upon the nature of the individual. Everywhere you can see well educated men who are corrupt—but here the worst of it is they are not only dishonest, but uneducated and unfit.” It may be mentioned that this gentleman gave evidence strongly against the amalgamation with the Punjab. To a similar suggestion put to another witness, the Honourable Major Muhammad Akbar Khan, C.I.E., the Chief of Hoti, that in the Punjab also there are a lot of people of the same type, namely people recruited to judicial work without the necessary qualifications, the answer was “there is no exemption in the Punjab. Men of much higher position were not exempted. They had to pass their examinations, but since 1908 this exemption has taken place here from the time of Sir George Roos-Keppel for reasons best known to himself and his advisers?” This gentleman also gave evidence strongly against amalgamation with the Punjab.

20. Turning now to the civilising influence of the administration on the British rule and its influence on the Pathans, one cannot but grieve to find that after so many years of British settled rule and not mere political control as in the trans-border area, the Pathan in the district should continue in the state we now find him. The reference here is not to the handful of the educated gentlemen but to the large majority of the Pathans as a class.

The Chief Commissioner remarks in his report on the Police Administration of the North-West Frontier Province of 1920 “We must confess that a generation of the Indian Penal Code has failed to turn the Pathan into a model citizen,” and in answer to my question, “As regards these blood-feuds of which we have had a

graphic description from a Shinwari gentleman, are they still maintained by the people in this province?" Sir John Maffey answered, "Yes, they carry on blood-feuds among themselves. They do not of course live in the same way as the trans-borderers do, occupying fortresses against one another. But it breaks out at any moment. They have not lost that characteristic at all." Here is an interesting and instructive bit of information which Khan Bahadur Malik Atta Muhammad Khan, Nawab of Kalabagh, gave to the Committee. He gave evidence from the Punjab point of view. He is a resident of Isakhel Tahsil which once formed part of Bannu before the separation. He says "If those people were amalgamated with the Punjab—meaning the people of these districts—they are so prone to crimes that they will commit crimes and the Punjab people will learn from them the same pernicious ways. Again, their notions are entirely different from ours. They kill a man as if he were a fly. Their ideas are hard and the ideas of the Punjabies are soft, and by communication with them, the Punjabi might imbibe the same ideas." On that statement portions of my cross-examination which are extracted below indicate what might have happened at least to some extent if the people of these districts had continued part of the Punjab and separated from their savage kinsmen across and made to associate more and more in their daily affairs with cis-Indus people.

Q.—How old are you?

A.—58 years.

Q.—Of course you remember the days when these districts formed part of the Punjab Province?

A.—Yes, I remember those days. My district was Bannu. Now I belong to Isa Khel Tahsil.

Q.—Have you got any trade relations with Dera Ismail Khan, I don't mean you personally but your people?

A.—We had some relations with Dera Ismail when our Commissioner was there.

Q.—Were there any trade connections with Dera Ismail Khan?

A.—I am not a trader. I am not aware whether there were any trade relations then or now.

Q.—Have you any relations by blood or marriage in Dera Ismail Khan? I don't mean you but your people.

A.—There are no relations between people of Mianwali district and the people of Dera Ismail Khan.

Q.—What people have you in mind when you say they are all criminal and kill people like flies? Do you refer to the people of the trans-frontier district or to the people of the five districts?

A.—I refer to the people of Peshawar, Kohat, Bannu and Dera Ismail Khan as well as the people of the trans-border area who are the same; but I know nothing about the Hazara people.

Q.—Have you personal knowledge of these people?

A.—I have been to the district of Bannu many a time but I have not been to the other districts. I used to call in at Bannu on *jirgas*.

Q.—For several years when Dera Ismail Khan formed part of the same division, your people and the people of Dera Ismail Khan were amalgamated, were not they?

A.—Yes, they remained amalgamated for nearly 17 years before separation.

Q.—Did your people become bad people before amalgamation with the Dera Ismail Khan people?

A.—Then their ideas were not so good as they are after the amalgamation with the Punjab. The ideas of the men of my district have since improved.

Q.—Is it because they are under the Punjab Government ?

A.—Not because they are under the Punjab Government but because they have been separated from those people. Now they are in good company.

Q.—You mean by moving with people of East Punjab your people have improved ?

A.—Yes.

Q.—Are there Pathans in the Isa Khel Sub-Division ?

A.—In Isa Khel town there are Pathans, Hindus and others.

Q.—Those Pathans have settled in Isa Khel a long time ?

A.—Yes, they have been settled there for a long time.

Q.—Are they different from the Pathans of Dera Ismail Khan ?

A.—There is no brotherhood between Pathans of Dera Ismail Khan and Isa Khel, though both are called Pathans.

Q.—I suppose by mixing with your people, the Pathans of Isa Khel have improved considerably ?

A.—Yes, on account of mixing with the Punjabis they have improved.

Q.—Therefore does that not afford a strong ground in your opinion, if there is a chance of associating other Pathans with your people, a reason for amalgamation. Would you not advocate it ?

A.—These Pathans came and settled in the time of Mahmud Ghuznavi. Why should we and our children bear troubles on account of these Pathans who want to come to us ? (Pages 779-780 of Volume II of Evidence.)

Thus we have again a description of the Pathan after being domiciled in the Punjab, in the Punjab Administration Report of 1911-12, page 66 : “ The Pathan tribal system subsists with any force only west of the Indus and to the east of it the Pathan is well-nigh as tractable as the Baluch or the Rajput, the Pathans are found in all the districts and minor States of the Punjab and where not actually temporary immigrants, employed in horse-dealing, labour or trade or claim to be descendents of families that have reached their present abodes in the train of conquering invaders. Large numbers are found in Delhi and Lahore districts but *in all these cases the Pathans are hardly to be distinguished in character or customs from the Muhammadan peasantry among whom they now dwell.*”

If the trans-Indus Pathans in Isa-Khel could have improved in that way, why should not the rest have also improved. I attach the greatest importance to this aspect of the question. I would sever these people as far as possible from the savages across and the natural enemies of this Government and of this country and make them realize that they are part of all India and not part of Central Asia. My colleagues, on the other hand, would seem to hold that the larger Indianization of these people is a danger to this country, for they look forward to the day, by keeping these people together, “ when the savage tribes across will become part and parcel of the cis-border tribe and form a strong, contented community.” Does past history teach us this ? Are these people to be kept as tame elephants to catch the wild elephants ? Khan Bahadur Nawab Habibullah Khan, it is no wonder, has warned us of the danger if these districts be not at once amalgamated with the Punjab. For he says, “ If it is not done there will be demoralization and a state of absolute barbarity will set in and there is a well known proverb in our language ‘ Gore nal bagha bajhi, rang na wateve-tan khaslat sikhe ’.—“ If a white bullock is tied on with a red one, if it does not change its colour, it will learn its habits ”—and so the proverb goes.

That there is every danger of that we can easily see from the following statement of Sir John Maffey made in another connection :—

“ This province cushioned between the Indian Continent and the troublous regions of Central Asia, registers the varying shocks of the outer world. The Pathan population have ties of custom and kinship

with the tribal Afghan Borderland which render them prone at all times to lawlessness, quick to violence, apt to seek vengeance for themselves rather than submit to an alien form of justice. Their proximity to the border renders it necessary to permit a wide distribution of arms for purposes of defence while at the same time it affords an easy refuge for the criminal who desires to escape from our penal laws. The old instinct to murder one's enemy has quickened and the means of doing it have increased. The result is plainly reflected in the criminal statistics."

21. This question raised by my colleagues is far too serious a problem from an all-India point of view for me to omit to give

The attempt at formation of a Pathan Province—Dangers and difficulties. Afghanization not Indianization attempted.

free expression to my conviction in the matter. As I read the situation, what is this that my colleagues are aiming at?

They want the foundation of a Pathan Province to be laid and they expect it will be a barrier from all possible enemies from the west. They admit there is a danger from the west in any case and whence exactly is that danger? Is it not from Afghanistan? and who are these tribes whom they propose to set up as a barrier against Afghanistan? Are these not the kith and kin of these Afghans—why, indeed the Mahsuds are partly in Afghanistan and partly in the tribal area;—similarly several other tribes inhabiting the border. If the people who had been under British rule for nearly three quarters of a century could be described in the way in which one of their own educated men describes them, is it unreasonable to entertain a fear that far from being a barrier from possible enemies we will be opening a wide door to the foe of India and of the British under the arrangement contemplated and proposed by my colleagues; we in the rest of India cannot look with equanimity upon the formation of a strong Pathan Province when he, the Pathan, considers he can never be Indianized.

This is what a gentleman learned in the law, Maulvi Nur-Bakhsh, B.A., LL.B., Pleader, Dera Ismail Khan, stated to the Committee. He has given herein frank expression to views which undoubtedly must prevail in the minds of the vast bulk of the community. Describing the cis-border Pathans he observes: "Their family quarrels and blood-feuds are the things that mostly attract their attention and engross their time and all of them are equally fanatical, equally excitable and turbulent. Though divided into different tribes and clans, they belong to the same original stock. As regards their distinguishing characteristics, there is little distinction between Pathans of the plains and their brethren of the hills except that the former have under the civilising influences of the British administration, given up the habits of dacoity, and free looting, more owing to want of access to arms than to anything else. The Pathans who mostly inhabit the province are not an Indian race. Like their well-known Powindahs, there are still many mountaineer tribes who flood the province during the six cold months. But for the British, many of these would have preferred to take forcible possession of the fertile plain country and make it their permanent home. In spite of the comforts of the plains, the Pathan has a deep natural love working in the inner depths of the heart towards the romantic hills which remind him of the golden past when he was full master of his own will.

As a matter of fact, the Pathan considers himself more to belong to the hills than to India." It is a question "whether he can be Indianized at all" and my colleagues deem it right that he should not be Indianized. Does the Government exist for India or for anything else? If British subjects of the Indian Empire cannot look to the East but to the West for their inspiring influences why should India look with equanimity upon such a state of things and why should the British look with tolerance upon such an aspiration? It is an idle dream to expect the mountain-tribes to give up their affection for their own kith and kin in Afghanistan.

When I cross-examined him on this point (*vide* page 646 of Vol. I of Evidence) putting the question "Talking of the Pathans inside of the border you say 'the Pathan considers himself more to belong to the hills than to India. He has more sympathy with his kith and kin in the trans-border than with the rest of India.' Is that true?"

He answered 'quite true', because the Pathan comes *from Afghanistan* (mark the words *from Afghanistan*) and when I drove him to a corner in trying to make out that he merely wanted to emphasise his point he still added 'these Pathans who live on the outskirts of the hill consider themselves more to belong to Afghanistan than to the rest of India.' When Mr. Bolton put a question to another in the group who was a Pathan, 'I am afraid you have painted your community darker than they are,' the answer was, 'in writing one has to emphasise.' I emphasise the word 'darker' in the question and I emphasise the word 'emphasise,' in the answer. It has to be dark before it is darker and you cannot emphasise a non-existent fact. But there is the danger spot. Another witness, Muhammad Samijan, said, "So far as I can understand, all over the world there are four or five elements which go to form a nation. One is language, the other is geographical position, another is religion and the other is tradition and culture. I think if we are sound in all these points, I as an individual belonging to this part of the frontier have got all these points in common with the people living across the border."

Q.—Even culture ?

A.—Yes, even culture, for by culture I mean the ways of life—of course it is just possible that educationally so far as books are concerned, I may be superior to them but so far as ways of life are concerned I am equal to them. (Pages 354-355 of Vol. I of Evidence.) On hearing this, I was reminded of the preaching of "Afghan adventurers" to the tribes. They preached that on political, racial and religious grounds, "the control of the Afridis should vest in the Amir of Afghanistan", *vide* Border Administration Report for 1920-21.

I quite appreciate such sentiments. But what about the Indian nation? Are these gentlemen of the settled districts to form part of the Indian nation or to form part of the Afghan nation? Which ideals are they to be taught which is to be the aim whatever the ultimate policy. Is it to be Indianization or Afghanization. I, as an Indian, cannot look unperturbed on the Afghanization of the border. Is it for this purpose the Indian revenues are to be used?

I sympathise with their sentiments and would wish them god-speed in their endeavour, provided it was not a possible source of danger to all India and to the British Empire in India. It is not so much a Muhammadan province as a combined Pathan province which is sought to be created. While I welcome him as an Indian, I cannot bring myself to welcome the Pathan of the Province as an Afghan. It is the formation of this Frontier province and the segregation caused thereby that have engendered such sentiments.

It is this danger which Sir John Maynard had in mind, when he gave those cautious answers to Syed Raza Ali's questions about giving the people of the Frontier districts the same rights and privileges as the rest of the province. When he answered "When people are in the same province, you have to treat them alike although you may have your doubts as to their perfect political fitness." Syed Raza Ali, followed it up with the question "So far as that goes, the evidence before us has been that the people of that province are quite as intelligent and as capable, if not more, as the people of any other province." The President intervened with the remark "I take it, Sir John Maynard was not thinking solely of capability and intelligence—and to this Sir John answered 'I was not thinking of intelligence: I was thinking of other things.' At this Mr. Raza Ali said 'That is why I mentioned these two things when I intervened with the remark 'What was it you were thinking of.' Sir John answered 'What I have really in mind is the extent to which they really feel themselves to be British subjects. Their eyes may be turned in two directions.' The President tried to use the corrective 'You were thinking of the tribal tract' and to this, having given in answer an emphatic 'No' Sir John followed up by saying 'here again I am at a disadvantage in not having recent facts' before me. But I think it is obvious that some of the tribes remain part of the year in British country and part out of it. What I meant was that there would be an element of which one may not be quite sure.'

These answers related to the supposition that the districts remained part of the Punjab. How much more should we have to pause and hesitate, before we give these people real political power, keeping them as an independent unit.

I find that Mr. Warburton also in his book 'Eighteen years in the Khyber' says this; "Giving a Malik power means giving him wealth (help) to injure us!" "The middleman whether he be one selected from our own subjects to deal with the trans-border area or whether he be one of their own chiefs, has caused the greatest amount of misery and trouble on the Frontier." "The Arbab or the middleman has been the cause of nearly every disagreement and of much of the bloodshed between the British and the 'savages' of the independent hills, for every man gratified by employment, a host of jealousies is raised against him and ourselves. These persons are not altogether incapable of provoking or promoting difficulties on the Frontier in the hope of increasing their own importance." Unless things have changed very much, these words of warning cannot be ignored. No less a person than Khan Bahadur Nawab Arbab Dost Mohammad Khan, O.B.E., Khalil of Takilwala, although he spoke strongly against separation and amalgamation, apparently believes—and he is an old man and a man of experience—that some political officers are not altogether innocent in this respect. In answer to the question, 'you began your answer this morning by remarking that raids are brought about by political officers. What do you mean by this statement?'—he said 'It is so understood'—meaning thereby that the people believe it to be so. There may be black-sheep everywhere. I would not attach, therefore, great importance to this ordinarily but for the fact that we are dealing with a frontier where, as we have been told, the unexpected more often happens.

22. I have till now considered the effects in detail of the formation of this province and of the fusion of both the administrative and the political control after the formation of the new province—A summary.

- (1) that there has been pronounced stagnation in several directions, if not retrogression in some, including the services;
- (2) that greater insecurity of life and property has resulted which, to put it mildly, is not entirely dissociated with this cause; and that it had become chronic by 1915;
- (3) that the executive services are inefficient and have acquired a tendency to adopt tardy methods and have for long failed to set the available political machinery in motion with the promptitude with which they could and should have done when serious cases of kidnapping and dacoity took place, from 1908 onwards. That promptitude pays and is not attended with serious risks to political relations is well illustrated by the case of a raid in a house in Sadar Bazaar of Peshawar city when an European lady was kidnapped in March 1920. Delicate negotiations were then in progress in Afghanistan. They were not affected by the fact that we organised a hot pursuit with nearly 1,500 hands with the result that the lady was brought back immediately;
- (4) that there has been the genesis of the separatist tendency in the minds of the Pathans with its menacing possibilities; and
- (5) that there has been no incentive to economy.

One other effect.
Tendency to autocracy in dealings with people of the selected districts.

23. Now I shall proceed to consider one other tendency of this administration, viz., the tendency to autocracy in dealing with the people.

In the old days of the Punjab immediately prior to the '80's before the districts became settled really, it used to be the fashion with the Punjab officials who were mostly recruited for the frontier service from military ranks, especially with young officers, to be "impatient of control and apt to gibe against any attempts to induce them to follow the law rather than their supposed common-sense." Here is an extract from a letter written by a young officer about 1877 to

an elderly officer in the service at Lahore. "I recollect after coming here writing you a very wild letter saying how I liked the rough and ready sort of way things were done—legality being little regarded." But, he continues, that he has begun to learn that "if a man knew his work, the laws were quite elastic enough to enable one to act legally and yet quickly." They had little love for the Chief Court of Lahore in these days and much less for pleaders. Even a senior officer after he was posted to judicial work in Lahore contrasting his position while at Peshawar where there were no lawyers, felt "as though he was fighting with beasts at Ephesus while surrounded by all the pleaders and barristers in his Court." The lawyers commenced to pour in codes, enactments, rules, &c., etc., etc., to torment the heart and mind of the frontier official. They resented "the thousand and one other Acts, regulations and rules which now cling to the district officers with the tentacles of an octopus." It was a wonder to them that the Chief Court insisted on its judicial work being done promptly in accordance with strict lines of procedure and rules laid down by it. 'How you can be a good frontier official and yet at the same time be a good lawyer' was their wonder. *Vide* (1): "Eighteen years in the Khyber" by Warburton, Chapter 19 (2); 'Thirty-five years in the Punjab by Elsmie, pages 158, 192-193, 219.

Apparently later on the officials became reconciled to settled administration in the districts. Resort to their supposed commonsense rather than the law was less frequent. The ideal for an officer having to deal with wild tribes and of one having to deal with settled districts must be different. "You cannot rein wild horses with silken braids." Rigour is inseparable from control of such people. In dealing with British subjects in British districts, the ideal must be different. But where you have a narrow province with a service of its own, one day serving inside the border and the next day outside it without having opportunities of coming in contact with administrators with liberal outlook, the tendency is apt to develop of a common tradition in the service. They become more and more frontier officials of the old type. Evidence is not wanting of this tendency even in the most advanced of the officers on the frontier. I propose to refer here to a few instances.

Closing of Post and Telegraph offices in Peshawar.

Peshawar is the most important town in the frontier districts. The inhabitants of the city are mostly traders and merchants. If there is any blessing of British administration which people and especially merchants value most, it is the Post and Telegraphs. We all know it. Last year some ruffians in the town misbehaved in two ways (1) firstly, at the visit of His Royal Highness to the city by crying 'Mahatma Gandhi-ki-Jai' and other things and (2) secondly, in connection with two income-tax officers who were insulted and ill-treated—as well as another pensioner—and those who so insulted were afterwards tried and punished; and in consequence of that "a punishment was inflicted under the orders of the Deputy Commissioner, for which the Chief Commissioner takes the responsibility, on the whole town by closing all Post and Telegraph work in the city: by preventing carts laden with goods passing into the town: and by not permitting tongas with luggage to pass into the town—on the ground, in the words of Sir John Maffey, 'I was not going to let the city choose which Government servants they would have and which they would not'—and this from the highest authority in the province. I do not know if the Government of India were apprised of this intended action and then allowed it to be taken. Asked under what law this executive action was taken, the answer was 'under the law of common sense.' The Courts were not closed; other Government activities were not stopped; there had been no rioting; martial law had not been proclaimed. To punish a whole city of over a lakh of population in this manner, of depriving them of a vital service for the misconduct of individuals, will be the last thing a civil servant will think of in my province. It was really a case of "I was not going to let the city choose" and not a measure intended for protecting public servants—as if there was danger. (*Vide* Sir John's evidence taken at Abbottabad.) (pages 209-210 of Volume II of Evidence.) Another senior officer who had risen to the position

Notification of prohibition of re-entry to Importing Ahmedabad Congress delegates.

of a Deputy Commissioner, permitted the issue of a notification in the newspapers under the signature of the Superintendent of Police "to the proposed delegates of the Ahmedabad Congress" that if they attended the Congress they would be debarred from coming back to

the district. This was from Hazara, one of the 'Settled' districts. The notice runs thus:—"The Deputy Commissioner warns you that if you attend the Congress at Ahmedabad you are liable to be expelled under Section 36 of the Frontier Crimes Regulation." The Deputy Commissioner in question admits that a grave mistake was made and that the District Superintendent of Police had exceeded his instructions in issuing such notice, only it should have run differently. My honourable Colleague Syed Raza Ali attended that Congress. The following questions put and answers elicited will be of interest also.

Q.—You know a Congress Committee was formed in 1921 ?

A.—Yes.

Q.—It was dissolved within a week of its formation ?

A.—Yes.

Q.—You had the President, the Secretary and the rest arrested and kept under lock up for a day ?

A.—Yes.

Q.—On their promising to dissolve the Association, you released them the next day ?

A.—Yes.

Q.—Can you tell us why you did that ?

A.—I think I explained to you what the conditions in Hazara were when I took over. I think I also explained the latitude given to political aspirations and I think I also explained the disastrous results.

Q.—That is the reason ?

A.—I came to the conclusion that no aspirations except healthy political aspirations could in the interests of public peace and order be permitted. (Pages 455-456 of Vol. II of Evidence.)

So even before the Committee could show any signs of activity it came to a full stop.

A leading barrister Rao Sahib Parmanand at Abbottabad says this :—

Q.—Is there much public life in your district ?

A.—Practically there is no public life and there cannot be any public life.

Q.—Why do you say that ?

A.—For instance, I was absent from India for one year on a trip round the world in December 1920, returning on the 18th of November 1921. When I reached Havelian I heard that certain gentlemen who had belonged to Indian National Congress had been sent to jail and had been asked for security by the District Magistrate. That was my first work that I had to attend on the Deputy Commissioner. I said it would be better if they were not called upon to give security. Then some other gentlemen of Abbottabad joined hands with me and we attended on our Deputy Commissioner and said it was better that this thing should be dropped. It could only be dropped by the men promising that there would be no propaganda of the Indian National Congress and no Committees of the Indian National Congress. I agreed and said we are on the Frontier Province ; we cannot exist here without the help of our officers ; we must obey them, otherwise our life will not be safe. I persuaded those people that they should agree to my proposal and they said they would cease to have any Congress Committee in the district and on that understanding being given, they were released.

Q.—Am I to understand that there is no organisation here for the expression of moderate opinion, national opinion ?

A.—None whatever.

Q.—Supposing you have any grievance against high-handed acts, have you means of ventilating them ?

A.—No, we have no means of ventilating them.

Q.—You said people are afraid of harsh treatment and therefore you have no free press and free expression of opinion ?

A.—They are afraid of harsh treatment.

Q.—What is the feeling of the bar here ? Do they feel they are independent units of life ?

A.—I do not think they feel at all independent. Their licences can be cancelled. That is the reason why members of the bar never join any such movements as they do in the Punjab. In fact very few people go to attend the Congress. Those who want to go, bring it to the notice of the officials so that people may not report against them. (Pages 7-9 of Vol. II of Evidence.)

Even the Judicial Commissioner is tempted to take executive action against the pleaders by threatening to transfer them from one place to another on *ex-parte* reports made by the Deputy Commissioner. The correspondence with Ghulam Rabbani, a pleader at Mansehra, appended to this, will illustrate this position. It is a novel position for a pleader to be told, after establishing his reputation in one place, to be threatened to be transferred to another place at the sweet will of a Judicial Commissioner who acts on *ex-parte* reports by an executive officer and by an executive order. When asked for a copy of the order transferring his place of residence the pleader was informed that 'copies of such orders being of an executive nature cannot be supplied' and the Registrar continues 'I am to add that the transfer was made on grounds of public convenience—a right, the exercise of which the Judicial Commissioner reserves to himself in the case of all legal practitioners.' Well may the barristers and pleaders say after this there is no independent bar there. If pleaders can be ordered about from place to place at the pleasure of the Judicial Commissioner in his executive capacity, it cannot be a 'Settled' district. Other similar instances may be quoted to show that the people of the districts are under the sway of an autocratic administration which must starve if not kill the growth of public spirit in the province. This sort of feeling that you cannot give public expression to grievances is prevalent not only in towns and with educated people, but also among the rural population. A batch of witnesses appeared at Abbottabad representing the Lambardars and Zemindars of Mansehra Tahsil and they spoke strongly against amalgamation. When their spokesman Mr. Wali Mohammad had enumerated a number of grievances he had against the way in which the Frontier Crimes Regulation was being worked, he was asked :—

Q.—How long have you been feeling all these difficulties ? and the answer was this : 'Up to 1911-12, the Frontier Crimes Regulation was used properly. In cases in which the parties asked for it or the officers thought it important and necessary, a *jirga* was appointed.'

Q.—What have you done about these things which you have felt as grave grievances ?

A.—What could I do ?

Q.—Could you not form an association or village committee for getting rid of these things ?

A.—The people are not sufficiently educated in the province to bring them to the notice of the officers in such a way.

Q.—You are an educated man ?

A.—I could. But party feeling runs very high in the province. If we collect 50 or 60 persons at our houses at the time of marriage or death ceremonies, that is represented to the officials in a bad way and it is said that we met to discuss seditious or rebellious movements and after some more answers indicating that it was not the fault of the officers but of the information carried to them, he was asked if there was any Congress Committee in his village to which he answered 'No': it is not possible to hold gathering at the time of ceremonies. If the Congress meeting was held people would be sent to jail. When he was asked why he did not and people who were thinking and had been thinking in the past did not take steps to get reforms, he answered they had no medium for expressing themselves and had not now only that this Committee had given them some opportunity.

Q.—You had your Deputy Commissioner and Chief Commissioner, why did you not make representations to these officials in a body ?

A.—I have already said that even 20 or 25 men could not collect together for such a purpose. What is the use of asking me again ? (Pages 348-349 of Volume II of Evidence.)

24. Such being the defects in the internal administration of the districts, let us turn to the other aspect of the question, *viz.*, from the point of view of the trans-border area whether the combination has resulted in greater good. It would have been seen from the extracts quoted already from the official reports that the results have not been satisfactory from this point of view even. The Chief Commissioner's responsibilities in that direction have grown very grave and complicated. The time has come, as every official witness has stated before this Committee, for taking effective action. When Colonel James was questioned as follows :—'there are already troublesome borders which are trying to become more troublesome. What is your view of the proper measures to be adopted to put them down'—he answered 'you cannot put the danger down. I do not believe it is possible except by taking over the whole country. I do not see there is much scope of improvement short of occupation until civilization, as we understand it, spreads into their country.' In examining Mr. Ewart I am afraid I showed a tendency to belittle the lurking dangers in the tribal area which Mr. Ewart wished to impress upon the Committee. The President with his insight very naturally in his concluding examination brought out the gravity of the situation which will also have a material bearing on a united and contented Pathan community theory dealt with already.

25. It is impossible hereafter to avoid pursuing a firm and definite policy in regard to the trans-border area. The matter has come to a head after the last Afghan War and after the treaty that has been signed. The management of the situation there will require the earnest and anxious and undivided attention of the person who acts as the Agent of the Governor General in that area. We cannot shut our eyes to the fact that the system which has hitherto prevailed of external control is only a *pis aller*. And that sooner it will be necessary to face the situation and establish a closer control over the tribes. "The necessity of the permanent occupation of the Central Mahsud country near Makin based on a new, mechanical, lateral transport road connecting the Tochi with the South Waziristan, has been felt and accepted." The time has come when a policy should be announced with as little delay as possible so that our enemies may know that further resistance is useless and our friends may know that they will have our support in future instead of being left in the lurch as had occurred before. The policy has been announced by Lord Chelmsford in a speech which he made in the Imperial Legislative Council on the 20th August 1920 in clear words. After reviewing the facts he stated "We hoped that if we let them alone they would leave us alone". This hope, I regret to say, has proved fallacious; and the time has come when we can no longer shut our eyes to the fact: He continues "On a review of the facts we have now made up our minds that this continual and gratuitous provocation can no longer be suffered, and we have decided with the approval of His Majesty's Government that our forces shall remain in occupation of Central Waziristan, that mechanical transport roads should be constructed throughout the country, especially roads linking the Gumol with the Tochi line and that our present line of posts shall be extended as may seem necessary. It is not possible to set any limit to the period of our occupation." I feel it is too late to retract. A steadfast policy on the Frontier is now more necessary than ever. How is one man to discharge both these functions without detriment to both? So viewed from every point, the conviction has forced itself upon me that it is expedient, nay, that it is necessary to separate the administration of the five administered tracts. I feel, nobody feels it more than myself, in giving this answer, that it is a very bold one. It may be said and perhaps with considerable force that the opinion of all experts, past and present, is against this view. But after examining their opinions most carefully and the grounds on which

they are based, I am satisfied that those opinions are more the result of the conservative tendency of the official mind in this country, to take 'what is best.'

Official conservatism.

When Lord Lytton proposed the scheme of the formation of the North-West Frontier Province with the trans-Indus districts more or less on the lines finally adopted in 1901 in Lord Curzon's time, "there was but one opinion expressed in the whole of the service that it was a great political blunder" (*vide* Sir Robert Montgomery's letter dated July 13th, 1876, printed at page 219 in Elsmie's "35 years in the Punjab" and yet the then Secretary of State accepted the proposals with certain modifications, as a necessary measure of defence and security. This scheme, however, did not take effect on account of the war in 1878. These modifications are rather important in view of the proposals which I am putting forward. The Secretary of State's scheme was the creation of two Commissionerships for the trans-Indus districts of the Punjab and Sindh (for Sindh was not then part of Bombay), *i.e.*, one for the Pathan and the other for the Baluchi tribes. The incumbents of the posts were to be appointed by the Viceroy *but in respect of all internal affairs were to take their orders from the Punjab Government.* Although several eminent people thought that this scheme emanating from the Secretary of State was beset with difficulties and that it would probably be more difficult to devise a scheme more full of the seeds of future misunderstanding and confusion, Lord Lytton and the Secretary of State were prepared to accept the modified scheme and the arrangements were very nearly completed to put it in force, when in the winter of 1878 war broke out with Afghanistan.

26. The impossibility of severing the external relations of the tribes from

The theory of impossibility of severance of tribal control and districts administration examined—views differently stated.

their internal administration and placing the former under one Government while the latter remains under another, has been put forward as the greatest argument against any such scheme and is the one which overwhelmed Lord Curzon in 1900 (*vide* paragraph 25 of Lord Curzon's Minute, page 129 of the Blue Book). Let us examine this more closely. What is it that the people understand or understood when they speak of this impossibility? Mr. Mark is generally quoted as the greatest authority on the subject. This is what he says in paragraph 3 at pages 74-75 of the Blue Book. "That being so, will he readily understand what an infinity of questions of dispute and disagreement and of business arises from the daily intercourse of these people. This business must be settled promptly and with justice or the peace of the border is endangered. It is business which is quite distinct from the imperial questions in which British and independent interests as such are arrayed against each other; and upon the successful administration of the daily business of the frontier it chiefly depends while under ordinary circumstances the border is heard of or not. But the discharge of local or imperial business in the border is not the sole duty that falls on frontier officers by whom I mean, Deputy Commissioners and Commissioners." He says "the five Frontier districts leaving out of consideration the border matters for the moment call for administrative qualification and capacity above the average" and he says further at page 76, "when we have not crossed the boundary of British India and consequently have not been obliged to create political agencies that are independent of Deputy Commissioners, the maintenance of friendly relations with the border tribes, the exercise of such control over them is feasible and expedient and the settlement of the business I have sketched above arising during the daily intercourse and transactions of the people within and without the border line is entrusted to the Commandants (now Assistant Commissioners) of the border military police, under the general control and supervision of Deputy Commissioners. I have explained how and why in the districts external control cannot be dissociated from internal management. The people are much too closely connected for that. There must be one administrative head for both branches of the management. *In cases where we have crossed the boundary and have maintained political and other administration of large trans-frontier tracts, the circumstances are entirely different and there we have officers, viz., political agents, co-ordinate with and not subordinate to Deputy Commissioner.* But within a district there can be only 'one king in Brentford' *viz.*, the Deputy Commissioner." Thus it will be seen the political control of the trans-border area consists of two parts—the local and the imperial control from inside the boundary, of adjacent area and control of the area itself. It is

in the former the daily transactions are so interwoven that they should be in the hands of the same officer, viz., the Deputy Commissioner and "not that large portion of the trans-border control where you have co-ordinate officers to deal with the situation." The Political Agent's charge is different from the Deputy Commissioner's charge. It is the Deputy Commissioner's internal and external charge that cannot be separated. The proposal I am going to make does not involve any such separation. The proposal made in 1898 involves such separation and it was open to the objection taken by Lord Curzon. My proposal will be in the nature of perpetuation of an existing separation and not the creation of a new one. The Deputy Commissioner and the Assistant Commissioner under him will continue in charge of the district and also of the business arising out of the transaction—and daily intercourse referred to by Mr. Merk which are local and not imperial. The proposal Mr. Merk was commenting upon was the alternative suggested by the Secretary of State of "making the Commissioner of Peshawar and through him *his several subordinates* who were employed in conducting the external relations with the tribes, directly subordinate in such matters to the Government of India." It was the practicality of that arrangement that he was commenting upon. That proposal included a scheme by which the Deputy Commissioner and his Assistant Commissioner were to be subordinate to the Punjab Government in respect of internal matters and to the Government of India in respect of external matters. There may be difficulties in accepting such a proposal, as was pointed out, on the argument of inseparability. But that does not apply as he himself points out to large trans-frontier tracts where the circumstances are entirely different. Dealing with the same objection under another name of divorce—i.e., the control of officers on the British side of the border must be divorced from the control of affairs on the further side. Mr. Anderson points out "while the spheres of control must cross at points it is practicable in most matters to draw a fixed line between trans-border and cis-border affairs and cases; and as one officer will have control of both, viz., the Commissioner of Peshawar, he could without serious difficulty exercise his control over trans-border tribes under the direct orders of the Government of India, while at the same time administering cis-border tribes and districts under the direct control of the Punjab Government." This fusion of control he also recognises as true only as regards the population in parts of the border within and without. As I read his paragraph at page 80 he mentions that so far as the Agencies are concerned he sees no difficulties in separating them and placing them under the Government of India direct and as regards those parts where the relations between the cis-border and trans-border are intimate, even there he thinks it is a practicable arrangement to separate them and place them under the Government of India while the district administration should be carried on under the direct orders of the Punjab Government. He considers, as there will be a common Commissioner by whom control will be exercised and through whom the two Governments, viz., the Punjab Government and the Government of India will issue their direct orders, in respect of matters respectively within their spheres, that there will be no serious difficulties and that therefore he sees more advantages than disadvantages in the Secretary of State's alternative proposal which he was then considering. Sir Mackworth Young dealing with the same objection, which he states thus: "the duty of maintaining friendly relations with, and control over, trans-frontier tribes is inseparable from that of managing the tracts within the British border—merely adopts Mr. Merk's statement of this inter-connection, and proceeds to state "there are tracts in regard to which separate political charges have been framed to which the remarks apply only to a minor degree." Of course Mr. Merk and he were opposing the proposal, that was put forward, of separating the whole and not only of the Political Agencies. Sir Richard Udney, on the other hand, agreed with Mr. Anderson and indeed he was even more strongly in favour of the proposal to make the Commissioner of Peshawar and through him several of his subordinates who are employed in conducting external relations with the tribes, directly subordinate in such matters to the Government of India. He points out the distinction between purely external relations and those not purely so—and enumerates them. Mr. F. D. Cunningham in dealing with the proposal remarks thus in paragraph 3 at page 98. What he "gathered from the Secretary of State's despatch was that it was suggested that the District Officer should be divorced from the management of political business in his own border." If it meant that, he ventured to think the scheme needed careful reconsideration. It is in commenting on this

that he makes the remark that "the fundamental principles of border-administration should be to retain in one hand executive control within and the management of relations with clans *on the fringe of hills* beyond the border." It is with reference to that fringe of hills beyond that he proceeds to say "the geographical line which marks the boundaries is no barrier" and so on, and he concludes with the words "that these remarks refer to the clans who march with British territory." The further you go from our border, the less does this argument apply. The fact that there are political agents in charge of Wano, Tochi, etc., and that they can manage those tracts successfully without having jurisdiction within our districts does not prove the contrary as these charges include clans far removed from the border line"—and he summed up his opinion that "the proposal to remove the Commissioner and his subordinates in political matters from the control of the Punjab Government and to place them directly under the Government of India is practicable and not unworkable. But that it *had* grave disadvantages, and he had no hesitation in saying that it would be a grievous mistake to divorce the Deputy Commissioner from the management of the border clans who march with these districts; and he offered a solution of continuing these districts with the Punjab Government and to give it real authority and power to issue final orders in respect of affairs with clans on the immediate border fringe, and in all but matters likely to lead to serious results or to hostilities on a large scale and he expected that that plan would work. Mr. Warburton also advocates the importance of Deputy Commissioner and Assistant Commissioners doing purely and solely the civil work of their districts and of having political and police officers to undertake the trans-border police duties (*vide* page 340).

27. On an analysis of these somewhat conflicting opinions on the proposal, the following conclusions emerge :—

- (1) There is a vital distinction between the control of that portion of trans-

border area—call it what
Result of examination of the theory of
impossibility of severance. you may, the fringe of hills
beyond or the clans which

march with British territories—and control of those tracts
in regard to which separate political charges had been already formed.
It is the former control which is inseparable according to all
and not the latter.

- (2) Of the 5 officers consulted, two of them were in favour of the whole proposal. Mr. Anderson and Sir Udney and one of them considered the proposal "practicable and not unworkable" and suggested his own solution and the other two were against the proposal as a whole.

- (3) They had not to consider the modified proposal which Mr. Cunningham gives at page 100, bottom, which is the one I propose to advise the

Government to adopt to
Proposed Scheme. solve the numerous difficul-

ties. In 1877 and again in 1898 the Secretary of State and other
experienced officers saw the necessity and wisdom of separating
the internal administration of the districts from the political
control of the tracts and placing them under the direct orders of the
different Governments, respectively, the Punjab Government and
the Government of India. It is true both the schemes contemplated
one officer, *viz.*, the Commissioner of Peshawar as the hand to control
both. Difficulty was felt only with reference to the area where
internal administration involved external control. Thus it will be
seen it is no novel idea to separate the two administrations and
place them under two different Governments working through a
common subordinate channel, *viz.*, the Commissioner. The argu-
ment of inseparability is met by adopting the proposal of Mr.
Cunningham. That the Political Agencies and the district controlled
tracts stand on essentially different footings appears not only from
the above summary I have given but is further accentuated by the
later developments which have taken place since the formation of

the province. Whenever it was felt that there was any practical difficulty, areas which were under the control of the District Officer have been transferred to Agencies and areas under the Political Agent to the District Officer. Thus we find the Aka Khel Afridis were transferred from the District Officer to the Agency in 1909-10 and conversely, the Bhattanies previously under the control of the Political Agent of Wana were in 1902 transferred to the political control under the Deputy Commissioner, Dera Ismail Khan. Not only this. But in 1908-09 a Residency was created by which the Agencies in the south were placed under the charge of the Resident. In former days the Political Agents of the Agencies used to correspond through the Deputy Commissioner and the Commissioner. But for several years by now they have been altogether independent of the Deputy Commissioner. The tribes under the District management are referred to as "Minor Tribes" in the Border Administration Report of 1912-13 (*vide* page 3).

Mr. Pears in his memorandum which he submitted to this Committee has also drawn this distinction between these two tracts very pointedly (*vide* page 755), "The solution for this vital distinction," he says, "has been found in the creation of these Political Agencies and no better solution has ever been suggested." Sir John Maffey also in his evidence in paragraph 4 of his memorandum submitted to this Committee says "with larger districts and more numerous and powerful tribes the arrangement by which the charge of both district and tribal areas was with one man had in the more important tracts to be abandoned." Later on he refers to the same thing and says "But in certain cases where the tribes are unimportant or where there is no great road running through the tribal tracts, the Deputy Commissioner is also the Political Agent." So that the proposal to separate the actual administration so far as District Officers are concerned who alone are mainly responsible, will not be a departure from existing practice, but, on the other hand, will conform to it—the only difference being the District Officer in charge of the districts will be made responsible to a strong local Government which is equipped with the necessary machinery for directing and controlling internal administration. The District Officer, *i.e.*, the Deputy Commissioner, will continue to have the political control of the adjoining area of which he is in charge in which respect also he will be responsible to that local Government, of course through the Commissioner and the Punjab Government will have real authority and power to issue final orders in respect of affairs with clans on the immediate border fringe and in all but matters likely to lead to serious results and hostilities on a large scale. The more important tracts and the more important tribes will continue under the Political Agents under the control of a Commissioner responsible to the Government of India.

Advantages of the proposed scheme. - 28. Let us now consider the advantages of and the objections to this scheme. The advantages are:—

1. The districts will come under the control of a strong Government which will be able to press the district point of view with greater authority and the head of that Government will be a person whose views will necessarily be broader, and less circumscribed than those of a Chief Commissioner who cannot as a rule avoid dealing with matters solely from a local point of view, "being in the heat and dust of the battle so to speak and cannot approach the consideration of questions which arise with a dispassionate mind."
2. The officers will be recruited from a larger service, will have a broader outlook, and will have had more experience in civil administration and will be emboldened to press the district point of view.
3. The people of the districts will be driven to move with people of advanced views and will thereby imbibe the spirit of self-advancement and self-development on broader lines.
4. Many of the defects as they exist now in the administration are bound gradually to disappear though not all at once.

5. Greater economy in the administration will be secured—and on this, emphasis can never be laid too much.

Another equally efficient and equally economical remedy for the existing state of affairs is not possible.

6. The Chief Commissioner acting as the Agent of the Governor-General will have greater leisure and latitude to attend to external relations with the tribes which, we have seen, have now become so grave and are daily growing graver.

It is admitted on all hands that change, in its nature radical, is needed: The change proposed by my colleagues of creating a stronger local Government without separating the administration—if the logic of it is studied—will land us in a constitutional anomaly of the direct administration by the Government of India synchronising with the establishment of a strong local Government “with all the powers of a local Government.” The external relations are such that no Indian Legislature can think of entrusting them to any local Government. The legal and constitutional responsibility for the administration of the province being with the Government of India, we cannot divorce such an administration from the Government of India and from the Central Legislature.

29. Let us turn now to the disadvantages of, or objections to, the scheme.

The possible objections to the proposal examined. One main objection, if not the sole one, which every one pressed was this inseparability of hill politics from the plain politics. My proposal, as I have shown above, gets rid of that objection wherever it really exists by continuing the political charge of the various Deputy Commissioners in their hands. That objection will not apply as I have already shown to those other political tracts which are under the charge of Political Agents; and this point is brought out clearly in my examination of Mr. Pears as recorded at pages 780-781 of Volume I. He advocated that the Political Agent should be kept independent of the Deputy Commissioner and when asked, ‘How do you reconcile this view with your opinion that there should, if possible, be one officer—viz., the Deputy Commissioner who will adjust the difference between his British subjects and the trans-frontier tribes?’ he answered—‘Quite easily. My opinion referred solely to a Deputy Commissioner who was in charge of a tribe living inside and outside his district. But in other cases, a Deputy Commissioner who was in a position superior to a Political Agent would have to feel the interests of his political charge as he felt the interests of his British subjects.’ He advocates independent officers who will have each his own independent charge—one, of the Districts and the other, of the Political tracts. All that he wanted was that there should be a Chief Commissioner who would control both and the only reason he could assign against the separation was that in work as between the two sections friction would be avoided by having a common superior on the spot. He was quite definite that the ideal was not that the Deputy Commissioner should be his own Political Agent in respect of all the trans-border area. Sir John Maffey also was inclined to agree with that view. But Major Bruce, Major Garstin, Mr. Pison, and Colonel James hold definite views the other way—that the political officers in charge of political tracts should be subordinate to the Deputy Commissioner of the adjoining districts. So that expert opinion is not uniform on any matter except with regard to this. They all agree that there should be a Chief Commissioner to whom the two independent officers might look for guidance and control.

I do not minimise the importance of that position. But its importance should not be so exaggerated as to drive us only to one conclusion, if in fact the interests of the districts demanded separation. All that the witnesses urge or can urge in support of their position is this that if conflict arises there must be an officer on the spot to decide and that the presence of such an officer minimises the chances of such conflict. But then we have to remember that after all they are officers of the same Government having only one end in view—viz., the protection of the British subjects in the settled districts and especially that they would be senior officers and therefore experienced. Although there have been independent Political Officers and independent District Officers all these years in several parts of the frontier, the occasions on which differences arose so as to

call for any reference to the Chief Commissioner have been very few and Sir John Maffey admits this at page 135 of his evidence. When he was asked, 'Are such cases many or few?' The answer was, 'Few.' And very often they are settled amongst themselves. Very few cases come up to the Chief Commissioner. Very few cases of critical difference of opinion—and all that he could say was, 'They are so vital when they occur.' And this is the reason they want a Chief Commissioner on the spot, and it is on account of a mere possibility like this we are to abstain from taking a step if it is called for in large interests. I can understand the importance and gravity of this objection, were we dealing with two independent foreign Governments having divergent views. Where, as here, the paramount interests are common and both are subordinate to a common superior authority—the Government of India, I do not think much importance should be attached to this objection. The object of the separation is to subordinate the interests of the trans-border people to the dominant interests of the British subjects. That they have not been so subordinated, for long, is the gravamen of the charge against the present administration; and this is attributable to the fact that the common superior either because of instructions from above or from his own inclinations or by pressure of his political officers has not exercised that control on the Deputy Commissioners as he should, and could, have done.

30. Nor is this to be remedied by giving a local Legislative Council even with its full powers as it obtains in the Punjab. This is the alternative remedy suggested by my colleagues. These matters would be outside the function of the Council. What is really needed is a strong executive higher authority to deal with internal affairs to which the district officers should be responsible, and this cannot be had; having regard to the complicated nature of the questions by merely giving a Legislative Council to assist the Chief Commissioner.

The suggested alternative remedy—
Introduction of Legislative Council.

I have no objection to give a voice to the Chief Commissioner acting as the Agent of the Governor General in respect of matters connected with the district administration involving external relations. But no more than a voice. I wish to leave the final authority in the hands of a stronger Government who will look at it mainly from the point of view of the districts. This is absolutely wanting in the present system. Some measure is needed to provide it; and that has to be found with the minimum disturbance of the existing arrangements and with due regard to economy in expenditure as this province is already worked at a huge deficit. Financial considerations, alone, are sufficient to stagger one in making this miniature province a self-contained unit of a first class province with a Legislative Council, an Executive Council and a minister, with all the several departments and departmental heads, and all other paraphernalia. The reforms have been costly in every province and the pinch of it is felt everywhere, even in much bigger provinces. Mr. Bolton, the Secretary, has re-arranged the distribution of the financial burden between the district and the tribal area—so as to reduce the deficit worked out by Mr. Dutt. I am not sure how far his re-distribution will be accepted—for, the financial expert, Mr. Dutt, who was put on special duty for this very purpose, has reported quite differently showing deficit of nearly 56 lakhs in respect of the settled districts alone and that with the concurrence of the local officers. How far Mr. Bolton's estimates either as to Revenue or as to Expenditure can be safely relied on as a basis for our conclusions can be judged from the fact of this difference and from the disastrous failure of the financial anticipations on which the separation and formation of this province were sanctioned and entered upon.

Financial position.

Everyone of the official as also the non-official witnesses before us anticipates an increase in expenditure if this small province is to be given a local Council. All of them expect the Government of India to contribute and indeed claim it as of right as for a watch and ward province. But there is a limit even for that responsibility, and financial responsibility necessarily involves retention of control in the same hand. To talk, therefore, of a local Legislative Council, with full powers over the budget, money being found by somebody else, with an executive Councillor and a Minister, is to my mind unthinkable for this miniature province.

31. Almost every responsible officer examined by this Committee has warned us to be cautious in introducing reforms in this province. Mr. Pison says 'We should have to proceed cautiously in bringing the reforms into operation. I am still inclined to be a little partial to the principles which appealed to me in 1920—that the election should be gradually and not immediately introduced, even among the local bodies.' Sir John Maffey himself when he was examined at Peshawar, spoke very guardedly on the subject although he was prepared to change the view which he held in the early part of 1921 when he advocated merely an Advisory Council. When he was asked whether he was for introducing some elective elements because he spoke only of 'selection of councillors' and 'restricted selection,' he answered that was a matter which the Government of India would have to decide, that he did not think it was one on which he would have been called upon to give an opinion and that he was then prepared to accept the principle of election in matters like the bar association. When Mr. Raza Ali pursued the matter further and pressed him for his views, he was content to leave it with the answer he had already given to me (*vide* pages 136, 137, 141 to 143 of Volume I of Evidence) and as to the elective principle in the District and Municipal Boards, he was prepared to favour it "in a fractional way" in order "to give it a trial." After we had taken evidence in the other districts, it became evident that the bulk of the Muhammadan opinion was in favour of amalgamation with the Punjab, in case full fledged reforms were not given to this province.

Sir John Maffey was again examined at Abbottabad at almost the conclusion of our sittings in the districts, and Syed Raza Ali again returned to the charge (see pages 213-214 of Volume II). Mr. Raza Ali prefaced his question thus—'There seems to be an impression abroad, so far as I have been able to study, that if this amalgamation with the Punjab does not take place, then the people of this province will not get a substantial measure of reforms. That seems to be the impression among a very large number of the people. Do you think that there is any foundation for that?' The answer was 'The final decision of course in a matter of this kind will rest with the Government of India. Speaking for myself, I should say that fear is totally groundless. A Council here could not possibly be a mockery' and when pressed further he was prepared to consider favourably a 60 per cent. proportion of election to the Legislative Council and a substantial majority of members in District and Municipal Boards being returned by election. Thus in the course of less than 3 weeks Sir John Maffey was prepared to change his views on a very important matter like this. It was a choice between amalgamation and the grant of these reforms. My reading of his evidence is that he was prepared to choose the lesser in his view of two evils.

Other official witnesses are also very doubtful about the capacity of the province to take up full fledged reforms as an independent unit. Major Bruce, the Deputy Commissioner of Kohat, says, "I should very much doubt whether a Legislative Council would be of any benefit or whether the province is at present prepared for it." Pressed on that point (*vide* page 513, Volume I), with the question: "Do you think it is possible to start the whole reform machinery in this province, as it obtains in the Punjab," he answered, "I do not think so. It is a very small province which cannot afford the expensive machinery of the reforms. The cadre of the services is so small that they do not get the benefit of the best talent, European or Indian, available in the Punjab. It is a natural disadvantage to a small province and one and all have to admit it. It may be perfectly correct to say much of the reduplicated machinery to run a small province as a separate province will be reduced." He also admitted "that the trans-border tribes have always, absolutely, some associates inside the territory" *vide* page 498, Volume I. Colonel James, also, in his evidence, was very guarded. He would advocate in the first instance the setting up of an Advisory Council only. The members should be nominated and not elected, as the franchise is not understood by the electorate even in the most elementary form. There are elements of danger in forming an elected council in the absence of a full sense of responsibility (*vide* page 428, Volume II).

Major Garstin likewise says, "The people here are a little backward. They are not yet in a position to press their own views in an independent manner, you have

got to *make a beginning*. I think the time has come. If it has not come, it is coming. It is very near at hand."

Major Crosthwaite, the Deputy Commissioner of Peshawar, says, "As to its expediency from an administrative point of view, I have my doubts." The composition of the Council should, at first, be such that the local administrators' hands should not be forced unduly. As there is a desire on the part of a large number of persons to return to the Punjab, and one of the reasons is there is no Legislative Council, it would undoubtedly give great satisfaction to give a Legislative Council (*vide* page 103, Appendices, Volume III).

In the first stages of our enquiry in the districts, opinion was very guardedly given by the other witnesses on this matter.

On the 9th of April 1921 when the people of Peshawar presented an address to Sir John Maffey on his assumption of the office of Chief Commissioner, they referred to Sir Hamilton Grant's proposals to create

Sir John Maffey and his change of opinion.

an Advisory Council for the province as "most gratifying" to them. They stated that the province was very backward in education and that they wanted encouragement. In his reply, Sir John Maffey emphasised the fact "that an Advisory Council was all that could be thought of." So far as I am able to see, the creation of a Legislative Council for this province as an independent unit, for the first time finds a place in the suggestion embodied in the questions referred to this Committee. I am not able to find any trace of a demand for or suggestion of a Legislative Council with this province as an independent unit, before the Government of India Resolution raising this suggestion. In a note prepared by the Chief Commissioner on the 15th August 1921, which has been supplied to this Committee, he was emphatic that the "political reforms as in the Punjab were utterly foreign to Pathan character, incomprehensible to their feudal sentiments, and never seriously demanded except by irresponsible agitators." Sir Abdul Quayum, the leader of the Pathans and the most trusted of them all by the officers, a man with a very large experience, must have therefore surprised Sir John Maffey when he stated before this Committee that this province might be made into a model province with all sorts of reforms "improvements" and developments but apparently, he had not much faith in the reforms, for, in answer to a question by Mr. Samarth, he said, "I do not see any good or benefit having come out of the reforms," and as he quaintly put it, "It is better to put in our Bill for it at once."

32. Khan Sahib Sad-ud-din Khan, a highly respected non-official Muhammadan pleader in Peshawar, recognizes emphatically that a small province like this carried on as a separate entity would never succeed. K. B. Abdul Ghafur Khan while he is emphatic that the direct control of the Government of India over the settled districts should cease, and be confined only to the trans-border tracts, as the present system does not admit of political reforms being introduced, wants a Governor and Council as a local Government with a Legislative Council. He is also clear that district officers should be distinct from purely political officers. He is for separation of the districts for administrative purposes, and for constituting them into a separate province and for having the head of the Government to be the Political Agent for the border also. But, notwithstanding these liberal proposals, he is very guarded when he comes to the question of the constitution of the Councils. He would only propose that election should be adopted to a certain extent—indeed even for the District and Municipal Boards he is for election to a certain extent only (page 185, Volume I).

K. B. Ghulam Hyder Khan was also guarded:—"The people are divided into factions. The people here are not so far advanced." He would prefer "selection" to "election" and he says he represents the opinions of 20,000 villagers (*vide* pages 203-204 of Volume I). The Hon'ble Major Muhammad Akbar Khan would prefer only $\frac{1}{3}$ th nominated, the remaining $\frac{2}{3}$ th elected; but if that was not satisfactory, he was prepared to go half and half and that was the extent to which he would go with reference to Municipal and District Boards also; and when the President pressed him with the question: "Supposing you are given a choice between a Council of 80 per cent. elected and no Council at all which would you prefer," he answered: "I say 50 per cent. shall be elected and 50 per cent. nominated," and he was in

favour of mixed electorates and not of those communal. He likewise, spoke for most of the people in his jurisdiction. Mr. Mohammad Aslam Khan, Honorary Magistrate, etc., etc., in his memorandum was distinctly of opinion that the people of the independent territory are being ruled by a Governor of the Administered Districts, and that, that makes the administration of the settled districts very difficult. "The condition in the settled districts is going from bad to worse." The Administration of both these tracts must be separated. The combination of the two functions under one head is very puzzling and undesirable and one of the conditions, on the failure of which he would insist on being amalgamated with the Punjab was this of the separation of the administration of these two areas. He admits there are tribal factions and he would therefore advocate a larger electorate. Khan Bahadur Mian Musharraf Shah wants the Government to nominate large number of people as a panel, who should elect from that panel 30 Khans and that the other 30 people should be Government nominees. He again purported to speak on behalf of a large number of Zemindars, and Lambardars, about 20,000 people. Mohammad Sher Baz would not introduce any change at all in the existing system and Kazi Mir Ahmad Khan, B.A., LL.B., and Vice-President, Municipal Committee, Peshawar, was emphatic that it is not possible to have a separate province with a Legislative Council, on economical grounds and on political grounds and he spoke on behalf of the intelligentsia. Ali Hyder Shah while admitting that the internal administration has suffered by this combination of the cis-border and the trans-border under one administration, is for full-fledged reforms or amalgamation.

Khan Sahib Mian Fazli Huq is for separating the administration of the cis-border from that of the trans-border while at the same time he would not amalgamate with the Punjab. He wants full-fledged reforms. He admits there are "so many parajambas, factions, among the people of the province." A Pathan even if he is raised to a high position as that of a Deputy Commissioner or Political Agent will not leave aside his Jambas. He would still pursue his grudges and feuds against the other people. This witness is for half nominated and half elected and he purports to speak as a rural man. But he was positive, however, that the two administrations should be separated. "A conflict of opinions is not bad but it is good" and at page 361 of Volume I he was positive that there should be two different authorities. Muhammad Moaz wants the districts to be separated and to go back to the Punjab. As the Political officers were not fitted to perform the ordinary duties of administration, he held that that was the opinion of most of the Pathans other than Khan Bahadurs, viz., the Zamindars and the poor people. He said while he would be content with a Legislative Council, a High Court, etc., as in the Punjab, he felt it was an impracticable proposition. He was positive that if Khans were allowed to acquire influence, justice will not be done.

Nawab Arbab Dost Mohammad Khan who spoke on behalf of 10,000 people did not want a Legislative Council on the Punjab lines; but he wanted the Government to nominate 600 people and these 600 will elect 60 to the Council. His idea of the powers of the Council was they should have control over the Judiciary and the Executive. He again represented the view of a large population—about 28,000 in British territory.

I have not referred to the evidence of the Hindu and the Sikh witnesses. I have, hitherto, referred to the evidence taken in Peshawar, and that distinctly points to the conclusion that even among the non-official Muhammadans there is a large body of evidence distinctly opposed to a separate province with a separate local administration with all the paraphernalia of a Reformed Government—both on financial and on political grounds. The Peshawar witnesses made a very good impression on the Committee. There is undoubtedly a desire on the part of the influential Pathan Muhammadan, both educated and uneducated, to get more power, or, as one of them puts it, the "entire power" in their hands. Mufti Mohammad Yaqub in his memorandum laid emphasis on "the independent existence of the Afghan and the Pathan, with a province of their own." He did not want a share only of the reforms with the other people in the Punjab which otherwise would be "ours entirely." He is an Extra Assistant Commissioner now in the service. In Peshawar, they—the leaders—could not arrange for a public meeting to consider this question as the Deputy Commissioner would not allow it to be held.

33. In Kohat apparently, Major Bruce, the Deputy Commissioner, at first thought it best to arrange for a meeting of the important people in his district to consider the question. Through his officers he selected a list of persons to be called to that meeting which was held in the Townhall of Kohat on 23rd April 1922. At that meeting there were 67 persons present. K. S. Khushdil Khan, M.C., Rais, Bangash, was elected president and it consisted mainly of Muhammadans. The full proceedings of this meeting are found at pages 441—446, Volume I and it passed a resolution that the province should be reamalgamated with the Punjab. Major Bruce had in his memorandum prepared for this Committee stated, "I have travelled about the district a good deal. I do not believe the tribes who inhabit it are in any way in favour of reamalgamation." He warned the Committee against being influenced by the plausible arguments of clever speakers who very possibly have "personal interests at stake." He must therefore have been surprised at the attitude taken by a meeting of persons selected either by him or his own officers, and some of the timid people present in the meeting apparently went to him to represent that they did not share the views of the meeting. This often happens. He sent the Tahsildar of Kohat about the district entrusting him with the functions of getting memoranda from witnesses to appear before the Committee. He also issued a demi-official circular letter to Khans and Khan Bahadurs, in which he states, 'The Committee is coming to Kohat on the 16th of this month (May). I enclose herewith points, etc., you would probably like to come and see me before the 13th for any assistance' whereas he issued a dry official memorandum to certain other people mostly pleaders to report 'whether so and so desires—to give evidence.' These latter were mostly Hindus whereas the former demi-official was issued entirely to the Khans. The Tahsildar did go out and got memoranda prepared and signed by some of these Khans—opposing amalgamation. Of course Major Bruce did not intend to influence the opinion of the people, but there can be little doubt when you depute a subordinate official like the Tahsildar to canvass opinion among a class of people, who are a 'helpless lot' as described by Major Bruce himself, it is no wonder, that the more timid among them thought that they would be pleasing Major Sahib by advocating what to them was his view of the matter. We had a memorandum placed before us dated the 9th of May signed by some of the witnesses who had appeared before us which will be found at page 476 of Volume I and when the signatories were questioned about some of the contents of their memorandum, they gave expression to different sentiments altogether showing that they are not responsible for what is therein contained. The memorandum states 'at present Muhammadans are treated with special favour, in every matter and service, in view of their vast population in this province, though Muhammadans are backward in education. In case of reamalgamation, poor and simple Mussalman will no longer enjoy these concessions'—*vide* page 479, those signatories were asked 'Is it true that Muhammadans are treated with special favour in every matter and service in this province now?'

A.—"We do not know how it is. Posts are given according to education and qualifications, and family, and other services rendered. We do not know about special favour."

Q.—"Therefore you do not believe that any special favour is shown to Muhammadans?"

A.—"We do not know that any special favour is shown."

Q.—"Is it true that in case of re-amalgamation with the Punjab, the Mussalman will no longer enjoy those concessions?"

A.—"First we do not believe that there are any such concessions."

We have to examine the evidence given in this district, making due allowance for this official influence which unfortunately was brought to bear on these people. Malik Latif Khan and others say, 'We want to be amalgamated with the Punjab. We have two objections to remaining separate. In the first place, we have not got men competent and qualified to sit in the Council. We want to have training for 20 or 30 years in the Punjab. In the second place, we have no money to meet the additional expenses' (*vide* page 471, Volume I). Pir Imran Shah

who put in a memorandum dated the 18th of May which would be found at page 409, Volume I, opposing separation and re-amalgamation, and who wanted the whole province to remain directly under the Government of India so that 'it may illuminate like a brilliant star under the kind control of the supreme government', when asked, 'How is the Council to be composed, is it to consist of elected members or nominated?' The answer was, "We want a Council". (Page 411 of Vol. I.) When pressed further with the question, 'Do you think the members should be appointed?' The answer was, 'If they are appointed by Government or elected by us it is all good. If we can agree upon any one, he can be elected; if not, it is better that Government should appoint the members.'

Mir Alam Shah of the same group when asked, 'What kind of Council do you want?' he answered, 'We want a Legislative Council, there should be Government nominees in it and some members should be elected by the people themselves' and when he was asked the following question which is self-explanatory (page 413, Volume I) 'You know the present administration of the five districts. There is a Deputy Commissioner in charge of the district. Under him, there is an Assistant Commissioner, then an Extra Assistant Commissioner, then a Munsiff and so on. Supposing the same thing continues. Only the Chief Commissioner will be under the Punjab Government and everything will continue as it is. Now the arrangement is for some Military officers to be posted as Political Agents. Those officers again come back as Assistant Commissioners and Deputy Commissioners, and they are being constantly transferred, and therefore that system will cease and political officers will be in charge of political tracts. Supposing such a system were introduced—would you consider it better—I mean a Chief Commissioner under the Punjab Government', he answered, 'I do not agree with the present administration. If the Chief Commissioner were under the Punjab Government it would be a very nice thing, and when asked further 'Supposing that five districts were put under one Governor and your Judicial Commissioner becomes a Chief Commissioner and then supposing they have nothing to do with the border tracts. What is your view?'

A.—'Then it will be all right. I would prefer it to the existing system.' The same witness admits at page 416 that the Tahsildar wrote the memorandum for them and at the end he retracted the answer which he had previously made to me about the advisability of the separation of the Districts from the trans-border when examined by Mr. Bolton—Khan Sahib Baqi Khan also gives a statement and had signed an elaborate memorandum which he admitted, had been drafted by the Tahsildar and he says the Tahsildar wrote it out for him and others when they were on their way to meet the Deputy Commissioner in pursuance of a *hit* which had been sent to them. He wants an elected majority in the Council, but he will not give a due share to the Hindus, although it will be unfair. He was positive that no seats should go to the Hindus (*vide* page 449) and when asked 'Won't you like the elective principle to be introduced in the local bodies, District and Municipal Boards,' he answered with an emphatic 'No! People won't agree. So it should be left to the Government.' One can hardly attach any importance to the opinion of such a witness and yet that was the man put up to support the memorandum prepared by the Tahsildar. He has no faith in the Hindu. He wants no changes. He was not amenable to argument. So much so, that Mr. Raza Ali wound up with the question "I take it you are well satisfied with the present administration, and you think that it is almost incapable of improvement. Is that what you maintain?" And this question was put when the witness had said he would prefer an European if a second Judicial Commissioner were to be appointed, to an educated Khattack. In refreshing contrast to this witness, of the other influential persons who were present at the public meeting of the 23rd April, referred to above, Khan Sahib Khushdil Khan, Chief of Bangash, the President of that meeting, Taj Muhammad Khan, a pensioned Extra Assistant Commissioner, Pir Kamal Dilany and K. S. Sherzaman Khan, another pensioned Extra Assistant Commissioner, were examined. They explained their position clearly as to why they want the separation of the Districts and their re-amalgamation and they affirmed that there was always a tendency to back up the tribesmen by the present administration and they pointed out that there was only one officer in charge of both, that the higher authorities do not get full information and they pointed out that it was not a

practicable proposition to have all the reforms as in the Punjab with these districts as a separate unit, they give full particulars as to what happened on the 23rd of April at the meeting which they say was fully representative and they stick to their opinion of the advisability of separation and re-amalgamation. When pressed finally by Chaudhry Shahab Uddin with the question 'you thought, perhaps, that you cannot get these reforms of the Legislative Council and the Judiciary you want, immediately' they answered, 'we have no objection'. When pressed further with the question 'if you are assured that really the reforms will come and all these grievances which you have put before the Committee will be redressed at the earliest possible moment by the Government of India, will you even then care to go back to the Punjab', they answered 'in that case it will be a good thing if we are under the Government of India. We would prefer that'.

Khan Baz Mohammad Khan of Teri is against separation and re-amalgamation and was emphatic that the Province should remain under the Government of India with the rights and concessions granted to the Punjab. He was for extended franchise. He would not agree to a policy of keeping up the influence of the Khans. He was for advocating qualifications being insisted on in the case of recruitment to public services. His opinion was that the Deputy Commissioner should also be the officer in charge of the Political Agencies. Independent Political Agencies as they now exist were objectionable and unless the people get the full measure of reform, people will not be satisfied; and he concluded with the remark 'If amalgamated with the Punjab, as regards myself,—I am the Chief here and if I go under the Punjab, my status will altogether fall into the background and I will cut no figure with the Chiefs of the Punjab'—quite an understandable position from his point of view. This gentleman gave very enlightened evidence, and was very liberal in his ideas. But his ideal of trans-border administration is not accepted by Mr. Pears or by the Chief Commissioner. I have already referred to the evidence of Malik Latif Khan and others coming from his estate, who hold a different view! Syed Mohammad Ashraf advocated separation and re-amalgamation very strongly and while fully supporting the view of Rai Sahib Muthra Das from top to toe, he enunciated a number of hardships suffered by the people under the present administration and says 'they have now risen because they are hopeless of getting anything under the present administration'. He was positive there should be different controlling authorities over the districts and trans-border areas and this was necessary, even if re-amalgamation were impossible. When Chaudhry Shahab Uddin tried to dislodge him from his position with the question 'If that which is taken to be impossible by the people were made possible by the Government, i.e., if all the grievances were removed and better laws and better administration were given, then in your opinion there would be no desire for re-amalgamation', he answered 'if impossibility can be made possible, that will be so'.

So that the evidence of Mohammadans from the Kohat district also is substantially in favour of separation and re-amalgamation. Here again, I have not referred to the Hindu or Sikh evidence. There is one Hindu witness who spoke for the bar, Rai Sahib Rai Zada Eshwar Das who, while affirming the opinion of the bar generally that separation and re-amalgamation were both feasible and necessary, was in his own individual capacity, prepared to recognise there were certain difficulties in separating the trans-border area from the districts. But that they were not insurmountable. He was emphatic that no local Legislative Council would serve any useful purpose. From his answers to me at page 433 and 434 of Vol. I he was prepared to favour the suggestion that the Deputy Commissioner of each district should be in political charge of the adjoining area and Political Agent should be in charge of the trans-border area, the Deputy Commissioner being under the Punjab Government and the Political Agent under the Government of India. This gentleman was a very thoughtful witness and struck all of us as remarkable. I attach considerable importance to his opinion that there should be complete separation of the administration of the two areas.

34. Turning to the evidence of Bannu, Khan Bahadur Zaffar Khan and others filed a memorandum dated the 21st of May, in which they advocated that the five settled districts should be separated from the political agencies but should not be

re-amalgamated and they also advocated 'all the officials of the Police department up to the rank of the Sub-Inspector and all the civil officials down to the rank of Naib Tahsildars should be interchangeable with their own class of officials employed in the Punjab and that no officer should remain in one district for more than two years, and that one officer remaining at the same place for a long period injuriously affects the system as he has tribal and personal relations with the people; and that political officers should be separately chosen. They further added that the North-West Frontier Province should remain under the Government of India and one member from each district should be nominated by the people or by the Government and a Legislative Council should be thus formed and after 3 years' trial in this Council, they should state clearly whether the Frontier Province should be amalgamated with the Punjab or should remain a separate unit. When examined on that memorandum, they stated 'there should be some elective basis for the Council' and when pressed with the question 'should it be largely nominated or largely elected, he answered 'I have no objection to election but difficulties might arise in the way of blood-feuds and disputes, though in towns, the difficulties will not be so great.' His attention was specially drawn to paragraph 4 (c) of the memorandum filed by him relating to this interchange of officers; he affirmed he attached great importance to that and that applied to Deputy Commissioners, Assistant Commissioners, etc., and Mr. Raza Ali put him the question point blank 'please realise that the proposal embodied by you here will result in very much the same thing as amalgamation with the Punjab; he answered 'no such thing should be inferred from it'. He was positive however that members nominated by the Government should form a majority in the Council, that the people of the province have got factions between them, that unless nominated members were more than elected members there would be many quarrels and feuds. Ghulam Daud Khan of that party also wants only one man from every district to the Legislative Council of the Frontier and when he was asked whether he would like to have them elected or nominated, he answered 'I cannot say'. That witness is a graduate. Khan Bahadur Sher Ali Khan and others filed memoranda dated the 19th May opposing separation and re-amalgamation. They wanted that Extra Assistant Commissioners and District Judges should have frequent opportunities of going to the Punjab and doing work there, and if full reforms are not granted, they want re-amalgamation, 'that there is hardly a Muhammadan whose mind is not exercised over the Khilafat, that while some of them openly express their mind, others do not owing to fear of British officers, that people who agitate for re-amalgamation are people who feel for the Khilafat and when Mahmud Khan, a Jagirdar of Goriwala, one of the group was asked 'have you any other point on which you lay stress, he answered 'I want reforms and nothing more' and I put him a few questions in order to see what he was after, and found that he could hardly understand what budget discussion meant or what discussion of public grievances meant and yet he had subscribed to a memorandum which contained this clause 'if thoughts of liberty are spread in the province like the Punjab, then restlessness would be created, then it would be difficult for Government to control it, etc., etc.', and this is the gentlemen who had stated that he wanted reforms like the Punjab. He was positive his people should not be given liberty. Three Muhammadan members of the bar appeared to give evidence separately as Muhammadans and when asked the question 'Suppose complete amalgamation does not come off, then you desire to have internal reforms, Legislative Council, and so forth,' they answered 'Yes, completely, as in the Punjab'. Mr. Raza Ali put them the question 'I believe what you want is re-amalgamation with the Punjab,' and they answered 'Yes, Sir,' and when pressed further with the question 'You desire re-amalgamation because you think your interests have been so long neglected by the local administration that if you do not agitate for re-amalgamation you will not get all you want', they replied 'Quite so' and when further led with the question 'this demand is put forward because you are almost hopeless of getting any thing', they answered 'Quite so'. These gentleman agreed, however, that full fledged reforms with all the paraphernalia of a Local Government while a feasible proposition, meant an expensive machinery and, if that was not practicable, they wanted re-amalgamation. Mohammad Faizullah Khan and Mohammad Aslam filed separate memoranda advocating separation and re-amalgamation very strongly and their evidence in support was equally strong. Their evidence related also to a particular incident of high handed action in their tracts which I will refer to later.

So that it will also be seen that from evidence from Bannu District confining it to Muhammadans is also substantially in favour of separation and re-amalgamation. The local bar here also strongly pressed upon the Committee the advisability of such a course.

In Bannu also there was a public meeting which was well attended, and Muhammadans, Sikhs and Hindus were present, and resolutions were passed advocating separation and re-amalgamation after full discussion. This was on the 5th May.

From a petition received by the Committee from Huq Nawaz Khan, son of Khan Bahadur Mir Abbas Khan, it appears that in this district of Kohat also there was a certain amount of fear and nervousness in the public mind, to give evidence before the Committee in favour of amalgamation on account of the official attitude.

35. Passing now to Dera Ismail Khan, three Muhammadan pleaders were the first to appear before the Committee with a statement which is remarkable in many respects. They spoke strongly against separation and re-amalgamation. But their views are apparently repudiated by other Muhammadans in Dera Ismail Khan, *vide* letter dated the 25th May 1922 from Khan Bahadur Ahmad Yar Khan Sadozai, retired Wazir, and President, The Anjuman, page 113 of Appendix. I have already quoted a few extracts from this memorandum on another point and I shall extract a few more passages here, *vide* pages 625—629 of Vol. I. "We on the frontier know that it is almost always the hill men backed up by their political officers that win in disputes over a dacoity or a kidnapping affair". They make also this remarkable statement "If you take away the settled districts from the Agencies, so much of the Chief Commissioner's status is lessened. A big Malik of the trans-border wants land or an appointment for his son. The Chief Commissioner says he is helpless in the matter. The Malik says 'if you are so helpless, why should I serve you'? Instead of Government service, he finds employment for his son by enlisting him in a gang of dacoits. These are matters of everyday occurrence and cannot be ignored if a peaceful rule over the Pathans is to be maintained". As regards the Council they say in their evidence we think we should have a Legislative Council here. The Council should not have extensive powers. The Chief Commissioner should have vast powers. Only some men not more than 10 out of 30 should be elected; others must be nominated. The Pathans are not much educated. There is little co-operation among them. The people do not know the responsibility of votes. There are factions among the Pathans. The experiment has to be tried. For some time at least it would not do much good. We would not give the vote to all people but to selected people. The Deputy Commissioner should select the panel and that panel should select the ten. I want this merely as an experiment. He will not give them power over the budget. His idea was that it should be an Advisory body; that they should not move resolutions. Faizullah Khan accepted that view in a way and so did Abdul Aziz (*vide* pages 640—643 of Vol. I). When Nur Bukhsh was asked whether he would like to have his Legislative Council so framed that he would have one minister attached to the Chief Commissioner, he answered 'Not in the Pathan Province'. Faizullah Khan differed from that view. Abdul Aziz of the group took a broader view at the end. He would have all the reforms as in the Punjab including a Governor in Council. Nawab Habibullah Khan who belongs to a most respectable family and whose father and grandfather have held distinguished posts in the Political Department, and who has himself held several offices, advocates separation and amalgamation. He presided at a public meeting held at Dera Ismail Khan at which resolutions in favour of separation and amalgamation were passed. When he sent a telegram to the Chief Commissioner forwarding the resolution of the public meeting, the Secretary to the Chief Commissioner wrote to him a letter expressing the surprise of the Chief Commissioner at the attitude the Nawab adopted after the conversation he had had with the Chief Commissioner, and the Nawab's reply was as follows:—"At the time when I had a talk with the Hon'ble the Chief Commissioner, I had not discussed the matter with my friends, relatives and the general public and I had not therefore formed any definite opinion about it. Since then, I had had long talks with many persons

in which I took the side against amalgamation. Not merely I failed to convince any one of them, but on the other hand, they have brought me round to the view that the best interests of the benign Government and the people lie in the amalgamation. I can assure you I am acting with the best of motives and it is my full belief that the majority of the people of at least this district are in favour of amalgamation." With reference to his letter and the letter to which it was a reply, Sir John Maffey informed the Committee that he was not aware of it and that his Secretary must have written it on his own responsibility.

This gentleman is emphatic that he would not have a local Council, for he points to the *jirga* as standing evidence of what it would be like. This was a significant answer in view of the universal testimony condemning the *jirga* (*vide* page 710 of Vol. I). They had all nothing but contempt for the gentlemen who sat on the *jirga*.

Khan Sahib Sirdar Muhammad Gul Khan wants only a 'restricted election' while insisting on a local Council. He wants an Advisory Council for the Chief Commissioner, as well as one Council for each Deputy Commissioner. He wants election in a particular and a peculiar manner. 'It should not be given as in the Punjab. It would be detrimental' and therefore he would not advocate it. He was distinctly of opinion that strong and effective measures had not been adopted by Government to put down the raids and that the administration hitherto had not been efficient and that the present administration had been deplorably weak in that matter. His chief objection against amalgamation was 'as far as Islam is concerned, and the Muhammadan idea of the League of Nations goes, amalgamation with the Punjab would be prejudicial and detrimental to that idea,' and that was the dominant idea which compelled him not to have amalgamation with the Punjab. He, further, held the strong view that the people inside the border and across the border had common ties and that the interests of the people across the border will suffer by amalgamation and his fear was that if the Punjab Government were given charge of these five districts, they would look more to the interests of the five districts than to those of the people of the border, and that the logic of the stick would be applied to a larger extent than it is done now, although he would advocate its adoption with an appeal to their interests. If the districts should be separated, he was for keeping the Agencies under the Government of India (*vide* page 735 of Vol. I). This gentleman has held various offices and has considerable experience of the people about whom he was speaking. He thinks the whole fabric of political officers in charge of the trans-border area is wrong, and especially with reference to native assistants.

Nawab Ala Dad Khan Alizai while he was for a Council, would give it only some powers. The controlling power must be with the Chief Commissioner. There should be some election but the majority of the members was to be nominated by the Chief Commissioner. Rai Sahib Lala Ruchi Ram and Lala Gansham Das, two Hindu witnesses who speak against separation and amalgamation, mentioned only difficulties of accommodation, and all that, for the Political Agent holding *jirgas* and for the Political Agent's Headquarters in the independent territory, and when they were asked as to whether if those difficulties could be got over, the districts could be amalgamated with the Punjab, they answered 'yes' but proceeded to enumerate other difficulties. They were for a Legislative Council, half being elected and half nominated. They admitted that they had to shift their place of residence as life and property were not safe at their native place and they used in 1900 to ride on ponies at night right up to the hills without any danger as far as the Frontier border line, that there has been great insecurity since 1912, that people pass sleepless nights, that they do not sleep without a proper guard and that the people feel that the Government are not doing everything they ought to do, and that radical changes in the administration are needed, that by association with the trans-border tribes the people of the districts had deteriorated and that they would advocate the separation of the five districts if the two difficulties which they mentioned, *viz.*—(1) a suitable place for holding the *jirga* and (2) a suitable place for the Political Agent's Headquarters were got over.

Major Nawab Ahmad Nawaz Khan is against separation and amalgamation. He wants reformed Councils with such modifications as are suited to that province.

His fear was that the excitable population in these districts would join the excitable element in the Punjab and therefore it would be a political blunder.

Khan Bahadur Ghulam Qadir Khan, M.B.E., retired Revenue Assistant and Khan Sahib Nawab Zada Azadullah Khan, both advocated separation and amalgamation on the grounds that affairs of the unadministered areas have assumed large proportions and required separate handling. Policy demanded it; Justice called for it; Humanity was interested in it; Economy desired it and the law of self-preservation needed it. Khan Bahadur Mehrban Khan and four others gave evidence against amalgamation and separation. One of their main reasons against amalgamation was 'the conditions are such that even men of very little education get appointments but that won't be the case if we are amalgamated with the Punjab.' They wanted only half elected and half nominated in any Legislative Council they may be given.

Makhdum Abdul Sattar and Mohammad Hussain Khan also gave evidence against amalgamation. K. B. Nawab Hafiz Saifullah Khan, ex-British Agent at Kabul and at present Extra Assistant Commissioner, Baluchistan, sent a memorandum praying he was in favour of amalgamation and stated in his evidence that it was his firm opinion that when they were part and parcel of the Punjab, they were making progress in every walk of life and that since the separation they had commenced to go back. He wanted improvement in every direction and if internal improvement cannot be effected, he wanted re-amalgamation. He considered it expedient to separate the settled districts from the tracts but he was for keeping it under one head and if on account of want of funds or for any other cause, reforms could not be had, he was strongly for re-amalgamation. There were a few other unimportant Muhammadan witnesses who generally stated they were against amalgamation but gave no valuable evidence in support thereof. Kazi Ahmed was clear that the Chief Commissioner was too busy to attend to both duties and on ground of economy and also on political grounds he advised amalgamation of the districts with the Punjab. He owns two villages in the district. Nawabzada Abdul Rahman and three others filed a written memorandum opposing separation, and advocating a Council. They wanted half and half elected and nominated. One of them had signed a memorial only the previous month, advocating separation and amalgamation. In Dera Ismail Khan it will be noticed there is a large body of witnesses who advocate the grant of a local council, most of them favour half and half elected and nominated; some of them wish to retain the vast powers of the Chief Commissioner; while some others are sceptical about council and election. I have not referred to Hindu and Sikh witnesses barring two, who are substantially in favour of separation and re-amalgamation and the bar also strongly pressed separation and amalgamation as well on political as on financial grounds.

By the time the Committee reached Dera Ismail Khan the idea had gained currency that with internal reforms there was full scope for some big appointments being available for natives of the province—such as an Additional Judicial Commissioner, a Minister if not also a Councillor. Before leaving Dera Ismail Khan reference should not fail to be made to an able communication received by the Committee from a Muhammadan lady, Khadija Begum Ferozuddin, M.A., which will be found at page 108 of the Appendix. I am tempted to give a few extracts. From Bannu where she lives, she writes "how many times they have been disturbed by the reports of guns in the middle of the night. Is there any man, woman, or child who has not awakened terrified by these unpleasant sounds. Kidnapping has been the order of the day and we are scarcely ever astonished to hear about any case. Life has been destroyed ruthlessly, loss of property has been untold. We wept, nobody consoled us. We cried; nobody came forward to help us. We waited patiently with eyes and hands uplifted in anxious expectation. It seems, kind Heaven has at last taken pity on us. Is it possible our sufferings are at an end!—Is the night over? It is hardly to be believed. The Government of India has been pleased to appoint a Committee to consider the amalgamation question. I wish I could come forward to give evidence. But the restrictions of Purdah withhold me."

And after referring in detail to various defects, she concludes, "Half measures such as introduction of a Legislative Council and subordinating the judiciary to the High Court of the Punjab will do no great good."

36. As I stated already by the time the Committee reached Abbottabad, the idea that the Muhammadans would profit more by internal reforms and that their interests would suffer if amalgamation takes place, had begun to be spread broadcast, helped in a way by official agency also. On the 24th of April 1922 there was a public meeting held at Abbottabad, after a previous preliminary discussion on the 23rd of April, which was largely attended by Muhammadans, Hindus, Sikhs, and at which Major Weir, the Deputy Commissioner, was also present. Rai Sahib Permanand gives us a full account of what happened on the 23rd, and the 24th at pages 7 and 8 of Volume II. The chair was taken by Maulvi Sultan Pir and resolutions were unanimously passed advocating the amalgamation with the Punjab of all the districts and at any rate of the re-transfer of the Hazara district: there were other meetings also at Naushera and other places when similar resolutions had been passed. Sirdar Mohammad Fakhruddin Khan says at page 336 of Vol. II that he seconded the resolution at that public meeting at Abbottabad and that he has since changed his mind. Both he and Mr. Permanand and Lala Ishwar Das believe that Extra Assistant Commissioners have been going about the districts eliciting opinion on the subject matter of the enquiry by this Committee, and several Extra Assistant Commissioners from outside were gathered in that district at the time of the enquiry. In the examination of Lala Ishwar Das by Mr. Bolton at page 208 of Vol. II, the justification is put forward "if leaders can do propaganda work Extra Assistant Commissioners were entitled to undertake propaganda work 'on the other side' and 'Lala Ishwar Das' answer was 'Their positions as Government servants are likely to influence the people whose opinion they are seeking. Their conduct is indiscreet, while they are welcome to have their individual opinions, for people would believe that the Government wants them to take a certain view.' It was well known in the province that the Chief Commissioner and all the Deputy Commissioners were holding strong views on every one of the points referred to this Committee as each of them had conversations on the subject with many people and, I am not sure that answers in one way to the questions referred to this Committee were not taken or would not be taken as casting a slur upon the present administration and I was therefore not surprised to hear that Indian officials in the Frontier Province were loth to come forward and wished to be excused (*vide* page 295, Volume I). At that time I was struck with the fact that no Indian officer had been asked to send a memorandum to the Committee. We had received memoranda from the various Deputy Commissioners and I wished to find out whether these were Indian officers of experience who would assist the Committee. I was told that Rai Bahadur Lehna Singh was a very experienced official and one of the ablest officers and that when he was asked to give evidence he wished to be excused. I understood from what some of my colleagues said then that he was advocating re-amalgamation. He appeared later on at Abbottabad and gave some queer evidence on the point which I will refer to later.

Reference to the evidence of Rai Bahadur Hukam Chand will not be out of place also. He seems to consider that a further trial may be given to the present administration and if things got worse then amalgamation may be made with the Punjab. *Vide* pages 374 and 380, Volume II. Apparently he feels amalgamation with the Punjab as a reflection on the present administration. He words it thus 'If the administration is beyond the control of the Chief Commissioner then the districts may be re-amalgamated' and he is an Extra Assistant Commissioner. I am not surprised that Indian officials take this view. Referring again to Sirdar Muhammad Fakhruddin's evidence at page 337, in explaining his reasons for changing his opinion, he states as follows:—When asked by Mr. Raza Ali 'you state in the memorandum that you supported a resolution passed at a public meeting in favour of amalgamation, I take it in April you were in touch with that school of political thought which advocated amalgamation with the Punjab,' he answered 'Yes.' Further asked 'what the idea of the people then was,' he answered 'they only knew that the enquiry would be whether Province should be as it is or be re-amalgamated with the Punjab. They did not know the possibility of reforms being given' and after stating 'that he was in touch with Mussalman opinion, both urban and rural, and also with Hindu opinion' he stated, that there was no doubt that all the people preferred amalgamation with the Punjab to the

continuance of the present state of affairs. When asked 'when did this change in idea set in,' his significant answer was 'immediately when they saw that one of the issues before the Committee was the possibility of the establishment of a Council and the grant of other reforms,' and he thinks that the majority of Muhammadans changed their view on that account. This confirms the impression which I gathered as already stated that the first idea of a local Legislative Council for this small province did not emanate from the people but was for the first time suggested in the issues referred to this Committee. He would have reforms only gradually introduced. He is clear, people have not got freedom of expression of opinion under the present administration and that they do not get justice. He would have a Council of 30—half to be nominated and half to be elected. Reference to a memorandum at page 344 of Vol. II will be instructive as showing what sort of propaganda was at work in influencing public opinion. It is headed 'Rights and Benefits of Muhammadans' and the position is contrasted in case of amalgamation and the case of separation thus, page 344 of Vol. II—

	<i>In case of separate province.</i>	<i>In case of amalgamation.</i>
1. Selection of Muhammadans to lower and higher posts, titles and membership of Council of Elders.	90 per cent.	10 per cent.
2. Educational facilities of Muhammadans and agriculturists	90 ..	10 ..
3. Grant of titles, Inams, Jagirs, Pensions, Lambardarship and other honours granted to Muhammadans.	90 ..	10 ..
4. The commanding position of Muhammadans and proportion of their population.	90 ..	10 ..
5. Prevention of crimes committed by independent tribes ..	Most satisfactory.	Equal to nil.
6. Exemptions from Court fees, etc.	Do.	Do.
7. Saving the Muhammadan indebted gentry for the ruinous results of indebtedness on the executive side.	Do.	Do.
<i>Facilities in Legislation.</i>		
8. Expenses and travelling inconvenience	50 per cent	100 per cent.

Frontier Regulations.

Defects.

Nomination of *Jirga* members against the wishes of the public.

Benefits.

Prevention of crime. Exemption from Court fees. Settlements according to lesser expenses and inconvenience due to absence of appeal system—compromise in most cases. Relief from the clutches of pleaders.

Some of the signatories to that memorandum were examined. They confessed ignorance of some of the contents of the memorandum to which they subscribed (*vide* Volume II, page 346). They were asked by Mr. Samarth "You say in the memorandum that 'certain signatures, and thumb impressions in the memorandum are being taken in favour of amalgamation.' But it is very easy to do so in a country like this where people are mostly illiterate." The answer was "I have not given any answer like that. I have not put my signature or thumb impression to that. I am not prepared to give any such opinion."

Khan Sahib Zaffar Khan considered that a Council with a half elected element is too liberal, *vide* page 367 of Vol. II. He made a significant statement at page 363. 'Even Provincial service officers also have got factions, just as Pathans have, and the service is mainly among Pathans if not entirely.' He stated also at page 373 'I do not want all the paraphernalia of reforms being introduced all at once, and when asked whether this province is fit to have a minister in charge of certain transferred departments, his answer was 'I think if a minister is required, he may be appointed; otherwise not,—just as the needs of the province require.'

I do not think any more detailed reference need be made here to the rest of the non-official Muhammadan evidence taken at Abbottabad, as I consider the official and non-official propaganda in this district on the lines indicated above has been

strong. Colonel James handed over charge of his office as Deputy Commissioner on the 23rd of April; on the 24th April, he proceeds to Nausehra and has a conversation with the people of the surrounding parts, Baffa and other places, where he admittedly discusses with them, as he says, 'the *pros* and *cons* of the question.' Extra Assistant Commissioners are employed to collect memoranda from the people. That the official influence was felt is clear from a memorial sent to His Excellency the Viceroy about the end of April. That people who advocated amalgamation were considered to be 'political' appears from a letter written by a Muhammadan gentleman, and addressed to the Committee. From this district hails the warning forbidding re-entry to those who would dare attend the Congress. From this district again springs the executive action ordering about a pleader and his place of residence. From this district again did a Congress Committee have a week's life and its chief officer orders their arrest.

37. From the evidence discussed *supra*, it will be seen the idea of a local Council with its attendant internal reforms is not genuinely the people's demand. It is a recent idea. The bulk of responsible Muhammadan opinion is apprehensive about its suitability and success. The entire bar is against it. The intelligentsia, in its entirety among the Hindus, and to a substantial degree among the Mussalmans, do not approve of it. No Deputy Commissioner is for it whole-heartedly. The Chief Commissioner changed views regarding it within a very short time. Above all, the power of the purse is meaningless as the purse in point is that of all India.

I am therefore decidedly of opinion that the alternative remedy suggested, *viz.*, the combination of the two tracts under one administration with a local Government and Council, is constitutionally unsound, politically inexpedient; financially apt to prove disastrous, and finally, wholly insufficient to eradicate the root-cause of the present sufferings of the people of the districts. A perusal of the resolutions at public meetings, wherever they were allowed to be held, show that the people were for separation and re-amalgamation.

Other objections to separation and re-amalgamation dealt with.

38. Let me now proceed to deal with some others of the objections to separation and re-amalgamation:—

- (i) In the first place, it is said that the population of the North-West Frontier Province Districts consists approximately of 95 per cent. Muhammadans and 5 per cent. Hindus and that of the 95 per cent, Muhammadans 70 per cent. are Pathans, that the people of the districts are thus very closely connected with the people of the hills by both language and characteristics and should therefore be under one central control.

To start with the proposition is over-stated. The Pathan population in all the Districts is only 8·89 lakhs of a total of 22·58 lakhs. In Hazara and Dera Ismail Khan they form only ·55 and ·56 lakhs against a total of 6·22 and 2·60 lakhs, respectively. True, in Peshawar, Kohat, and Bannu the proportion of Pathans is one half or nearly one half; out of a total provincial vernacular of 22·58 lakhs Pushto-speaking people are only 12·09 lakhs. In Hazara it is only ·31. In Dera Ismail Khan it is only ·59.

In the next place on this theory one may well justify the occupation of Afghan territory likewise for most of these tribes have got their cousins across the Durand line. In the third place there are tribes under different administrations like the Shiranis and those on the borders of Baluchistan. In the fourth place, the question is where the central control should be. All the Administrations will be under the central control of the Government of India. If what is meant is one central but *local* control the evils of the system far outweigh its advantages as shown already.

As a second objection it is urged the administration of the Districts and Agencies must necessarily depend considerably on each other and that the officials should also be in close touch with one another. The first answer to this is, it is not so in practice—contrast the Agencies and the Districts. The second answer is that the proposition is true only of the fringe of hills bordering the districts and that the

present proposal obviates that difficulty. The third answer is all the officers belonging to one Government are expected to co-operate, as indeed they do. The chances of conflict are rare and conflict is not of itself an evil.

- (iii) In the third place, it is stated the inter-transfer of officials between Agencies and Districts is most desirable, as thereby these officials become acquainted with the difficulties of both. This is a doubtful proposition. Colonel James admits in his evidence at pages 448 and 449 that the ideal arrangement would be for officers to get a preliminary training both in the Trans-border and in the Settled districts and then they should be asked to choose District administration or Political service, as the qualifications required of a District Administrator are quite different from those required by a political officer. There is high authority for this view in other books also.
- (iv) Next, it is stated, the customary law and language of the people differ very widely from those of the Punjab. This is an assertion without proof. In fact most of the laws administered on the Frontier Province are borrowed from the Punjab. Any difference there may be, has been made the subject of statutory enactment. There was no such difficulty felt while for 50 years the Districts were under the Punjab.
- (v) Next, it is contended, that officials who come to the districts will find difficulties about the language. It is admitted European officers come here without the knowledge of the language of Pushto. In the next place, Pushto is not the official language. In the third place, the case is over-stated as already pointed out. In the fourth place the difficulty was not felt when the Punjab administered the districts. In the fifth place Pushto allowance is continued and can be continued.
- (vi) Will it not be difficult, it is urged, to get officials to volunteer to spend their whole life in Agencies, if the Agencies were to remain separate? The answer is, in the first place that they should spend their whole life is an assumption for political officers can be transferred to various political posts all over the country and elsewhere. This is not an objection which should weigh, if separation is needed.
- (vii) Again it is objected the supervision of work cannot be so careful and close as it is now with the Chief Commissioner in charge. The Chief Commissioner unfortunately occupies a position analogous to that in a Governor of a Province. His inspection or supervision cannot of the nature of things be so careful or close in regard to the internal administration of these districts as those of a Commissioner of a Division. As a matter of fact, his visits to the districts are about only once a year; during times of stress or disturbances, they are even fewer; and having regard to the nature of his duties, he was not able to visit even places which had passed through grave crises. The Deputy Commissioner of Bannu had to take very high handed measures regarding group of villages known as the Mohmand Khel and other villages in consequence of a series of raids and kidnappings which took place in Bannu city and cantonment. He therefore made up his mind 'to round up the Tract' and started operations with the aid of the Military. All the males, men, and even boys, were called out of their houses and placed under guard and the Military were made to march through these villages inhabited by women only and the whole tract was surrounded by Cavalry. Some houses were burnt and crops were blighted. Nearly 2,000 villagers were taken and some witnesses complain there were reprehensible misdoings by the Military. The action of the Deputy Commissioner might to a certain extent have been justified because of circumstances at the time. These things took place in British districts. Were there a Commissioner of a Division we expect he would have gone to the spot and made enquiries of people most of whom must have been innocent and would have cheered them up with some encouraging words and given them some compensation—whereas now the officer

we do have, the Chief Commissioner, admits he has not yet gone to the spot.

To take another case, on account of depredations of raiders, the whole village of Gomal had to be deserted by the people since all their houses and shops had been destroyed and reduced to ashes. The whole Hindu population left the place for fear. The Assistant Commissioner issued an order to the Hindus under threat of imprisonment and forfeiture of the recognisance of Rs. 500 he took from each of them to reconstruct their demolished houses and shops within one week. In the first place, an order impossible of compliance and in the second place unjust in its exemplary severity and that concerning a people who had so terribly suffered but a little before. The Chief Commissioner here again has not as yet visited the spot—*vide* pages 872-873, Volume I. There are unhappy occasions when people have to suffer. The visit of a high official as the Commissioner of a division would act as a charm to the distressed population. The previous sanction of the Chief Commissioner had not been obtained for those orders issued in the Hazara district forbidding on penalty of expulsion to the attendance of people at the Congress. The Revenue Commissioner's position is not that of an independent agent as that of a Commissioner of a division would be and he has far too many departments to supervise.

(viii) Reference has also been made to the annual migration of Powindahs, and difficulties in administering the Arms Act and such other relatively minor matters. They merit no special answer.

(ix) It is further stated that elements of unrest which exist in India will steal across the Indus and thereby incite to danger the already fanatical Trans-frontier area. The appointment of this Committee and its visit have shown clearly there has been too much suppression of expression of legitimate grievances to many of the people of the Province stated, were the Committee to do nothing further, and had no recommendations whatever to offer but left things *status quo*, still the Province will be content with them inasmuch as they had an opportunity to ventilate their pent-up feelings. Indeed, the very fact of making proposals of a grant of a local Council, and other full-fledged reforms by my colleagues is strong evidence that this ground of unrest is not considered of much consequence. Finally, it has been urged the Chief Commissioner as Agent to the Governor General will suffer in his dignity and status with the trans-border tribe if the districts were separated from his charge. There may perhaps be some force in this. In fact, this is one of the two grounds urged by Rai Bahadur Lehna Singh—the other being that separation will obstruct the policy of occupation of the trans-border territory. He does not rely on any possibility of conflict between two independent officers as other officials state—if the policy is that of occupation, it is better to separate the districts. As I have already stated, occupation, whatever its actual form, is inevitable. It may not be irrelevant to mention here that the only Indian political official examined before us, Khan Sahib Abdul Samad Khan, believes in the Political Agent being left independent, that otherwise the tribes will feel themselves slighted—page 50, Volume II. Were that so, I do not see why if the Governor General's Agent is left in sole independent charge of the trans-border area, he should suffer in status. True, his scope for patronage will be narrowed. But is that ground to be seriously considered when a question so vital awaits settlement? I may remark, in passing, that while every other official examined advocates occupation as the only effective solution, this gentleman is dead against it, and believes that it is only so long as there is peace with Afghanistan, and so long as we do not interfere with the border tribes, that we can have a quiet border. *Vide* page 47, Volume II.

This is important to be remembered in connection with the question already adverted to: *viz.*, should our policy be to maintain the districts in an Afghanised condition, or to help them be Indianised?

39. I have now dealt with almost all the arguments, *pro* and *con*, on the questions involved in the first and second issues referred to this Committee from the point of view of the North-West Frontier Province and districts. I should have been most happy to have advocated internal reforms in the way suggested by my colleagues but for these factors which weigh so very strongly. The policy of isolation of the Pathan will be perpetuated and his alienation from India and her Moslems will be complete. Secondly, there is the risk in giving wide powers on the spot coupled with an introduction of a wide electoral system *ad hoc* to a province 'where the conditions are very electric and you are face to face with serious dangers',—*vide* Sir John Maffey's evidence, page 152, Volume I. Thirdly, it will be 'too expensive'—*vide* Sir John Maffey's evidence, page 152 of Vol. II. The dangers will not be nearly so great when the members to be elected have to play their part at a distant Council like that of the Punjab or the Legislative Assembly and in company of a larger body of outsiders.

Some of the official witnesses are prepared to advocate partial amalgamation with the Punjab so as to save expenditure. My colleagues also were prepared almost down to the last stage of the deliberations to such partial amalgamation. Colonel James was prepared to agree unhesitatingly that amalgamation will be beneficial in the following departments :—

1. Education.
2. Medical.
3. Irrigation.
4. The Jail.
5. Police.

The two educational officers examined support unhesitatingly again the amalgamation and as it is, the department is over-manned. The Police officers are not averse to their department going over and one of them strongly advocates it. Major Brierley favours amalgamation of the Medical. My colleagues propose that a substantial portion of the Civil services should be recruited from that of the Punjab for work in the districts. They also advocate a free in-flow and out-flow of officers from, and into, the Punjab. If these half-measures are desirable in themselves both on account of national economy and of administrative efficiency, why not the full measures ?

40. There is one question more to be dealt with here and that is the Punjab Consideration of the Punjab point of view. point of view.

I am not at all sure whether it was necessary to take evidence from the Punjab witnesses in connection with the questions referred to this Committee. The wishes neither of the Government of the Punjab nor of the people of the Punjab were either consulted or conformed to when the province was separated and formed in 1901—*vide* Sir Mackworth Young's memorandum in the scheme papers. It is entirely a matter for the Secretary of State and the Government of India to decide how provinces should be formed and re-formed. When Delhi was separated, the Punjab Government was not consulted. When the partition of Bengal was reversed the Government of Bengal was not consulted. However in taking evidence from the Punjab witnesses the Committee confined itself to the question how far the Punjab would either profit or suffer by the re-amalgamation of the districts with it. It cannot be stated that there is any advantage to the Punjab by any re-amalgamation. The only point requiring consideration is whether there are any disadvantages arising therefrom and if so whether they are so great as to debar this Committee from recommending an amalgamation if that was thought necessary otherwise. Sir John Maynard has given evidence for the Punjab Government.

The official view. He repeats the official view that it is quite impossible to separate the administration of the Settled Districts from the management of the tribes, which view is based mainly upon the fact that many tribes live astride the Frontier and in a measure, also on the consideration that the internal administration is to an enormous extent dependent upon the arrangement with the tribes, and that the Punjab Government

cannot take the one without the other. This is a question of opinion and it is for the Government of India to decide. His next objection was the difficulty which might be created on the question of the composition of the Legislative Council of the Punjab with reference to the Hindu-Muhammadan proportions. This is a question which more concerns the people of the districts as to how the additional seats to be allotted to those districts are to be divided between the various communities there. The Muhammadan communities of the Punjab cannot be affected as their proportional strength will in any event increase. The Hindus and Sikhs of the Punjab who alone have a legitimate ground of complaint have no objection. The next difficulty mentioned by him is the financial question which must be faced but it is not an insuperable difficulty because in any event it will be a matter of adjustment between the Central Government and the Punjab Government. The Punjab should not suffer financially. The next point taken was that that will be an addition of new and difficult work to the Punjab Government. This requires critical examination. When one Lieutenant-Governor was carrying on till recently the administration with Delhi and the North-West Frontier Province added, we have now a Governor with two Councillors and two Ministers to carry on the government of the province *minus* Delhi and the North-West Frontier Province. Further, the proposal herein made is not to transfer the whole responsibility including the trans-border one, as Sir John Maynard apprehended it would be but merely the district administration with the attendant trans-border work. The Punjab Government has already got border work in the Dera Ghazi Khan district and therefore it will be no new work. On the whole therefore I do not see any serious obstacle in the way of the Punjab Government shouldering the work.

As regards the non-official view, the evidence before the Committee shows that the Hindus and the Sikhs of the Punjab who stand to suffer by the reduction of their proportionate strength in the Council by the amalgamation of these districts have no objection, while the Muhammadans who object—do so not so much from their point of view but from the point of view of the Muhammadans of the North-West Frontier district. I ignore the decision in the Punjab Council as they have undertaken to decide questions which have been referred to this Committee for advice, and the discussion in the Council shows it has taken a peculiarly communal turn, apparently due to strained relations between the two communities in the Punjab just at present which it is to be hoped are only a passing phase.

41. My answer therefore to the first term of reference is that it is expedient to separate the administered districts and so much of the trans-border control as is now in the hands of the Deputy Commissioner of each district respectively from the political control of the adjoining tracts now in charge of the Political Agents.

My answer to the second term of reference is that it is expedient also to re-amalgamate the districts so separated with the Punjab Province. Then with the adjoining area of the Punjab as may be conveniently added being formed into a Commissioner's division, the present Revenue Commissioner may be made the Commissioner and all correspondence with the Punjab Government involving external relations to be communicated also to the Governor General's Agent for the Political Tracts, the latter being at liberty to advise the Punjab Government and the Commissioner of the Division on such matters.

On the 3rd term of reference clause (a) almost every one of the witnesses who state that separation is not expedient also say that the whole province including the districts and the Tracts should be directly under the Government of India, officials and non-officials agreeing on the point. My answer also is that the Government of India should retain the whole province if separation is not effected. My answer to clause (b) therefore will be to constitute a local Government with a Legislative Council for the five administered districts is incompatible with the former and the Central Legislature should retain such control and powers as may be necessary or desirable for assisting the Government of India, the districts being given effective representation in the Central Legislature. I would allot at least six seats in the Assembly—5 for general election and 1 for nomination and would allow 2 seats for the Council of State, 1 for election and 1 for nomination.

On the third term of reference as it stands no other questions or suggestions for internal reforms arise and if required I am prepared to make suggestions.

The fourth term of reference—judicial amalgamation. 42. The fourth term of reference now remains to be considered.

As regards the fourth question, viz., if the province is retained under the Government of India, whether it is expedient to transfer the control of the judicial administration to the High Court of the Punjab, I propose to deal with it very shortly. The matter was fully threshed out in the Legislative Assembly when the following motion was adopted on the 21st September 1921, Appendix B, page 2. "That this Assembly recommends to the Governor General in Council that the powers of control and superintendence over the judicial administration in the North-West Frontier Province now vested in the Judicial Commissioner and the Chief Commissioner of that province, and all jurisdiction, original, appellate, or revisional now vested in them and all powers and authority in relation to the administration of justice including the power to make rules for regulating the practice of the courts, and to authorise legal practitioners to appear and practise in such courts, be transferred to the High Court of the Punjab, and that the necessary legislation be undertaken to invest the High Court of the Punjab with the same jurisdiction, powers and authority in the five administered districts of the North-West Frontier Province as are now exerciseable by that court in the territories now vested in the Government of the Punjab and the Delhi Province." The defects in the judicial system have been pointed out time and again in the Annual Reports on the administration of civil and criminal justice and copious extracts will be found in the annexures to this report. I will only refer to one here. In the Civil Justice Report of 1920 we find the Judicial Commissioner remarking as follows:—"Many courts seem to have fallen into a state of lethargy and the efforts to awaken them appear to be unavailing. Frequent inspections have little or no results and the same defects are found to occur with unfailing regularity. In many courts, it is doubtful whether inspection notes are ever read at all. The working of many of the courts has been hampered by constant changes of presiding officers who in some cases wilfully neglected their duty with the knowledge that their tenure was to be short. Another adverse factor has been the mediocrity or inexperience of some of the District Judges", etc., etc. This state of things has been going on all along as will be found from the extracts from reports year after year. What is this due to? So far as we can see it is due to faulty recruitment and the want of supervision of the administration of justice both civil and criminal by an independent high judiciary. The tenderness which the executive Government of this Province shows "for our local notables" not only in the matter of conferring privileges and rank on them as "the natural leaders of society" but also in the giving of appointments in the judicial service without insisting on proper educational qualifications has been one of the main causes of the present state of things. This is so far as the Provincial Service is concerned. As regards the Political Service, officers of the Political Department are frequently chosen to fill up judicial posts without any judicial experience. Almost all the witnesses who have appeared before the Committee have complained bitterly that justice is not administered properly. That the fear that if educational qualifications are insisted on outsiders will swamp the service is not well-founded has been shown already, from the fact that during the Punjab days they had more than a fair share in the appointments in the Provincial Service. The Chief Commissioner in his note, dated the 11th of February 1922, says this: "In the people, in whose interest the judicial machinery exists, I see no signs of a desire for amalgamation either judicial or otherwise." Speaking in the Assembly on the 23rd of February 1922, eleven days later, our colleague, Chaudhry Shabab Uddin, said this: "there is one thing which I will certainly say without fear of contradiction that the judicial separation of that province (viz., North-West Frontier Province) from the Punjab was a retrograde step and I regard it still as a very retrograde step and a blot upon the administration; because the province which had been under regular judicial administration for 70 years was cut off. I went there in April last with Sir Godfrey Fell. Lawyers, very many, not all, of that place approached me and I also tried to fathom the feelings of laymen as to whether they wanted the judicial administration to be assimilated with that of the Punjab and I found that they were very anxious." That there has been a great deal of discontent with the judicial administration is made clear from the questions put in the

late Imperial Council by Messrs. Sachchidananda Sinha, and Surendra Nath Banerjee and in the new Legislatures by the debates raised by Dr. Nand Lal, Mr. Munshi Ishwar Saran, and Sir P. S. Sivaswamy Iyer. * The bar everywhere advocated judicial re-amalgamation, unanimously till recently and only with a few exceptions after the idea of appointing one or two local Indian additional Judicial Commissioners began to be talked of. For, in the note referred to, the Chief Commissioner says: "I consider that an addition of one or possibly two, more judges to the Judicial Commissioner's Court will be a welcome reform"; and that this addition is to be from the local elements has been recognised by the Chief Commissioner and the Judicial Commissioner in their evidence. This has raised hopes in some quarters for advancement. But if we compare the figures of pending cases as on the first of January 1922 with the number of disposals by the Judicial Commissioner for a series of years, absolutely no case exists for adding to the strength of the Judicial Commissioner's Court, *vide* Appendix No. XI, page 41, Volume III, which shows that the pending arrears are much less than the average disposals. Any addition can only be to satisfy Indian sentiment. The finances of the country cannot be sacrificed for sentimental gratification of this sort. There, certainly, can be no excuse for not insisting on a high standard of efficiency in the case of District Judges, Sub-Judges and Munsiffs whatever may be said of those executive officers who have to perform judicial functions also. Many Pathan witnesses have admitted that judicial posts must all go by competition according to merit and qualification and that it is the mismanagement of the judiciary that brings the trouble and some of them are not afraid that they will hold their own in competition with outsiders even if a high educational standard is insisted upon. Sir Abdul Quayum says at page 5, Volume I "Fix a rule. No selection. The judicial posts must all go by competition according to merit and qualification and that is the more important of all." I do not think I need give other extracts on this point to support this evidence. Mr. Kealy, the officiating Resident at Gwalior, in his memorandum sent to the Committee, Appendix No. 30, Volume III, says at page 92 "there is a general discontent with the inefficiency of the present judicial administration, partly due to the feeling that judicial departments are too much under the influence of the executive and that the Judicial Commissioner himself is not so independent as the High Court or a Judicial Commissioner in other provinces; because he still depends to some extent on the Chief Commissioner for his prospects and promotion in the Political Department and because though the post is nominally in the gift of the Government of India, it is in practice generally filled by a nominee of the Chief Commissioner" and, at page 93 he says "on looking at the roll of Judicial Commissioners since the Province started could it be honestly denied that some of them had not the experience and knowledge of law which is demanded of all Judicial Commissioners or High Court Judges elsewhere." Coming as they do from a person who has occupied responsible positions in the Frontier Province, these words are significant. The advantages of judicial amalgamation with the Punjab and bringing the administration of justice under the control of a Chartered High Court cannot be overstated and they are self-evident to one like myself belonging to the legal profession. Now what are the disadvantages? It is said the High Court at Lahore is a distant place and will be ruinously costly to a poor litigant. If people in Dera Ghazi Khan district could go to the Lahore High Court there is much less difficulty for people in these districts; and till last year, the people were forced to go to Nathia Gali, a more inaccessible place and even now they have to go there to get access to the Revenue Commissioner and Chief Commissioner. The advantages so outweigh this suggested difficulty that I am not prepared to attach much importance to it. As regards any increased cost to the administration it has been ascertained that the difference will not be much either way. Certainly, there will have to be an Additional Judge in the Punjab High Court and even if a second Additional Judge were necessary there, the cost could be shared between the Punjab and the North-West Frontier Province because Punjab itself required addition on its own account. The addition of another Judicial Commissioner to this province will not be an adequate remedy as he will have to be chosen by the Chief Commissioner and his decisions and dicta will not command the same respect or weight as those of Judges of His Majesty's High Court. The law has remained stagnant in this province ever since its formation. The ancient and long ago repealed provision giving power to a court of criminal appeals to enhance the sentence in appeal still remains on the statute book of this Province.

Remarks of Judicial Commissioners year after year go unnoticed. The Punjab Pre-emption Act which was copied for this Province, though it was amended for the Punjab in 1913, still remains here as it was, the excuse being pre-occupation with such engrossing affairs as the troubles created by the War. Undue restrictions as to the admission of pleaders existed down to only last year and the Judicial Commissioner, we have seen, passed executive orders disturbing the pleaders' established place of business, orders which cannot be justified by law or rules having the force of law and which the present Judicial Commissioner could not justify. The control of the Executive over the Judiciary must disappear and that can only happen if the High Court of the Punjab is entrusted with the supervision of the administration of justice here. They will give effective advice both in the selection and transfer of judicial officers and also in keeping the courts alive to their duties. Mr. Walker, as Registrar of the High Court, on behalf of the Hon'ble Judges of the Punjab High Court has told the Committee that the North-West Frontier Province will not suffer by amalgamation in the matter of recruitment to the services as both communal and district interests are safeguarded by the procedure adopted by the High Court in the Punjab. Moreover, recruitment to judicial offices should not mainly depend on family connections or on population basis as was attempted to be urged during the enquiry. The Delhi Province is judicially under the Punjab High Court. Assam is judicially under the Bengal High Court and no difficulty has been experienced in these cases. I have no hesitation therefore in answering the first part of the fourth question in the affirmative. The local bar, it should be stated in justice to them, stands to lose by this amalgamation rather than gain as has been improperly suggested by some officials and witnesses. The appellate and revisional practice will go out of their hands to the members of the Lahore Bar—though one or two of these men might go to Lahore to settle there—and in important cases in the districts, members of the Lahore Bar will also be called in. The advice given by the bar in this matter is absolutely disinterested and it only shows the tendency of the official mind in the North-West Frontier Province when it descends to attribute motives to them. This I noticed in almost many responsible officials who appeared before the Committee.

*43. The following special features in the Laws and Regulations in force in the North-West Frontier Province may be here noted.
Defects in the existing Laws and regulations and their use and abuse examined.

Law and Justice Regulation, 1901.

By section 6, clause 1, sub-clause (c), all references to the High Court or to Chief Court of the Punjab are to be construed as referring to the Judicial Commissioner save, as regards proceedings against European British subjects or persons jointly charged with European British subjects, and as regards proceedings under the Indian Trustees Act, 1866, the Trustees' and Mortgagees' Powers Act, 1866, the Indian Divorce Act, the Inventions and Designs Act, 1888, or sections 57 to 60 of the Indian Stamp Act of 1899 in respect of which proceedings the Chief Court of the Punjab shall be High Court.

Section 9.—No person is entitled to appear and practise as a legal practitioner in any court unless he has authority from the Judicial Commissioner so to appear and practise, and no practitioner can appear and practise in any Revenue Court unless he is authorised by the Judicial and the Revenue Commissioners. From an order conceding or refusing authority to appear and practise a revision lies to the local Government. The local Government can make rules as to qualifications and conditions about legal practitioners.

As to rules see *Gazette of India*, 1902, Part II, page 5.

Sections 10, 11 and 12.—The rights of European British subjects under the Criminal Procedure Code, 1898, are very jealously safeguarded and saved from the operations of the regulation.

An appellate court has got the power to enhance punishments.

Section 12 confers an unlimited power of transfer irrespective of section 526 of the Code of Criminal Procedure.

Section 13, clause (2).—Any police officer may exercise the power conferred by section 55 of the Criminal Procedure Code on an officer in charge of a police station.

Section 19.—The slaughter of kine and the sale of beef shall not take place except subject to rules made by the local Government.

Section 23.—Similar provision about crossing any stream on a buoy or inflated skin.

Section 46 allows the Judicial Commissioner when sitting as an Original Civil Court to take and record evidence in any manner he may choose by rule and relieves him from the necessity of complying with the provisions of the Civil Procedure Code.

Section 56.—The jurisdiction of a Subordinate Judge is fixed by the local Government and in the case of a Munsif by the Judicial Commissioner in any manner he thinks fit subject to a maximum of Rs. 1,000.

Frontier Crimes Regulation, 1901.

Section 2, clause (a) defines Council of Elders.

Section 2, clause (b).—Deputy Commissioner includes any Magistrate of the First Class appointed by the Deputy Commissioner to exercise any of the functions mentioned in the first part of the first schedule, the chief among these powers being the power to make orders of reference to the Council of Elders, to nominate and appoint members of the Council and to hear and dispose of objections to the nomination of members and the power to take security under section 40.

Chapter III deals with the Councils of Elders. There are two sections under which references could be made.

Section 8 deals with civil references. Where the Deputy Commissioner is satisfied, from a Police report or other information that a dispute exists which is likely to cause blood feud, murder, mischief or a breach of the peace, or in which either or any of the parties belongs to a frontier tribe, he may refer the dispute to a Council of Elders, if he thinks that settlement by the Council will tend to prevent the consequences anticipated and if a suit is not pending in respect of a dispute on receipt of the finding of the Council the Deputy Commissioner may pass a decree in accordance with the finding of the Council or of not less than $\frac{2}{3}$ of the members thereof. The decree is final and no Civil Court can take cognizance of any claim dealt with thereby.

Section 11 deals with Criminal references which are authorised. Where in the opinion of the Commissioner or the Deputy Commissioner, it is inexpedient that the guilt or innocence of any persons accused of any offence should be tried by a court of any of the classes mentioned in section 6 of the Criminal Procedure Code, the accused has a right to object to the nomination of any member of the Council. On receipt of the finding of the Council the Commissioner may acquit or discharge or in accordance with the finding on any matter of fact of the Council or of not less than $\frac{2}{3}$ of the members thereof convict the accused person.

Section 12.—Where the Deputy Commissioner convicts he may pass a sentence of fine. In the case of offences mentioned in the second schedule, he may sentence the person in lieu of or in addition to fine order imprisonment up to seven years or whipping and imprisonment up to five years or transportation up to seven years. If the offence is punishable with transportation or imprisonment exceeding seven years he may, subject to the confirmation of the Commissioner, impose a sentence of transportation or imprisonment up to 14 years, provided that the sentence shall not exceed the maximum prescribed in the Penal Code; provided also that a sentence of transportation shall not be passed for an offence which is not punishable with transportation or imprisonment for a term which may extend to seven years or more.

Section 14.—The power of reference under section 11 may be exercised by the Commissioner or Deputy Commissioner in cases committed to the court of session at any time before the trial before that court has commenced and in cases pending before any court inferior to the court of session at any time before the conviction or acquittal.

Section 15.—In any trial before a court of session the Commissioner or Deputy Commissioner may instruct the Public Prosecutor to withdraw the prosecution at

any time before conviction or acquittal in order that the case may be referred to a Council of Elders.

Section 18.—Where a Council of Elders to which a reference has been made under the Regulation makes any recommendation to which effect might be given if it were a finding on a matter or question referred to the Council under the Regulation, the Deputy Commissioner may, if the recommendation affects a person mentioned in the order of reference and is relevant to the matter or question actually referred deal with the recommendation or any part of it as if it were a finding under section 8 or section 11.

This is an extraordinary provision. Even if the finding relates to a matter or question not specifically referred to the Council, but only relevant thereto, it is intended to be given effect to.

Section 19.—Where the Deputy Commissioner under Chapter III imposes a sentence of fine exceeding Rs. 200 or imprisonment for a term exceeding three months, or transportation, he must make a record of the facts of the case of the offence committed and of his reasons for passing the sentence. Evidently in other cases he is relieved even of this duty.

Chapter IV dealing with Penalties is interesting.

If any frontier tribe or member thereof acts in an unfriendly manner towards the British Government or persons residing in British India, the Deputy Commissioner with the previous sanction of the Commissioner may direct the seizure of all or any of the members of the tribe and of all or any property belonging to them, the detention in safe custody of persons or property so seized; the confiscation of such property; the prohibition of members of the tribe from access to British India, and the prohibition of all intercourse between persons in British India with such tribes.

Section 22 authorises a fine on a whole village for connivance at a crime, for failure to render assistance to discover offenders, etc.

Section 29.—If a person is found carrying arms so as to afford ground for suspicion that he intends to use them for an unlawful purpose and that he is taking precautions to elude observation or evade arrest or is found after sunset and before sunrise within the limits of any military camp, or cantonment or municipality, he shall be punishable with imprisonment for a term which may extend to five years or fine or both.

Section 30.—A married woman guilty of adultery is punishable with imprisonment for a term which may extend to five years.

Chapter V.—Under section 31, the Commissioner may prohibit the erection of a new village, fort or towers within five miles of the frontier.

Section 36.—If in the opinion of the Deputy Commissioner a person is a dangerous fanatic, or belongs to a frontier tribe and has no ostensible means of subsistence; or has a blood feud or has occasioned cause of quarrel likely to lead to bloodshed the Deputy Commissioner may require him to reside outside the frontier province.

Under section 46 of the Criminal Procedure Code as amended by section 38 of the Regulation, if a Pathan or Baluchi commits or attempts to commit an offence or resists or evades arrest, in such circumstances as to afford reasonable ground for believing that he intends to use arms to effect his purpose and if a hue and cry has been raised against him he may be killed.

Section 40 provides for security and surveillance for the prevention of murder or the dissemination of sedition. An inquiry under section 40 or 41 which deal with taking of security may be conducted out of court provided that opportunity is given to show cause in court why a bond should not be required and of having witnesses examined there.

Chapter VI.—No appeal is allowed or any decree, sentence or act done under this Regulation, but the Commissioner may revise under certain circumstances.

Section 56.—In cases where such a course is in accordance with local tribal custom any amount recoverable under a decree or sentence may, on the recommendation of the Council of Elders, be recovered from the property of the relatives or fellow-tribesmen.

The Frontier Murder Crimes Regulation, 1901,

provides for a special procedure in the case of fanatics committing or attempting to commit murder.

It cannot be disputed that some of these special and peculiar provisions in these laws and regulations are necessary to be preserved for the proper administration of this frontier area. Some of the witnesses who appeared before the Committee have demanded the total repeal of the regulation. It is more the misuse of these regulations that has led to this demand rather than the inherent unsuitability of the law. The power reserved to the Chief Commissioner in the matter of considering or refusing authority to the legal practitioner to appear in the courts of the province must go. And the power of the Judicial Commissioner also should be brought into line with that of the High Courts. The power of the appellate court in criminal appeals to enhance the sentence must also go. And there are other desirable improvements in the Law and Justice Regulation, 1901 which should be made so as to bring it into line with the laws prevailing in the adjoining province of Punjab. The sections in the Frontier Crimes Regulations which require serious notice are sections 8 and 11—15 which have reference to *jirga* both in civil and criminal cases and sections 21 and 22 in Chapter V. It is the application of these sections to cases not apparently intended to be included within their scope and the selection of men who have been appointed to serve on the *jirga* who are described usually as men of straw without any sense of responsibility that has led to universal condemnation which the Committee heard everywhere. A striking instance of the misuse of section 8 of the Frontier Crimes Regulation may here be referred to. Khan Bahadur Mohamed Hussain Khan of Mansehra is apparently a respectable citizen who makes himself generally useful to the authorities. And the Deputy Commissioner of Hazra apparently considered him as a local Khan of standing and importance. Being heavily in debt he applied to the Government for help and was granted permission under some forest rules to sell 300 trees. These trees were sold by public auction and were purchased by one Prithvi Chand of Buffa, a town 10 miles away from Mansehra in the same Tahsil, and he failed to pay the amount within the time limit. The trees were sold again in auction for a less price and Prithvi Chand was held responsible for the deficiency of the price in the resale. It was purely a civil claim which one citizen had against another for ordinary breach of contract which could and should have been enforced in a civil court. On an application made in November 1920, the Deputy Commissioner took the view that it was a claim to be enforced in a civil court. But the Khan Bahadur put in an application to the Deputy Commissioner in May 1921 that Prithvi Chand had not paid him the amount and stated that he cannot claim the amount in civil court without being put to much trouble. He therefore prayed that the case may be taken under section 8 of the Frontier Crimes Regulation and the Deputy Commissioner grants the application stating that section 8 of the regulation correctly applied to this case. "As both the parties are residents of the district in our opinion the case is one which must be decided by custom and not by civil court. Therefore we refer this suit to the *jirga*." The application and the order will be found in the annexure D to this report. Needless to say the *jirga* found for the Khan Bahadur and a decree was passed and confirmed by the Deputy Commissioner. This reference to the *jirga* was against the wishes of the defendant Prithvi Chand. In the original order referring the case to the *jirga* it will be noticed there is no reference to any one of the conditions that are essential for the existence of a dispute which is likely to cause blood feud, murder, mischief or a breach of the peace. Nor is there any reference to any belief that the settlement by the Council will tend to prevent the consequences anticipated. And in the final order confirming the decision of the *jirga* the following sentence occurs in justification of the reference to the *jirga*. "In addition the plaintiff, a local Khan of standing and importance, was incensed at the questionable conduct of this defendant and a breach of the peace was not improbable. The defendant is also of Mansehra Tahsil." That a Khan Bahadur of standing and importance

living in Mansehra would commit a breach of the peace against a defendant living in another town 10 miles away for a civil claim he had against him, was an allegation not made in the petition nor mentioned in the order of reference, but finds a place in the final order confirming the reference to *jirga* as a justification for the application of section 8. The existence of a dispute likely to cause a breach of the peace is one thing and that a breach of the peace was not improbable because the plaintiff was incensed at the conduct of the defendant is a different thing altogether. It surely could not have been the intention of the legislature to apply section 8 to such cases and it is no wonder that people are apt to believe that such action is due to favouritism. And as a result of this decree, the Deputy Commissioner ordered that in case of non-payment the defendant should be confined in political *havalat*. This was on 10th April 1922. This political *havalat*, i.e., detention in custody, a political order, apparently owes its origin to section 21 of the Frontier Crimes Regulation. I cannot find any authority for it. Section 21 cannot apply to such a case. Placing persons in political *havalat* seems to be pretty common as the returns furnished to this Committee illustrate. It is this sort of help which is referred to as one of the benefits accruing to the people of the district arising from the existence of a separate province, as the Khan Bahadur himself admits in his evidence before the Committee. References have also been made in the course of the evidence to cases where persons acquitted by one *jirga* have again been tried by another *jirga* and convicted of the same offence. If the use of these special sections is strictly confined to cases where people actually belonging to the frontier tribes are dealt with as accused persons or in civil cases where both parties belong to the frontier tribe, the complaint against the regulations will not be so insistent. And when wholesale punishment is sought to be inflicted on a village or community in the British districts under sections 21 and 22 or the extraordinary powers under section 361 are sought to be exercised the previous sanction of the Chief Commissioner should always be insisted on. Otherwise there will be no safety to the people.

I am not for the total abolition of the Frontier Crimes Regulation but I strongly advise its restricted application and use. References to *jirga* should be carefully scrutinised and should be subjected to the supervision of a purely judicial body and the decision of the *jirgas* to the revisional authority and supervision of purely high judicial authority. The nominations to the *jirga* should be made from a list or panel to be settled by District and Divisional Judges and not by a Deputy Commissioner. No British subject in the Frontier District should be forced to submit to this special procedure. The question of making necessary amendments must be examined by a committee appointed for this purpose and I do not propose therefore to deal with this any further. There are other reforms which are also essential and foremost amongst them has to be mentioned the necessity of having a chain of border villages connected by good road communications with people well trained in the use of arms and organized for defence purposes. This is essential whether the districts are amalgamated with the Punjab or kept as a separate province.

44. Now I wish to offer a few remarks on the report of the Majority of the Committee which reached me on 17th October at Madras long after I had written my previous paragraphs mostly in Simla last month. At the time I wrote the previous paragraphs I had only a short draft report and any reference to the views of my colleagues in the previous paragraphs should be read as referring to the contents of that draft report.

At the outset I cannot but deprecate and I do so with the greatest regret the reference made by the majority to their dissentient "Hindu" colleagues. In paragraph 22 of their report, "is it a mere coincidence," they wonder "that our Committee should have split up into a minority from the South of India and into a majority who lived or have served in the North;" and they claim exclusive credit for their intimate knowledge of the "grimness of the frontier" and various other virtues which may be readily admitted. I am also tempted to express my wonder in certain other directions but shall desist from following their example. There is a faint suggestion in paragraph 37 and in other places that the attitude on this question of two of the dissentient members of the Committee is also due to

the fact that they are Hindus. I entirely repudiate the suggestion as unworthy and unfounded and what little cleavage there is now on the frontier between the Hindu and the Muslim arose after the visit of this Committee when some of its members persisted in putting questions on the subject. Hindus and Muhammadans of the province almost up to the 3rd week of May had joined together in public meetings and passed resolutions advocating separation and amalgamation with the Punjab. At most of the public meetings Muhammadans presided. The question of this cleavage gained some importance in the province in the course of the enquiry by pointed stress being laid upon two aspects of the questions by some official witnesses and by some of the members of the Committee in their questions. The first two witnesses questioned at Peshawar were one leading Muhammadan gentleman and another leading Hindu gentleman. Both of them argued their different points of view without any reference to this Hindu-Muhammadan question. The 3rd witness was a Muhammadan gentleman who also did not make any reference to this question. The next witness was a Hindu pleader. To him my friend Mr. Samarth put the suggested difficulty from the point of view of the Punjab, namely a large Muhammadan electorate will be added by the amalgamation and the Hindu percentage of this amalgamated province will become much smaller than it is in the Punjab. Lala Chiranjit Lal who had apparently given considerable thought to the questions under reference had to answer at first he did not quite understand. My friend Mr. Samarth's point had nothing to do with any difference in the frontier districts but a possible point of view of the Hindus of the Punjab where possibly this question is looming large, *vide* Volume I, page 53. The next witness was Khan Bahadur Sadhudin Khan, a very prominent and respected Vakil at Peshawar, who was examined on behalf of the Bar. To him also the same difficulty from the point of view of the Hindus of the Punjab was presented. To him also such a presentation came as a surprise and he pointed out that the Hindu gentleman had not objected on that ground, *vide* Volume I, pages 65 and 66. After two policemen had been examined, Lala Muthra Dass, another pleader, was examined. To him the question began suggesting that open competition for recruitment to the services would result in the Hindus dominating. My friend Mr. Chowdhry Shahabud-Din put him the question "supposing the result of open competition is that 95 per cent. of the Mussalman population of the province is put entirely under the Hindu judiciary of this province, do you think that that will be an ideal state of things?" And the witness protested it is not fair to ask these sectarian questions. The President ruled out the question. When Sir John Maffey was examined, he referred to the fact that in 1902 all the Munsifs of the province were B.As. and now there were only two B.As. and that the educational status of others was not as high as it should be. He added the following remarks "But the interesting point to notice is that in the *Tribune* list all the Munsiffs were Hindus whereas now there is a very large proportion of Muhammadans and I do not think anybody could say that this is not a move in the right direction," *vide* page 126, Volume I. When Lala Baghat Ram, the next witness representing the Hindu Sabha, appeared to be examined, I tried to get him to meet the point raised by my friend Mr. Samarth, to meet the difficulty from the Punjab Hindu point of view. He belittled that difficulty and thought there was very little in it, *vide* Volume I, page 174. To him my friend Mr. Chowdhry Shahab-ud-Din put the question "Then may I take it as your opinion that the Muhammadans who are 95 per cent. of the population in this province are going to give up their entity and going to accept representation on non-communal basis." The President allowed the question to be gone into very shortly and questions were put to the witness. The witness advocated election on non-communal basis, *vide* pages 175-176, Volume I. To the next witness Khan Bahadur Abdul Gaffur Khan, the question was put "even if a competition test were introduced you surely advocate strongly the protection of the interests of the nobility and other influential people of your province?" The witness answered "certainly." And to the further question, "if open competition were introduced don't you think 90 per cent. of the posts of the judiciary and executive would in course of time be occupied by Hindu gentlemen and if this province were re-amalgamated with the Punjab, don't you think that the Muhammadans of this province would lose their separate existence and identity. The Hindus will gain and the Muhammadans will lose hopelessly in the re-amalgamation." To such leading questions the answer was "of course", Volume I, page 192. My friend Mr. Chowdhry Shahab-ud-Din tried similar questions with Major Muhammad

Akbar Khan. To the question "I believe you know that the Muhammadans and Hindus respectively form 93 and 6 per cent. of the population" would you have a mixed electorate or a separate electorate, the answer was "I would have a mixed electorate. I am not of sectarian views". (Page 209 of Volume I.) The witness refused to recognise any difference between the Indians and said "we are all Indians. I don't know the minority or majority at all. I say any man should by his own exertions rise to whatever position he can. He would not advocate communal representation and he stated it was not only his own personal opinion but most of the people are of that opinion", *vide* page 216, Volume I. Mr. Pipon tried to make out in his memorandum that the opposition to a local Legislative Council came from the Hindu minority. Khan Sahib Sadhudin Khan, the leading Vakil already referred to, had already given evidence that on account of financial difficulties and that on account of the fact that cliques are likely to be formed in a small province, the reformed council would not tend to good administration and their development would not be satisfactory. And his deliberate opinion was that the masses will feel glad over re-amalgamation. Mr. Pipon cautions the committee against speaking of Mussalman view as a whole in this province because they are of such widely different classes. To Mr. Lala Radhakrishnan my friend Mr. Chowdhry Shahab-ud-Din put the question "Is it not a fact that if a Legislative Council is given to this province the Mussalmans who will be proportionately in the majority in the Council and there would only be a small number of Hindus", the witness answered "The Hindus will be in the minority but so far as this province is concerned they have greater voice than when they are merged in the Punjab." To him the further question was put by my friend. "Hindus are educationally better than Mussalmans in this province. In an open competition suppose they never come up to Hindus, would you like 90 or 95 per cent. of the Hindus holding executive and judicial offices to rule a province which possesses 90 or 93 per cent. Mussalman population", the witness answered 'no'. Arbab Dost Muhammad Khan made the statement that the Hindus and Muhammadans in the villages are behaving towards each other like brothers, *vide* Volume I, page 287. To Muffti Muhammad Yakub Khan, an enlightened member of the provincial service Mr. Chowdhry Shahab-ud-Din put this question 'You say you don't want to make any distinction between the Hindus and Muhammadans. It is a very good idea for the good of India but what would you say to this? Suppose by open competition the Hindus who are admittedly superior to the Muhammadans in education were to usurp all the high executive and judicial posts, how would the Mussalmans then feel', the witness answered he would reserve a certain number of appointments for selection as distinct from those reserved for competitive examination, *vide* page 301, Volume I. Kazi Mir Ahmad Khan, a gentleman holding a very high non-official position in Peshawar and a Muhammedan representative in the Municipal Committee of Peshawar and a Pathan, was emphatic that a local Legislative Council would be worse than useless. To him my friend Mr. Chowdhry Shahab-ud-Din again put in the following questions which are instructive, *vide* Volume I, pages 339 and 340:—

Q.—On the Municipal Committee at Peshawar the number of Hindu and Muhammadan members is equal?

A.—I understand so.

Q.—Is it by arrangement?

A.—That is the order of the Government; I don't know how it is.

Q.—Do you know that the number of Mussalmans in Peshawar city is more than six times the number of Hindus?

A.—I am not quite sure of the ratio, but I know that there is a larger number of Mussalmans.

Q.—And even Hindus and Sikhs taken together do not come up to more than one-fourth of the Mussalmans?

A.—Probably so.

Q.—The Mussalmans are perfectly contented with half the seats they have on the Municipality?

A.—I think so.

Q.—I think it is out of your good relations with the Hindus that you don't care to get more than you have got ; is it not so ?

A.—There may be more than one reason. I think it is a fact that they are agreed. It is a good thing.

Q.—Though the Mussalmans are more than six times in numbers, they are contented with half the seats. Will you not expect the same treatment from Hindus towards your own co-religionists ?

A.—I may expect more good from the Hindus, but I cannot say what I should expect or should not expect. I do not quite understand the question." This process of education thus went on.

In the evidence I have discussed in the preceding paragraphs I have referred mostly to Muhammadan evidence and it is utterly futile to suggest that the residents of this province, the bulk of them, view the questions before the Committee as any question of Hindu or Muhammadan. As I have shown above, the question is being raised from the Punjab not from within the province. No doubt a few interested persons who hope to profit by getting appointments for themselves or their relations, wish to give that complexion to it. The people who would suffer from the bad administration of the districts, the bulk of them, are Muhammadars. It is in their interests the reforms of re-amalgamation should be advocated. It must be a biased mind to see bias in others.

Much as I respect the views of my colleagues on the Committee and with all the desire to agree with them I could not even with the "rosiest coloured spectacles"—to borrow the language of my colleagues—disguise the facts that three of them had actually convinced and committed themselves long before the enquiry commenced that the answer to the most important question before this Committee should be in the negative and that one if not two of the members were part and parcel of the machinery of the administration which was under examination by this Committee. Both the dissentient members have the satisfaction that they had to approach the consideration of this question, true in comparative ignorance, but with an anxious and open mind and we did not accept seats on the Committee and register our preconceived opinions however sound they may be. And I may further add that I have not ignored the documentary and other evidence made available to the Committee and have dealt with the evidence in detail above.

Referring to paragraph 4 of the report I do not wish to lay any claim to any share in the credit for patience in listening to the views of the local Bar. I listened to them with respect and pleasure everywhere and was largely instructed by their evidence. Nor do I agree that any non-co-operator "aired his views" to us. One or two non-co-operators alone appeared to give their evidence and they behaved with remarkable self-restraint and scrupulously avoided personal grievances although some difficulties had been placed in the way of their giving evidence before the Committee. I do not agree as I have already indicated that there are two main currents "Hindus and towns" as opposed to "Mussalmans and villages". Extracts of the evidence given above and a comparison of the statistics as to public meetings held in the province and petitions received by the Committee will show that this estimate by my colleagues of the opinion in the province as to amalgamation is not a correct one. Paragraph 9, page 10, of the report do not in my opinion give a correct version of the problem as it existed up to 1901. As I read the prior correspondence published in the blue book, the question was not whether it was possible for the Government of India to secure the conduct of external affairs of the frontier without dismemberment of the settled districts that only arose on Lord Curzon's proposal. It was then the Secretary of State for the first time in his despatch of December 1900 drew the attention of the Government of India to the proposed dismemberment and **FOR ITS BEING CAREFULLY EXAMINED**. Till then I do not find any trace of the question of the necessity for dismemberment being considered by any one. With reference to Sir Mackworth Young's remarks on the question of the inseparability which my colleagues adopt, they fail to note that Sir Mackworth Young apparently changed that opinion in his later minute, dated 15th July 1901, *vide* page 2, paragraph 5 of the scheme report, which runs as follows: "I am aware that in giving any opinion on the Secretary of State's proposal of 1898 (*viz.*, to place the frontier commissioners *quâ* their political work

under the direct control of the Government of India) I indicated that although I concurred in the reasons which led the Secretary of State and the Government of India to reject the scheme for framing a separate administration of the border districts and trans-border-tracts, that scheme was the only method of eliminating the Punjab Government from trans-frontier control. I am not sure I was right in this view. I should not now be prepared to admit that the two solutions of the problem which were then before my mind are the only methods by which the object of the Government of India may be attained. But I am not now called upon, any more than I was in 1898, to elaborate this idea. The point which is now clear to me and which I wish to emphasise is that the transfer of internal administration of the British frontier districts from the Punjab Government constitutes the danger as well as the weakness of the proposals now under consideration". In paragraph 12 my colleagues insist upon a common authority for dealing with the interests of districts and tracts and yet it is difficult to reconcile their proposal to entrust the administration of the districts to a local authority comprised of a Commissioner and an Executive Council and a Minister responsible to a local council, which must be something "live and vigorous". While they object to placing the Chief Commissioner direct under the Government of India for external affairs and under the Government of the Punjab for internal affairs they are willing to place him under the Government of India for external affairs and under "a live and vigorous" local council for internal administration. Is this not very nearly paying lip tribute merely for this frontier "axioms for fundamental canons of frontier management", as my colleagues would term it? As already shown, the present system of management through Agents and Resident is also inconsistent with the so-called axioms. This theory of inseparability has been closely examined in the previous paragraphs and there is nothing new in the report of the majority which calls for any further notice. With a thoroughgoing forward policy, my colleagues admit that the district may be separated from the tracts. I have already shown that a thoroughgoing forward policy is already being pursued slowly but surely and the resolution of the Government of India and of the Secretary of State in the spring of 1920 referred to by Lord Chelmsford in one of his speeches already quoted, is pregnant proof thereof. It is purely a question of time which includes money. My colleagues claim great credit for patience not only with the witnesses that came before them but also with the dissentient members and state in paragraph 19 that it was their desire to carry the two dissenting colleagues along with them into an 'unbiased' examination of the best form of administration for the frontier districts that prevented them from accepting certain conclusions they had reached as final. I do not remember either myself or Mr. Samarth attempting to argue any avenue of escape from the logical conclusion, namely, that given the inseparability of the two parts and the impossibility of entrusting one of them to the Punjab Government, it is impossible to entrust the Punjab Government with the other. At no time had we any doubt in our minds that if inseparability were granted Punjab Government could not come in. All our arguments and suggestions proceeded on the assumption of separability which we believed in. I am thankful to my colleagues for the patient and laborious exploration which I regret we inflicted upon them and thereby compelled them to re-affirm the practical inseparability of "drawing a hard and fast line between the internal and external of even work-a-day matters of the frontier" at least in theory, though in practice they are prepared to ignore it, in their own proposals as shown above. What they object to is "to transfer the administration of districts from the Government of India to any major local government" see end of paragraph 22, but they have no objection to transfer it to a minor local administration. Is it their idea that the minor local administration, viz., the minor local cabinet and Legislative Council, the "live vigorous Legislative Council". As they call it and one where they want to give full scope for the self-determination of the Pathan and the fulfilment of their political aspirations, will not be a reality and that the Chief Commissioner will continue to hold the balance between the divergent interests, between the districts and the tracts in the same way as he does now? If there is going to be true and growing responsible local government "as in the Punjab" with "the essentials of the reforms" enjoyed and to be enjoyed elsewhere, the Chief Commissioner cannot certainly continue to be that common authority on which so much stress is laid: I have already shown that the proposal made by me above

is not entirely new ground. It is not a correct statement my colleagues make in paragraph 20 "that our colleagues broke entirely a new ground." This suggestion was put in the course of the enquiry to one of the official witnesses, my recollection is to Colonel James. It was certainly put to Sir John Meynard later and in fact a plan was asked to be prepared before the evidence closed showing the agency tracts in a different colour from the tract controlled by the Deputy Commissioner and if the suggestion in paragraph 20 is that this idea came in for the first time during the course of the final discussion we having had to abandon every other conceivable avenue of escape, it is absolutely incorrect. On the reasoning adopted in paragraph 21 there is as much reason as for Afghanistan and tracts being also under the same administration. It is not with a view to belittle the importance to be attached to the opinion of the majority that I follow their example of paying a genuine and humble tribute to their ingenuity, patience and skill. I also agree that the issues involved are fraught with consequences to the districts and to India, too vast for me to dare to follow them in seeking "illusory refuge" from the facts as disclosed from the official reports and records in a make-believe local council which is apparently to be under the guiding strings of a chief commissioner though nominally under the Government of India.

With reference to the statement in paragraph 24 as to record of the Frontier Province in its external relations I have already referred to responsible high official and military testimony proving the reverse of what my colleagues assert. The effort of the financial drain on India by this Frontier Province is grossly understated in paragraph 32 of my colleagues' report. Mr. Dutt's figures will have to be examined closely in this connection. While my colleagues recognise that economy must be the guiding principle their recommendations involve additional expenditure and are sure to end in ever increasing expenditure which the province cannot bear.

45. In conclusion, I wish to express my obligation to the President of the Committee for his uniform courtesy and patience under what must have been a trying situation to him and the Chief Commissioner Sir John Maffey, North-West Frontier Province, and his Deputy Commissioners for their hospitality, the very careful and well-thought out arrangements they had made for our comforts and for facilitating the work of this Committee. Mr. Bolton, our colleague and secretary, deserves great praise for the extreme care and attention which he has brought to bear in preparing and supplying the materials. I am afraid I had to tax his patience very considerably by asking for all sorts of information which he very readily and promptly furnished. Whatever might be the final result of the labours of this Committee, I wish to place on record my appreciation of the very fine qualities of both head and heart of the Muhammadan-Hindu population of this province; whose vital interests are involved on the decision of the Government of India and the Secretary of State. I have tried to approach the consideration of the question from that stand point and that stand point alone and my emphatic opinion is that a reamalgamation with the Punjab in the way proposed by me will be the best solution of the difficulties which beset them while at the same time all-India interest may not materially suffer. The financial effects of my proposals do not require much consideration. They are bound to result in economy in several directions and for the first few years financial arrangements will have to be settled between the Punjab and the Central Government subject to revision at the end of 10 years.

I regret the length of this report. The evidence before the Committee, both documentary and oral, was very voluminous and had to be referred to in considering the various questions, especially in ascertaining what the public opinion is on certain matters, and may I conclude with an earnest appeal to the Government of India and the Secretary of State for a patient consideration of the matters dealt with herein and in the majority report.

MADRAS;

T. RANGACHARIAR.

15th October 1922.

ANNEXURE A.

Extracts from the Reports on the administration of Criminal Justice.

1901. *Judicial Commissioner's Report* :—“ The function of the Frontier Crimes Regulation is to supplement and not to usurp the place of the Regular Laws. Careful discrimination should be exercised as to the cases for reference to *Jirga* tribunal and the persons to serve thereon. Any tendency on the part of the Police to slur over the investigation in difficult cases without an energetic attempt to elucidate them, treating them as at any rate good enough for the *Jirga* and any tendency on the part of the Magistracy by sending up cases which ought to be tried judicially, for trial under the Frontier Crimes Regulations should be summarily checked. If these considerations be kept in view and systematically acted on, the Frontier Crimes Regulation should be beneficial as a supplement to the ordinary law.”

1902. *The District Magistrate, Bannu, stated* :—“Dacoity is becoming a fashionable crime in this province.”

The District Magistrate of Hazara, dealing with Frontier Crimes Regulation, stated :—“ There is a considerable increase under all heads of cases referred as compared with figures of last year. I cannot give any satisfactory explanation for this increase.....”

1903. *The Sessions Judge of Peshawar (paragraph 8) stated* :—“ I am certain that the increase in murders need not have occurred if the Magistrates and Police had taken prompt measures in cases in which murders were likely. I am led to this conclusion from the Sessions cases that have come before me.”

Judicial Commissioner, paragraph 16 :—“ The steady fall in the percentage of persons who elected to appeal from 33 in 1901 and 25 in 1902 to 22 in 1903 is a satisfactory feature and indicates that speculative appeals have been checked by the power now vested in District Magistrates to enhance sentences.”

Paragraph 17. District Magistrate, Peshawar, wrote :—“ Fluctuations in figures as to references to *Jirgas* depend of course on the personal equation of individual officers..... In spite of strict attention, both Magistrates and Police are apt at times to be careless and unthorough in working out cases.”

Judicial Commissioner :—“ The special procedure provided by Frontier Crimes Regulation should not be applied ordinarily to riot cases ; riot occurs generally in broad day light. Main facts are known to on-lookers and such cases can well be tried by the regular tribunals.”

1904. *The Chief Commissioner in his review stated* :—“ It must be remembered that unless adequate inquiry is made, Section 107 of Criminal Procedure Code and Section 41 of Frontier Crimes Regulation alike lend themselves to those in search of a means of vexation or oppression.”

District Magistrate, Bannu, states in paragraph 14 :—“ In accordance with instructions issued by me, action is now taken under 41 of Frontier Crimes Regulation instead of section 107 of Criminal Procedure Code in all disputes over women and other quarrels affecting families and factions.”

1905.—The Chief Commissioner “ hopes to see that the proportion of cases dealt with by the regular courts steadily increase and to witness a corresponding diminution in the number of criminal references to Councils of elders.”

1906.—The Chief Commissioner “ insists on the necessity of a systematic application of the provisions of section 250, Criminal Procedure Code, and award compensation.”

Sessions Judge, Derajat Division, wrote (paragraph 2) :—“ The fact is that Magistrates habitually neglect to carefully send the complainant's statement under section 202, Criminal Procedure Code, and so fail to gauge the truth of his story. As a rule this important work is delegated to a subordinate clerk.”

The Judicial Commissioner stated :—“ Constant reiteration or admonition is necessary to impress the importance of this subject on Indian Magistrates as a whole.”

1907. *The Judicial Commissioner in paragraph 6* :—“ The Sessions Judge, Peshawar, is inclined to attribute the increase of burglaries in the District to laxness of supervision on the part of the Police. The Judicial Commissioner concurs in that view.”

Paragraph 7, District Magistrate, Kohat, remarks :—“ Facility for escape afforded to offenders by the proximity of the border line affords a strong incentive to intending criminals in Kohat and as long as the present conditions exist it will remain an adverse factor in the Criminal Administration of the Province. The outlaws life offers positive attractions to adventurous spirits of Khuttack ilaqa. Subsistence is easy. They have only to pounce now and again on our unprotected Hindu and hold him up to ransom and those who might arrest are unarmed and unable to attack a body of men armed with rifles. The border military police are few and far between. The Police are weak.....”

Paragraph 8, District Magistrate, Bannu :—“ It was apparent that widespread alarm has been occasioned amongst the Hindus of the District by the operations of these gangs from Kohat and their recently adopted plan of kidnapping men of means and extorting ransom under threats of murder. Village Hindus are leaving their homes and crowding into Bannu city to such an extent as to raise rents in the city generally and many petitions are presented for special protection.”

1908. *The Chief Commissioner states in his review* :—“ The number of offences both reported and admitted is the highest on record since the foundation of this province. For this the large depredations of various gangs of outlaws in every district except Hazara are largely responsible. Advantage was also taken by local bad characters to commit burglaries in the hope that the crime would be attributed to one or other of the gangs. In Peshawar the system of “ Jirga Sessions ” has been tried. The Judicial Commissioner is not inclined to approve of this system, but on the whole their work appears to be good.”

Paragraph 4. The Sessions Judge, Peshawar, Mr. Barton, states :—“ The modern system of law in force in the frontier is unsuited to a population whose ethics are little in advance of the Dark Ages, and it is questionable if the Frontier Crimes Regulation affords sufficient corrective.”

Judicial Commissioner observes on this :—“ If the law in force on the Frontier fails to keep those forms of crime in check, the fault would appear to lie not with the state of law, but the way in which it is administered.”

“ The criminal statistics exhibit increases more or less marked under every head of serious crimes, excepting riots and attempts to murder.” Referring to this, the District Magistrate, Peshawar, states “ The past year has been one in which an unsettled border has been responsible for a great deal of violent crime.

“ The right persons have not been placed on security. Only the small influential men have been hunted out. Their properties have escaped. Changes amongst Police officers have been unduly frequent and I am inclined to attribute a good deal of house breaking to their want of knowledge of their Thanas.”

Referring to the general state of crime in Kohat, the District Magistrate remarked [paragraph (7)] :—“ The outlaw pest is a curse to the community. The worst offences of the year may be put down to these marauders. I believe an improvement will follow the better armament of the population and the organization of the Chigha system.”

“ The tendency to send up some wretched scapegoat from a criminal village as a substitute for the real badmash will only be obviated when we have experienced Magistrates with a first hand knowledge of their ilaqa by extensive touring.”

The District Magistrate, Bannu, stated :—“ In all these raids except one, the offenders were either trans-frontier men or outlaws. They came in gangs of 9 or 10 men well armed. In most cases the object was to loot and kidnap wealthy Hindus and the rapid succession of 7 raids naturally caused much alarm among the Hindu population of the District who took refuge in large numbers in Bannu city.”

Paragraph 23. The Deputy Commissioner, Kohat (Mr. Barton) remarked :—“ Another point to be noted is the inefficiency of our methods of dealing with crime such as thefts and burglaries as evidenced by the small percentage of conviction. The inference is obvious that crime of this kind is attended with very little danger.

1909. Judicial Commissioner :—“ In Peshawar there has been an increase in the offences of rioting, murder and kidnapping.

In Hazara, there is an increase in rioting, kidnapping. In Kohat, murders and robberies increased and theft and kidnapping also.”

As to kidnapping, Mr. Barton, District Magistrate, Kohat :—“ The abduction of rich Hindus is an enterprise to which the Kohat outlaw gangs devote most of their energies. They find it a profitable and not dangerous pursuit. The Pathan villagers have not rendered themselves conspicuous for assistance given on such occasions.”

In Bannu serious offences rose from 344 to 469.

The District Magistrate remarks :—“ The District as usual suffered from depredations of outlaws. The principal object of these raids is to kidnap wealthy people preferably Hindus.”

The District Magistrate “ thinks that the Hindus who set the bad example of releasing their kidnapped relations on payment of enormous ransoms under protest from local officers are mostly responsible for this increase in raids.” The Sessions Judge, however, remarks :—“ These unfortunate people have no choice in the matter. They get little assistance from their Muhammadan villagers, many of whom no doubt share in the ransom, and so far, Government has been able to do little to help them.”

The Judicial Commissioner agrees with the Sessions Judge “ In consequence of the insecurity of life and property many Hindus removed with their valuables for refuge in the towns of Bannu and Lakki.”

“ I think more satisfactory results might perhaps be attained if the Police were more prompt in the inquiry of witnesses and in reducing to writing their statements before plots have had time to mature.”

On the working of Frontier Crimes Regulation the District Magistrate, Bannu, states :—“ It must be admitted that the inability to secure a conviction of an accused person for want of proof is a flaw in the administration of the Police and consequently the increase in the number of criminal references to *jirga* cannot be looked upon with satisfaction.”

1910. Chief Commissioner reports :—“ The figures for the year under review show a very substantial increase in the amount of crime committed. A full consideration of the case has forced the Chief Commissioner to the opinion that the outlaw and other evils are largely due to the failure of the attempt to force on the people a system of criminal law which makes little, if any, attempt to differentiate those cases in which the parties might be assisted to come to a settlement.

None of the superior judiciary had much legal training and they have doubtless done their best with the evidence placed before them, but when out of 317 cases of murder admitted to have occurred only 16 persons suffered the full penalty of law, it is obvious that the errors of the law can have little deterrent effect. The Chief Commissioner cannot agree with paragraph 18 of the Judicial Commissioner’s report where he expresses the hope that the work of the regular courts will be increased and the number of cases under the Frontier Crimes Regulation diminished, as he considers the latter give more satisfactory results.”

“ In Peshawar, there has been marked increase in cases of murder, culpable homicide, thefts, robberies, and dacoities.

“ As to the extent to which the transborder men are responsible for the Peshawar crimes of the year, it must be remembered that a great number of heinous offences, *e.g.*, dacoities in which trans-border men are concerned, have to be filed as untraced and the offenders are never brought to trial. The above statement therefore in no way represents the volume of crime committed by men from beyond

the border in British territory. The fact that so many cases go unpunished is a matter for consideration by the Political and Police officers concerned and does not concern the working of criminal courts.

“I do not trace any connection between this increase in crime and lawlessness and the action taken in courts. A heavy strain has been placed on courts by the increased work of recent years. The frequent transfers among the Magistrates and Sessions Judges add a difficulty.

“The root of the evil from which all lawlessness springs both within and without the border is ignorance and knowledge.”

Paragraph 18 :—“The danger of the Regulation in relation to the criminal courts is that it is far easier to send a case to a *jirga* than it is to have a regular trial. Much labour is avoided and slackness is encouraged. In times when violent crime is ripe, the danger is greater, for under the Regulation a sentence of 14 years’ rigorous imprisonment is very rightly the utmost sentence. Hence when numerous murder cases are sent to *jirgas* the impression must necessarily get about that murder is not murder or dacoity is not dacoity but a comparatively light offence and that our law will not impose a death sentence for it. There is no doubt that all along the frontier violent crime is regarded but lightly by the people. This easy and demoralised opinion is to be combated. Possibly *one reason for the recent growth of crime has been an excessive use of these councils*. I should be glad to see their work reduced and the criminal judiciary strengthened.”

1911. Judicial Commissioner reports :—“The number of offences reported during the year was the largest recorded since the creation of the Province. The situation cannot be described as otherwise disquieting. It is a regrettable feature of the situation that crime of the more violent type has shown a progressive tendency to expand. The number of murders in 1904 rose from 141 to 317 in 1910. Attempts at murder have increased. Burglary is more ripe than at the commencement of the decade. In view of these outstanding facts it must be admitted that crime is spreading. Various causes have been put forward. In times of border unrest criminal element is more excitable and active. Outlawry has greater attractions than in the past. There are Magistrates who prefer to acquit or discharge rather than face legal complexities raised by prisoner’s counsel. The most potent cause of the present conditions is that a great part of serious crime goes unpunished partly because most cases never reach the stage of a trial in court at all. The obvious inference is that our present machinery, Police as well as judicial is not fully adapted to the conditions of this Province.”

The Chief Commissioner’s Remarks :—“The Chief Commissioner does not share to the full the apprehensions of the Judicial Commissioner with regard to increase of crime.

“The enforcement of death penalty has become so rare that the fear of it has ceased to be a deterrent while its alternative transportation for life exists now only in name owing to the very liberal system of remissions.

“At the same time, it is necessary to point out, that although criminality as represented by violent crime is certainly high in North-West Frontier Province it need not be assumed crime is abnormally ripe upon the Frontier

“It is the obvious duty of all courts to do their utmost to check the flood of perjury which threatens to swamp our judicial system. The Chief Commissioner while acknowledging the capacity and industry of the Magistrates has to notice a certain laxity and unconcern on the part of courts in dealing with cases.

“*Two most undesirable results ensue* :—First is indifference on the part of the people to the penalties attaching to false evidence and abuse of law.

“Second is a great deal of violent crime.”

1912. Chief Commissioner’s Review :—The salient feature of the criminal report of the year is that there has been a further increase in the crime returned as true in all districts. The continued rise of admitted crime cannot be satisfactorily accounted for by the idiosyncrasies of the District Criminal Administration.

The figures lead to the logical deduction.

1st.—The real criminal has a much better chance of escaping punishment in our courts and is emboldened by his immunity.

2nd.—The public are more and more using the criminal courts for their own ends which the courts do little to check this contempt of authority.

In a year in which the murder record has been the highest, the attention is arrested by the fact that the number of cases in which death sentence has been confirmed is the lowest since the upward movement of crime began.

Judicial Commissioner :—“ It is undesirable that Naib Tahsildars most of whom are inexperienced should be made responsible for a large part of the criminal work, which from its nature requires trained judicial capacity for its proper disposal.....”

“ A stiffening of the moral fibre of the courts should work an improvement in the criminal administration of the border land. Some Magistrates shirk a full enquiry in a doubtful or complex case and suggest references to a *jirga* to avoid forming an independent opinion.”

The Sessions Judge, Peshawar, Mr. Rennie, remarked :—“ The most disquieting feature of the year was the alarming increase in violent crime. That serious crime is on the upgrade cannot be denied and this is due doubtless, as remarked by the District Magistrate to the unconcern with which outlawry is viewed and to infrequency of death sentence.

“ Political considerations do make it desirable in recognition of Pathan sentiment to permit the repatriation of outlaws and if repatriation has been made easier, it is not without significance that the policy should coincide with a general all-round increase in crime.

“ The immunity from punishment enjoyed by criminals and more particularly by murderers can not but have disastrous effects upon potential law breakers.

“ The chances of escapes as indicated by the low percentage of convictions is an added encouragement to the professional depredation. This is due partly to the inherent difficulty of the problem of detection; partly to the progressive abandonment by the police of the time honoured methods of detection. There is reason to believe that in many cases the burglar and the thief have many of the Khans and leading Maliks on their side.

“ The majority of dacoities in Dera Ismail Khan which rose from 8 to 22 were the work of trans-border men and outlaws.

1913. Judicial Commissioner :—“ The statistics shows increases more or less marked under riots, hurt, kidnapping, theft, robbery, dacoity and criminal trespass resulting in death.

“ The truth is that the number of persons convicted in the regular criminal courts bear so small a proportion to the number of offenders that the nature of punishment to be expected can hardly be said to enter seriously into the calculations of the criminal.—

	<i>True murder cases.</i>	<i>Brought to trial.</i>	<i>Number of cases in which anybody was convicted.</i>
Peshawar	126	49	23
Hazara	30	16	9
Kohat	64	40	15
Bannu	55	28	9
Dera Ismail Khan	22	12	4
Total	297	145	60

The real problem is that of detection of offenders in the graver type of cases and its solution lies to some extent in the improvement of the official detective agency, the police, but chiefly in enlisting the sympathies of the people on the side of law and order against the criminal. Some think this can be best done by the slow process of education and moral enlightenment. But that education makes the eastern mind more disinclined to violence has not yet been proved in other parts of India. In Peshawar, the number of true cases of rioting, hurt, kidnapping, theft, criminal trespass and burglary increased.

“ In Hazara, the number of true cases of serious crime has risen from 905 to 1,063.

“ One sinister feature indicating the prevailing spirit is the large increase in cases of contempt of lawful authority. Instances have occurred of successful defiance of the police and process serving agencies.”

Jirga system and its working :—The District Magistrate, Hazara, thinks that the greater use of *jirgas* tends to make the police slack in investigation and he suggests with much reason that the Deputy Commissioner might be authorized on the conclusion of a *jirga* trial ending in conviction to pass orders if such conviction is to be shown in the Police returns to the credit of the Police or not.

The District Magistrate, Bannu, reports “ that the working of the *jirga* has been much impeded by faction feeling which is ripe. This has made it impossible to select impartial tribunals.”

1914. *Mr. Fraser, District Magistrate, Dera Ismail Khan, stated* :—“ Although the number of the offences was the highest recorded since the new province was created, yet it is not the inhabitants of the District who should be held responsible. A very large proportion of these serious crimes are the work of trans-border offenders.”

Paragraph 27. Judicial Commissioner :—“ The criminal work of the Indian Magistrates can hardly be called good except in a few cases. The Sessions Judge, Peshawar, thinks that the reason for their shortcoming is that either the Magistrates are inexperienced or they have fallen into a groove from which it is impossible to displace them. Mr. Rennie, Sessions Judge, Peshawar, thinks it is idle to hope for any marked advance in the standard of efficiency in the provincial service until its members improve individually. The standard of efficiency in the provincial service leaves much to be desired. The same stagnation is noticeable in the sphere of criminal work as on the civil side. Dilatory methods of disposal constitute perhaps the most prominent fault and cases are frequently allowed to drag on for months. One result of the law's delays is to embarrass the prosecution while much inconvenience is caused to witnesses and unnecessary expense to the crown. Another common fault is perfunctory methods of recording evidence, cross-examination and statements of the accused and as a consequence unnecessary complexity of work in appellate courts in cases of conviction and on some occasion a failure of justice simply because the cases for the prosecution has not been fully brought out. Want of supervision of the clerical establishment is another common failing. This usually tends to degeneracy in the subordinate staff and the working of the court.”

1915. *Chief Commissioner's Review* :—“ It is probable that the rise in crime, anyhow of the serious kind is the indirect reflex and also the direct consequence of the disturbed state of Frontier resulting from the war. Many of the dacoities are traceable to trans-border men, while the general feeling of unrest throughout the country caused by Turkey's participation in the war with its feared influence on Afghan policy and thence on the border tribes and the more fanatical inhabitants of the province, founded a congenial evil for a sudden upgrowth of murder and other violent crimes.”

“ Reviewing the year's working of the criminal courts as a whole the chief Commissioner is compelled to observe that the work of the magistracy from the District Magistrate downwards requires stiffening. The Judicial Commissioner remarks that much of the failure to convict is due to the incompetency and lack of moral fibre in magistrates of the lowest grade and to the failure of the District

Magistrate to deal strictly with the Sub-Magistrates; that the number of petty sentences of imprisonment discloses the necessity of a closer supervision of the subordinate courts by District Magistrates; that delays in disposal are ripe and might be eradicated by greater supervision on the part of District Magistrates. District Magistrates also fail to take their full share of the criminal work of their districts. The Chief Commissioner is loath to criticise District and Sub-Divisional Magistrates too severely in a year when the claims of political work on their time have been excessive. As regards sub-magistracy there is less excuse for them and the Chief Commissioner looks to the Judicial Commissioner and District Magistrate to infuse a better spirit into them. * * * The periodical confidential reports on officers it must be confessed are difficult generally to reconcile with the picture of the work portrayed in the administration reports. Looking back at previous reports and reviews and at the constant repetition containing the same defects from year to year the Chief Commissioner is constrained to think that an improvement might be effected were the criticisms passed by the Judicial Commissioner and Chief Commissioner embodied in circular."

The Judicial Commissioner's Report.—"It is a truism that the immense volume of frivolous litigation in the criminal courts is to a large degree due to the incompetency and lack of moral fibre in magistrates of lower grades. The only satisfactory remedy is the abolition of the Tahsil Courts.

"There has been some weakness in the supervision of sub-courts by the District Magistrates.

"It is a common complaint that frivolous complaints are chiefly used as lever to enforce a civil claim and it is a matter for regret that the morale of the magistracy is too weak to resist the tendency.

"Careful discrimination is required in dealing with security cases. Many lambardars in Peshawar and Bannu districts are believed to have bad characters in their pay and in order to shield the latter they produce as victims of security proceedings unfortunate village menials who are really harmless.

"I have noticed from a perusal of the monthly statements that in many districts, notably in Peshawar, accused persons have been frequently kept for some months in the judicial lock-up awaiting trial by *jirga*.

"Delays are still of frequent occurrence in the courts of magistrates belonging to the Provincial Service. Cases, especially those in which a reference to *jirga* is inevitable, are allowed to drag on for months, the slightest pretext being sufficient for an adjournment."

The District Magistrate, Peshawar, Mr. Bolton, wrote:—"There has been so much political and other work during the year that it has not been possible to devote the same attention to the details of criminal work as in former years."

1916 :—"The Chief Commissioner regrets that the Judicial Commissioner has been again compelled to remark on the weakness and invertebracy of the subordinate magistracy. He thinks that perhaps persistent pilloring in the annual reports of offenders may have the desired effect of arousing some of them to greater efforts.

As regards District Magistrates, it appears that the oft repeated complaint about their failure to take their share of work has had some slight effect. It is hoped that in spite of the heavy demands on their time made by the political and executive duties they will endeavour to comply with the Judicial Commissioner's wishes in that respect.

Judicial Commissioner:—"The weakness and invertebracy of the subordinate magistracy have formed the theme of successive reports and the indictment is again supported by result of trials for petty offences during the year.

"As usual in most districts, the magistrates spend much of their time in dealing with frivolous complaints under section 107, Criminal Procedure Code."

District Magistrate, Peshawar:—"The state of affairs which could not have existed without passive and active help of the residents of the district at the end of last

year which to say the least of it is deplorable. Hindus fled across the border. Local bad characters banded together and raided like Mahsuds. But by the use of preventive sections most of the bad characters have been laid by the heels and frightened into quiescence."

Sessions Judge, Peshawar :—"The greater activity displayed in taking preventive measures is not reflected in the criminal statistics and the increased safeguards applied were unable to keep in check offences either against the person or property."

Mr. Bolton stated :—"There is again a rise in serious crime due I think in the main to the unsettled conditions caused by the war, and the disturbances across the border. The year's work has been heavy. Political and other miscellaneous work due to the war occupied an increasing amount of time and the statistical returns represent a constantly diminishing proportion of the actual work done at any rate by the District and Sub-Divisional Magistrates."

District Magistrate, Bannu :—"It is clear that outlawry has not the terrors it had and that at the slightest provocation a murder is committed and the murderer gets across the border and until Government insists on no outlaw remaining within 20 or 30 miles of the frontier, outlawry will be regarded with composure."

1917. Judicial Commissioner :—"An outstanding phenomenon of the reports on criminal justice is the recurrence of crime year after year in only slightly varying volume. The efforts of the local authorities are usually confined to explaining such variations as occur and little attention appears to be given to the problem of dealing with the prevention of crime as a whole. It seems to be accepted as axiomatic that a more or less normal crop of offences must be expected year after year."

District Magistrate, Dera Ismail Khan :—"Major Heale's vigorous activity had shown the residents of the district that although the control of the Mahsud offenders from across the border was for the time being beyond the power of the forces available on the spot, Government still was not only willing but able to support the law-abiding, to punish the evil doer, and generally to enforce respect for law."

1918 :—"There is always a temptation for the police to relax their efforts in cases in which a conviction by the regular courts is uncertain to trust to Council of Elders to remedy their want of success."

1919. Chief Commissioner remarks :—"The year 1919 was marked by a very large increase in the incidence of crime. Cases of murder rose from 319 to 445, kidnapping from 54 to 1,919; dacoity with murder from 17 to 93 and without murder from 93 to 410. There was also a serious increase in the number of cases of rioting, attempted murder, aggravated hurt, robbery, criminal trespass."

"The Judicial Commissioner attributes this unhappy record to the state of unrest caused by the reaction from Punjab disturbances, by the outbreak of the Afghan war, and by the active hostility of the trans-frontier tribes. In Peshawar 99 dacoities out of 137 were attributed to trans-border offenders. Their success again emboldened the more lawless spirits of the interior of the district to imitate their crimes in the hope these too would be placed to the credit of trans-border tribes. The appalling number of murders is due largely to the same conditions."

"The Chief Commissioner can not but think that a contributing cause is the absence among the frontier communities of healthy forms of amusement. Severity of punishment has no tendency to reduce crime. When a large number of offences eventually go unpunished, the passing of severe sentences in isolated cases tend merely to reduce justice to an illogical gamble and alienates public opinion from criminal administration as a whole."

Frontier Crimes Regulation :—"As a general criticism I can not regard the present method of working the Frontier Crimes Regulation in this province as entirely satisfactory. Closer attention is required to the policy and principles which underlie it. Its object is not so much to drastically deal with crime as to reconcile Pathan custom with the general law of the country and to supersede more complex legal procedure by simpler methods of justice consonant with, and intelligible to, popular feeling in the frontier tracts."

Judicial Commissioner says :—“ Murders and dacoities are the highest ever chronicled and there was a large increase in cases of criminal trespass resulting in death. In Peshawar the record of serious crimes was abnormal. As regards dacoities it is unquestionable that the disturbed border conditions have proved the strongest factor in their expansion.”

The District Magistrate, Kohat, wrote :—“ There has been an uninterrupted succession of raids from the time of the siege of Thall by the Afghan army in May till the end of the year. Dacoities with murder rose. Many of the minor raids are the work of local character. An unsatisfactory feature has been the fact that trans-border gangs have been able by means of harbourage and food afforded by British subjects to penetrate into the far eastern tracts of the district. This is largely due to the co-operation of Khuttack outlaws who reside with the Wazirs and who are all able to arrange for the assistance of their relatives in British territory.”

1920. *The Chief Commissioner remarks* :—“ The Pathan population have ties of custom and kinship with the tribal Afghan borderland which render them prone at all times to lawlessness, quick to violence and apt to seek vengeance themselves. Their proximity to the borders renders it necessary to permit a wide distribution of arms for purposes of defence. On the other side lies British India which had, for a long period now abruptly ended, gradually distilled across the Indus ideals of ancient peace into the districts of the Frontier Province. Public opinion views with comparative indifference crimes however violent committed in conformity with tribal custom and sense of honour.”

“ Where crime is heinous and directed against the public peace in the security of property he considers that the ordinary courts should normally be employed and severe sentences inflicted. Even in those cases it may be necessary to employ the *jirga* system where the guilt of accused is notorious but judicial proof is lacking. But care is required on the part of officers administering the Regulation that only the right class of cases is sent to the *jirga*. They will find natural tendency on the part of the sub-magistracy to recommend all cases for *jirga* partly in order to avoid the work and responsibility involved in deciding the cases themselves. The more serious danger is that the police will become discouraged and ineffective in their investigation of crime. It has been the custom in the past for the police to earmark a particular crime as suitable for the *jirga* and then to have the *jirga* to arrive at the truth without any assistance from the police in the sifting of evidence. The hall-mark of a *jirga* case is no longer dearth of judicial evidence but rather the fact that crime was the outcome of Pathan temperament and tribal custom. A *jirga* requires assistance in arriving at a conclusion as to the guilt or innocence of the accused no less than does a court and Chief Commissioner trusts that the Inspector General of Police will impress on his investigating staff that the extension of the *jirga* system of trial does not warrant any relaxation of effort on their part.”

Judicial Commissioner says :—“ In Peshawar there was an increase in every class of important crime except in case of kidnapping, rape. The murder record broke all bounds.

“ In Kohat the insecurity of human life continued. The countryside generally was less safe as shown by the increase in dacoities and robberies.

“ In Bannu the marauding tribesman was just as active as in the adjoining distant.

“ Human life was no safer in Bannu than at Kohat. For the first time in the history of the Province, the murder record reached 3 figures. Violent crime against the person was the most sinister feature of the year. * * * Attempts at murder were nearly double those of the previous year.

“ An unwelcome feature was the question in cases of contempt of the lawful authority of public security.

“ The District Magistrate writes that the number of such cases is steadily increasing every year.

“ In Dera Ismail Khan violent crime against the person as in every other district is a regrettable increase. As has been said the main causes which led to the aggravated state of crime in the province were political and economic. The hostile attitude of the tribes reacted on the people as a natural result of the close ties of kinship and religion which unite the cis and trans-border. It is also axiomatic that trans-border offenders can not operate without the help of local confederates whether induced by terrorism, sympathy, self glory or the hope of plunder. It is not surprising that in those districts the previous records of many crimes of a serious nature were altogether eclipsed.

“ The problem of rendering life and property safer is beset with the difficulties to which the Sessions Judge alludes and under the present system it is not easy to devise any remedy of practical value. My firm conviction is that little improvement can be hoped for till there is a territorial readjustment of Peshawar District. The area administered by the District is cumbersome and unweildy and it is idle to suppose that with the multiplicity of his duties, he can find time for the proper supervision of the numerous courts subordinate to his own. There may be many other considerations which preclude rearrangement but from a judicial point of view a smaller charge could scarcely fail to ensure closer contact with and control of criminal elements and to infuse a spirit of greater efficiency which, under present conditions, seems impossible of attainment.”

ANNEXURE B.

Extracts from Civil Justice Administration Reports.

1901 :—“ The Divisional and District reports contain comments to the effect that civil case work suffers owing to various classes of officers, who are required to take a share in the disposal of civil business being charged with criminal revision and other miscellaneous duties which leave them but little time for the hearing of civil suits.”

Chief Commissioner :—“ The Chief Commissioner considers the average duration of suits in paid Sub-Divisional tribunals unduly high and invites the attention of Judicial Commissioner to the matter.”

1902 :—“ The Chief Commissioner can not but regard adversely the increase in the average duration of suits in original courts. The porportion of civil business disposed of by Assistant Commissioner continues to be exceedingly small.

“ The average duration of appeals in the Divisional Courts was 133 days ; this unduly high duration is attributable to the fact that large arrears of old standing appeals were cleared off during the year.”

1903. *The District Judge, Hazara said* :—“ In this district there is a tendency on the part of the civil sub-courts to issue commissions in most of the cases instituted in each court. Commissions are issued as a rule without necessity and they are issued to persons who are not by education and professional ability fit for making a proper enquiry in each case. The fees to commissioners are more or less excessive.”

Judicial Commissioner stated :—“ It is hardly to be wondered at if the comparative monotony of civil judicial work in Kutclery should not appeal to officers whose sphere of duties includes the more interesting work of carrying on political dealings with trans-border tribes and the more exciting occupation of hunting down outlaws ; it must be remembered that in other provinces Assistant Commissioners have not got these counter attractions to divert their attention from civil case work. In reviewing the Civil Justice Administration Report for 1902 the Government of India in the Foreign Department considered that the small number of civil cases dealt with by District Judges and Assistant Commissioners in this Province was an unsatisfactory feature.”

Paragraph 12 :—“ The falling off in disposals by the agency of Subordinate Judges is ascribable to the facts that for one and a half months there was no Sub-Judge at Kohat and that the appointment of Assistant Commissioner at Headquarters and Sub-Judge of Dera Ismail Khan remained vacant for four months.

The absence of an Assistant Commissioner and Sub-Judge at Dera Ismail Khan for so long a period, led to a very serious dislocation of civil business; cases pending in his court were transferred to other officers, who, having their own full toll of work to do, were unable to take them up, the hearings were constantly postponed from date to date with the result that much trouble and inconvenience was caused to the litigants concerned."

1905.—"Hazara was unfortunate in having had five changes in the Office of District Judge during the year."

Paragraph 9.—"The Office of District Judge of Bannu-cum-Dera Ismail Khan was held by no less than five different officers in the year under report, and there were also four changes of incumbents in the District Judgeship of Peshawar. The frequent changes, even though unavoidable, are none the less unfortunate from the point of view of the interests of the administration of civil justice; for they cannot fail to affect injuriously the amount of supervision and control which the District Judge is expected to exercise over subordinate courts."

1906. *Judicial Commissioner (Mr. Bunbury)* :—"At the close of the year under report, one and shortly after its close two of the most important posts of District Judges and Additional District Magistrates in this province were held by officers who were not fitted by their previous training and experience for these appointments. The Judicial Commissioner considers it his duty to draw attention to the inconveniences of a system which necessitates the postings of senior officers of the Police Department to purely judicial appointments in the province for which they are not properly qualified. No doubt such postings are only made because the officers can not be conveniently provided for otherwise; but nevertheless the system cannot fail to affect injuriously the interests of the public and judicial administration alike. The post of District Judge and Additional District Judge is of far too important a kind to be treated as a 'pis aller.' This protest is directed against the system and not against the individual officers concerned; they have no option in the matter; it is not their fault if they are posted to judicial appointments which are as uncongenial to them as they are unsuitable."

"A change which the Judicial Commissioner would like to see introduced and which would promote the interests of the judicial administration, and the convenience of the public, would be to have a separate District Judge at Dera Ismail Khan. This change can not be proposed or carried into effect unless and until there is a reasonable certainty of an officer being available on the staff of Dera Ismail Khan District who would be qualified to exercise the powers of a District Judge. In the past it has often happened that for long periods there has not been an officer on the District staff who could be invested with the powers of a Subordinate Judge. The office of the District Judge of Bannu and Dera Ismail Khan was held by no less than five different officers in the year under report and there are also four incumbents in the District Judge, Peshawar. The frequent changes even though unavoidable are none the less unfortunate from the point of view of the administration of civil justice."

1907. *The Chief Commissioner's Review* :—"Last year attention was called to the growing tendency on the part of civil courts to ease their own burdens by issuing commissions to Revenue officers for local investigations. The Chief Commissioner notes that the statistics of the present year reveal the fact that this evil so far from being checked has actually increased."

"The unusually low proportion of realizations on account of money decrees in execution is the most unsatisfactory feature of the year's work."

Paragraph 11.—"The office of District Judge, Peshawar, was held by no less than five different officers in the year under report and that of Bannu-cum-Dera Ismail Khan by four; there were also three changes of incumbents in the District Judgeship of Hazara."

"The drawbacks entailed by such frequent changes in the important office of District Judge were noticed in paragraph 9 of last year's report."

1908. *Chief Commissioner* :—"The neglect of reiterated orders by the Peshawar courts on the subject of issue of commissions to Revenue officers for

examination of accounts mars a year in which the courts deserve a fullmead of praise."

1909. *Paragraph 12.*—"The Office of District Judge Bannu-cum-Dera Ismail Khan was held by five officers during the year under report. The decrease in the disposal of cases was due to the station being without a Sub-Judge with appellate powers for about five months.

"The year under report was again characterised by frequent changes in the post of District Judge of Peshawar which was held by five different officers. Three changes of incumbents occurred also in the District Judgeship of Hazara."

1909. *Mr. Bolton, Additional Divisional Judge, Peshawar, said* :—"I notice a tendency in many courts and the District Courts in particular to issue a commission in every case of a complicated nature often without specifying the suits on which report is made. Various cases have come before me in which a commissioner was appointed for local inquiry, but the persons appointed made no local inquiry but merely recorded evidence which could and should have been recorded by the District Judge or other presiding officer himself. I think a warning to the presiding officers is required to the effect they must not shift the responsibility for the trial of a case to another person under cover of an order for the appointment of a commission for local inquiry.

1910. *Judicial Commissioner* :—"The important District Judgeship of Peshawar was held by five different officers in the year, and the District Judgeship of Bannu by three. A District Judge controls and supervises the Subordinate Courts and the bad effect of these constant changes which has been previously represented is patent. Undoubtedly these changes interfere with both the disposal of original work and the proper control of Subordinate Courts."

1911. *Chief Commissioner's Review* :—"The falling off in the civil case work performed by Assistant Commissioners has been unfortunate as the Chief Commissioner fully recognizes the importance of a thorough grounding of junior officers in this branch of their work; but during the past year this object has not been attainable owing to the shortage of British officers in the Province and the employment of Assistant Commissioners in other duties. The frequent changes in the presiding officers of the Divisional Court and the District Court of Peshawar has also been unavoidable owing to the difficulties inherent in the arrangement of the postings of officers in a small province though the Chief Commissioner has had before him the detrimental effect of transfers on the disposal of work.

"The Chief Commissioner regrets to notice that the Divisional Judge, Peshawar, has been obliged to make some incisive remarks on the neglect of procedure by the courts in this division."

Paragraph 12. Judicial Commissioner's remarks :—"The office of District Judge, Peshawar, was again held by four different officers. The drawbacks entailed by such frequent changes in the important office of District Judge have been noticed during the past year.

"The Divisional Judgeships each changed hands three times in the year. In Dera Ismail Khan the District Judgeship was held by the Deputy Commissioner, *ex officio*; I hope that a time will come when these repeated transfers may be minimised. Sustained and efficient civil work can not be hoped for while the incumbents of the highest posts are changed with such frequency.

"The subordinate courts in the matter of inspection and control are left too much to themselves. So much depends on the efficiency of the courts that I bring this point, which has been noticed before, into prominence as one of great importance.

"The Assistant Commissioners do little civil work. With some exceptions they need experience and civil work is never popular. The Extra Assistant Commissioners in connection with civil work are a difficult point. The list includes not more than two officers who are fit to do the duties of a District Judge and more than one of the officers appointed to these posts has been definitely reported as unfit for the duties he carries on.

“Their position is one which caused me a good deal of anxiety. A great deal of work in this branch is indifferent and the want of judicial capacity and experience is often apparent.”

The District Judge, Peshawar, Major Blakkenay, observed as follows :—“I can not comment favourably on the procedure of District Civil Courts. Much of the work shows signs of haste and inattention to rules. Some of the common irregularities and omissions for instance are that originals and copies of documents referred to in the pleadings are wanting altogether. The examination of the parties is not conducted in accordance with rules. Exhibits are not marked or numbered. Issues are multifarious. Judgments do not contain a clear statement of the case. For an appellate court continually to remand cases showing want of care and disregard of procedure which are chiefly manifested in the work of Tahsil and Provincial Service Agencies would lead to a hopeless block of judicial work and the omissions have as far as may be to be remedied on appeal. It seems some improvement in the system of training is required under which a closer practical acquaintance with judicial work could be ensured before an officer invested on the powers of a 1st or 2nd class Munsiff.”

1912. The Chief Commissioner Reviewed :—“The inadequacy of the disposals of Assistant Commissioners has been previously noticed. It is to be regretted that the Judicial Commissioner has been under the necessity of commenting severely on the unsatisfactory judicial work of the members of the provincial service as in the last year's reports attention was drawn to the carelessness and disregard of procedure displayed in some of the courts presided over by members of this service and Tahsildars. In these days when the competition for appointment to Government service is acute and selection can be freely exercised, the litigating public expect and have a right to careful hearing and intelligent decisions on the part of judicial officers appointed by Government.”

Judicial Commissioner's report :—“There can be little doubt that the tendency to issue commissions in all classes of suits is growing and must be checked. In many cases it simply means that the court is shirking the responsibility of arriving at an independent decision. With this expansion of legal business by commission it is not surprising that there should be signs of the appearance of the professional commissioner. This is a most undesirable phenomenon in judicial administration.

“A regrettable feature in the judicial administration is the perfunctoriness and apathy which characterise much of the work of officers of the Provincial service. Too much is often left to the subordinate clerical staff. There is a tendency to postpone difficult and complicated cases on the slightest pretexts, doubtless in the hope that the parties will out of sheer exhaustion be driven to compromise. Sufficient attention is not paid to the rules of procedure though there is some improvement in this respect and the inquiry is often of a very inadequate kind. Courts should remember that a careful observance of rules and some attempt at clear elucidations of the issues in a case some time and trouble in the end create a favourable impression of their making and inspire confidence in the litigating public.”

1913.—Judicial Commissioner's Report :—The Divisional Judge, Peshawar, Mr. Rennie, says :—“The issue of commissions showed a further increase and the attention of the courts is again drawn to the growth of this irregular method of procedure. In cases which come before me on appeal it is often found that the whole case is handed over bodily to a commission and that even points of law are frequently entrusted to a commissioner for adjudication.

“In connection with appellate work it must be put on record that unless the Divisional Court is to become merely the means of registering and endorsing the decrees and orders of Subordinate Courts, there must inevitably be arrears and heavy pending file. My own experience is that the work of the Subordinate Courts is in many cases utterly wanting in thoroughness, that points are missed or never put in issue and decided, and that materials on the file are often quite inadequate on which to base a decision. It is these defects which necessitate

a remand; thereby the Divisional Court's own file is thrown out of gear and arrears result. But if the Divisional Court is to serve any purpose at all, it is just these defects which are noted which have to be remedied."

1914. *Chief Commissioner (paragraph 5)*:—"The Chief Commissioner is disappointed to find, after the improvement noted in this respect in 1915, that the inadequacy of disposals by Assistant Commissioners is almost as marked as in 1912. The percentage of disposals by these courts to the total disposals has dropped from 2.4 to 1.7. This decline is not explained by the slight decrease in the number of Assistant Commissioners at the close of the year, for the average disposals by each of such officers have dropped from 80 to 64. The Chief Commissioner trusts that the Judicial Commissioner may be able to take stronger measures again to ensure that this class of officers takes a greater share in the administration of Civil Justice, obtaining thereby incidentally a better judicial training. The Chief Commissioner has read with regret the Judicial Commissioner's remarks upon the **CONTINUED UNSATISFACTORY NATURE OF THE WORK OF MOST OF THE MEMBERS OF THE PROVINCIAL SERVICE:**"

"In Bannu the falling off was due to the district being short of one officer for a large part of the year."

Judicial Commissioner:—"The practice of what in effect is to transfer the whole decision of a case to a commissioner is still too prominent, though there seems to have been some improvement in this respect.

"It is undesirable that so large a number (as 628) of suits should be decided by officers of this class (Naib Tahsildars) who are frequently too much inexperienced for dealing with complicated land litigations.

"With regard to the quality of work of the members of the Provincial Service, to which reference is made in the review of report of last year, from such of last year's work of this class of officer as has come before me on appeal or revision and from an inspection of the courts of Kohat, Bannu, I must adhere to the views expressed two years ago that the methods of the Extra Assistant Commissioner's Courts show in many cases a lack of interest and of vitality, and as a necessary corollary of these deficiencies a failure to adopt rules of procedure and a desire to rid themselves of complicated cases by dismissals in default by the issue of commission or wearing out the parties till they are driven to compromise or in some cases by arbitration. There are many honourable exceptions, but on the whole the remark is true that the service is suffering from stagnation."

1916. *The Chief Commissioner*:—"Among the more unsatisfactory features of the year's working of the courts, the Chief Commissioner notices the tendency to relegate to commission enquiries which Judges themselves should conduct; the great rise in the duration of uncontested cases; the decrease in the output of Extra Assistant Commissioners, the rise in the average duration of appeals and the continued disinclination of Assistant Commissioners to take their full share in civil work which is so essential for their training."

Judicial Commissioner's report:—"There is reason to suppose that the professional commissioner is figuring too prominently in some courts and presiding officers should be on their guard to check the growth of this evil. Many courts are still apt to relegate the burden of deciding complicated points to a commissioner instead of taking the trouble of themselves elucidating them. The efficiency of the District Court of Peshawar has been impaired of late years by the frequent transfer of officers. This not only affects the work of the court itself; an unfortunate consequence of frequent changes of officers is that the present permanent staff of the court acquires a disproportionate influence."

Paragraph 11:—"During the year under review a tentative scheme was formulated by the Local Administration for the consideration of the Judicial Commissioner of appointing a Judicial Extra Assistant Commissioner to each District with local allowance of Rs. 50 each, whose work would be purely judicial and uninterrupted by any executive duties. The scheme, however, was not finally approved till after the close of 1916 and owing to the paucity of sufficiently

qualified officers in the Provincial Civil Service, it has not been possible even yet to fill all the posts."

Paragraph 20 :—"The efficiency of the District Court of Peshawar has been impaired of late years by the frequent transfers of officers. This not only affects the work of supervision but generally prejudices the work of the court; itself. This is the most important District Court in the Province, and many cases of high value, in which commercial interests are involved, come up for decision. An unfortunate consequence of frequent changes of officers is that the permanent staff of the Court acquires a disproportionate influence. It is hoped that it will be found possible to avoid frequent transfers of this kind in future."

1917. Judicial Commissioner :—"The number of commissions issued was 416 against 377 in 1916. The practice of issuing commissions is far too common in Peshawar and as a result of recent inspections special steps have been taken to restrict it within reasonable limits.

1918. The Judicial Commissioner states :—"The staff of the Dera Ismail Khan Courts appear to have had the worst record. The Judicial Commissioner mentions the following officers as having specially bad record in this respect, namely, Mr. Metcalfe, Major Perscot, Sher Zaman Khan, Ghulam Haidar Khan and Sher Muhammad Khan.

Paragraph 9.—The inspection by me as Divisional Judge of many files in Peshawar disclosed the fact that cases were allowed to drag on for months until the epidemic (influenza) supervened, when it was hailed as a panacea for all criticism of delay and combined with the various armistice celebrations to serve as a convenient excuse to shelve any cases which might present difficulty.

Paragraph 10.—It is still not an uncommon practice for a lazy presiding officer to hand a case lock, stock and barrel over to a commission and to base his judgment on its finding; further, intentional delay on the part of a partisan commissioner serves frequently to defer a decision indefinitely.

Paragraph 12.—To outturn by this (Assistant Commissioners) agency was particularly poor in Bannu where two Assistant Commissioners working successively for 304 days contrived to dispose of only 19 cases out of 33 for disposal.

Paragraph 16.—Inspections show that not infrequently litigants wearied out by constant postponements give up the unequal struggle and prefer to forego their claims altogether, and it is significant that the most dilatory courts often show a larger number of dismissals in default than others with a reputation for promptness of decision."

1919. The Chief Commissioner's review :—"There can be little doubt that courts are apt to adopt an unintelligent and stereotyped procedure in the initial stage of suit. The Chief Commissioner is glad to observe that the Judicial Commissioner has directed particular attention to the undoubtedly dilatory procedure of courts as evidenced by the figures for average duration."

Judicial Commissioner :—"Disposals by Assistant Commissioner declined by 146 as was to be expected in a year in which political administrative considerations overshadowed everything else."

1920. Judicial Commissioner's Reports :—"It is to be regretted that the constant instructions formulated with regard to the issue of commissions have been persistently disregarded by many of the courts during the year under review. After the improvement of last year this increased tendency on the part of many presiding officers to shirk their work by making it over to outsiders is more than disappointing. In some courts the evils become a positive scandal. There were strong grounds for thinking that in many cases neither the issue of the commission nor the personnel of commissioners had the approval of the parties.

"The increasing number of cases dismissed in default of *ex parte* decrees and of commissions and the heavy arrears, especially in Peshawar, all indicate a lack of interest and energy and a desire to stave off as long as possible the evil day of finality. Many courts seem to have fallen into a state of lethargy and

efforts to awaken them seem to be unavailing. Frequent inspections have little or no result and the same defects are found to recur with unfailing regularity; in many courts it is doubtful if inspection notes are read at all. The faults noticed are general. Too much is left to the court subordinate. Dates of hearing are fixed and processes issued without method and the cause of delay is ignored. Cases are postponed mechanically and adjournments given on inadequate grounds. The working of many courts has been hampered by constant changes of presiding officers who in some cases wilfully neglect their duties with the knowledge that their tenure was to be short. Another adverse factor has been the mediocrity or inexperience of some of the District Judges who held charge during the year; the work of supervision has suffered consequence."

The Divisional Judge, Peshawar, wrote:—"Peshawar has suffered consistently from frequent changes in the appointment of District Judges. In spite of the gradual increase in the number of extra Assistant Commissioner disposals have shown a steady falling off during the last five years while the pending file at the end of the year has been growing."

ANNEXURE C.

SOME IMPORTANT CAUSES OF INCREASE OF CRIME.

An analysis from the extracts in Annexure A.

I.—The Inefficiency of the magistracy.

1903.—*Criminal Administration Report, 1903:—*"Dera Ismail Khan alone of the districts in the province records an increase of 21 per cent. in the total number of offences reported and of 33 per cent. in the number of cases returned as true. The District Magistrate has ascribed this increase to the slackness of the native magistracy and to the ingrained propensity of the people of Dera Ismail Khan for resorting to criminal courts."

1906. *Sessions Judge, Derajat Division, paragraph 2:—*"The fact is the magistracy habitually neglects to carefully record the complainant's statement under 202 of the Criminal Procedure Code so fail to gauge to truth of the story. As a rule this important work is delegated to the subordinate clerk."

Judicial Commissioner stated:—"Constant reiteration and admonition are necessary to impress the importance of this subject on the Indian Magistrates as a whole."

1907.—"The Chief Commissioner concurs with the Judicial Commissioner in holding that the recrudescence of crimes especially burglary may be largely attributed to the failure on the part of the district authorities to make sufficient use of the preventive sections of the Criminal Procedure Code."

1908.—"The Sessions Judge remarks that the tendency to send up some wretched scape goat from a criminal village as a substitute for the real badmash will only be obviated when we have experienced magistrates with a first hand knowledge of their elaka by extensive touring."

The Deputy Commissioner, Kohat, Mr. Barton states in paragraph 23:—"There is another point to be noted in our inefficiency of our methods of dealing with crime such as thefts, burglary as evidenced by the small percentage of convictions. The inference is obvious that the crime is attended with very little danger."

1910. *Chief Commissioner's Report:—*"None of the superior judiciary had much legal training. They have doubtless done their best with the evidence placed before them. But when out of 317 cases of murder admitted to have occurred only 16 persons suffered the full penalty of law. It is obvious that the terrors of the law can have little deterrent effect. The Chief Commissioner cannot agree in paragraph 18 of the Judicial Commissioner's report where he expresses the hope that the work of the regular courts will increase and the number of cases under the Frontier Crimes Regulation diminish as he considers the latter should give more satisfactory results."

1911. *Judicial Commissioner remarks* :—“ It is a regrettable feature of the situation that crime of a more violent type has shown a progressive tendency to expand attempts of murder have increased, burglary is more ripe than at the commencement of the In view of these outstanding facts it must be admitted that crime is spreading. Various causes have been put forward The weakness of a part of the subordinate magistracy and its failure properly to apply to an inelastic system as described. In 203 and 250 of the Code is similarly a factor which does not vary greatly. The increase in the number of legal practitioners may be a slight contributory cause. There are magistrates who prefer to acquit or discharge rather than face legal complexities raised by the prisoner's counsel. The obvious inference is that the present machinery, political as well as judicial, is not fully adapted to the peculiar society in the Frontier Province.”

• *In Kohat District Magistrate says* :—“ The increase in crime both against the person and the property seems to indicate neither the police nor the magistrate exercise the discrimination in working the preventive law.”

The Judicial Commissioner :—“ I would for my own part trust rather to the improvement of the judiciary rather than a change in the criminal law. This as it stands is very flexible and has stood the test of time in many parts in India which were once as criminal as this is.”

1912. *The District Magistrate, Peshawar, Mr. Bolton said* :—“ I fear there is a general tendency for the magistrate to pay less attention than formerly to rules of procedure. Magistrates have not recorded evidence in their own hands and it is a rule to find examination of complainant treated as a matter of form. This laxity is due to ignorance and in others to laziness and the only remedy I can suggest is that Subordinate Magistrates should be subjected to longer and stricter periods of training.”

The Judicial Commissioner stated :—“ It is undesirable that Naib Tahsildars most of whom are inexperienced should be made responsible for a large part of the criminal work which by its nature requires trained judicial capacity for its proper disposal.”

Paragraph 27 :—“ The stiffening of the moral fibre of the courts should work an improvement in the criminal administration of the border land. Some magistrates shirk a full enquiry in a doubtful or complex case and suggest references to *jirgas* to avoid forming an independent opinion.”

1914. *Judicial Commissioner* :—“ The criminal work of the Indian Magistrates cannot be called good except in a few cases. The Sessions Judge, Peshawar, thinks that the reason for their shortcoming is that they are inexperienced or they have fallen into a groove from which it is impossible to displace them.”

“ Mr. Rennie, Sessions Judge, Peshawar, thinks it is idle to hope for any marked advance in the standard of efficiency in the provincial service until its members improve individually. The standard of efficiency in the provincial services leave much to be desired. The same stagnation is noticeable in the sphere of criminal work as on the civil side.”

1915. *Chief Commissioner's Review* :—“ Reviewing the year's criminal work as a whole. The Chief Commissioner is compelled to observe that the work of magistracy from District Magistrate downwards requires stiffening. The Judicial Commissioner remarks that much of the failure to convict is due to the incompetency and lack of moral fibre in magistrates of lowest grade and to the failure of District Magistrates to deal strictly with Tehsil magistrates. The District Magistrates also fail to take their full share of their districts. The Chief Commissioner is loath to criticise the district and sub-divisional magistrate severely when the claims of political on their time have been excessive.”

The Judicial Commissioner states :—“ It is a truism that the immense volume of frivolous litigation in criminal courts is largely due to the incompetency and the lack of moral fibre in magistrates in lower grades.”

District Magistrate, Dera Ismail Khan :—“ The statistics of crime in the Dera Ismail Khan for the past 4 or 5 years seem to disclose the progressive weakening of

the moral fibre in the population. It is not easy to attempt any diagnosis of the evil on the data available. Constant changes in the personnel of the district staff may have had an adverse effect. The delays in the courts and want of courage in the subordinate magistracy in dealing with criminal litigation have all had their influence in bringing about their results.

1916. *Chief Commissioner* :—“The Chief Commissioner regrets that the Judicial Commissioner is again compelled to remark on the weakness and invertebracy of the subordinate magistracy. He thinks that perhaps persistent pillar-ing in the annual reports of the offenders may have the desired effect of arousing some of them to greater efforts. As regards District Magistrates, it appears the oft repeated complaint about their failure to take their share of work has had some slight effect. It is hoped that in spite of the heavy demands on their time by way of the political and executive work, they will endeavour to comply with the Judicial Commissioner's wishes in that effect.”

The Judicial Commissioner states :—“The weakness and invertebracy of the subordinate magistracy has formed the theme of successive reports and the indictment is again supported by results of trial by petty offences during the year.”

II.—Inefficiency of Police and Lax Supervision.

1903. *Criminal Administration Report, Sessions Judge, Peshawar, paragraph 8*.—“I am certain that the increase in murders need not have occurred if the magistrates and the police had taken prompt measures in cases in which murders are likely. I am led to this conclusion from the Session cases which have come to me.”

1904. *Political Administration Report, District Magistrate, Bannu, reports*.—“There is no doubt a tendency which will have to be watched for the relaxation of the efforts by Sub-Inspectors when it appears that a case will have to be referred to *jirga*.”

1904. *The District Magistrate, Kohat, notes* :—“Out of 18 dacoities, 9 were committed by trans-border tribes and outlaws and 9 are shown as having been committed by British subjects. This is an unsatisfactory feature and shows lack of supervision over bad characters in spite of police being augmented by three police posts.”

1907. *Criminal Administration Report* :—“The Sessions Judge, Peshawar, is inclined to attribute the increase of burglaries to lax supervision on the part of police. The Judicial Commissioner concurs in that view.”

1908. *Sessions Judge, Peshawar* :—“Right persons are not placed on security. Only the small unimportant men have been hunted out. Their protectors have escaped.”

1905. *Police Report* :—“Out of 19 dacoities, 9 were committed by outlaws and 9 are shown as having been committed by British subjects. This is an unsatisfactory feature and shows lack of police supervision over bad characters in spite of the police force being augmented by three punitive posts.”

1909. *Police Report, Review by Chief Commissioner, paragraph 10* :—“The Chief Commissioner is concerned to see that there has been a steady deterioration in police working since 1906, the percentages of conviction to the true cases investigated for the quadrennium are 44·3, 41·9, 38·6 and 34·5.”

1910. *Chief Commissioner's Review* :—“The steady decline in police working from the percentage of 44 in 1906 to the present figure 33 must be viewed with some concern. The poorness of present results as compared with that of the previous year, is both disappointing and puzzling and the conclusion must be voiced that detective ability has not advanced *pari passu* with that of police efficiency.”

1910. *Criminal Administration Report, Chief Commissioner's Review* :—“In Peshawar there has been a marked increase in cases of murder, culpable homicide, thefts, robberies and dacoities. As to the extent to which the trans-border men are responsible for the Peshawar crimes of the year, it must be remembered a great many heinous crimes in which trans-border men are concerned have to be filed as untraced and the offenders are never brought to trial.”

1911. *Criminal Administration Report, Judicial Commissioner*:—"The number of offences reported during the year was the largest recorded since the creation of the province. The situation cannot be described as otherwise than disquieting. It is a regrettable feature that crime of the more violent type has shown a progressive tendency to expand. The number of murders in 1904 rose from 141 to 317 in 1910. Attempts at murders have increased. Burglary is more rife than at the commencement of the decade. In view of these outstanding facts, it must be admitted that crime is spreading. The most potent cause of the present condition is that a great part of the crime goes unpunished. The obvious inference is that our present machinery, police as well as judicial, is not fully adapted to the conditions of this province."

1913. *Police Report, Chief Commissioner's Review, paragraph 18*:—"A great deal has been said and written about the unsuitability about our law and procedure. The chief reason for the progressive deterioration in police working as judged by these statistics is the serious and growing lack of intimate local knowledge without which successful detection is not possible, and which the police formerly possessed in a marked degree."

1912. *Chief Commissioner's Review of Criminal Administration Report*:—"The immunity from punishment enjoyed by criminal and more particularly by murderers cannot but have disastrous effect on potential law-breakers."

Police Report, Chief Commissioner's Review, paragraph 18:—"The chief reason for progressive deterioration in police working as judged by these statistics is the serious and growing lack and which the police formerly possessed in a marked degree."

1917. *Criminal Administration Report, Judicial Commissioner*:—"An outstanding phenomenon of these reports in criminal justice is the recurrence of crime year after year in only slightly varying volume..... It seems to be accepted as axiomatic that a more or less normal crop of offences must be expected year after year."

1919. *Chief Commissioner's Review of Criminal Administration Report*:—"The year was marked by a very large increase in the incidence of crime. Cases of murder rose from 317 to 445, kidnapping from 54 to 119, dacoity with murder from 17 to 93, and without murder from 93 to 410. There was also a serious increase in the number of cases of rioting, attempted murder, aggravated hurt, etc. Severity of punishment has no tendency to reduce crime when a large number of offences invariably go unpunished."

Judicial Commissioner:—"Murders and dacoities are the highest on record ever chronicled. Cases of kidnapping more than doubled and there was a large increase in cases of criminal trespass resulting in death. As regards dacoities, it is unquestionable that border conditions have proved the strongest factor in their expansion."

III.—Transfers of officers too frequent.

1908. *Sessions Judge, Peshawar*:—"Changes amongst Police officers have been unduly frequent and a good deal of house-breaking is attributable to their want of knowledge of the thana."

1909. *Review of Police Report, paragraph 8*:—"It is significant that they years 1887 to 1892 and 1902 to 1905 which are two periods conspicuous in the criminal history of Peshawar for a fall in crime were years in which two successive sets of Deputy Commissioners and the Superintendent of Police were uninterruptedly together in the district and were able to apply a system of local knowledge, experience and influence towards the prevention and punishment of offences. The local Government will do its best to avoid frequent transfers of officers."

IV.—Constant references to Jirga.

1904. *Police Administration Report. District Magistrate, Bannu, reports*:—"There is no doubt a tendency which will have to be watched for the relaxation of efforts by Sub-Inspectors of Police when it appears that a case will have to be referred to the Jirga."

1901. *Judicial Commissioner's Review* :—“ Any tendency on the part of the Police to slur over investigation in difficult cases without an energetic attempt to elucidate them, treating them as at any rate enough for a *Jirga*, should be summarily checked.”

1903. *Criminal Administration Report, District Magistrate, Peshawar* :—“ In spite of strict attention, both Magistrate and Police are apt at times to be careless and unthorough in working out cases.”

1918. *Judicial Commissioner on Criminal Administration Report* :—“ There is always a temptation for the Police to relax their efforts in cases in which a conviction by a regular force is uncertain and to trust to the council of elders to remedy their want of success.”

1920. *Chief Commissioner's Review of Criminal Administration Report* :—“ The more serious danger is that the Police will become discouraged and ineffective in their investigation of crime. It has been the custom in the past for the Police to earmark a particular case as suitable for the *Jirga* and then to leave the *Jirga* to arrive at the truth without any assistance from the Police in the sifting of evidence. The Chief Commissioner trusts that the Inspector General of Police will impress on his investigation staff that the extension of the *Jirga* system of trial does not warrant any relaxation of efforts on their part.”

V.—Outlawry.

Criminal Administration Report, District Magistrate, Kohat :—“ It is hardly necessary to point out that the facilities for escape afforded to offenders by the proximity of the border line offers a strong incentive to intending criminals in Kohat and so long as the present condition exists, it will remain an adverse factor in the criminal administration of the province. The outlaws' life offers positive attraction to some adventurous spirits of the Khattak Illaqa they have only to pounce on an unprotected Hindu in British Territory. Such enterprises in Khattak country have little more than a spice of danger. The border Military Police are few and far between. The Police are weak and villagers indifferent.”

District Magistrate, Peshawar :—“ The depredations of various notorious outlaws and the general insecurity occasioned by their successful raids afford a convenient cloak to the enterprises of the criminal and disaffected amongst our own subjects.”

District Magistrate, Kohat :—“ The outlaw pest is a curse to the community The Khattak outlaws settled in Khost have been the terror of the country side and short of a ring of posts among the exposed border, it seems impossible to keep them out of the district.”

Deputy Commissioner, Kohat :—“ So long as the life of a proscribed offender offers the attractions it does at present, to that extent must be expected to see adventurous spirit among the turbulent Khattak community gratifying their vindictive instincts by murdering their enemies. The career of the border robber offers an easier means of subsistence than honest labour in the country of exile and the result is that British territory becomes the happy dumping ground of its quondam residents.”

1908. *Chief Commissioner on Criminal Administration Report* :—“ Number of offences reported and unreported is the highest on record since the foundation of this province. For this the large depredation of various gangs of outlaws are chiefly responsible.”

District Magistrate, Kohat :—“ The outlaw pest is a curse. The worst offences should be put down to these marauders. I believe in the better armament of the population and the organization of the Chiga system.”

1909. *District Magistrate, Kohat* :—“ The abduction of rich Hindus is an enterprise to which the Khost outlaw gangs devote their energies.”

The Chief Commissioner on Police Administration :—“ The only disturbing elements have been the depredations of the outlaws who reside beyond the limits of the British jurisdiction and the unsettled conditions of the Mahsud tribes.”

1910. *Chief Commissioner on Criminal Administration Report*:—"Outlawry has now greater attractions than in the past. If, as has been remarked by the Sessions Judge, Peshawar, in connection with the increase of violent crimes in the province, the coincidence of a general rise in crimes with greater facilities for repatriation of outlaws is significant. It must be admitted that decrease in the most serious form of Frontier crime also merits notice."

1912. *Criminal Administration Report. Sessions Judge, Peshawar. Mr. Rennie*:—"The most disquieting feature of the year was the alarming increase in the violent crime. That serious crime is on the upgrade cannot be denied. And this is due doubtless as remarked by the District Magistrate, to the unconcern with which outlawry is looked upon and to infrequency of death sentence. Political considerations do make it desirable in recognition of Pathan sentiment to permit repatriation of outlaws and if repatriation has been made easier, it is not without significance that the policy should coincide with a general all-round increase in crime."

1916. *Criminal Administration Report. District Magistrate, Bannu*:—"It is clear that outlawry has not the terrors it once had and that at the slightest provocation a murder is committed and the murderer gets across the border. Until Government insists on no outlaw remaining within 20 or 30 miles of the Frontier, outlawry will be regarded with composure."

VI.—Want of help from local villagers and Khans.

Inspector General of Police, 1904.—

Police Report: 1904, District Magistrate, Peshawar, remarks:—"In this particular form of crime hardly a single dacoity committed by these gangs in 1904 or 1905 can it be said that the dacoities have not been actively assisted and guided by bad character, and spies and abettors residing within the district and here it is the business of the local police to effect an improvement."

No gang of trans-border dacoits can penetrate the district, pick out the houses of the rich Hindus, and terrorise villagers and Police outposts without connivance and active assistance of cis-frontier dacoits. This is admitted on all sides and yet in only a very few cases can the Police, after the commission of a dacoity, even hint at the names of persons of cis-frontier who acted as spies and abettors."

1906. *Criminal Administration Report*:—"Therefore there is no doubt that some of our own subjects facilitate the operation of these outlaws gangs in British territory by furnishing them with food, shelter and secret information."

1907. *Police Report*:—"The position from the Police point of view is rendered all the more difficult by the fact that the outlaws have numerous friends and sympathisers within the district and thus find shelter and protection during their marauding expedition."

District Magistrate, Bannu:—"I think that material assistance can be rendered by all officers in charge of Police stations in ascertaining and closely watching the sepoys and accomplices of outlaws in British territory. It is notorious that previous to raid the ground is reconnoitred beforehand and that the raiders are rarely without abettors amongst the inhabitants of a locality in which a raid occurs."

1907. *Police Report: District Magistrate, Kohat*:—"Relatives of outlaws have been put on security. Big rewards have been offered; proceedings have been taken against persons suspected of harbouring outlaws. Small isolated bands where the gangs get food and information by terrorism, are in some cases to be removed and so on. Still the activities of the gangs goes on almost unchecked. It may be mentioned that they are encouraged by the Khost authorities and the Khost population furnishes many recruits."

1909. *Criminal Administration Report. Mr. Barton, District Magistrate, Kohat*:—"The abduction of rich Hindus is an enterprise to which the Khost outlaws gangs devote their energies. The Pathan villagers have not rendered themselves conspicuous for assistance given on such occasion and as a rule they can find themselves to a perfunctory Chiga with absolute avoidance of risks."

“The Sessions Judge clearly remarks the unfortunate people have no choice in the matter. They get little assistance from the Muhammedan villagers when many of whom no doubt share in the ransom and so far Government has been able to do little to help them. The Judicial Commissioner agrees with the Sessions Judge.”

The District Magistrate, Bannu, remarks :—“Resort to drastic measures against the tribes in sympathy with the outlaws became imperative and under the order of the Chief Commissioner the relatives of some of the principal Maliks were arrested and sent to Peshawar in order to arouse these chiefs to a sense of their sensibility in checking the intrusions of the marauders from across the Frontier. This measure was successful and as a result many of the kidnapped Hindus were brought back by the Maliks. The hostages were afterwards released.”

1912. *Criminal Administration Report :—*The Sessions Judge, Peshawar : “There is reason to believe that in many cases the burglar and the thief have many of the Khans and the leading Maliks on their side.”

1916. *District Magistrate, Peshawar :—*“The state of affairs which could not have existed without passive and active help of residents of the district at the end of the last year was, to say the least of it, deplorable. Hindus had fled across the river. Local bad characters banded together and raided like Mahsuds.”

1919. *Criminal Administration Report. District Magistrate, Kohat :—*“An unsatisfactory feature has been the fact that the trans-border gangs have been able by harbourage and food afforded by British subjects to penetrate into the far eastern tracts of the districts. This is largely due to the co-operation of Khattak outlaws who reside with Wazirs and who are able to arrange for the assistance of their relations in British territory.

1920. *Chief Commissioner : Criminal Administration Report :—*“The proximity to the borders renders it necessary to permit wide distribution of arms for purposes of self-defence. The public opinion views with comparative indifference crimes however violent committed in conformity with tribal customs.”

The Judicial Commissioner :—“The hostile attitude of tribes reacted on the people as a result of the close ties of kinship which unite the cis and trans-border men. It is also axiomatic the trans-border offenders cannot operate without the help of local confederates whether induced by terrorism, sympathy, self-glory or the hope of plunder. It is not surprising the previous record of many crimes of serious nature were altogether eclipsed.”

ANNEXURE D.

(1) *The Manshera reference to Jirga, Application.*

Copy of Khan Bahadur Muhammad Hussain Khan's application for sending his case in the Jirga.

To

THE DEPUTY COMMISSIONER,

HAZARA.

SIR,

Being heavily in debts, I applied to the Government for help and was granted 300 cheer trees. The trees were sold by proper public auction, and the defendant bid an auction of Rs. 72 a tree on 12th March 1920 and promised to pay the money by instalments. But the defendant did not credit the first instalment in the Treasury though several reminders were sent to him by the Deputy Commissioner's Court. During the time after the auction he was hesitating the bid and then at last refused his auction. On which a 2nd auction was held and in that the trees were sold by Rs. 42 per tree on 6th November 1920. In this way I suffered a loss of Rs. 30 per tree beside this I also suffered a loss of interest due to my claimants as the defendant did not credit the first instalment in time. Therefore the plaintiff is entitled to recover Rs. 10,000 from defendant as loss including interest. The notice has been given to defendant but he denies.

The plaintiff was given the trees only to remove debt but the defendant has totally ruined me by breaking the auction, now I am and cannot claim this case in civil court, owing to much trouble. I therefore beg to request that my case be decided in the *Shahi jirga* by 8, Frontier Crimes Regulation, and grant me a decree of Rs. 10,000 against defendant.

(Sd.) K. B. MOHD. HUSSAIN KHAN,

The 11th May 1921.

Honorary Magistrate, 1st Class, Mansehra.

(2) Deputy Commissioner's order.

IN THE COURT OF THE DEPUTY COMMISSIONER, HAZARA.

Case No. . . . of 1921.

K. B. Mohammed Hussain Khan of Mansehra Plaintiff,

versus

Prithmi Chand of Baffa Defendant.

Claim for Rs. 10,000.

Order.

K. B. Mohammed Hussain Khan of Mansehra Plaintiff,

versus

Prithmi Chand Defendant.

Claim for Rs. 10,000.

The facts of this case are given in detail in Extra Assistant Commissioner, Mansehra's note, dated the 10th July 1921. Briefly, they are to the effect that plaintiff K. B. Mohammed Hussain Khan sold a large number of trees from his Guzaras to the defendant Prithmi Chand at a certain rate and on certain conditions in regard to payment of instalments. This transaction was conducted as is usual in such cases under the orders of the Deputy Commissioner. A sale was conducted by the Treasury Officer and the defendant's bid being highest, the contract was given to him. The proceeds were to be utilised in paying off the plaintiff's debts.

Prithmi Chand failed to carry out the conditions. The plaintiff has now claimed a sum of Rs. 10,000 as damages for failure to carry out the contract.

The suit, in my opinion, was one which could best be decided by *jirga* because the conditions of forest exploitation are very intricate and involved, but well known to the local Khans who themselves own forests and trade in timber. In addition, the plaintiff, a local Khan of standing and importance, was much incensed at the questionable conduct of the defendant and a breach of the peace was not improbable. The defendant is also of the Mansehra Tahsil.

Accordingly under Section 8 of the Frontier Crimes Regulation, I directed, that the issues framed by the Lower Court should be placed before the next *Shahi jirga*, *vide* my order, dated the 8th August 1921, on which the Hindu element would, in usual course, be fully represented. The issues in question were:—

- (a) Has the defendant committed a breach of contract in regard to the sale to him of trees by the plaintiff and if so, is the latter entitled to compensation?
- (b) To what extent, if any, do the various orders on the file, passed by the Deputy Commissioner, relieve the defendant from the responsibility of carrying out in the terms of his contract?
- (c) To what relief is the plaintiff entitled and how should it be granted?

A large and representative *Shahi jirga* (names of members attached) has to-day given its finding on these issues. It is to the effect that the defendant is liable for Rs. 5,000 damages as against Rs. 10,000 claimed. They recommend that this sum be decreed and that it should be paid within a period of four months.

I have discussed the case fully with the members of the *jirga* in the presence of the parties and have heard their statements. The defendant does not agree to the finding on the ground that he had gone into partnership with certain other Hindus who agreed jointly to exploit the timber in question and that they had failed him. It was pointed out to him that this had no concern with the present plaintiff but that defendant was at liberty to institute a suit against the other Hindus should he be so inclined.

Further he claimed to be exempted from all liability in the matter on the strength of an order dated the 24th November 1920 by the Deputy Commissioner. It was pointed out to him that the order in question which in fact was no order but merely an expression of opinion on a question raised by the plaintiff during the course of negotiations, did not bear the meaning which defendant attached to it as the context alone shows.

In the circumstances I am satisfied that the *jirga* have come to a correct finding in this case. Accordingly under Section 8, Frontier Crimes Regulation, I pass a decree of Rs. 5,000 in favour of plaintiff as against the defendant. This sum to be paid within a period of four months and respondent to give the necessary surety that the terms will be carried out.

Announced in open *jirga*.

(Sd.)

The 5th November 1921.

Deputy Commissioner, Hazara.

(3) Reference to *Jirga*.

Copy of order by Deputy Commissioner, Hazara, dated the 5th November 1921, with the file No. 7-8 in the Court of Judicial District Magistrate, Mansehra.

Khan Bahadur Mohamed Hussain Khan of Mansehra, Jagirdar
Plaintiff,

versus

Prithmi Chand Shah Sethi of Baffa, Tahsil Mansehra. Defendant.

Suit for the recovery of Rs. 10,000 on account of decree in price of trees as well as interest and compensation thereof.

The facts of the case are as follows :—

That three hundred trees were granted to Khan Bahadur Mohamed Hussain Khan of Mansehra from Guzara Sum Ilalicmang. These trees were auctioned by the Treasury Officer, Hazara District. The highest bid of Rs. 72 per tree was made by Prithmi Chand of Baffa. Accordingly the auction was declared in his favour on the 14th April 1920. He was ordered to deposit the money. The summary of his report, dated the 21st April 1920, is to the effect that he would pay the money and obtain the permit in November 1920. As he had to pay the money earlier, so the orders were again issued. He again states on the 12th September 1920 that he would bring the money in the court to settle the matter at the end of the month. On the 13th September 1920 he submits an application stating that he would pay the money at the end of the current month. But he evaded the payment. In default of payment, notice was served on him that he should pay the first instalment of Rs. 7,200 within 15 days, otherwise the trees would be resold and he will be held responsible for the loss. But in spite of the receipt of notice he made no payment. An order was made on the 24th November 1920 that if the trees were resold, the former contractor Prithmi Chand shall have to make the loss. As he had deposited no advance so a civil suit had to be instituted against him. Consequently the trees were resold and Prithmi was present there.

This shows that the resale took place in his presence. In the second sale, the highest bid was Rs. 42 per tree. Thus a loss of Rs. 9,000 was sustained on

account of resale. No orders were anywhere given in this file that Prithmi Chand is to make good the loss in the second sale. As it was a private affair of Khan Bahadur so he should himself seek the remedy and the Government has nothing to do in the matter.

Now Khan Bahadur Mohamed Hussain Khan applies under Section 8, Frontier Regulation Act. In this application he makes mention of Rs. 1,000 as interest and compensation in addition to Rs. 9,000. Section 8, Frontier Regulation Act is correctly applicable in this case. So both the parties are the residents of this district and in our opinion the case is one which should be decided by custom and not by a civil court. Therefore we refer the suit to *Shahi Jirga* with the direction that it should be decided after going through the file and reading this note. The parties should be informed to present themselves with their proof.

Dated the 30th July 1921.

Note.—The orders have been issued.

(Sd.)

Deputy Commissioner, Hazara.

D.

(4) *Execution Order.*

Copy of an order by Deputy Commissioner, Hazara, dated the 10th April 1922.

Crown through Khan Bahadur Mohamed Hussain Khan of

Mansehra decree-holder,

against

Prithmi Chand of Baffa Judgment-debtor.

For the recovery of Rs. 5,000 under Section 8, Frontier Regulation Act.

I have gone through the original file and the result of the revision. The revision in favour of Prithmi Chand has been rejected. Hence the defendant should be summoned.

Moreover the original order should be sent to the Extra Assistant Commissioner, Mansehra, to carry out the execution. He should also be ordered that in compliance with the orders of this Court and those of Chief Commissioner, the defendant should be summoned to pay the money as the time granted to him for payment has expired.

In the case of non-payment he should be confined in "Political Havalat."

(Sd.)

Deputy Commissioner, Hazara.

Minute of Dissent by Mr. N. M. Samarth.

I regret I cannot conscientiously agree with my colleagues of the majority in the recommendations which they have thought fit to make on the Committee's terms of reference. The differences between them and the minority, consisting of Rao Bahadur T. Rangachariar and myself, are fundamental and radical. Rao Bahadur T. Rangachariar has written a comprehensive report, which he had kindly sent me for my perusal. The recommendations embodied therein and the grounds on which he has based them have my general concurrence. I think it necessary, however, to deal at some length with a few crucial points and to set forth my reasons for urging that the Government of India and the Secretary of State for India should reject the recommendations which the majority have made on the main points at issue and accept the solution which the minority recommend as the right solution of the problems involved in the terms of reference.

2. I oppose the main recommendations of the majority chiefly on the grounds that they are—

- (a) politically unwise;
- (b) constitutionally extravagant, incongruous and anomalous;
- (c) financially objectionable as involving an increasing burden on the resources of the Central Government; and
- (d) administratively, as also for the purpose of real and effective political control of the trans-border tribes, unsuited and insufficient to meet the imperative necessities of the case.

From the point of view of all-India interests, external and internal, it would be, I submit, politically unwise to perpetuate this Pathan Province as a separate Province—*à fortiori*, to allow it to develop into what will ultimately be an autonomous Pathan Province by itself, if the recommendations in that behalf of the majority of the Committee, based avowedly on the "the Pathan's self-determination for self-development in a separate Province" are given effect to.

4. It is surprising to see the majority report condemning the view of the minority on this subject as "baseless". The minority contend that their view is not only well-founded but amply justified by the record before the committee and other available authoritative material.

5. What are the conditions to be taken into account in connection with the North-West Frontier Province, the trans-border tribes and Afghanistan? They can hardly be described more graphically or forcibly than in the following extracts from the views of the Chief Commissioner and other British officials of the Province.

Here are some of the observations of Sir John Maffey, the Chief Commissioner of the Province:—

"The people living on each side of the border are the same people, many of them have homes on both sides of it; they are closely related by blood, and in custom and sentiment they are one. * * * These people, both cis and trans-frontier, are the same people, and all of the same strongly marked ethnic type—the Pathan." (Vol. I, page 107, paragraph 1.)

"With the expansion of the Pan-Islamic and of Bolshevik influences the menace of the frontier for India as a whole has become greater." (Vol. I, page 109, paragraph 6.)

"The whole border, both cis and trans-frontier, should be regarded as one—and for reasons (community of race, religion, customs and sentiments of its inhabitants) already indicated above." (Vol. I, page 109, paragraph 6.)

"The frontier may be regarded as in a state of siege. Popular Government, even to the extent to which it has developed in other parts of India, I consider unsuited to the peculiar needs of the borderland." (Vol. I, page 112, paragraph 15.)

"Little more than one hundred years ago, the place where we are to-day (Peshawar) was the Afghan winter capital. It is a part of old Afghanistan. In those Afghan days there was no distinction, in the matter of control, between the districts of this Province and the trans-border tracts. Historically and ethnically they are one" (Vol. I, page 121.)

"Take, for example, the Khilafat agitation. These trans-border tribes are very fanatical in their religious susceptibilities." (Vol. I, page 122.)

"There are certain special dangers in the situation here; and if the reforms are to go ahead, if India is to prosper, one thing it seems to me which India has to keep her eye on is the state of order on the frontier in view of the turmoil which you can easily get by a rash move here,—serious trouble which might end the reform movement in India. * * * The whole conditions here are very electric and you are face to face with serious dangers." (Vol. I, page 152.)

Mr. S. E. Pears, I.C.S., Resident in Waziristan, thus describes the characteristics of the Province and its Pathan population:—

"We are dealing with a province which is mainly Pathan in constitution, where a blood feud is endemic, where the people are very quick to anger just as they are quick to good temper, violent crimes are frequent, raids take place, murders are committed." (Vol. I, page 763.)

Mr. E. H. Kealy, I.C.S., who is now Officiating Resident at Gwalior but who was Secretary to the Chief Commissioner, North-West Frontier Province, in the time of Sir George Roos-Keppel and Sir Hamilton Grant for five years, 1915—1920, and until recently—up to March 1922—Divisional and Sessions Judge in both Divisions of the Province, observes:—

"The frontier is always a powder magazine, and even at the cost of sacrificing the ideas of theoretical liberty, it is essential to keep the match away from the powder. The Province must suffer (if indeed this can be called suffering) in this respect in the cause of Imperial India." (Vol. III, page 91.)

The evidence of Mr. J. M. Ewart, I.P., of the Intelligence, Bureau, North-West Frontier Province, regarding the ever-present danger on the frontier and its liability to sudden conflagration, was still more significant * * *

So also Major C. G. Crosthwaite, O.B.E., I.A., Deputy Commissioner, Peshawar, observes in his memorandum:—

"The tribesmen now partially know their power and also have dim aspirations, as yet scarcely formulated. Revolutionary *foci* are situated in various places to point out their power and to crystallize their aspirations.

The result is that sudden crises are far more apt to arise now than they were 20 years ago." (Vol. III, page 103.)

6. Having regard to the character and nature of this "powder magazine," where "the conditions are very electric" and we are said to be "face to face with serious dangers," and having regard also to the fact we are asked to bear in mind that "the menace of the frontier for India as a whole has become greater with the expansion of Pan-Islamic influences," it is worth inquiring what is the mentality, the psychology, the objective of Pan-Islamic Pathans?

The answer to this question will be found in the evidence given by a well-educated and remarkably outspoken Pathan of wide experience and knowledge. He thus described his position and status :—

*“I belong to this province and am a Pathan. I have experience of Persia. For three years I was in Consular service as Assistant to the Consul in Sistan in Persia. From there I returned as Personal Assistant to the Chief Commissioner, Baluchistan, and I have experience of the whole of Baluchistan. During that period I was Attaché with the Afghan Prince Inayatulla Khan and interpreted between Lord Curzon and the Prince. * * * Subsequent to that when it was proposed during the Amir's presence in India to send Sirdar Ayub Khan, brother of the ex-Amir, who is dead now, to Japan, I was Assistant Political Officer with him. When I returned from there I was Assistant Political Officer with the ex-Amir Yaqub Khan. I have experience of the entire Afghan family. Besides being an Afghan myself, I know most of the magnates of Kabul. I was British Representative at Kandahar. * * * I have experience of Baluchis and Afghans and I know Brahoi and Baluchi. In this case not only do I know the Afghan across the border but the people of the independent territory too.”* (Vol. I, page 727.)

There was not before the Committee another witness who could claim to speak with the authority of personal knowledge and experience of not only the North-West Frontier Province and Independent territory but Baluchistan, Persia and Afghanistan, which this witness could justly lay claim to. It is noteworthy that he appeared before the Committee as a witness in his capacity as “President, Islamic Anjuman, Dera Ismail Khan.” This witness (Khan Saheb Sardar Muhammad Gul Khan) was asked by me: “Now, suppose the civil government of the Frontier Province is so modelled as to be on the same basis as in Sind, then this Province will be part and parcel of the Punjab as Sind is of the Bombay Presidency. What have you to say to it?” He gave me, in the course of his reply, the following straight answer: “As far as Islam is concerned and the Muhammadan idea of the League of Nations goes, I am against it.” On this answer, I asked him some further questions to which he gave me frank, outspoken replies without mincing matters. I extract the pertinent portions below:—

“Q.—The idea at the back of your Anjuman is the Pan-Islamic idea which is that Islam is a league of nations and as such amalgamating this Province with the Punjab will be detrimental, will be prejudicial, to that idea. That is the dominant idea at the back of those who think with you? Is it so?”

A.—It is so, but I have to add something. Their idea is that the Hindu-Moslem unity will never become a fact, it will never become a *fait accompli*, and they think that this Province should remain separate and a link between Islam and the Brittanic Commonwealth. In fact, when I am asked what my opinion is—I, as a member of the Anjuman, am expressing this opinion—we would much rather see the separation of Hindus and Muhammadans, 23 crores of Hindus to the South and 8 crores Muslims to the North. Give the whole portion from Raskumari to Agra to Hindus, and from Agra to Peshawar to Muhammadans, I mean trans-migration from one place to the other. This is an idea of exchange. It is not an idea of annihilation. Bolshevism at present does away with the possession of private property. It nationalizes the whole thing and this is an idea which of course appertains to only exchange. This is of course impracticable. But if it were practicable, we would rather want this than the other.

Q.—That is the dominant idea which compels you not to have amalgamation with the Punjab?

A.—Exactly.

* * * * *

Q.—When you referred to the Islamic League of Nations, I believe you had the religious side of it more prominently in your mind than the political side?

A.—Of course, political. Anjuman is a political thing. Initially, of course, anything Muhammadan is religious, but of course Anjuman is a political association.

Q.—I am not referring to your Anjuman but I am referring to the Mussalmans. I want to know what the Mussalmans think of this Islamic League of Nations, what have they most prominently in mind, is it the religious side or the political side?

A.—Islam, as you know, is both religious and political. * *

Q.—Therefore politics and religion are intermingled?

A.—Yes, certainly."

(Vol. I, pages 729 and 730.)

7. With politics and religion intermingled in the Pan-Islamic idea of an Islamic League of Nations, which is presumably entertained by many Pathans of the Province, — with the easily corruptible material of the trans-border tribes, of whose susceptibility to outside intrigues and religious fanaticism we had so much evidence adduced before us, and with the Pathans of the province being "historically and ethnically" one with them, what will be the result of "giving scope", as the majority propose to do, "for the self-development of the Pathans" in a separate Province of their own,—in other words, what will, in all probability, be their course of action if they are permitted to be politically masters in their own house? Will they identify themselves with the rest of India and all-India interests, or, will they not strive to realise their dream of the golden past, when, as Sir John Maffey has put it, some of the frontier districts were part of old Afghanistan and Peshawar was the Afghan winter capital?—"Peshawar that jewel in the plain," as Mr. Ewart says in his booklet, "which was, and perhaps still is, the desire of every Afghan ruler's heart". Here is the answer to that question by Maulvi Nur Buksh, B.A., LL.B., of Dera Ismail Khan:—

"The Frontier Province lies on the outskirts of the two great States of India and of Afghanistan. The Pathans who mostly inhabit the province are not an Indian race. * * * Like the well-known Powindas, there are still many mountaineer tribes who flood the province during the 6 cold months of the year. But for the British, many of these would have preferred to take forcible possession of the fertile plain country and make it their permanent home in preference to the black and barren hills, where life is so precarious. In spite of the comforts of the plains, the Pathan has, however, a deep natural love lurking in the inner depths of his heart towards the romantic hills which remind him of his golden past when he was full master of his own will. As a matter of fact, the Pathan considers himself more to belong to the hills than to India. He has more sympathies with his kith and kin of the trans-border than with the Punjabis or the rest of the Indians. A Pathan would never consent to being called anything less than a "Pathan." It is a question whether he can be Indianized at all." (Volume I, page 627.)

But whether the Pathan can be "Indianised" at all or not, one thing is certain that my colleagues of the majority do *not* want him to be Indianised, as he would be, by being brought under the broadening and unifying influences of a common administration which would make him and the Punjabi work together as fellow-Indians in a common cause. Their proposals are calculated not only to perpetuate his isolation and accentuate his Afghan proclivities but,

by enabling him to give free scope to his "historical and ethnical" ties and sympathies, to facilitate the fulfilment of "the desire of every Afghan ruler's heart" to regain his lost possessions and make Peshawar his winter capital once again.

8. But our colleagues of the majority ask, "Did the Frontier Province fail India in the stress of the Great War" or "in the storm of the Afghan war" and think "it is not wholly visionary to hope" that if "one-half" of the Pathan race, namely, that of the settled districts, were given "self-determination for self-development in a separate province," the other half of the Pathan race, by which they mean the trans-border tribes in the unadministered tracts, which along with the former "holds the ramparts" for India, will, by being gradually civilized, "join hands" with the Pathans of the province as "a strong and contented community at the danger-point of India's frontiers" and the two together will form "a barrier against all possible enemies from the west." (*Vide* paragraph 28 of the Majority Report.)

9. The majority are laying too emphatic and exaggerated stress on the absence of any grave situation created against Government by this one-half and the other half of "the Pathan race" during the Great War. It is too much to attribute it altogether to disinterested loyalty on their part. The chief cause, as the Foreign and Political Department of the Government of India surely knows, was the great help that was given to the British Government by the late Amir, Habibulla Khan, of Afghanistan, who, throughout the Great War, faithfully adhered to his treaty obligations and, although egged on to do so, resolutely declined to proclaim a "Jehad" against the British Government. If he had unfortunately done so and raised the religious war-cry against "the infidel" and in spite of it the one-half and the other half of the "Pathan race" had remained firm and loyal to our cause and not relinquished "the ramparts" of India to let in the Afghan invader, the majority's view would have had some justification. But, even as things stood, was it in reality such a clean and heartening record on their part, during the Great War and the Afghan war of 1919, as to warrant the confident inference on which the majority have based, what I cannot help saying, their fanciful view and "visionary hopes"; opposed to all lessons of history? Here are some extracts which will throw light on the subject.

Mr. Ewart, in his booklet "The Story of the Frontier Province," which was prepared in connection with the visit of His Royal Highness the Prince of Wales early this year, has given the following insight into the situation in Chapter IV "The Frontier and the War" and in Chapter V, "The Aftermath":—

"The Independent Tribes * * * were necessarily an uncertain quantity. They looked to Kabul for a sign, and received it in the Amir's open avowal of complete neutrality" (page 35).

"The Amir's reiterated declaration of neutrality and condemnation of the bellicose folly of the Turks was of incalculable value. Still, the situation in the tribal territory was anxious in the extreme. The outbreak of war had, fortunately, found no ready lit fire which could be quickly fanned to a blaze, but from the first moment fanatical Mullas and the anti-British party in Kabul had been doing their utmost, though without cohesion or settled plan, to stir up trouble" (page 36).

"In April 1915 the Mohmands, the most priest-ridden of all the tribes, started the campaign by an attack on Shabkadr. They were repulsed, but not defeated, and trouble spread. * * * The summer of 1915 saw serious risings on the Buner border, in the Malakand and on the Mohmand line. The latter led to serious fighting and necessitated the blockade of the whole tribe. The concluding months of 1915 were the most critical of the whole war on the Frontier" (page 38).

"By 1916, however, we were again strong in actual military resources. Masses of white tents convinced the boldest that we had more troops than we could house; the drone of aeroplanes in the sky

and the hum of motor transport on the roads were an impressive novelty and above all, the remarkable staunchness of one of India's greatest benefactors in the war, Amir Habibullah Khan, checkmated the efforts of those who would have made catspaws of the tribes by tales of the coming again of one the old-time invasions from the North and West" (page 39).

"The Indian Army had, before the war, drawn largely on the fighting races of the Frontier. Under stress of circumstances, already related, the classes enlisted from Independent Territory had proved unreliable and had been discharged" (page 40).

"It would be misleading to attribute this tranquillity entirely to disinterested loyalty or exceptional political acumen" (page 41).

In the Afghan war of 1919, the serious situation which arose is described in Chapter V. Immediately the Afghan advance took place in the region of Thal, "our Militia garrisons of the Upper Tochi and other outlying posts" were "withdrawn to Miransbah".

"This was followed by the withdrawal from Wana and the Gumal."

"The Afridis of the Khyber Rifles had wavered from the start and the corps was disbanded to forestall a mutiny. In Waziristan, when the withdrawal took place, mutinees occurred both at Miranshah and Wana. * * * Wana and the posts of the Gumal route were evacuated in face of opposition both from mutineers and tribesmen, and the loyal portion of the Wana garrison, retiring on Zhob, was severely handled and had practically all its British officers killed or wounded. Darwesh Khel Wazirs and Mahsuds finding the omens of victorious "Ghaza" too clear to be ignored, were ready to rise *en masse* had any further Afghan backing been forthcoming. As it was, the country was flooded with deserters with the rifles and ammunition they had taken with them and raiding and attacks on pickets started on an intensive scale in the Derajat and in Peshawar, where the state of the Afridis was much the same as that of the Wazirs."

Meanwhile on August 8th a treaty of peace with the Afghan Government was concluded at Rawalpindi. But we were left with a border in a state of turmoil from the Khyber southwards and the residents of four of the five settled districts with the added grievance of insecurity from raids" (pages 44 and 45).

I have been shown an authoritative document which gives an instructive description of the situation during the third Afghan War of 1919. It appears that in Waziristan the tribesmen were almost all in open revolt and that our plans were upset by the mutiny of Afridi and Wazir militia men at Wana, who seized the fort together with all the treasure, ammunition and transport. The British officers and the small local remnant of the militia then retired *via* Toi Kulla to Mir Ali Khel in the Zhob. All the other posts in the Gumal were also withdrawn. Under the most difficult and trying circumstances the British officers of the militia, of whom five were killed, set an example of endurance and courage which has seldom been surpassed. Of the South Waziristan Militia only some 600 out of 1,800 finally reported themselves. We lost several hundred rifles and several hundred rounds of ammunition. The Wazirs and Mahsuds busied themselves looting the evacuated posts, and Jandola, garrisoned by regular troops, was invested by a large lashkar of Mahsuds under Fazl Din. The defection of the Mahsuds and Wazirs was not due to any particular cause; they were merely actuated by the belief, with which the borderland is imbued, that every true Muhammadan must rise and fight for Islam whenever a good opportunity offers for striking a blow at the infidel. Afghan adventurers turned this belief to full account. Moreover the defection of the militia had a very disturbing effect on the tribesmen. The many modern rifles and the great number of rounds of ammunition that had fallen into their hands naturally tended to embolden them, and it may safely be said that they had never been more truculent.

10. The extracts in the foregoing paragraphs speak for themselves. They show the recent conduct of those upon whom we are asked to rely for holding "the ramparts" for India and acting as "a barrier against all possible enemies from the west". The archives of the Foreign and Political Department must surely not be wanting in the writings of statesmen, administrators and soldiers of eminence and authority whose misgivings and warnings on this subject have been utterly ignored by the majority in the view which they are asking Government to accept. Even writers of the school opposed to what is known as the "Forward Policy" have warned us against our placing our trust in the Pathans as a class when it is a question of their fighting for us against their adjoining kinsmen of Afghanistan. The platitude that "mistrust breeds mistrust" cannot be allowed to override the stern realities of the situation. In the case of the vast bulk of the people, it is too much to expect political or military fidelity to outweigh tribal affinity and sympathy, the more so, when the Islamic religious war-cry is raised.

11. Even in the settled districts of the Province, the situation during the critical period was far from re-assuring when the Khilafat agitation and Hijrat movement were at their height. Peshawar was thrown off its balance and the infection spread southwards. "Tens of thousands of the inhabitants of the Province", writes Mr. Ewart in his book-let, "either performed or prepared to perform the "Hijrat" to Afghanistan, in the belief that it was their religious duty" (page 49). "Unfortunately," he proceeds to say, "an agitation based on religion was bound to affect the peculiar temperament of the Frontier Mahomedan in ways not strictly religious. In Hazara, the unrest spread to the trans-border tribes, necessitating military operations to restore order. Throughout the Province and especially in Bannu, this agitation engendered a spirit of lawlessness and defiance of authority" (page 50). The same spirit of lawlessness and defiance of authority manifested itself recently in the city of Peshawar on two occasions, first, at the time of the Afghan War of 1919, and later on when His Royal Highness the Prince of Wales was at Peshawar. The President asked Sir John Maffey (Volume II, page 210), "May I put a question to you, Sir John? You were not here at the time, but when the Afghan war broke out or just before that, I think I am right in saying that the city was in a very ugly mood; riff-raffs got out of hand and very stern executive action had to be taken?", to which Sir John Maffey replied, "That was the case. Peshawar city may easily become very ugly under small provocation owing to its peculiar composition and situation. * * * In the year 1919 they had to place a cordon of troops round the city. They made a great many arrests". As to the grave situation of open insurrection created by a "Jihad" preached by a Maulvi in 1920 in the Mansera tahsil of the Hazara District and amongst the adjoining trans-border tribes, which necessitated military operations for four months, Lieutenant-Colonel E. H. S. James, who was then Deputy Commissioner of the District, has given a long and graphic account in his evidence (Volume II, pages 436-439), from which I quote only a few details which have a bearing on the point under consideration:—

"He (the Maulvi) presided over meetings of from 3,000 to 10,000 people, and on one occasion it was computed there were 20,000 people when he spoke. In the latter case the crowd was composed of men not only from most parts of the district proper, but also from trans-border. * * * From that time forward, things went ahead very fast indeed. The Mansera tahsil practically acknowledged no British rule. The villagers, especially in Dhudial and Shinkhari, had appointed their own officials such as tahsildars and thanadars. They attempted to carry on the functions of administration and they certainly, on one or two occasions, assaulted Government officials who were carrying out their official duties. * * * The Maulvi himself (I mean Maulvi Muhammad Ishaq) kept a kind of royal court at Mansera where he was visited not only by a large number of people from the district, but from the trans-border tracts as well. He travelled about the whole district in state,

and held large meetings which he addressed. He even held meetings in Abbottabad itself and in the Haripur tahsil. By degrees the whole district population became permeated with his disloyal propaganda. It took the strongest hold on the people of the Mansera tahsil and in the Agror valley, which, I think the members of the Committee know, marches with trans-border territory." (Volume II, pages 434-435.)

This would show to the Government of India and the Secretary of State some of the perils of accepting the majority's proposals based on the shibboleth of "the Pathan's self-determination for self-development in a separate Province".

12. As to the inadvisability of invoking and applying this doctrine of "self-determination" in the present case and the danger involved in it, Professor L. Gulshan Rai, of Lahore, who appeared before the Committee as a witness and had submitted to it a memorandum (*vide* Volume II, pages 715-719), on which he was rightly complimented by the President as having given to the Committee "a very careful note", "very interesting" and raising "many points which give food for thought," observed:—"It is dangerous to apply this principle when large numbers of such an ethnological group are also subjects of an adjoining foreign State. * * * In times of international crisis such an arrangement is bound to prove a source of grave national danger." (Volume II, page 717.) He was questioned on this point by my colleague, Khan Bahadur Abdul Rahim Khan, and he answered:—"Afghanistan is now free to make any alliance she likes. If she took it into her head to make an alliance with some Central Asian Powers adverse to the interests of the people of India, the people in both tracts, settled British districts and tribal, being kith and kin of the Pathans in Afghanistan and human nature being what it is, it is natural that at least the people of the three districts of Peshawar, Kohat and Bannu might effect a combination with the trans-border people and the people of Afghanistan. That is a great political danger which I would avoid at all costs". (Volume II, page 726.)

13. Having regard to the considerations urged in the foregoing paragraphs, the question which the Governor-General in Council and the Secretary of State have to consider is:—"Would it be wise to keep the Province as a separate Province and inaugurate therein the form of "Popular Government" which the majority have formulated?" The majority, to use their own words, "envisage the introduction into the Frontier Province of "full-fledged reforms" with "all the essentials in the reforms enjoyed by a major province" namely, a Legislative Council, which shall be "something live and vigorous", with an elected majority of at least 60 per cent., with "power over the Budget" (!) an Executive Council, and a Minister who shall be in charge of all such subjects as are transferred subjects in the Punjab. I have already quoted, in paragraph 5, the emphatic expression of opinion of Sir John Maffey that "the frontier may be regarded as in a state of siege" and that he considers "Popular Government, even to the extent to which it has developed in other parts of India" to be "unsuited to the peculiar needs of the borderland." In a note written by him on the 15th August 1921, which was placed before the Committee, he was still more emphatic. In that note he says:—"Unless the interests of "Indians" in the North-West Frontier are to be deliberately sacrificed, it must be a peculiar area in a constant state of military preparation and with conditions and executive measures utterly different from the Punjab. Tribal organization, "the highly-prized Pathan code and custom, etc., etc.," must not be atrophied and superseded by political reforms utterly foreign to Pathan character, incomprehensible to their feudal sentiments, and never seriously demanded except by irresponsible agitators." As to political reforms not being demanded by any but "irresponsible agitators", Sir John Maffey has by now probably changed his mind. But the point is that if the Province is to be regarded "as in a state of seige" or "in a constant state of military preparation" and to be kept under strong executive control with plenary powers to the executive under the *personal* administration of the Chief Commissioner and to be treated as unsuited to any real form of "Popular Government", in the sense in which Sir John Maffey has used that

expression, then no doubt it may be allowed to remain a separate Province as at present without appreciable danger. And that is, to my mind, the basic idea underlying the observations of the distinguished authors of the "Report on Indian Constitutional Reforms" in regard to the North-West Frontier Province and British Baluchistan. (*Vide* the concluding portion of paragraph 198 of the Montagu-Chelmsford Report.) But leaving that point aside for the present, the question is, where would the majority's proposals lead us? What would be the eventual culmination of giving effect to their doctrine of "the Pathan's self-determination for self-development in a separate Province?" Let the Government pause and think before they accept the majority's view on this subject.

14. Apart from this grave aspect of the majority's proposals, in regard to which I have been compelled to write at such length and give chapter and verse in justification of the minority's view as the majority have derided it as "baseless," there are other serious objections to those proposals. Constitutionally, the majority's proposals are, I submit, extravagant, incongruous and anomalous. The majority propose to keep the Province as at present directly under the Government of India and financially dependent on central revenues even in regard to its civil administration. And yet they propose to give to this small Province, of 13,419 square miles in area and having a population of only 22 lakhs 1 thousand 340, according to the census of 1921,—it could hardly be called a "Province" in the real sense of the term, having regard to its small area and population,—a "full-fledged" constitution, "with all the essentials in the reforms enjoyed by a major Province"! Here is an interesting extract from the evidence given by Rai Bahadur Bhai Lehna Singh, Additional Divisional and Sessions Judge, Peshawar, who did the Census Report of 1921 for the Province :—

"Q.—(*By the President*).—You have given your view very clearly, but what about the clamour in the towns for re-amalgamation with the Punjab?"

A.—The satisfaction of those aspirations of the urban population means the grant, as one witness put it, of full-fledged reforms. Those full-fledged reforms cannot be carried out in a small province of which the population is equal to only three average districts of the Punjab. You cannot instal all the complicated machinery of the reforms in these districts. I have looked up the figures and I find that of the five Divisions into which the Punjab is divided, the population of one Division is more than double the population of these five districts; and of the other four a little less than double the population of these districts. No one can imagine for a moment that all these reforms can be introduced into this small tract of country which is inhabited by 22½ lakhs of people." * * *

"It is to me unthinkable that such a small province can have such a complicated system of reforms as the Punjab and other major provinces have. You cannot have that system here." (Volume II, page 111.)

The same is the opinion of non-official educated Muslims of the Province who have given thought to the subject. Khan Saheb Saduddin Khan, leader of the Peshawar Bar, giving evidence on behalf of the Bar, said :—

"We considered the question and arrived at the deliberate conclusion that a small province like this, if carried on as a separate entity, would never succeed. * * * The reforms would mean a top-heavy administration. * * * The reforms administration is a very complex machinery. You want perfectly free scope for its free working. Here you have five districts; Dera Ismail Khan has been reduced to one-half and Bannu to less than a half—and in a small province like this the paraphernalia of a reformed Council and the other concomitants cannot be accommodated" (Volume I, page 64).

Moreover, the extravagance of the majority's proposals will be apparent from the fact that the province has no elected Municipalities and Local Boards at all. In fact, what may be deemed as the necessary elementary material on which to found modern political institutions of even a modest type is sadly lacking in the province as a whole. There is no doubt a fairly large number of highly educated and politically minded men in the urban areas of the five districts. But the inherent disadvantages and defects of the smallness of the province and its lack of progress in local self-government can hardly be ignored in considering its fitness for a separate legislature of its own "with all the essentials in the reforms enjoyed by a major province," or, for the matter of that, for any separate legislature at all.

15. The proposals of the majority are thus not only extravagant but also incongruous and anomalous. It is difficult to understand how a province, the whole of which the majority think it necessary to keep directly under the Government of India, can have, with its financial dependence on central revenues, a Minister in charge of what are "transferred departments" in the Punjab, responsible to a local legislature which is to have "power over the Budget" (?) At present, the Legislative Assembly has power over all votable items of expenditure from the central revenues. Is that portion of the central revenues which is at present votable by the Legislative Assembly for the civil administration of the Province to be taken away, partially or wholly, from its purview by a questionable manipulation of items and figures of expenditure for the Province? If so the majority's proposals involve a serious in-road on the rights of the Assembly, which it will be justified in resisting and resenting. If not, the so-called "power over the Budget" of the proposed local legislature is meaningless. Then, as to having "transferred departments" in charge of a Minister, responsible to the local legislature, how can this idea be reconciled, first, with the "direct control" of the Government of India over the whole of the Province, secondly, with the necessity, upon which the majority insist, of keeping the power and prestige of the Chief Commissioner unimpaired; and thirdly, with the impossibility of making him "serve two masters" in the administration of the Province? Under the majority's scheme the Chief Commissioner will be, for external purposes, under the Government of India, but in regard to internal administration, he will be, in so far as the "transferred departments" are concerned, not under the Government of India, in practice, but under another master, namely, the Minister and the Legislative Council; so that, in reality the majority have not only no objection to, but actually provide for, (a) the elimination of the direct control of the Government of India over the internal administration of the Districts in so far, at least as the "transferred departments" are concerned, and (b) the subjection of the Chief Commissioner to two different masters. Again, how can you have a province with "all the essentials in the reforms enjoyed by a major Province" without imposing on it all the limitations and obligations to which the major Provinces are subjected under the Devolution Rules, namely, (a) being financially self-supporting; (b) having divided heads of revenue with only a certain share of the Income-tax; (c) liability for Provincial contributions to the Central Exchequer; (d) making provision every year for expenditure upon relief of or insurance against famine, etc., etc.? I doubt whether the majority have realized all the implications and practical difficulties involved in their proposals. They are conscious, no doubt, of one difficulty, and that is that their proposals are so radical as to necessitate an amendment of the Government of India Act. I might add that the "Instrument of Instructions" issued to the Governor-General of India under Royal Sign Manual on the 15th March 1921 will also have to be amended, as paragraph (3) thereof contemplates an Executive Council only in the case of the Governor-General, a Governor, or a Lieutenant-Governor and Ministers in the case of Governor's Provinces only. Our colleagues of the majority, besides asking for an Executive Council, want a Minister in the case of a Chief Commissioner's Province, although even a Lieutenant-Governor's Province was not deemed worthy of that privilege by the authors of the Reforms Scheme and by Parliament.

16. This distinction between a major Province, that is to say, a Governor's Province or a Lieutenant-Governor's Province and the small areas under the administration of Chief Commissioners is based on political, administrative and financial reasons which are not difficult to understand. Having regard to those reasons, it follows that if the North-West Frontier Province as a whole, with its five administered districts and its unadministered trans-border tracts, is to be kept intact and undivided as at present under the "personal administration" of the Chief Commissioner and the "direct control" of the Government of India, both of which the majority postulate as "axioms" or "fundamental canons" of frontier management and frontier administration—there is no scope or justification whatever for the majority's proposals to inaugurate in the Province a "full-fledged",—"a live and vigorous"—constitution, "with all the essentials in the reforms enjoyed by a major Province". The following extracts from the Montagu-Chelmsford Report will make my position clear:—

"Connected with defence is the diplomatic business of relations with bordering Asiatic powers, and with this again the administration of bastions of territory like the Frontier Province and British Baluchistan". (Paragraph 46.)

"There remain the frontier areas of the North-West Frontier Province and Baluchistan, and the smaller tracts of British India, like Delhi, Coorg and Ajmer-Merwara. For reasons of strategy the two Frontier provinces must remain entirely in the hands of the Government of India. But, inasmuch as our guiding principle, where the principle of responsibility cannot yet be applied, is that, of government by consultation with the representatives of the people, we think that in some, if not all, of these areas it would be well to associate with the personal administration of the Chief Commissioner some form of advisory council, adjusted in composition and function to local conditions in each case. This question we would leave to the further consideration of the Government of India." (Paragraph 198.)

"The two frontier provinces of British Baluchistan and the North-West Frontier Province form a small class by themselves. They are administered by Chief Commissioners who are also agents to the Governor-General in respect of political relations with adjoining tribal territories; they are in fact more directly than any of the foregoing provinces under the control of the Government of India, acting through its Foreign and Political Department, both because political questions are of preponderant importance and also because they lack the financial resources and powers which more settled provinces enjoy." (Paragraph 43.)

My colleagues of the majority cannot have it both ways. If their "axioms" or "fundamental canons" of frontier management and administration are to be adhered to, the Frontier Province cannot have anything better than at the most a mere "advisory council" which the Chief Commissioner, in his "personal administration" of the Province, may avail himself of for "consultation" only. But if their so-called "axioms" or "canons" are no longer to be treated as sacro-sanct but to be so materially deviated from in practice as to allow the "personal administration" of the Chief Commissioner and "the direct control" of the Government of India to be eliminated to the extent that they propose from the civil administration of the five settled districts, there is hardly any justification for withholding from those districts the advantages of a Provincial Government which has an administrative machinery which is better equipped and better organised and has greater financial resources and powers than this miniature province can ever hope to have.

17. I will now proceed, after a preliminary survey of the finances of the province, to deal with the increasing financial burden which would be imposed on the central revenues if the majority's proposals are given effect to. As things

Financial objections.

stand, that burden is heavy enough in all conscience. It has gone on increasing by leaps and bounds since the formation of the Province in 1901. The majority, in paragraphs 32 and 33 of their Report, have made, as will be presently shown, a futile attempt to put a gloss upon it and to make light of it. Lord Curzon, in persuading the Secretary of State for India to accept his scheme, apart from other more weighty considerations, urged also the financial ground of "reduced outlay" and represented that the additional annual cost to the Government of India by his proposals would be only 3 lakhs of rupees or so. The Secretary of State, in his Despatch of the 20th September 1901, in which he accorded his "general approval" to the scheme, observed :—

"7. The extra annual cost of the new Province is estimated by Your Excellency's Government at Rs. 3,55,507. I do not consider that it will be prudent to calculate upon this estimate being reduced materially."

Apart from the possibility of "this estimate being reduced materially," its being a gross under-estimate was pointed out in unmistakable terms by that capable administrator and far-sighted statesman, Sir Mackworth Young, the then Lieutenant-Governor of the Punjab, who predicted that the annual cost of this new province would be much heavier than was assumed by Lord Curzon, whose forecast was bound to be falsified. And it *was* falsified in the very first year. In 1902-03, the first complete year of the new province, the revenue realised was 36 lakhs and the expenditure incurred was 74 lakhs, so that the province started with a burden of 38 lakhs on the Government of India. This burden went on increasing from year to year. In 1918-19, it was 81 lakhs and odd. In 1919-20, it increased to 107 lakhs and odd. In 1920-21, it amounted to nearly 126 lakhs. Actuals of 1921-22 show the deficit for the year to be 140 lakhs. According to the Budget figures for 1922-23 of Receipts and Expenditure (reducing the Expenditure by Rs. 12,91,000, which was the lump reduction made by the Legislative Assembly in the "Demand for Grant" in March 1922), the deficit for the current year is not likely to be less than 160 lakhs. As to the enormous growth of expenditure from the first complete year of the Province, in which, as noted above, it amounted to 74 lakhs, the following figures will speak for themselves :— In 1918-19, the expenditure amounted to 138 lakhs and odd. In 1919-20, it rose to 168 lakhs and odd. In 1920-21, it went up to 182 lakhs. According to the Actuals of 1921-22, it took a further leap and amounted approximately to 2 crores. According to the Budget for 1922-23 (deducting the reduction made by the Assembly) it goes up to 2 crores 69 lakhs and odd. If the percentage of increases of expenditure is calculated only upto the end of 1921-22, on the basis of 74 lakhs for the first complete year (1902-03), the increase amounts 170 per cent. in 20 years. But if it is calculated on the Budget figures for the current year, it would be 263 per cent. in 21 years. The majority attempt to prove to their own satisfaction that this increase of expenditure of 170 per cent. in 20 years (they omit the current year from their calculations) "compares very favourably with the increase of 21 per cent shown in the budget estimates of the Punjab for the same period", ignoring the fact that the Punjab had, after providing for its increased expenditure from its increased revenue, accumulated a reserve balance amounting to 2 crores 59 lakhs and 93 thousand rupees at the beginning of 1920-21, that is to say, immediately before the political reforms under the Government of India Act of 1919, with their attendant increase of expenditure, came into operation. "But", say the majority, "more than half the expenditure is incurred not on civil administration proper but in connection with the tribal tracts and border defence". And they go on to say: "Thus the principal rise in expenditure has been incurred for the protection of India's land frontier, and for this it is clear that India as a whole must pay. It is out of the question for the frontier districts to bear the charge". Nobody says—the minority never urged—that the legitimate expense for the defence of India should not be treated as an Imperial charge. Whether it should be borne by India alone or by England and India jointly is a point upon which opinion may be divided. But is it correct to say, as the majority assert, that "more than half" the expenditure is incurred not on civil

administration proper but in connection with the tribal tracts and border defence" ? Mr D. N. Dutt of the Audit Department, who was specially deputed to Peshawar to prepare "Statements showing the distribution of the revenue and expenditure of the North-West Frontier Province from 1918-19 to 1922-23 between the settled districts and the tribal area", has prepared those statements and tabulated the results. In doing so, he has, with the concurrence of the Chief Commissioner of the Province, thrown on the tribal area every item of expenditure which could be assigned to it, including the whole of the expenditure incurred for the Frontier Constabulary, Militia Corps, Tribal Levies, Khassadars, the Khyber Rifles, the Military Secretary and even the cost of seven appointments of Extra Assistant Commissioners. Here are his figures :—

	(In thousands of rupees.)			
	1918-19.	1919-20.	1920-21.	Revised, 1921-22.
<i>Settled Districts.</i>				
Total Expenditure. (Imperial and Special)	73,36	98,35	1,09,65	1,17,45
<i>Tribal area.</i>				
Total Expenditure. (Imperial and Special)	65,23	69,97	72,36	78,26
Total Expenditure for both	<u>1,38,59</u>	<u>1,68,32</u>	<u>1,82,01</u>	<u>1,95,71</u>

Mr. Dutt's Budget figures for 1922-23, after deducting Rs. 12,91,000 (the reduction made by the Legislative Assembly) from the Total Expenditure for the "Settled Districts" and deducting Rs. 60,45,000, which is the amount of "Special Expenditure in Waziristan", from the Total Expenditure in "Tribal Area" give the following result :—

	(In thousands of rupees.)	
	Budget, 1922-23.	
<i>Settled Districts.</i>		
Total Expenditure. (Imperial and Special)		1,17,64
<i>Tribal area.</i>		
Total Expenditure. (Imperial and Special)		91,00
Total Expenditure for both		<u>2,08,64</u>

Thus it will be seen that the majority's assertion that "more than half the expenditure is incurred *not* on civil administration proper but in connection with tribal tracts and border defence" is not supported by these figures and turns out to be an erroneous assumption on their part. The whole of their argument, therefore, based on that assertion, in justification or extenuation of the inordinate and rapid growth of expenditure not only in "Tribal Area" but also in the "Settled Districts" and the consequent yearly increasing heavy deficits, falls to the ground. Conscious, however, of the soundness of the financial objections to their proposals, they proceed, after this fruitless attempt to shew that the growing burden on the central revenues, on account of the Province, was not in reality heavy or unjustified, to prepare the ground for their favourable reception by representing to Government that measures are "being taken to reduce the deficit and to make the internal administration of the districts as far as possible self-supporting". How this is being done is explained in paragraph 40 of their Report, in which, after speaking of distribution of expenditure and retrenchments in contemplation, they say: "According to rough calculations we have made, the present deficit on the internal administration would drop from about 56 lakhs to about 20 lakhs a year, with some prospect of ultimate extinction".

If these "rough calculations" are subjected to careful scrutiny, the Government of India would find that they are open to the following objections:— (1) over-estimating average annual revenue from the "settled districts"; (2) under-estimating the expenditure incurred for the internal civil administration of those districts; (3) throwing on the "Tribal Area" portions of expenditure incurred really and substantially for and on account of the five "settled districts"; (4) relying on possible increases of revenue from sources of a problematical character; (5) appropriating certain heads of revenue or portions of revenue which in a major Province would go wholly to the central revenues; (6) making the Central Government shoulder the whole or portion of the cost of a Department which in a major Province would be a provincial subject. The soundness of the last two objections, at any rate, would be apparent from the fact that if the revenue and expenditure for the settled districts were distributed between "central" and "provincial" in accordance with the present classification of "central" and "provincial" subjects for the major provinces, that is to say, Governors' Provinces, the result, according to Mr. Dutt's figures, would be as follows on the current year's Budget Estimates:—

	(In thousands of rupees)
Total "Provincial" expenditure for the Settled Districts	1,35,76
Total "Provincial" revenue for the Settled Districts	64,10
Deficit	71,66

Thus, instead of 56 lakhs, which the majority have taken as the current year's deficit on the internal administration of the settled districts, the real deficit, if the Province is to be started "with all the essentials of reforms enjoyed by a major Province," would be 71 lakhs and 66 thousand. Even apart from this consideration, the majority's confident anticipations, based on their "rough calculations," as to the deficit on the settled districts being capable of reduction to 20 lakhs a year "with some prospect of ultimate extinction," would be found to be illusory. The fact is that the cost of the civil administration of this miniature province, with its duplicated and top-heavy administrative arrangements, is bound always to be an increasingly heavy financial burden on the central revenues. It is no use blinking, ignoring or minimising this fact. Bearing it in mind, let the Government of India visualize the increasing financial strain to which the central revenues would be subjected in the immediate and not distant future, if the majority's proposals are accepted and put into operation.

18. The majority's immediate demands are:—(a) a Member of the Executive Council; (b) a Minister, who is to be in charge of all such departments as are transferred departments in the Punjab (the principal of which are:—(1) Local self-government; (2) Medical administration, including hospitals, dispensaries and asylums, and provision for medical education; (3) Public health and sanitation; (4) Education; (5) Public Works; (6) Agriculture; (7) Civil Veterinary Department, including provision for veterinary training, improvement of stock and prevention of animal diseases; (8) Co-operative Societies; (9) Excise; (10) Development of industries, including industrial research and technical education); (c) a Legislative Council, with an elected majority of at least 60 per cent. which is to meet for only 30 days in the course of a year (*vide* majority's Report, paragraph 50, page 29, footnote); and (d) an Indian member of the Bar, as an Additional Judicial Commissioner. According to their present calculations, this would cost the central revenues annual recurring expenditure of only Rs. 86,282 and initial cost of books and furniture amounting to Rs. 6,000. The future cost of addition to the books, repairs and additions to furniture, salaries of stenographers, cost of more clerical establishment, expenses in connection with arrangements for election, and such other consequential and incidental expenses as are bound to be incurred are not included in this estimate. But leaving these details aside for the present the question is, if this is all the recurring expenditure that their proposed new dispensation would

inflict on the central revenues. Within a year or two of its coming into existence, the Legislative Council, with its not less than 60 per cent. elected members, will make the following insistent demands and the public will support them in those demands:—

- (1) That there must be another Member of the Executive Council—a non-official Indian, so that there may be, in regard to the “reserved” departments, inside the Executive Government, an equality of European and Indian members, which is one of the “essentials” of reforms enjoyed by a major Province as a necessary corrective to and a complement of a dyarchical form of Government.
- (2) That it is impossible for *one* Minister to manage efficiently so many “transferred” departments of vital importance to the people and that, therefore, there must be at least two, if not three, Ministers in all.
- (3) That it is a mockery to summon the Legislative Council to sit for only 30 days in the course of a whole year and that, therefore, there must be more and longer sessions every year.
- (4) That the “transferred” departments of Education, Sanitation, Medical administration, Agriculture, Industries, etc., etc., are being starved and need more expenditure, especially for starting more schools and colleges, for imparting literary, agricultural or technical education, and also for establishing a University for the Province, etc., etc.
- (5) That a Bench of two Judicial Commissioners only is not enough, because when they differ, there is no third Judge to whom the case may be referred for final decision; and that therefore there must be a Chief Court, consisting of three Judicial Commissioners, as in Sind.

These demands and others of a like nature will be the inevitable consequences of giving effect to the majority's proposals. It is obvious that they will cause not only a ceaseless but a rapidly increasing, drain on the financial resources of the Government of India, for there was not a single witness of administrative experience who did not tell the Committee that raising more revenue in the Province to any appreciable extent was out of the question. The financial considerations alone which are involved in the majority's proposals should, therefore, make the Government of India desist from accepting them.

19. My fourth objection to the majority's proposals is that they are unsuited and insufficient to meet the imperative necessities of the case, in regard to both the civil administration of the

settled districts and effective political control of the trans-border tribes. To make my position clear, it is necessary to ascertain the results of the policy on which Lord Curzon's scheme of 1901 was based and of the system of administration which it brought into operation. If that policy has proved disastrous, it would be a blunder to persist in it. If that system has proved a failure, it would be wrong to perpetuate it. I maintain that Lord Curzon's policy as to defence of the country by means of tribal militias and political control of the trans-border tribes by depending upon their harmonious cooperation by payment of subsidies has completely failed. I maintain that the system of civil administration of this small miniature Province directly under the Government of India through their Foreign and Political Department with the Chief Commissioner responsible for *two* different sets of duties has proved, as it was bound to prove, inefficient, too burdensome to the general taxpayer, and ill-calculated to secure the progress, contentment and happiness of the British subjects in the settled districts. If these contentions are established, my position is that no make-shifts or tinkering measures would solve the real problem but that a different policy with a special agency

to carry it out with undivided attention and a wider, broader, less costly to the central revenues, more progressive and more efficient system of civil administration for the settled districts are the imperative needs of the situation.

20. Lord Curzon's scheme for the formation of a Frontier Province by detaching some of the frontier districts from the Punjab and placing them under a separate administration directly under the Government of India was the "natural complement and climax", as he called it, of his trans-border plans which he described in these terms: "To extricate from advanced positions the large numbers of regular troops who have for some years been stationed there; to consolidate instead of diffusing our military strength upon the border; and to promote a spirit of local harmony and co-operation by enlistment, in the service of the British Government, but in the defence of their own country, of the wild but not intractable inhabitants of these regions." He claimed for this scheme of his the "unquestioned advantages of reduced outlay, of increased tactical mobility, and of tribal contentment" (*vide* paragraphs 7 and 8 of his minute, dated the 27th August 1900). Sir Dennis Fitzpatric, in the "opinion" recorded by him as Member of the Council of India, dated the 17th January 1901, commenting on Lord Curzon's proposals, observed:—

"16. Possibly what Lord Curzon means to suggest is that the conflagration of 1897 was the result of our taking regular troops with us to hold the positions into which we advanced, and that if, instead of doing that, we had organised militia corps recruited to a large extent from the people of the country, as he is now doing for North and South Waziristan, all would have gone smoothly. If this is his idea, I must say it is a very questionable one. I do not desire to express any opinion on the great experiment he is now about to try, and which, if it stands the test of times of trouble in a country like Waziristan, will do him infinite credit."

Has it stood the times of trouble? Those who are in a position to speak with authority on this matter have already answered the question in no ambiguous terms. In the Secret military compilation to which I have already referred, it is argued that Lord Curzon's policy of withdrawing the regular troops so far as possible to cantonments in the rear while the frontier posts such as those in the Khyber and Kurram, at Wana and in the Tochi, were held by militia, had after 20 years' trial failed completely at the first real test of religious fanaticism that flooded the border in 1919. And the military writer contrasted that policy with the policy of Sir Robert Sandeman, who looked upon the system of keeping the tribesmen quiet by bribery, unless in return for some definite service rendered as the one sure means of building up trouble in the future and of leaving a legacy of punitive expeditions of the 'burn and scuttle' type to future generations.

In a previous paragraph (paragraph 9 *supra*) while dealing with the political unwisdom of the majority's proposals, I have already extracted passages showing how, far from "tactical mobility" materialising, posts had to be evacuated and abandoned and troops withdrawn, and how, instead of "tribal contentment" being secured by payment of subsidies, "the tribesmen were almost all in open revolt" and the Afridi and Wazir militiamen at Wana mutined and deserted and seized treasure, ammunition and transport and the whole system, on which as its "natural complement and climax" Lord Curzon based his scheme for a separate North-West Frontier Province, came down like a house of cards, or, to make use of Sir John Maffey's graphic phraseology, "the whole fabric came down with a crash and we are still sitting in the midst of the broken pieces." Thus, the trans-border policy of Lord Curzon miserably failed and went to pieces at the first real test to which it was put. But that is not all. It has resulted in subjecting British subjects in several urban and rural areas of the province to intensive and systematic raiding, robbing, kidnapping and other insufferable sufferings at the hands of these offsprings of his creation.

The Administration Report of the North-West Frontier Province for the year 1919-20 contains the following passage :—

“As the war went on, however, intensive raiding into British territory began, mostly carried out by deserters from the army during the Great War and by subsequent deserters from the militias. These men had been fully trained by British officers and were well acquainted with localities in which they operated and their raids almost always by night were carried out with military precision and were exceedingly difficult to deal with.”

Thus at the expense of the general tax-payers of British India an army of dacoits, marauders, robbers, free-booters has been brought into existence. Vast sums of money spent in allowances and subsidies to trans-border tribesmen to bring about “tribal contentment” have made them rich enough to purchase and manufacture an enormous quantity of arms and ammunition and become a terror and a scourge to the British subjects in the settled districts.

21. Harrowing tales of misery inflicted upon British subjects by the tribesmen were told by many witnesses from towns and rural parts. The tragic tale of woe of the Hindu villagers of Gomal, a border village, will be found at pages 871-873 of Volume I. Apart from loss of many lives, they suffered, according to them, loss of property to the extent of seven lakhs of rupees when their village was attacked in 1919 by an armed gang of 400 or 500 Wazirs. “Having suffered like this,” asked the President of the Committee, “they all want to go back to the Punjab?” and the spokesman of those villagers gave this significant answer:—“Forty-four years ago, i.e., on or about 1st January 1879, this same Gomal village was looted and in a short time we got compensation and the persons who had connived at the dacoity were punished. Files may be consulted”. The minority of the Committee do not contend that a reversion of the settled districts to the Punjab administration would *ipso facto* put a stop to raids committed by trans-border tribes on British subjects in the settled districts. But it was clear to them, though not perhaps to the majority, that the poor villagers who pleaded, some of them with tears in their eyes, for reamalgamation with the Punjab, did so because they felt that *any* change of administration would not in any case make their lot worse than it was under the present arrangements. It is not only in villages but also in towns that the people have been suffering from insecurity of life and property and honour. They all contrast the state of things which prevailed when they were under the Punjab Government with what has come into existence since. There are numerous passages scattered throughout the evidence of the witnesses before the Committee giving a correct picture of “then” and “now” and particularly an accurate delineation of the present miserable state of things. In order that the Government of India may have an idea of it, I extract here a passage which, though long, will repay perusal :—

“It is not only in the villages that the honour, person and property of the people are exposed to danger, but in the towns too, the people feel themselves unsafe. A large number of villagers feeling insecurity in their villages have forsaken their sweet homes and hearths, relations, lands, unrealized debts, etc., and have come down to towns to settle. It is not an easy task even to roughly estimate the difficulties and disappointments which these people driven by the blows and buffets of ill-luck have to face. In days before the formation of the North-West Frontier Province travelling was an easy and delightful task. Any single person could travel alone, say, from Bannu or Fort Sandeman to Dera Ismail Khan, even at night time. But now safe travelling has become a thing of the past; what to speak of private persons, even the convoys and tongas have been looted in broad day-light.

“There are instances of raiders and dacoits coming into the centres of big cities during day time and looting and burning the property of defenceless people being defended neither by the Government,

nor by their own arms because they are allowed no arms for self-defence. What misery could be greater? The efforts to trace the dacoits are usually attended with little success, with the result that they go unpunished and unnoticed and become more daring in their depredations. We have heard nowhere the gates of the cities being closed at about six in the evening for fear of the marauders, but one surely hears in the Frontier (the gates of Kohat and Bannu being closed at about six in the evening). Could insecurity and danger anywhere else be greater? In case of kidnapped persons the marauders demand heavy ransoms from the relatives of the kidnapped which practically reduces them to poverty and when these exorbitant demands are not met, the kidnapped ones are subjected to torments and tortures. In case of kidnapped girls and women, the examples of which are not few, we can guess the treatment that these wild persons will be meting out to them and their behaviour towards them. The state of agony in which the kidnapped girl, and her parents behind, must be is simply unimaginable. God knows how many persons have been made homeless, how many women have been widowed, how many children have been made parentless and how many parents have been made childless at the hands of these wild and merciless marauding tribes." (Volume I, page 850.)

Such are "these wild and merciless marauding tribes" upon whom, by the trans-frontier policy of pampering them and placating them, we are asked by our colleagues of the majority to rely as "a barrier against all possible enemies from the West" !!

22. In spite of the fact that when the real test came, "the whole fabric came down with a crash", in spite also of the fact that in pursuance of the policy of securing "tribal contentment" by payment of allowances and subsidies, money has been lavishly thrown into the pockets of the tribesmen enabling them thereby to arm themselves with 140,000 breech loading rifles in 1920 as against some 29,000 only in 1905, in spite again of the misery inflicted on British subjects in the settled districts by the pestilential activity of "these wild and merciless marauding tribes", my colleagues of the majority have attempted, in paragraph 24 of their Report, to hold up to our admiration "the record of the Frontier Province in its external relations". And in doing so, they point out that, since the formation of this Province, "there were three expeditions only," two of which were of brief duration, and proceed to say exultingly: "This is a contrast indeed to the record of 55 expeditions during the 52 years of the frontier stewardship of the Punjab Government or one every twelve months culminating in the general conflagration of 1897". Those who have not studied the literature on the subject are apt to be misled by this observation of the majority. They are not likely to know that the majority have here resuscitated an accusation against the Punjab Government which has been repeatedly answered and exploded by those who could speak with authority on the matter. Sir Dennis Fitzpatrick, who, before going into the Secretary of State's Council, was Lieutenant Governor of the Punjab, wrote in his "Opinion" dated the 17th January 1901, recorded by him as Member of the Council of India, that this "has been repeatedly answered before." "The explanation of the Punjab Government," he observed, "which, as I have said, is not now given for the first time, is this, that when we first took over the Punjab the frontier tribes had been in the habit of raiding pretty much at their good will and pleasure. They had to be taught what our strength was, and one of the most effectual ways of teaching them was by punitive expeditions. They took a long period to learn their lesson, and during that period punitive expeditions were numerous, but, as time went on, the necessity for them diminished; and, to refer to the condition of things ultimately arrived at, I find that speaking of raids and punitive expeditions, in a note which I wrote in 1896, I said "raids in any force to speak of across the frontier of British India which were formerly so

Untenability of the majority's attempted justification of this trans-frontier policy.

common, are now practically unknown, and we have to deal only with crime of the type which always does and must prevail even in British India, where we have to do with turbulent people. Punitive expeditions properly so-called have * * * practically done their work and have almost ceased to be necessary" (paragraph 17). As to the accusation against the Punjab Government for "the general conflagration of 1897", Sir Dennis gave the effective answer "that one of the earliest and most serious of the outbreaks that occurred in 1897, occurred not in a tract under the control of the Government of the Punjab, but in the country around and beyond the Malakand, a tract which had been from the start under the control of the Government of India itself". Witnesses before the Committee, who could speak with knowledge and personal information on the subject, have also given an effective reply to the majority's attempted justification of the trans-frontier policy pursued since the formation of this Province. Nawab Habibullah Khan was asked certain questions on this very point by my colleague Khan Bahadur Abdur Rahim Khan. Here are his questions and the answers given by the Nawab:—

Q.—When these agencies were under the Punjab Government for 50 years we had no less than 40 expeditions; that means after every 15 months we had one expedition. Is that true or not?

A.—Yes, I know that there was a special frontier force stationed in the frontier province, and whenever any trouble arose, that frontier force quelled the disturbance in the trans-border agencies, and *those so-called expeditions did not cost more than the actual cost now being incurred by the constabulary and militia. They were only temporary and did not last for long.*

Q.—Do you remember the rising of 1897?

A.—Yes, I remember my father was an A.-D.-C. to General Sir William Lockhart and was with him throughout the Tirah Expedition.

Q.—Since these agencies were separated from the Punjab, can you quote a single instance of 1897?

A.—The recent Mahsud Expedition under Generals Climo and Matheson was on quite *a far more expensive scale than the Tirah Expedition*". (Vol. I, pages 715—716.) (Italics are mine.)

Rai Bahadur Lala Thakur Datta, an old official of great experience and having a vast store of official information, who retired on pension in 1919, after having creditably served Government "for 36 years without a single day of absence on sick leave" both in the Punjab and in the Frontier Province, has submitted to the Committee a valuable memorandum advocating restoration of the settled districts to the Punjab, to which I invite the close attention of Government. (Vol. II, pages 222—270.) In paragraph 16 of that memorandum he disposes of the majority's attempted justification in these words:—

"The defenders of the present policy * * * put forward * * * the plea that during the Punjab régime too large a number of punitive expeditions was sent out against the various tribes, but they forget it was, for a number of years after annexation, a transition period during which British rule was being introduced and consolidated, and that the tribes had not yet learnt the lesson that a strong power with immense resources in men, money and munitions had come to stay; *the boundary line had not, moreover, been demarcated* and there were disputes on that account which led to Military operations. *It is perhaps not so well known that most of these expeditions were very insignificant affairs and the number of troops employed was as a rule very small.* Between 1849 and 1902, viz., 53 years, 55 expeditions * * * were undertaken against the Frontier tribes; *in six of these there were no casualties on our side.* The total number of British casualties *in all these 55 expeditions was 4,297 or 75 per expedition,* but if we exclude from the number the casualties in the two expeditions against the Hindustani fanatics (908) in 1863, and the Afridis and Orakzais (1,019) in 1897-98, we find that the remaining

53 expeditions cost us 2,352 casualties, or 44 each. During the Pathan Revolt the border was ablaze (1) owing to the success of the Turks against Greece, (2) the preaching of Mullahs, (3) the belief that aid would be forthcoming from Kabul; hence excepting in the year 1897-98, when 40,000 troops were employed, in no expedition did we send out as many as 15,000 troops and in eighteen of the expeditions the number employed did not exceed 2,000 troops. *Now compare these figures with our casualties in the expeditions since the Frontier Province was formed.* The recent expedition, 1919-1921, against the Mahsuds is reported to have cost us a large number in killed and in wounded, and in it the number of troops employed was nearly 60,000. The Mahsud's country, it may be noted, was over-run in 1860 with 6,796 troops including levies, in 1881 with 8,531 and in 1894-95 with 10,631 troops. I have not the figures of expenditure on these expeditions from 1849-1902, but if the Committee will obtain these, it will be found that the total expense did not perhaps equal our outlay on the recent Mahsud expedition alone". (Vol. II, pages 233-234.) (Italics are mine.)

But apart from the expense of these three expeditions, what a large and yearly increasing amount has been, and is being taken from the central revenues for "Watch and Ward Trans-Frontier (North-West Frontier)" expenses from year to year? Here are the figures for the past four years:—

	Rs.
Actuals, 1919-20	30,69,315
Actuals, 1920-21	32,32,244
Budget, 1921-22	42,70,000
Budget, 1922-23	43,09,000

A leap of 13 lakhs in 3 years! And how many lakhs of rupees have British subjects in the Frontier Province lost in property looted by these tribal raiding gangs and in payment of ransoms to them for restoration of kidnapped relations? These are heavy debit items which the majority have failed to take into account. Besides they fail to see that what they claim to the credit of the policy they uphold is in reality to the discredit of those who are responsible for it. The Government of India acting through their Foreign and Political Department have laid themselves open to the charge that in the pursuit of their trans-frontier policy they have neglected the interests of the British subjects in the settled districts. In the Secret military compilation to which I have already referred, Sir George Roos-Keppel, the then Chief Commissioner of the North-West Frontier Province, is quoted as advocating a Forward Policy with some forcible observations, the significance and bearing of which on the majority's attempted justification are obvious. According to him the fact that Government instead of embarking on a thorough-going Forward Policy up to the Durand Line, as soon as the Durand Agreement was signed, contented themselves with trusting to the personal influence of local Political Officers and tribal allowances and to the local employment of young tribesmen in the militia to have as few expeditions as possible, argued an apparent indifference to the chronic state of raiding and outrage, to which the people of the districts were subject without hope of compensation for their losses.

23 These observations of Sir George Roos-Keppel have also another significance. They lay bare the inherent defects of a system of administration in which the Chief Commissioner has *two* different sets of duties to perform, one in regard to the political control of the trans-border tribes and another in regard to the civil administration of the settled districts. **The civil administration of this miniature Province can never be efficiently organized in all its branches and is bound to prove a costly failure.** The Government of India, acting through their Foreign and Political Department. In carrying out the trans-frontier policy of that Department, he has to submit to the interests of the settled Districts being sacrificed, however much he may protest against such a course. The Foreign and Political Department, to my mind, is utterly unsuited and ill-qualified to have control of or to exercise supervision over the civil administration of *any*

Province, much more so, of a Province formed of Districts the people of which had enjoyed the benefit of a highly organised administration. Such an arrangement is ill-calculated to promote the well-being and progress of the people concerned. The Secret military compilation cites an opinion expressed in 1919 by Mr. Barton, who was then Resident in Waziristan, to the effect that any sort of moral or material progress was next to impossible without a Forward Policy, in proof of which he instanced the heavy bill of something like three lakhs against the Mahsuds at the time of the 1917 operations, which, he said, must have meant ruin for many British subjects. The system of administration which leads to such a deplorable state of things is wrong in principle. Apart from this disability to which the Chief Commissioner is subjected under such a system, there is another factor to be reckoned with. Most of the time of the Chief Commissioner is taken up by his political duties. He has hardly any time to devote close attention to the civil administration of the Province, assuming he has the necessary qualifications for efficient performance of his duties in that behalf. That being so, the task falls on the shoulders of his subordinate, the Revenue Commissioner, who is expected to be a superman in charge of numerous departments of a diverse nature, which, in a major Province, have the benefit of expert control by appropriate agency, due provision for which would mean setting up the complex administrative machinery of a major Province in a small Province involving a tremendous burden on the central revenues. The result is not only lack of efficient and economic working of several Departments, some of which are overmanned, but utter lack of some other Departments necessary for the development of the Province and the progress of its people on modern lines. This result is inseparable from the scheme which brought this Frontier Province into being. It cannot be got over by mere makeshifts such as "periodical interchange of officers between the Punjab and the North-West Frontier Province" as proposed by the majority. The root of the evil lies deeper. The drawbacks are inherent in the system itself. They were pointed out at the time as the great disadvantages of Lord Curzon's scheme by Sir Mackworth Young and by the Secretary of State for India. The grounds urged by the former, in his remarkable Memorandum, dated the 15th July 1901, against that scheme are as sound and valid to-day as on the day they were written. The "difficulties" of the latter, as embodied in the 5th, 6th and 7th paragraphs of his Despatch of the 20th December 1900 and pointedly referred to by him in his final Despatch of the 20th September 1901 in reluctantly giving his "general approval" to that "experimental" measure, have gained in force by experience of its actual working.

24. Sir Mackworth Young, in his memorandum of the 15th July 1901 to the whole of which I invite the careful attention of the Government of India, wrote that "*the miniature administration which it is proposed to constitute will be much less efficient than that which now exists as part of a large provincial organisation*" and said that "*there will be a marked downgrading in every branch of the internal administration in the next half century.*" Further on he observed: "I need not enter at length into the causes of this. They occur under the heads of supervision and recruitment. The deterioration will not be apparent for some time as the posts of the new Administration will be filled at starting with the best material available and the administrative machine will run on the old grooves without the full supervision hitherto exercised. *But as time goes on, the defects in the system will make themselves felt.* Efficiency in a department will be in direct relation to the energy and the quality of the supervision; but *in the new Province expert supervision will not be available in each department; the supervision of the several departments will rest with a single officer, and that of others with officers of a status less than that of the Head of a Provincial Department. The sphere of the new Province will not afford a training ground for the acquisition of a large and varied experience* and men capable of supervising several departments will not, ordinarily be forthcoming in the new cadre." He added: "The method of settling this long debated frontier question * * * has been arrived at without any opinion from the Punjab Government having been asked. I have given my reasons for objecting to this procedure and the

Government of India have dealt with my objection. I have not thought it proper or necessary to make any rejoinder. But I wish not to be misunderstood. *The method of solving the question, which has been adopted, is not mine.* The scheme, to which I have devoted much attention and pains, is *not framed upon lines which I can approve*, and I put it forward with anything but a light heart. *It is open to all the objections which have been pointed out by the Secretary of State and some others.*" (Italics are mine.)

25. The Secretary of State for India who dealt with this question from 1898 onwards until the decision to form this new Frontier Province was arrived at in 1901 was the Right Honourable Lord George Hamilton. He was from the commencement till the end fully alive to the "unavoidable drawbacks" of the scheme and its attendant "difficulties" and "disadvantages". In his despatch of the 5th August 1898 he observed: "It is open to question whether it is altogether advisable to place *in the hands of a single Commissioner* the whole executive power *on both sides* of this most important section of the Empire's external frontier, *without the restraint which trained experience of a financial and administrative responsibilities on a large scale imposes upon an authority charged with the government of a first-class province.*" Lord Curzon in his famous Minute on his scheme for the formation of a Frontier Province, urged in reply to this: "I may say that exactly the same objection was raised when Baluchistan was converted into a separate administration, and that it proved to be entirely groundless; and that I would not myself propose for one moment to appoint as head of the new province any officer who was destitute of financial and administrative experience". The Secretary of State, in his Despatch of the 20th December 1900, put forward his objection afresh in more explicit terms disposing of Lord Curzon's reply to him. It is contained in the 5th paragraph of his Despatch, which is so important that I think it necessary to quote it bodily:—

"5. The *staff* of the new Frontier Province will *not be large*, and the Governor-General's Agent at its head will have *two very different sets of duties* to perform and supervise. In respect of the Frontier tribes his duties will be political, and his policy will be under the direct control of your Government. But in the case of the settled districts, which you propose to detach from the Punjab, *it is clearly undesirable that the people having already enjoyed the benefit of a highly organised administration with its careful land settlements, its laws and regulations, and the various institutions of a progressive Civil Government, should be thrown back from the stage which they have already reached.* The Governor of a large province not only possesses a special and large experience of British administration, but can summon to his aid and counsels Heads of Departments and Commissioners of Divisions whose advice may be of the utmost value. The Governor-General's Agent will not, without special arrangements, be able to count upon such assistance. I have not overlooked the fact that Your Excellency intends to draw upon the Punjab for skilled officers in the subordinate branches or in the technical departments, but *I am not satisfied that this will meet the whole case*; for the important question of superior direction remains to be dealt with. Nor does recent experience in Baluchistan appear to me to be altogether relevant, since no part of that agency can claim to have a district, or part of a district, in any respect so advanced and settled as the Trans-Indus British districts which you propose to detach from the Punjab". (Italics are mine.)

26. In the 6th paragraph of his Despatch, the Secretary of State laid stress upon the necessity of attaining and preserving a *very high standard of individual efficiency* in administrative as well as political duties, and added:—"It seems to be probable that in so small a province it will not be easy to keep the staff at the requisite level of efficiency, unless *picked officers* are *largely imported from other provinces*, a measure which can hardly fail to produce discouragement among the regular staff of the province by retarding promotion in the lower grades". How far this "very high standard of

individual efficiency" has been preserved in the new Province will be clear from the fact that when it was started, 7 out of 8 Munsiffs were Graduates, whereas now out of 9 permanent Munsiffs only 1 is a Graduate. Besides, now no minimum educational test is in practice insisted upon for recruitment of the staff. Appointments of candidates have actually been made and confirmed without their even passing the departmental test. The smallness of the cadre and deterioration in the quality of the material recruited have thrown back the Province and the "downgrading" which Sir Mackworth Young predicted would be markedly observable in every branch of the internal administration "in the next half century" has been brought about much earlier by the authorities responsible for the civil administration of the districts having treated with scant courtesy the injunction given by the Secretary of State in the 6th paragraph of his Despatch.

27. In the 7th paragraph of his Despatch the Secretary of State laid emphasis on another point of great importance, "In remarking", he observed, "that the need of a strong administration equipped with all the resources of Government would be felt on the Frontier, I did not refer to the political administration. I referred to the advantages that must accrue to the Frontier districts of British India from *the application to them of the ways and means at the command of a first-class administrative unit*". He proceeded to illustrate these advantages by pointing out that "the construction of roads, bridges, rest-houses and hospitals, and *generally the assignment of provincial resources to a particular district*, may be of the utmost value and *are best secured if the district is an integral part of a large province*." There was another advantage of paramount importance which he expressed in these words:—"In times of disturbance or threatened danger a large province can draft in additional police, procure transport, change local officers, and do much to prepare for troubles before they arise or assume the form of military operations." Finally, in that paragraph, he expressed his hesitation and doubts in according sanction to Lord Curzon's scheme by making the following significant remark:—"If it is necessary to transfer settled districts from the control of the Punjab Government, and to place them under the same administration as the adjoining tribal country, it is important that the possible results of such a policy should be fully considered and provided for".

28. Lord Curzon, in justification of his scheme, made the following claim:—"I have shown good reason for believing that the scheme which I have proposed, so far from increasing, may possibly even diminish our annual outlay". With reference to this, the Secretary of State in the 8th paragraph of his despatch, said that he hardly anticipated, judging from general experience, that Lord Curzon's preliminary estimate will not have to be modified and, while not desiring to lay down any fixed limit in the matter, trusted "that *no pains will be spared to prevent the imposition of any unnecessary burden on the revenues*". How far this expectation has been realised, the Government of India need hardly be told. They are already aware, I take it, that this Province has immersed them more than waist-deep into a financial morass. My colleagues of the majority approach them with proposals which would make them sink neck-deep into it.

29. If Lord Curzon's trans-frontier policy has proved a failure at the first 'What then is the solution of the real test to which it was put, if the problem? system of civil administration of the settled districts, which his scheme brought into operation is also proved by experience of its working for the last 20 years to be still open, if anything with greater force, to all the objections which were then urged against it by Sir Mackworth Young and the Secretary of State for India, and if, further, the proposals of the majority to keep this miniature Province, as at present, a separate entity and to introduce into it a "full-fledged constitution", "with all the essentials of reform enjoyed by a major Province" are out of the question on the various grounds urged in the foregoing paragraphs, what is the solution of the problem? That involves an answer to the following two questions:—

First, what is the trans-frontier policy which is to be pursued and what are the arrangements to be made in order that it may be properly carried out.

Secondly, what is to be done to secure to the people of the settled districts the manifold advantages of a well-organised and progressive administration which, from the points of view of efficiency and economy, would be more satisfactory than the continuance of the present arrangements?

As to the first of these two questions, the answer is *one* of the following two courses:—Either (a) controlling the tribes without annexing them; or (b) occupying and administering the tribal area right up to the Durand line. As to which of these is the right course to pursue is more than I can pronounce an opinion on with any degree of confidence, much less with authority. I confess, however, that I have a predilection in favour of the Sandeman policy which has, as its basic idea, the former of the two courses. But, in any case, I rule out the policy of attempting or making a make-shift peace with the tribesmen, necessitating, on its non-acceptance or breach, a punitive expedition followed by withdrawal, leaving behind it a legacy of tribal hatred and causing tribal emboldenment by the apparent weakness of the withdrawing Government. I mean by the Sandeman policy, a policy which was carried out in Baluchistan to a logical conclusion with a definite purpose by Sir Robert Sandeman. He was a man of great personal character who when he had set his hand to the plough would not look back, who employed the troops always as a support in his enterprises to ensure submission, and by rapidly seizing points of territory behind the tribes at once dominated them; who placed on the leaders and maliks of the tribe the responsibility for maintaining order and strengthened their position by every means in his power; who looked upon the system of keeping the tribesmen quiet by bribery, unless in return for some definite service rendered, as the one sure means of building up trouble in the future and of leaving a legacy of punitive expeditions of the "burn and scuttle" type to future generations. Finally who proved that it is possible to cultivate friendly relations with the tribesmen and to control them without annexing them. Sir Robert Sandeman always realised that to maintain order you must remove the causes of lawlessness and gradually introduce the groundwork of civilisation, and supply the tribesmen with the means of earning an honest livelihood by developing the resources of the country to the utmost.

It is this course in favour of which, as I have said above, I have a predilection. The other course of "occupation and administration up to the Durand line," that is to say, a downright forward move without mincing matters, has also its votaries and expert authoritative exponents. Sir George Roos-Keppel was strongly in favour of it. Mr. Barton, Resident in Waziristan, was equally convinced of its necessity and efficacy. The military authorities see no other way to the solution of the problem. Several witnesses before the Committee, including even some Muslim witnesses, have earnestly advocated it.

But whichever of these two policies is to be pursued, it is necessary, in order that that policy may be successfully carried out, to do away with the present faulty system of the Chief Commissioner having "two different sets of duties to perform and supervise," as the Secretary of State for India put it in the 5th paragraph of his Despatch of the 20th December 1900. He must be placed in a position to give his undivided attention to the steady and strenuous pursuit of that policy. It is essential, therefore, to sever his duties in regard to tribal management from his administrative duties in connection with the settled districts. He must be, pure and simple, Agent to the Governor-General of India, North-West Frontier Tribal Tracts. In carrying out the onerous duties of that high office, with the assistance of his subordinates, the Political Agents or Residents, he will be responsible for the behaviour and well-being of the tribes under his control, so as to take effective measures for preventing their raids into the settled districts,—apparent indifference towards which was argued according to Sir George Roos-Keppel by Government's failure to embark on a Forward Policy. Rai Bahadur Lala Thakur Datta, the oldest and the most experienced Indian official, whose qualifications to speak with

authority on the questions before the Committee I have already mentioned in a previous paragraph, says in his Memorandum :—

“ The sad story of the miseries and woes of our subjects would give a tremendous shock to the British people, and to the civilized world, if the tales of murders, dacoities, robberies, kidnapping and other crimes, from which they have suffered at the hands of the tribesmen, could be laid bare and published. Let the Agent to the Governor-General be relieved of his duties in connection with the internal administration of the five districts and I am confident that a change for the better will come in our dealings with trans-frontier tribes. He will then have to show how far his policy and measures adopted by his Political Agents have been successful in preventing raids and keeping peace ”.

The ideal arrangement, if it were practicable, would no doubt be to separate off from the settled districts every portion of the tribal tract, immediately adjoining every district. But administrative convenience in respect of “ not purely external ” relations with the tribes necessitates the Deputy Commissioner of the district retaining the political control, which he has, at present, of “ the immediate ‘ hinterland ’ of his district ” so as to have charge of “ clans which march with British territory ” as distinguished from those “ who are far removed from the border line ” and in regard to whom separate political agencies have been formed unconnected with and independent of the civil administration of the settled districts.

That brings me to the second question as to what is to be done to give to the people of the settled districts the advantages of a civil administration which will be more progressive and more efficient and, at the same time, less burdensome to the central revenues. My answer is that there is no other way to do it than by making the five settled districts again “ an integral part ” of the large Province from which they were cut off only 20 years ago, so that these five districts together with the political control of the adjoining tribal area which is at present with the Deputy Commissioners of the districts should be restored to the Punjab Government and made, for all purposes, part and parcel of the Punjab in every branch of its civil administration. In that course alone lies the real well-being of the people. In that course alone lies also the salvation of the central revenues.

30. Several witnesses before the Committee have shown how the interest of the people and of the administration are prejudicially affected, and how the central revenues are subjected to an unnecessary burden, on account of the smallness of the Province. In order that the Government of India may have some idea of this matter, I will draw their attention to a few of the points having a direct bearing on it.

Major C. I. Brierley, I.M.S., who has been for 10 years Civil Surgeon, Peshawar and District, and 6½ years Superintendent, Peshawar District Jail, said in his memorandum :—

“ I know my subordinates to be in favour of the Department, *i.e.*, the Medical Department, being reverted to the Punjab.”

“ I am also myself somewhat in favour of it.”

“ There is no doubt that Assistant Surgeons and Sub-Assistant Surgeons would have more scope for good work and would have the chance of getting better billets.”

“ This Province in my opinion is somewhat small for an efficient Medical Department. There are only two large hospitals, the remaining posts are more in the nature of dispensaries.”

“ Regarding jails, I am in favour of the Jail Department reverting to the Punjab and I know the jail subordinates are in favour of this.”

"The Province is too small for a separate Jail Department. Promotion is slow and there is no chance for jailors to earn the highest pay of their Department."

"There is no central jail and for this reason they do not get the same chances of learning their work. The same applies to warders".
(Volume II, page 60.)

In his oral evidence, Major Brierley stressed these points and said he should prefer the Jail Department being transferred to the Punjab Government and as to the Medical Department, he was of opinion that, economically, it would be better to transfer the whole of the Medical Department to the Punjab. (Volume II, pages 72-73.) Major Brierley's memorandum and his straightforward oral evidence (given at Abbottabad on the 30th May 1922) created apparently such an uncomfortable sensation in the mind of either the Secretary or the President of the Committee or both that the Secretary, presumably with the knowledge and consent of the President, but *without taking the sense of the Committee*, sent a copy of his memorandum and oral evidence to the Chief Medical Officer, North-West Frontier Province, requesting him to send "an expression of opinion on the proposals and suggestions contained in the written statement and oral evidence of Major C. I. Brierley, I.M.S., before the Frontier Enquiry Committee." The Chief Medical Officer asked, on the 15th July 1922, for the opinion of the Superintendent of the Peshawar Jail and along with his opinion forwarded his own to the Secretary of our Committee, who has inserted them between Major Brierley's memorandum and his oral evidence! The statements of these two officers are intended to detract from the value of Major Brierley's evidence, which cannot thus be discounted by the opinions of these two officers, which the committee had no opportunity of putting to the test of cross-examination. As to the Medical Department, even Sir John Maffey admits that there would be a saving by amalgamation with the Punjab as the post of the Chief Medical Officer "might be abolished without any countervailing officer being added to the Punjab establishment". (Volume I, page 110, lines 36 and 37.) Lieutenant-Colonel James, officiating Secretary to the Chief Commissioner, made the following admissions in his evidence in reply to questions asked by my colleague, Rao Bahadur T. Rangachariar:—

"Q.—If this province were amalgamated with the Punjab you would have the advantage of all those officers in the Punjab, *viz.*, the Inspector-General of Registration, Director of Agriculture, Registrar of Co-operative Societies and so on: all these functions you are now performing as Revenue Commissioner, is it not?"

A.—Yes.

Q.—By amalgamation with the Punjab there is the advantage of the agencies already existing there?"

A.—Yes, certainly.

* * * * *

Q.—No Co-operative Society has been started. Do you consider it essential for the Province?"

A.—I am in favour of it. Proposals are under consideration.

Q.—When you have considered the disadvantages arising from amalgamation, I wish you to consider the advantages accruing from it. The Education Department in such a small province is overmanned?"

A.—I agree.

Q.—The Medical Department?"

A.—I agree.

Q.—The Irrigation Department ?

A.—I agree.

Q.—The Jails Department ?

A.—I agree.

Q.—Can the Agricultural Department safely go ?

A.—I am not sure of the Agricultural Department, for this reason that it requires careful fostering. It wants a man on the spot to foster it.

Q.—Since we have referred to it, I want to know how many agricultural schools you have here ?

A.—We have got a farm here, but no school.

Q.—How do you expect to stand financially this year so far as your agricultural farm is concerned ? Will it be a profitable concern ? I see you have been working it at a loss of about Rs. 49,000. Surely by selling seeds, grain and young plants you should have made a profit ?

A.—The pay of the Agricultural Officer and the staff will be the loss. You cannot include that. The experimental stage in the selection of wheat is over and we will now sell the seed, which has become popular." (Vol. II, pages 450-453).

It may be noted here that experiments and botanical researches have already been made in the Punjab in regard to wheat and there are two varieties known as Punjab-11 and Milne's 8-A, and in one year, 1920-21, the acreage sown under Punjab-11 increased from 377,500 acres to 634,000 acres. There are three experimental farms already in the Punjab—at Lyallpur, Gurdaspur and Hansi. Where was the need of spending money for the selection of wheat in an experimental farm in the North-West Frontier Province, when the result of the Punjab experiments and researches could have been availed of ? In their commendable zeal to have provision made for as many conveniences as possible for this small province, the officers hardly seem to think of the burden on the central revenues that they thereby impose. Several witnesses have pointed out the enormous amount of something like 7 lakhs of rupees spent in erecting a huge building for the Training College of the province at Peshawar, the annual expenditure of which is said to be about Rs. 25,000, and the net result of all this is that there are only 6 or 7 students studying in the second year class. "If these 6 or 7 students could go to Lahore, I think the expenditure would be," said a witness, "about Rs. 3,000 a year." I do not think it is necessary to dilate on this point. I have been shown some notes in the Finance Department on the statements prepared by Mr. D. N. Dutt of the Audit Department, of the revenue and expenditure of the North-West Frontier Province from 1918-19 to 1922-23, which is to the effect that the administration has very little real incentive for economy. That is true enough. But the fact of the matter also is that, in a miniature province like this, either the people have to lag behind in progress, or, if they have to make any headway, a properly equipped administrative machinery has to be set up at comparatively too heavy expenditure, both initial and recurring. And so

some of the thoughtful witnesses before the Committee urged that, if not to-day, at no distant date, the Government of India, out of sheer financial considerations, if not any other, will have to re-amalgamate the five settled districts of this province with the larger administrative unit of the Punjab.

31. The majority, in paragraph 5 of their Report, in giving their "general impressions" regarding "the main currents of opinion" on the question of reamalgamation of the settled districts with the Punjab, have given a version, which is not supported by the record before the Committee. Before proceeding

Public opinion of the province, urban and rural, favours reamalgamation with the Punjab.

to shew that it is incorrect and inaccurate, it is necessary to quote what they have asked the Government of India to believe. Here is the passage in which their "general impressions" are embodied:—

"We made no attempt to count heads. We endeavoured to follow up the main currents of opinion, to gauge the strength of the opposing forces and to probe the validity of the arguments that impelled them. We found two main currents. *Hindus and towns are generally in favour of amalgamation. Muslims and villages are generally in favour of a separate province.* There are of course cross currents. Thus many Muslims especially in the towns favour amalgamation; many Hindus especially in the villages on the border are against it. But the courses of the main currents are well-defined, and if the question were to be decided by numbers only, the vast preponderance of the rural and Muslim population over the urban and Hindu population would have enabled us to cut our labours short by a summary verdict against amalgamation." (Italics are mine).

It is difficult at first sight to understand the majority's curious classification and division of "Hindus and towns" on the one hand and "Muslims and villages" on the other. But what they mean to convey is apparent from what they say in paragraph 37 of the Report:—

"But whereas *most of the Hindus of the province, and the urban Hindus in a body, demand satisfaction of their political aspirations in a larger entity, the majority of the Muslims, and the Pathans almost to a man, will not be content with the fulfilment of their political aspirations save within their own province. We felt this cleavage between Hindu and Muslim on the frontier.*"

And in paragraph 51, the majority make their meaning clearer still, when they unburden themselves in these terms:—

"The prospect on the Frontier if all-India interests are tampered with and an attempt is made to crush the Pathan's will for self-determination in order to gratify the supposed interests of a tiny minority, we decline for our part to contemplate."

It is clear from the passages quoted above that the majority ask the Government of India to believe that the demand for re-amalgamation with the Punjab is in reality the demand of the "tiny minority" of the Hindus of the Province only, and that "the majority of the Muslims and the Pathans almost to a man," or, as they put it, "Muslims and villages" are against amalgamation and "are for a separate Province." And to show how insignificant the "tiny minority" is, they quote, in a foot-note to paragraph 5 of their Report, the figures from the census of 1921 of the total, urban and rural, population of Muslims, Hindus and Sikhs. Their figures include, of course, both males and females.

32. I question the correctness of the view which the majority have given to Government of the real character of the public opinion of the Province on this question as also of the method and the view-point which they have adopted in advising Government on this matter. Before showing, however, what that

public opinion really is, I will invite the attention of Government to a few figures which may enable them to approach the consideration of the subject with a correct perspective and from the right point of view. The following figures are taken from Tables VIII and IX of the 1921 Census Report, Part II, of the North-West Frontier Province:—

	Males.	Literates.	Literates in English.
Pathans	4,80,172	11,142	1,447
Saiads	47,671	2,259	379
Other Muslims	5,94,536	18,925	2,153
Total Muslims	11,22,379	32,326	3,979
Hindus	1,14,122	36,718	5,078
Sikhs	23,161	10,860	963

The figures for those who are of the age of 20 and over are as follows:—

	Males.	Total.	Literates.	Literates in English.
Muslims		5,71,824	22,584	2,598
Hindus		78,387	29,014	3,981
Sikhs		16,317	8,856	788

In volume III of our proceedings there is a tabular statement (Appendix No. 16) at page 44, showing in Rupees the amount of Income-tax paid by Muhammadans and Hindus residing in towns and cities which have got Municipal Committees in the North-West Frontier Province, from which the following figures are extracted:—

District.	Income-tax paid by Muhammadans.	Income-tax paid by Hindus.
Peshawar	28,520	94,487
Hazara	5,969	70,980
Kohat	9,998	37,322
Bannu	2,644	35,464
Dera Ismail Khan	10,682	1,19,315
Total	57,813	3,57,568

Thus the "tiny minority" of Hindus pays more than 6 times the amount of the Income-tax paid by the Muhammadans, or not less than 86 per cent. of the total Income-tax collected from the towns and cities in the five districts mentioned above. They form a large body of literates in the Province, much larger than the number of literates which the whole of the Muslim community in the Province can lay claim to. As tax-payers contributing so largely to the central revenues and constituting such a large percentage of men of education and culture in the Province, the Hindus did not deserve the contemptuous treatment which the majority have accorded to their views, supported, as they are, as the record before the Committee shows, by the bulk of the Muslim intelligentsia of the Province, in preference to the *supposed* views of "Muslims and villages," that is to say, of the vast illiterate Muhammadan population of the Province. I use the word "supposed" deliberately, because I propose to show that the Muslim opinion of the districts is more *for* than *against* amalgamation. Personally I do not attach weight to this opinion as I do not think that the political, administrative and financial questions involved in the Committee's terms of reference are at all capable of being understood by people of this class. I entirely agree with what was urged before the Committee by a well-educated Pathan witness, Qazi Mir Ahmad Khan, B.A.,

LL.B., Vice-President, Municipal Committee, Peshawar, General Secretary of the Joint Committee of the citizens of Peshawar, and Secretary, Bar Association, Peshawar, who, after pointing out that "an attempt has been made by the votaries of the present system to get those who are called "khans" by the officials to say that they are quite happy under the present system of administration," proceeded to make the following observation:—

"Here the case is that one system of government is superior to another under the same State and the five districts have already been weaned from the superior system. The State wants to know whether they should be restored to that system again or not. *It is not for the uneducated to decide it.* It is for the educated to submit their views on the working of the administration and even if the uneducated were to say that they do not want the superior system it is the duty of the State to give them the best government they can." (Vol. I, page 325).

As I have already said, this coincides with my view. However, as the majority have attempted to represent to Government that "Muslims and villages are for a separate Province," I proceed to show that this assertion is contrary to the facts brought out in the course of our enquiry. The Committee received numerous memorials from Muslims and Hindus residing in the districts of the Province. They have been classified, tabulated and summarised in Vol III of our Proceedings. I omit the Hindu memorialists from the summary (Vol. III, page 90) and take only the Muslim portion of the memorialists and the result is as follows:—

No.	District.	Muslims for amalgamation.	Muslims against amalgamation.	REMARKS.
1	Peshawar District	4,494	181	The 181 Muslims have laid down certain conditions. If these cannot be fulfilled, they are for amalgamation.
2	Kohat	1,890	715	
3	Bannu	1,365	6	
4	Dera Ismail Khan District	881	1,421	
5	Hazara District	2,916	1,055	
Total for five Districts		10,548	3,378	

If we take the total for the preponderantly Pathan Districts of the Province only, namely, Peshawar, Kohat and Bannu, we find that 7,249 Muslims are for amalgamation and 902 only are against amalgamation. Out of these 902, the Peshawar lot of 181 in a block demands certain conditions to be fulfilled, failing which they join in a body their brethren who are for amalgamation. One of the conditions is that "they should be given free land to settle upon, whenever there are new lands in the Punjab or elsewhere designed for this purpose." One remarkable feature of this vast preponderance of "Muslims for amalgamation" over "Muslims against amalgamation" is that this has taken place in spite of the fact that Tahsildars went about taking signatures of villagers to petitions against amalgamation. Groups of ignorant villagers were brought before the Committee, in all seriousness, as exponents of the rural view against amalgamation, led very often by Khan Bahadurs, M.B.Es., O.B.Es., or other title-holders! The poor villagers, when asked who drafted or wrote out their petitions, or before whom they signed them, blurted out the truth; e.g. :— One group:—

"We all came to the Tahsildar and asked him to give us a man who wrote it for us and sent it to the Deputy Commissioner. It was written out. The Tahsildar called me and then I signed it. Then we sent it to the Deputy Commissioner." (Vol. I, page 416.)

Another group:—

“ We are illiterate, but the Tahsildar asked me that we should put in writing what we had to say. We told him that he should draft the petition for us and after drafting the same he read it to us: We authorised the Tahsildar to act as Munshi for us for the time being. He drafted the petition for us, and after he had read it out to us we signed it.” (Vol. I, 446; see also pages 447, 448.)

Some of these poor villagers, when questioned as to what was contained in their petitions, said that they did not know, or that they never signed the petition or that they did not agree to what was read out to them as a portion of the petition. At Kohat, I was greatly amused when I received from our pains-taking Secretary copies of two petitions, each of five type-written sheets, one purporting to be signed by one set of representatives of some villages and another by another set of representatives of some other villages, but *both identically the same, word for word!* The explanation is obvious. The Tahsildar was abroad! Some of the villagers said that they were against amalgamation, because “ we got alarmed and thought we would be disarmed and that all Government rifles and other weapons would be taken away.” When asked who told them that this would be the result they said “ it is a general belief.” (Volume I, page 479.) Others, although they came and said that they were against amalgamation, admitted that “ *with the exception of a thousand or two* ” of the Musalmans of his district, all the others were against amalgamation. (Vol. I, page 413.) “ There are many Zemindars in my village,” said another witness “ who are in favour of amalgamation.” I will now put to another test the majority’s representation to the Government of India that “ Muslims and villages are for a separate Province ” and that in this matter the “ cleavage ” is between “ Hindu ” on the one hand and “ Muslim ” on the other. There are several witnesses, I will choose only a few, whose testimony shows beyond a shadow of doubt that Muslim rural opinion, including *Pathan* opinion, is more *for* than *against* amalgamation.

33. M. Moaz Khan, Lambardar of village Bhana Mari, a respectable grey-headed old gentleman, belonging, as Peshawar District Pathans. he said, “ to the family of *Orakzai Pathans*,” “ who came from independent territory in the time of Shah Jahan Badshah,” urged that “ the five administrative districts may be separated from the five agencies ” and requested “ that the administration of the five districts may be amalgamated with the Punjab as it was in the year 1899.” “ I want this province to go back to the Punjab ” he said. Asked by my colleague, Mr. Rangachariar,

“ Q.—Is this view of yours shared by other Pathans ? ” He answered:—

“ A.—This is the opinion of most Pathans, other than Khan Bahadurs. *Zemindars and poor people entertain this view.* ”

My colleague, Chaudhri Shahabuddin, asked:—

“ Q.—How do you say that except the Nawabs, all Mussalmans of this district are in favour of amalgamation ? ”

His answer was:—

“ A.—I am a resident of Bhana Mari and I ask every body who passes and they tell me.”

The witness, when asked, whether he considered the province was large enough for a Legislative Council like the Punjab, answered:—“ I do not consider it a practical proposition ”. Asked further, “ Supposing this province was given a more efficient administration which cost more, would the people bear additional taxation ? ” he said:—“ The province is too poor to bear increased expenditure. It cannot do without the Punjab.” (Vol. I, pages 375-377.)

34. Risaldar Sajid Gul (Retired), Syed Sikandar Shah and Malik Latif Khan, bringing with them a Hindu Kohat District Pathans. villager also, by name, Lala Damodar Das, came before the Committee as representatives of *Khattack Ilqua* of the Kohat

District. Malik Latif Khan, of Lachi, presented a memorandum signed by 182 signatories belonging to several villages in their *Iloqa*, urging re-amalgamation with the Punjab, in the last paragraph of which they said :—“ We beg to point out that any other different statement received by the members of the Committee would be from such people as do not represent the race. It must have emanated from those only who enjoy special advantages in the present régime.” Their spokesman, Risaldar Sajid Gul, gave reasons why they wanted re-amalgamation with the Punjab. In answer to a question asked by the President, he said :—

“ I want to be amalgamated with the Punjab. I have two objections for remaining separate ; in the first instance, we have not got men competent and qualified to sit in the Council and therefore we want to have training for 20 or 30 years in the Punjab. In the second place, we have no money to meet the additional expenses for the establishment of Councils in this province. The third difficulty is about language and customs. We do not agree with the Khan in his view. The people of the Punjab are more advanced and they will come here in large numbers and conduct schools and colleges. That will be the benefit which they will draw from the Punjab. I can cite the case of Mubammad Ashraf who is a Punjab pleader and who has come here and taken up the cause of education. He has been the chief cause for the establishment of the Islamia High School in Kohat town. If we are connected with the Punjab there will be many advantages.”

He was asked how many people from his *Iloqa* were in favour of this view, and he answered that “ Sixty per cent.” of the people of his *Iloqa* were in favour of amalgamation. (Volume I, pages 471-472.)

35. At Bannu, we were again left to draw our own inferences from the groups of villagers headed by Khan Bahadurs as their leaders and spokesmen brought before us. One group was headed by Khan Bahadur Zaffar Khan, claiming to represent the views of the Marwat clan. Unfortunately for the view of the majority, the very first sentence of the memorandum of this group urged :—

Bannu District Muslims.

“ The five settled districts of the North-West Frontier Province should be separated from the Political Agencies and the Frontier Crimes Regulation may be enforced in the Political Agencies.”

Then they asked for the province not to be re-amalgamated with the Punjab. As to the Legislative Council for the province, the following Questions and Answers will serve to give to the Government of India an idea as to how far the majority's proposals for full-fledged reforms are supported by the Pathans themselves :—

“ Q.—Therefore your scheme is for having to-day inaugurated in this province the whole of the reform scheme that obtains in the Punjab at this moment ?”

“ A.—Yes.

Q.—That is to say, a Legislative Council with an overwhelming elected majority, first ?

A.—No, members nominated by Government should be more in this Council than the elected members.

Q.—Therefore it follows that you do not want for this province the same reform that obtains to-day in the Punjab ?

A.—The people of this province have got factions between them and that might lead to something wrong.

Q.—That means then that you do not want in this province a Legislative Council formed on the same lines as in the Punjab ?

A.—Nominated members should be more than the elected members, otherwise there will be many quarrels and feuds.” (Volume I, page 587.)

The Secretary of the Anjuman and three others appeared before the Committee at Bannu. They were all members of the Bar but three of them said they appeared as "representing the Moslem community". They summed up their view in these terms:—

"We want complete amalgamation, failing which, we shall wish for judicial amalgamation if the internal arrangement not merely of appeals, but of the judiciary also is vested in the High Court. If that is not feasible then we do not want judicial amalgamation but complete reforms in our own province. This was our unanimous opinion." (Volume I, page 611.)

But these gentlemen voiced what may be called the view of the Muslim intelligentsia. There came, however, before us at Bannu two Muslim non-co-operators to assist the Committee with their views on our terms of reference although it was against their avowed political creed to render such assistance to a body appointed by Government. There can be no gainsaying that non-co-operators, on account of their constantly moving among the masses, are in a better position than most of those educated persons who live in towns to know what the real feeling of the masses is on topics of general importance. The senior of the two in his oral evidence stated:—

"The unanimous opinion of the people of this district is that this province should be amalgamated with the Punjab. Even the Khans and others want this province to go to the Punjab." (Volume I, page 617.)

I need not repeat the remark I have already made that personally I do not attach weight to what the mass of the illiterate people think on the subject of our enquiry. I am only placing before Government material to enable them to judge for themselves how far the majority are justified in representing to them that the demand for amalgamation is only a Hindu cry and that "the majority of Muslims, and the Pathans almost to a man"—"Muslims and villages"—are against amalgamation and "are for a separate province".

36. Here is the testimony of "Multani Pathans" of the Dera Ismail Khan Districts. Their memorandum submitted by Nawab Habibullah Khan before the Committee is printed at pages 701 to 707 of Volume I of the Committee's Proceedings. At pages 706 and 707 will be found a list of 32 signatories at the end of which the following remark is made:—

Dera Ismail Khan District.
"Multani Pathans" of "every tribe"
are "unanimously in favour of"
complete amalgamation."

"N.B.—This list includes all Multani Pathans of every tribe and all of them are unanimously in favour of complete amalgamation."

The memorandum contrasts the state of things which prevailed immediately before the separation from the Punjab with the state of things which has come into existence since. "The roads were then quite safe, life secure and dacoities absent." "I often travelled from Dera to Tank at night during the summer season with safety and without an accident." Now such a state has been reached that "travelling by road from Dera to Bannu, from Dera to Tank and various other roads" has become "unsafe and insecure". "Life of the Hindus being the most unsafe, they have deserted their original homes and have now mostly settled in Bhakkar, Kalurkot, Darya Khan, etc, in the Punjab and in Dera proper." How things were managed by the Punjab Government, how expenditure has now considerably increased, how raids cannot be stopped unless these trans-border tribes are blockaded, etc., etc., is then dealt with and the memorandum proceeds to say:—"Twenty years of the administration of the Frontier Province has convinced us of the necessity of immediate change". In his oral evidence the Nawab gave it as his opinion that he was against setting up any local Legislative Council, as it would be expensive and that a separate University would also be useless expenditure. He urged that the five districts had "gone back instead of progressing" since they were formed into a small separate Province and he favoured the idea that in case of re-amalgamation with the Punjab, "the small agencies which are at present under the Deputy Commissioners" may go over to the Punjab. "It would

be a good thing if they go to the Punjab". "But", he added, "it depends on the choice of the Government of India". "Reprisals in order to be useful should be," he said, "carried out in the agencies". Asked what policy he would recommend in regard to the trans-frontier tribes, he said:—"Yes; military occupation is desirable, but Political Agents are necessary. The military force including the constabulary should remain at the disposal of the Political Agents, because whenever an opportunity occurs these tribesmen will even shoot the Political Agent also". "In other words, you mean that you cannot trust the independent territory people" he was asked, and he answered:—"No, I cannot trust them". He was strongly in favour of judicial amalgamation with the Punjab under its High Court, on the grounds that "judicial work will be better done and people will get better justice", and he agreed that "the general tone of the service will be better". He was President of the Public meeting held at Dera Ismail Khan in May 1922, which, he said, was well attended and the majority of the people present at the meeting were Mahomedans. With one dissentient, the meeting passed a Resolution in favour of complete re-amalgamation of the Province with the Punjab. (Volume I, pages 707-724.)

There appeared before the Committee the Chief of the famous Gandapur Tribe of Pathans to give evidence in favour of re-amalgamation with the Punjab. If anybody could legitimately boast of "an aristocratic descent and pure unalloyed Pathan blood running in his veins," or rightly took pride "in the quality and quantity of the tribe" of which he was the honoured Chief and who could claim to be "the biggest Zamindar in the District," it was this witness. He had submitted a memorandum written by him in English in which he advocated re-amalgamation of the Province with the Punjab because, as he put it, "Policy demands it; Justice calls for it; Humanity is interested in it; Economy desires it; Law of self-preservation needs it." He was asked by me whether he could say what the opinion of the majority of the Mussalmans in the District was on this matter, and he answered:—

"So far as my knowledge goes, the majority of the Mussalmans desire amalgamation with the Punjab."

37. The very first witness at Abbottabad, Rai Sahib Permanand, whose family has settled in the District since 1860, and who has been practising at Abbottabad as a Barrister-at-Law for 20 years, said, in reply to a Question by the President:—

"The general opinion of the public, if one goes to villages, if one talks with Khans, lambardars, they all say they would like to go to the Punjab, rather than remain with this province. That is the general opinion."

My colleague, Rao Bahadur T. Rangachariar, pursued the matter further, with the result given in the following Questions and Answers:—

"Q.—You spoke about the general opinion of this district; on what do you base your belief that the general opinion is in favour of re-amalgamation?"

A.—The one reason is that we come in contact with nearly all classes of people and from the opinions gathered we came to that conclusion. There is nobody who feels satisfied that he is better off by remaining separate from the Punjab. Since the time the Enquiry Committee has been established, these are the signatures which people have sent from villages, saying that they are all for amalgamation with the Punjab.

Q.—Who collected those memoranda?

A.—These memoranda were written by some of the residents of those places, some were sent to the Bar Association, some Pathans sent them from their own villages to the Secretary, Bar Association, or to me, or to other people who gave them to us.

Q.—Do you want to file them ?

A.—Yes. That is the general opinion. We have spoken to the Khans and big people, who have told us that if we wanted their opinion they were *for* amalgamation ; but if they had to give an official opinion they could not give their true opinion because the officials were on the side of non-amalgamation.

Q.—What do you mean by official opinion being known to be against amalgamation ?

A.—It is a well-known fact, and I think people know very well that even the Chief Commissioner has expressed the opinion that there should be no amalgamation.

Q.—Why should that weigh with the people ?

A.—Because the Khans or Khan Bahadurs who are in touch with the officials think that whatever opinion the officials have, it will be to their interest to express that opinion in accordance with the views of the officials, but I know of many who have expressed themselves differently, and when they are directly asked, they say, we are with you, *we do want amalgamation.* ”

Then he refers to “ a notice issued by all the tahsildars from Haripur, Abbottabad and Mansehra to various Khans and members of district boards that they should come on the 23rd April to Abbottabad. ” The result was contrary to what was anticipated by the poor tahsildars, for out of the 45 gentlemen who came to Abbottabad in response to that notice, 34 persons made their signatures in favour of amalgamation ! A public meeting was then called and held in the Municipal Gardens at Abbottabad under the Chairmanship of Maulvi Sultan Mir, at which *the Deputy Commissioner himself came and made a speech, explaining the issues involved in the Committee's Enquiry.* The *pros* and *cons* were thus discussed and, after several gentlemen had taken part in the discussion, *resolutions were unanimously passed in favour of re-amalgamation with the Punjab.* The meeting was largely attended by the Mahomedans of Abbottabad. (Volume II, pages 6—8.)

Another witness, Rai Sahib Dewan Chand, Government Pleader and Public Prosecutor, Peshawar, gave the Committee also an insight into what the public opinion of the district really was.

He had referred to it in his memorandum and in regard to it, he was asked some questions.

“ Q.—You say in your memorandum, paragraph 9, that the resolution passed at the public meeting in the Hazara District by all classes of the inhabitants, including Raizes, Khans and the like, indicates fairly enough to the unprejudiced mind that the people of this district would be extremely glad if the Government saw fit to amalgamate the five settled districts and so on. I take it that in your professional capacity you come in contact with all sorts and conditions of men ?

A.—I have spent nearly 25 years in Hazara District, and every man, big or small, who has anything to do with the courts here, has had some connections with me. They always open out their minds very freely to a pleader and not to officials ; we know what their real opinions are, and that is what I understand their feelings to be.

Q.—In the case of both Hindus and Mahomedans ?

A.—Certainly.

Q.—Your estimate is that the bulk of the people here are for amalgamation ?

A.—It is only one small class, the Khans who perhaps are opposed to it outwardly. Even they do not express themselves like that to us, but they find their self-interest on the other side.” (Volume II, pages 157—158.)

At Mansahra, in the Hazara District, a public meeting, *not only of the townspeople but of the people of the whole elaka*, was held on the 24th May, at which a Resolution asking for re-amalgamation with the Punjab was passed and that public meeting deputed Mr. Ghulam Rubbani, B.A., LL.B., of Mansahra, to submit their views before the Committee in favour of the Resolution they had passed. (Volume II, page 95.)

38. I do not think I need pursue this point any further. What I have already brought to the notice of Government so far is enough, I trust, to convince them that the majority have made an attempt to give them a wrong idea altogether in asking them to believe that this is all a Hindu cry, and that "Muslims and villages"—"the majority of the Muslims and Pathans almost to a man"—are against amalgamation and are for a separate Province, and thus, as they put it, there is a "cleavage" between "Hindu" on the one hand and "Muslim" on the other in the Frontier Province on this question. But that is not all. The majority go further and make use of this *supposed* "cleavage between Hindu and Muslim on the frontier" to *insinuate* in their Report that the dissent of Rao Bahadur T. Rangachariar and myself from their recommendations is attributable to our being *Hindus*, who, as such, have allowed ourselves to be swayed by our sympathy with Hindus and our antipathy to Muslims! (*Vide* paragraph 37 of the Majority Report.) Nothing could be a grosser misrepresentation of our attitude than this. Even assuming the majority's estimate, such as it is, to be true, it only amounts to this, that "the majority of Muslims" is against amalgamation; *ex hypothesi*, a minority of Muslims is in favour of amalgamation. That being so, it is surely wrong to say that the "cleavage" in the Frontier Province is between "Hindu" on the one hand and "Muslim" on the other.

39. There is hardly any need to write at length about the public opinion of Urban Muslims. That it is strongly and overwhelmingly in favour of amalgamation is made abundantly clear by the testimony of educated non-official Muslim witnesses and by the proceedings of the various public meetings held at Abbottabad and Mansehra in the Hazara District (to which reference has already been made), at Dera Ismail Khan, at Kohat and at Bannu, all presided over by prominent Muslims and at all of which, Muslims vastly predominated and took a leading part, as also the meeting held at Peshawar at the house of the biggest Mussalman of that city, Khan Bahadur Seth Karim Baksh, at every one of which, resolutions in favour of complete re-amalgamation with the Punjab were enthusiastically passed. The Resolutions passed by all the Bar Associations of the Province at Peshawar, Mardan, Bannu, Kohat, Dera Ismail Khan and Abbottabad, urging the imperative necessity and desirability of placing the judiciary and the judicial administration of the Province under the control of the High Court of Judicature at Lahore, in other words, of judicial amalgamation of the Province with the Punjab, voice the views held by the Muslim intelligentsia also on this subject throughout the Province. The idea of complete re-amalgamation with the Punjab is not a new phase of thought in the settled districts. Public expression was given to it in 1912 in memorials to His Excellency Lord Hardinge, who was then the Governor-General and Viceroy of India. Saiyed Jalal Shah and 180 others of the Hazara District sent a memorial to the Viceroy urging the "reversion" of the District to the Punjab and supporting the demand of the people of Dera Ismail Khan District as contained in their memorial. This latter memorial contains arguments the force and cogency of which have increased and become all the more apparent now by the experience of the ten years which have elapsed since the date on which it was written. The memorialists, in making out their case in favour of re-amalgamation with the Punjab, urged, among other points, the following:—

"While creating this province it was the express wish of His Majesty's Secretary of State for India to maintain the frontier districts at the stage of the administration already reached; but *the experience of full eleven years has proved that we are not where we were before the separation, on the other hand, we have been thrown some fifty years back.*"

"All the advantages of the province like the Punjab and the United Provinces are denied to us. While in the Punjab we could compete for the prize posts, could rise up to the Council, join the University Senate, and could rise hand in hand with our brethren of the Punjab, not a single boon is left to us here."

"Again, this miniature province of only five districts could not scientifically be so efficiently administered as it would be if it was a part of the bigger province."

"The officers are almost all recruited from the Political Department, and they are generally handicapped in their judicial and executive work of the settled districts by the exigencies of the political work. Even the Head of the Province has very little leisure left to him to give his undivided attention to the administration of the settled districts and the affairs of the trans-frontier and border tribes absorb much of his time and attention."

"The main purpose for which the province was created, viz., to safeguard the life and property of the British subjects against the raids of the trans-frontier tribes, does not, in our opinion, seem to have been accomplished, as the recurrence of so many raids and dacoities of late proves it."

"Our humble prayer, therefore, is that.....*the claims of the five settled districts of Hazara, Peshawar, Kohat, Dera Ismail Khan, and Bannu, to be re-united to the Punjab, be favourably considered,* and if the exigencies of the Political Department so require, *a separate Residentsip* for the Political posts of Dir, Swat and Chitral, Malakand, Khyber, Kurram and Tochi and Wana, be created to work under the Commissioner or in direct communication with the Government of India, but the administration of the five settled districts, that were separated from the Punjab, by not a very wise policy, be again re-united with the Government of the Punjab."

This was the view of the educated and thinking portion of the public in 1912. Since then this desire for re-amalgamation has become widened and strengthened in all the urban areas of the Province to an enormous extent, as evidenced by the public meetings held at all the important towns and cities of the Province and by the views urged before the Committee by non-official educated Muslims, who made it clear to us that it was impossible for this miniature Province to make real progress by remaining a separate entity and that, if any attempt was made to set up in it the complex machinery of reform, it would prove too expensive and too burdensome to the central revenues. There were no doubt a few Muslim witnesses who urged that they would like to have reforms within their own Province without being joined on to the Punjab. I asked a stock question to all these witnesses to the following effect: "Suppose for want of funds or disinclination on the part of the authorities to grant you these reforms, or for other reasons, it was not possible for you to have them, what would be your attitude?" Some answered that as they were the gate-keepers of India, they were entitled to get from the central revenues *all* the expenses needed for their progress and development as an autonomous province. But the majority of such witnesses answered that in that case, they would certainly like to be re-amalgamated with the Punjab. Perhaps the strongest advocate of the Province being kept separate and not merged in the Punjab was Sir Abdul Qayum. Even he, when asked a similar question by Mr. Rangachariar, had to admit the force of the financial objections to his view. I give below the Question and Answer on the point:—

"Q.—You know of the present financial difficulties in India. Having regard to military requirements and other things, supposing it is not a feasible proposition for the Government of India to make this large financial contribution necessary to set you up as a self-contained province—you will admit that it must be a very large sum—supposing that it is not a practical proposition, would you prefer to remain as you are or have you any alternative to suggest?"

A.—Well, that is a very serious question, because in the address to the Viceroy our representatives said that we do not wish being merged in the Punjab provided we were given all the privileges. *In that case, I won't say the majority of the population because the majority is made up of the rural people, but the majority of the educated classes would like to go the Punjab.*" (Vol. I, page 9).

Sir Abdul Qayum was the first witness examined by the Committee. He had little idea when he gave his evidence that some of the younger Muslim representatives of the educated classes who followed him would press for amalgamation in the first instance and failing it, reforms within the province. Other educated young men of the Muslim community, with a clearer grasp of the problem, urged that amalgamation was the only remedy and that reforms within the province would not cure the evils from which their administration suffered nor were they possible in a small province like theirs both administratively and financially. Perhaps the most thoughtful and forceful exponent of this view of the younger generation of educated Muslims was Khan Sahib Saduddin Khan, leader of the Peshawar Bar. He urged that "the best results could be obtained at the least expense only by amalgamation with the Punjab." The whole of his evidence is worth reading. (Vol. I, pages 59-74). He made a valuable contribution to the discussion of the questions before the Committee, I will draw upon his evidence on some points in the next few paragraphs, in which I proceed now to deal with the question of judicial re-amalgamation with the Punjab.

40. The majority, in paragraph 48 of their Report, refer to the existence of certain "galling" restrictions on the Bar of the Province and say that "their continuance is not only unnecessary but improper." Those restrictions are chiefly three: "The insistence on the renewal of licenses from year to year; the restriction of licenses to a particular place of business, and vesting of the power of revision of the Judicial Commissioner's decisions in the Local Government". The majority rightly "advise that all three restrictions be removed". Then, in paragraph 49, in which they condemn the proposal for Judicial re-amalgamation, they observe: "We have little doubt that resentment over these galling restrictions has been largely responsible for the lead taken by the Bar in the advocacy of re-amalgamation with the Punjab. They certainly impart some show of reality to the otherwise seemingly unreal clamour for judicial amalgamation as against internal judicial reforms". The main internal judicial reform that they propose is a "Bench of two Judicial Commissioners". It is a *travesty of the views of the Frontier Bar* to say, as the majority do, that the lead taken by them in the advocacy of re-amalgamation with the Punjab is due largely to the existence of the galling restrictions referred to above. The demand which the Bar make on this subject is *not* due to any *personal* grievances of their own, either individually or as a body. On the contrary, from the point of view of personal and pecuniary considerations, they stand to lose rather than to gain by judicial re-amalgamation with the Punjab. The province is a preserve for them at present. Judicial fusion with the Punjab will expose them to competition and is sure to touch their pockets. It is not the existence of the restrictions, against which they have naturally complained, on which their demand is really based. They base it, in a spirit of "unselfishness and sacrifice of personal interests", on the broad grounds of the best interests of the administration and the public, as is clear from the Resolutions of the Bar Associations and the evidence given by prominent members of the Bar before the Committee. Here are the Resolutions of the various Bar Associations:—

Peshawar Bar Association.—"In the opinion of the Peshawar Bar Association it will be *immensely beneficial both to the administration and to the public* if the judiciary of this province be placed under the control of the Lahore High Court."

Mardan Bar Association.—"The members of the Bar Association, Mardan, are unanimously of opinion that in *the best interests*

of the administration and of the public, the judiciary of the North-West Frontier province be placed under the direct control of the Lahore High Court”.

Bannu Bar Association.—“ In the *interests of justice* and the *well-being of the people* of the Frontier Province, it is imperatively necessary that judicial administration of the province be re-amalgamated with that of the Punjab, and this Association strongly supports Sir Sivaswami Aiyer’s resolution in its entirety. ”

Kohat Bar Association.—“ This Association considers the re-amalgamation of the judicial administration of the North-West Frontier Province with that of the Punjab as *absolutely necessary* and of *immense benefit to the whole public* of this province. ”

Dera Ismail Khan Bar Association.—“ This Association agrees with the Peshawar Bar Association that it will be *immensely beneficial both to the administration and to the public* if the judiciary of this province be placed under the control of the High Court of Judicature at Lahore ”.

Abbottabad Bar Association.—“ It is resolved and passed unanimously that the members of the Bar Association, Abbottabad, are definitely of opinion that it would be in the *best interests of the province as a whole* if the judicial administration of the province be transferred to the control of the Lahore High Court. The members of the Bar are further in full accord with the spirit of Sir Sivaswami Aiyer’s resolution ”.

It will be seen from the above that all the Bar Associations of the Province lay stress on the necessity and desirability, in the public interests, of bringing the whole judicial administration, which necessarily includes the judiciary, of the Province under the direct control of the chartered High Court of Judicature at Lahore. The judiciary of the Province cannot be independent of the executive unless it comes under the control and supervision of the High Court of Lahore, which is independent of the executive. So long as the judiciary is under the control of the executive, the efficiency of the judicial administration is bound to be prejudicially affected. If the Province is judicially amalgamated with the Punjab the prospects of the judicial officers will depend on the quality of their judicial work which will come under the direct supervision of the High Court. The decisions of the High Court will naturally command greater confidence than the decisions of even a Bench of Judicial Commissioners, whose appointment to the posts will depend upon the Chief Commissioner’s choice. The subordinate judicial officers through whom the Judicial Commissioners have to carry on the judicial administration will owe their appointments, promotion and prospects in the service to the executive, as at present. Thus the root-cause of the evil will remain unaffected unless and until the control of the judiciary and all the various details of the judicial administration of the Province are regulated by the High Court in accordance with its own rules and regulations and powers of control and supervision vested in it by its Letters Patent. The proposals of the majority do not remedy and cannot remedy the inherent evils of a judiciary intended for and confined to a very small area treated as a self-contained unit. The subordinate officers can never acquire variety and width of experience. Bad or inefficient officers cannot be easily got rid of. The stimulus applied by competition or emulation with abler men will be wanting. The tone of the service, the quality of judicial work and the confidence of the litigating public in the administration of justice cannot undergo a change for the better by the proposals of the majority. The transfer of the judiciary and the judicial administration of the Province to the High Court of Judicature at Lahore will, on the other hand, bring about a marked improvement in all these matters.

41. The majority have proposed a *Bench of two Judicial Commissioners.*
 Not enough work for *two* Judicial Commissioners. But the question is whether there is enough work for *two* Judicial Commissioners in the Province at all. The leader of the Peshawar Bar, Khan Sahib

Saduddin Khan was asked a question on this point by my colleague, Chaudhri Shahabuddin :—

“Q.—What is your opinion of the Judicial Commissioner? Do you think there is sufficient work for two or more to be appointed?”

A.—*My honest opinion is that there is not enough work for two Judicial Commissioners.*”

In another part of his oral evidence, he said :—

“The arrears are due to certain circumstances. *Two years ago one Judicial Commissioner disposed of all the work and he only worked practically half the day.*”

The witness was asked further questions by Chaudhri Shahabuddin on the same point and the answers given by him are interesting and instructive :—

“Q.—Are you not giving your opinion on the assumption that even when there are two or more Judicial Commissioners they will sit singly? Suppose the civil and criminal appeals, which are at present disposed of by one Judicial Commissioner, are heard by a Bench composed of two Judicial Commissioners. Don't you think in that case there would be sufficient work for two Judicial Commissioners?”

A.—As you know perfectly well, *up to this time, we have not got the law of second appeal. Our laws stand still just as we separated from the Punjab. We have the law of further appeal and revision. The majority of cases which come before the Judicial Commissioner are revisions; there are very few further appeals and fewer still first appeals. In revision, until and unless there is an important question of law, about which there is some doubt, it would be hardly advisable for the two Judicial Commissioners to sit on the bench, but if in every revision you expect two Judicial Commissioners, then you might have four or five Judicial Commissioners.*

Q.—But if your civil law in your province is assimilated with that of the Punjab, and you are given the right of second appeal?

A.—In that case too, I am of opinion that there would not be much work to do. After all, there are *very few cases which go up to second appeals.*” (Volume I, pages 69 and 70.)

Independent testimony to the same effect is available in the Note submitted in writing to the Committee by Mr. A. L. Gordon-Walker, Barrister-at-Law, I.C.S., Registrar, High Court of Judicature, Lahore, in the course of which he observes :—

“One must not forget that in the Judicial Commissioner's Court, in 1919 and 1920, only 27 and 20 respectively, first appeals, were disposed of, whereas, during the same years, 175 and 125 first appeals were disposed of in the High Court.”

To this is added the following :—

“N. B.—*In this connection we might note that it appears doubtful whether the Judicial Commissioner has even enough work for one Judge.*” (Volume II, page 610).

Mr. Gordon-Walker's point gains in emphasis when the figures for first appeals are analysed into those (a) Rejected at the preliminary stage, and (b) Admitted and disposed of after notice to the respondents. For the year 1919, the total number of first appeals was not 27, as he says, but only 24, of which 6 belonged to class (a) and only 18 to class (b). In 1920, 3 belonged to class (a) and only 17 to class (b). In 1921, 8 belonged to class (a) and only 10 to class (b). The statement showing the work disposed of by the Judicial Commissioner during the years 1902—1921 (Volume III, page 41) goes to show

that the leader of the Peshawar Bar, supported independently by Mr. Gordon-Walker, was perfectly right in telling the Committee that "there is not enough work for two Judicial Commissioners".

42. The majority fail to see that their objections to judicial re-amalgamation on the grounds marginally noted were in existence when the five settled districts formed part of the Punjab and were judicially under what was then the

Chief Court of Lahore. If, before the separation, the judicial administration of these districts could be carried on without difficulty and with efficiency; and the "temperamentally hot-headed" Pathan reconciled himself with the law's delays and accommodated himself to the difficulties of language and distance, there is hardly any substance in these objections to the judicial administration of the Province being now transferred to the control of the High Court of Judicature at Lahore. Apart from this aspect of the matter, however, are these alleged difficulties so real and so great as to justify the rejection of the proposal for judicial re-amalgamation of the districts with the Punjab? Let me take first the alleged difficulty as to *language*. Here again, I draw upon the evidence of the leader of the Peshawar Bar, who, in reply to questions by my Colleague Mr. Parker, again gave instructive information:—

“ Q.—It is necessary for a Munsiff to know Pushtu before he can in any way be efficient in this Province ?

A.—*Hazara is a District in which the language is Punjabi.*

Q.—In the other districts the language is Pushtu ?

A.—Only Peshawar, Kohat and Bannu may require Pushtu.

Q.—And Dera Ismail Khan ?

A.—The bulk of the population is mostly *not* Pushtu speaking.

Q.—Then in three districts it would be necessary for the Munsiffs to know Pushtu ?

A.—*Not necessary.* In Punjab times Munsiffs used to come here and quickly pick up sufficient Pushtu for their work. *In the majority of cases the litigants are from the urban population*. (Volume I, pages 71-72).

It follows that in the *majority* of cases which will go up to the Lahore High Court in appeal, the litigants will be from *urban* areas. The litigants from Hazara and Dera Ismail Khan will experience no difficulty of language at Lahore. The litigants appealing to the High Court at Lahore from Peshawar, Kohat and Bannu will also in practice find no difficulty because the transfer of the control of the judicial administration of the five settled Districts to the High Court at Lahore is sure to result in some lawyers practising at present in the Frontier Province settling at Lahore, so that the appellate work from the Frontier districts will naturally go to them. In the Bombay Presidency, for instance, there are three main languages in three different parts of it, excluding Sind, namely, Marathi, Gujarati and Canarese. The result is that there are Maratha, Gujarati and Canarese Vakils of the High Court of Bombay, practising on its appellate side, to whom naturally the appellate work from their respective parts of the Presidency generally goes. A similar result would follow in the case of the Frontier Province when its judicial administration is transferred to the Lahore High Court. The language difficulty, therefore, needs no serious consideration.

As to *distance*, the difficulty is more imaginary than real. Facilities of travel have increased vastly since the Province was formed in 1902. And if, before the separation, Frontier litigants could go to Lahore for their appeals in the Chief Court there, they could go with greater ease to Lahore now. Besides, as Mr. Gordon-Walker stated in his evidence:—

“ I do not know if you know that Peshawar is no further from Lahore than Delhi, and that a litigant from Delhi or Peshawar can come to Lahore in 12 or 13 hours. You also may not know that Dera Ghazi Khan is itself within the jurisdiction of the

High Court though it is very distant from here. There is no direct rail communication and the High Court is dealing with that district". (Vol. II, page 626.)

As to the *delay* in the decision of cases in the Lahore High Court, the majority make use of the figure "1,329 days (average duration of a first civil appeal in the Punjab High Court for 1920)" in spite of the fact that Mr. Gordon-Walker, in his written Note, explained that that was "*an exceptional figure*", due to "the introduction of the continuous cause list under which old appeals were disposed of first". He also explained that "there was not a sufficient number of Judges to cope with the work", the High Court being "short-handed". But, in assessing the value to be attached to this objection, it is necessary to bear in mind the points urged by Khan Sahib Saduddin Khan, leader of the Peshawar Bar, namely, that (a) "There are *very few* further appeals and *fewer still* first appeals, and *very few* cases which go up to second appeal"; and (b) "In the *majority* of cases *the litigants are from the urban population*", so that when my colleagues of the majority start, in this connection, the bogey of the Pathan, whom they describe as "temperamentally hot-headed and impatient of delay, with an hereditary tendency to take the law into his own hands", they are indulging in mere rhetoric and over-stating their case. But I will show, *in the words of one who is himself a Pathan*, that the objections which the majority have put forward to the judicial amalgamation of the Province with the Punjab have no substance in them. Qazi Mir Ahmed Khan, B.A., LL.B., a well-educated young Pathan, urged the following grounds for transferring the judicial administration of the Province to the control of the High Court of Judicature at Lahore:—

"Some *lame excuses* have been put forward by the votaries of the present system. *They say Lahore is at a great distance.* A man from Dera Ismail Khan, Bannu, Kohat and Hazara districts would certainly not feel it at all. Even the man from Peshawar felt the trouble of the trudge to Nathiagali (solid 20 miles walk on hard road) more than he would the journey to Lahore. Even now he goes to Abbottabad, and I do not think the litigant will feel any more trouble by going to Lahore than he does by going to Abbottabad. It is a pretence, for this is the first year that the Judicial Commissioner is not going to Nathiagali. * * * *Why was the convenience of litigants not considered then?* In Lahore a man can be quite comfortable and can get legal advice of a *better and even cheaper* character for the money he spends. Whenever an officer has been appointed a Judicial Commissioner and judgments of his were appealed from *the litigants always asked for their cases to go to the High Court at Lahore*".

"The other objection taken is that *it takes long to get a cause decided at Lahore.* I think the public wants *justice and no haste.* It is no argument that you should agree to an *inferior* tribunal merely because it *decides cases instantly*".

"If these arguments were sound, *all the High Courts in India ought to be split up on the ground of distance and duration.* After all, Lahore has not become more distant nor has the High Court increased its duration during the last 20 years. Then if the public never complained before, why should they be presumed to complain now?"

"Under the circumstances, I submit that there is *no justification* for the view that we should not be joined on to the High Court with all its *traditions, variety of Judges, powers* under the *charter* and retain an *inferior* court which we can safely discard. The objection to *one judge* will apply to *three judges* also because they will be *subordinate* to the Chief Commissioner and his cadre in the same way and moreover, the *High Court is certainly superior to a Bench of three Judicial Commissioners.* Why

should we give up a *superior* court when we can get it and avoid expense to the tax-payers down country as well?"

"I humbly urge that *whatever may be the fate of the Province as to entire amalgamation, there is no reason why the judiciary be not amalgamated at once.* (Vol. I, pages 329-330.)

43. In the letter No. 884-G., dated Lahore, the 8th February 1922, from **The Chief Justice and Judges of the High Court of Judicature at Lahore** say they are "willing and able to undertake the work". The Registrar of the High Court at Lahore, to the Home Secretary to the Government of the Punjab, the tentative opinion of the Judges of the High Court on this question on the few data which they had at their disposal then is given. (Volume II, page 613). In that letter, the registrar writes that he was desired to say that "the Judges understand their opinion is not required as to the advisability of transferring the Judicial administration of the North-West Frontier Province to the Punjab High Court, but they are merely asked to say whether they are willing to undertake the judicial administration of the North-West Frontier Province, and, if so, give their views on the financial aspect of the case". The reply to that is that "the Judges are willing to undertake the work provided the number of the Judges of the High Court is suitably increased". On the few data at their disposal, "the Judges are unable to say more than that at least one more Judge and perhaps two will be required to cope with the additional work", the reason being that "all first appeals and some second civil appeals together with all murder references" will, in the Lahore High Court, be dealt with by a Bench of two Judges, whereas in the Frontier Province they are disposed of by the Judicial Commissioner sitting alone. "On the other hand, it will be possible," in the opinion of the Judges, "to dispense with the services of practically the whole of the office staff including the registrar now employed by the Judicial Commissioner as soon as that office is merged in the office of the High Court at Lahore".

When Mr. Gordon-Walker, Registrar of the High Court, was examined as a witness before the Committee at Lahore, on the 4th June, 1922, he was supplied with some further data to enable the Judges to have an idea of the additional work that the High Court might have to deal with in case the judicial amalgamation of the Province with the Punjab was decided upon, and to give the Committee a more definite opinion, if possible, of the Judges as to the addition that may be needed to the number of Judges in the Lahore High Court. At the end of his examination at Lahore that day, he particularly mentioned to the Committee what the Judges wanted him to convey to the members in clear terms. He said:—

"One point which the Judges want to be made quite clear is this. The Judges are in no way concerned whether the transfer should or should not take place. That is a political matter with which they have nothing to do. *If it is decided that the judiciary of the North-West Frontier Province should be placed under the High Court, the Judges are willing and able to undertake the work, and they have asked me to emphasise this point. If you ask us to take it, we are willing and able to do it.*" (Volume II, page 633).

He was asked whether, if judicial amalgamation takes place, the judicial officers would find any difficulties owing to their ignorance of the language and local conditions of the Frontier districts. His answer was:—

"I may say in this connection that the Judges do not anticipate any trouble in regard to this matter. The High Court of Lahore has at this moment under its jurisdiction districts in which different languages are spoken. Baluchi is talked in Dera Ghazi Khan, Urdu in Delhi, and Punjabi in Amritsar. The Punjabi of, say, Kangra, is quite different from the Punjabi of Multan, so that we are dealing with a number of languages and dialects which are very different to each other". (Volume II, page 624).

When Mr. Gordon-Walker appeared before the Committee at Simla on the 12th July 1922, he mentioned to the Committee that the Judges, after

considering such material as had been supplied to them by the Committee, found it impossible to give any more definite idea than what they had already given expression to in letter No. 884-G., dated the 8th February 1922, namely, that they are unable to say more than that "at least one more Judge and perhaps two will be required to cope with the additional work", but they asked the Registrar to say "that the question is not of ultimate importance, as the Additional Judge or Judges appointed for the work can be "Temporary Additional Judges" appointed for a definite period, say two years, at the end of which it will be accurately known how many Judges will be required and what number of permanent judgeships can be made." (Volume II, page 641). In answer to a question asked by my colleague, Rao Bahadur T. Rangachariar, as to whether there was any legal difficulty in the matter of the Lahore High Court, through one of its Judge or Judges, holding its sittings in the Frontier Province, when its judicial administration was brought under its control, Mr. Gordon-Walker drew attention to and quoted paragraph 33 of the Letters Patent of that High Court, which made it possible for one or more Judges to go on circuit and exercise the jurisdiction and power vested in the High Court in any place within the jurisdiction of any Court subject to the superintendence of the High Court or at several such places. It will thus be seen that the transfer of the control and superintendence over the judicial administration of the Province to the High Court at Lahore by its judicial amalgamation with the Punjab, far from involving any of the imaginary or exaggerated difficulties put forward by the majority, is considered by the Judges of that High Court to be a practical proposition, the actual working of which they are "willing and able" to undertake.

44. There is no other way to give back to the settled districts the efficient judiciary and the proper administration of justice which they had before they were dismembered from the Punjab than to restore them again to the Punjab.

The Resolution passed by the Legislative Assembly in favour of judicial re-amalgamation is just and reasonable and should, therefore, be given effect to.

Appointment of one more Judicial Commissioner so as to have *two* Judicial Commissioners, for whom there is *not* enough work, will not in any way remedy the evil, nor will any patch-work mend matters. The majority have shut their eyes to the magnitude of the evil and the real causes of it. I do not think I need describe the evil at length. It is writ large in the Reports on the Civil and Criminal Administration of the Province and is patent to any one who moves about in the districts with his eyes open. I can scarcely help saying that to me it was a revelation and a shock to see the deplorable state of things which prevailed in the Province in regard to its grossly inefficient judiciary and the mockery of judicial administration to which the unfortunate people of the districts are being subjected. Trying to discover the real cause or causes of such a state of things, however, I came to the following conclusions:—

First, that it was primarily due to the authority and patronage vested in the Chief Commissioner, with whom ulterior political considerations or the immediate exigencies of his political duties were bound to weigh more, in the exercise of his patronage and authority, than the best interests of the judicial service itself, with the result that incompetent persons, some Khan's or Khan Bahadur's sons or relations, lacking the necessary educational qualifications and, therefore, ill-qualified for the judicial service, were appointed to it as a mark of personal favour.

Secondly, that it was directly due also to the inherent drawbacks of a small province with its necessarily small cadre rendering inevitable either frequent transfer of the judicial officers within a small area or their constant location in places where they had their own homes or family connections, either of which eventualities was detrimental to the proper discharge of judicial duties, assuming even that the holders of the posts were not altogether incompetent.

Thirdly, that it was attributable also, though in an indirect way, to the existence of the jirga system, with its vicious composition and

working, affording to the police and the judiciary, under the provisions of the Frontier Crimes Regulation, a handy instrument at their disposal for shirking their duties and thereby bringing the administration of justice into disrepute and contempt.

The last mentioned cause was removable by proper amendment of the Frontier Crimes Regulation. But the first two causes constituted the root of the evil. The real remedy is obvious. It is embodied in the first part of the Resolution which Sir Sivaswamy Aiyer moved in the Legislative Assembly on the 21st September 1921. I extract it below to draw attention to its terms:—

“ That this Assembly recommends to the Governor General in Council that the powers of control and superintendence over the judicial administration in the North-West Frontier Province, now vested in the Judicial Commissioner and the Chief Commissioner of that Province, and all jurisdiction, original, appellate or revisional, now vested in them and all powers and authority in relation to the administration of justice, including the power to make rules for regulating the practice of the courts, and to authorise legal practitioners to appear and practice in such courts, be transferred to the High Court of the Punjab, with the same jurisdiction, powers and authority in the five administered districts of the North-West Frontier Province as are now exercisable by that Court in the territories now vested in the Government of the Punjab and the Delhi Province.”

This alone will remove the direct causes of the evil. This Resolution was passed by the Assembly. The whole of Sir Sivaswamy Aiyer's Resolution consisted of *two* parts. The portion given above was the first part of the Resolution, as to which *no committee was asked for*. The appointment of a committee was limited to the second part only, which related to the separation of the five administered districts from the trans-frontier unadministered area and reamalgamation of the former with the Punjab while keeping the latter under the direct control of the Government of India. The President put the Resolution to the vote of the House in two parts. The Assembly passed both. When the first part of the Resolution, which stood by itself, was passed, no Member of Government in the Assembly challenged a division. That part of the Resolution, therefore, stands on a different footing from the other which asked for the appointment of a committee. The justice and reasonableness of the recommendation to the Governor General in Council contained therein have already been made clear. That being so, I venture, with great respect, to draw pointed attention to paragraph 8 of the “Instrument of Instructions” to His Excellency the Governor General of India given under Royal Sign Manual on the 15th March 1921, and trust that the Resolution of the Assembly for judicial reamalgamation of the Frontier Province with the Punjab will be given effect to by the Government of India as embodying a demand which is “just and reasonable.”

45. I will now deal with the main objection which the majority in their **The majority's main objection to Report have urged, not only with force the minority's solution.** but with vehemence, to the solution which the minority beg to submit to the Government of India as the right solution of the question which formed the subject-matter of the second part of Sir Sivaswamy Aiyer's Resolution. I will pass over without much comment all the irrelevant and unfounded remarks of the majority against the minority to the effect that the latter have invented their solution at the last moment by taking a sentence here and a sentence there from the minutes and writings of different officers contained in the Blue Book on the subject of “the North-West Frontier of India and the Punjab Frontier Administration” as a last resort of forlorn hope to prop up their *à priori* conclusions in favour of reamalgamation of the districts with the Punjab, “to them the be-all and end-all of the whole business.” I need not say that ours are not *à priori* conclusions but conclusions at which we have arrived, according to our lights, after careful consideration of the *pros* and *cons* of the questions before the Committee, nor was reamalgamation of the districts with the Punjab “the be-all and end-all of the whole business” to us any more than it was *anathema*

maranatha to the majority. As to the allegation that we have started this solution of ours by breaking "*entirely new ground in the end*," I can only say that this allegation is due to *lapse of memory* on the part of our colleagues of the majority. We started our enquiry on the 12th May 1922 at Peshawar. On the 18th May, the President asked the following question to a witness at Kohat:—

" Q.—You are inclined to think, speaking for yourself, that probably the best solution will be to transfer the districts back to the Punjab leaving the Deputy Commissioner in political control of the tracts, but as political agent under the Government of India ?

" A.—Yes."

On the 23rd May, our colleague, Chaudhri Shahabuddin, as well as the President, put questions to Nawab Habibullah Khan at Dera Ismail Khan eliciting his views on this solution put to him in distinct terms:—

Chaudhri Shahabuddin:—

" Q.—In case of reamalgamation with the Punjab do you want that the small agencies, which are at present under the Deputy Commissioner, should go to the Punjab and only these five big agencies should be separated and placed under the Chief Commissioner ?

A.—There will be no harm if these small agencies go to the Punjab * * *

The President:—

Q.—Do you know Kohat too ?

A.—Yes.

Q.—Would you advise that the Orakzais who are now under the Deputy Commissioner of Kohat, should go to the Punjab ?

A.—If the Orakzai agency, for instance, is under the Deputy Commissioner, then, in case of amalgamation, it should remain under the Deputy Commissioner who will have complete control as before.

Chaudhri Shahabuddin:—

Q.—There are two kinds of agencies. Two Deputy Commissioners are political officers as well, while there are other independent officers in charge of big agencies. You say that these small agencies which are at present under Deputy Commissioners, in case of re-amalgamation, should go to the Punjab ?

A.—It will be a good thing if they go to the Punjab. But it depends on the choice of the Government of India."

(Volume I, page 712.)

On the 1st June 1922, when we were at Abbottabad, the President elicited the views of Rai Bahadur Lala Thakur Datta on this question:—

" Q.— . . . Each Deputy Commissioner at the present moment has political control over a certain portion of the tracts; what is going to happen about that ?

A.—Everything that is with the Deputy Commissioners should remain with them . . ."

(Volume II, page 277).

Later on, both Rao Bahadur T. Rangachariar and myself took up the suggestion embodied in these Questions and Answers. I asked some questions, on the 4th June, to Lieutenant-Colonel James at Lahore, giving shape to this suggestion slightly modified. His answer was "It is really quite a new idea to me. I am afraid I shall require a little time to consider it." (Volume II, pages 475—476.) I also asked questions on the subject to Sir John Maynard, Member, Executive Council, Punjab, who was the next witness we examined at Simla on the 8th June. He also said that he had never heard of the scheme

until that moment and that he would be delighted to do his best to investigate it. (Volume II, pages 487-483.) We finished taking evidence on the 28th June at Simla. It will be clear from the dates and extracts I have given above that the idea originally was not *ours*, nor was it "new" to our *colleagues of the majority*, much less "entirely new" to them, nor was it sprung upon *them* as a surprise "in the end". I have been compelled to write this paragraph in order that the consideration of the minority's view might not be prejudiced by the manner in which the majority have attempted to discredit it. Proceeding now to examine the majority's main objection to the minority's scheme, it amounts to this, in their own words:—

"It violates the two fundamental canons of frontier management. It violates the inseparability of the districts and the tracts; it violates the inseparability of the trans-frontier as a whole."

46. The majority in laying down what they call "the two fundamental **Supposed inseparability of the five settled districts from the whole of the trans-frontier tribal area.** *cannons of frontier management*" are simply begging the question. If we have to assume that the districts and tracts cannot at all be separated, and that the trans-frontier *as a whole* is inseparable, the committee need not have been appointed at all. The question that the Government of India have really to solve is this:—

"If it is a fact that Lord Curzon's scheme has failed, what is the alternative plan to adopt?"

To that the majority's answer is an attitude of *non-possumus*, based on the assertion that the continuance of the arrangements under Lord Curzon's scheme is a *fundamental canon* or axiom of frontier management.

The minority's answer is that there is no foundation in theory or practice for the majority's so-called "two fundamental canons of frontier management", that it is not consistent with facts to allege *complete* inseparability of the *whole* of the trans-frontier area, and that, therefore, there is an alternative plan, namely, what Lord Curzon, in paragraph 43 of his Minute of the 27th August 1900, sets out as "a third compromise", divested of its objectionable features so as to make it workable in practice. That compromise is described by Lord Curzon thus:—

"43. There is a third compromise which in the course of my study of the present question since I have been in India, at one time possessed attractions for myself. It was to take all the trans-frontier charges, from Chitral to the Gomal, now under the control *either of the Government of India or of the Punjab Government, viz.,* (1) Dir, Swat, and Chitral, (2) the Khyber, (3) Samana, (4) the Kurram, (5) the Tochi, (6) Wana, and to place the Political Officers for *all* these districts under a single high officer, who equally with them should be appointed by the Government of India, and should report exclusively to the latter upon all political and external affairs, *the civil and administrative organisation of the Punjab Government remaining untouched, and the conduct of cis-border affairs continuing to be vested in the hands of its Commissioners and Deputy Commissioners*".

In this scheme, Lord Curzon, it will be noted, wanted to make a *clean cut* between the settled, that is to say, the administered, districts on the one hand and the *whole* of the unadministered tribal territory on the other, keeping the civil administration of the former with the Punjab Government and vesting the political control of the latter in the hands of a separate high officer under the Government of India. In other words, this scheme proposed *complete* separation between tribal management and civil administration. It was open to the objection that it "*divorced* the Deputy Commissioner from the management of the border clans who march with his district". In the correspondence published in the Blue-Book, the Frontier officers of the time have laid stress on the necessity of not divesting the Deputy Commissioner of the political control of the tribal tract immediately adjoining his district. There is a clear distinction made between such immediately adjoining tracts and "tracts in

regard to which separate political charges have been framed". The ground upon which this political control of the adjoining tribe or tribes for the Deputy Commissioner is claimed is that "an infinity of questions, of disputes and disagreements of *business* arises from the daily intercourse of these people", which has to be settled by the Deputy Commissioner promptly and with justice. "It is business", says Mr. Merk, "which is quite distinct from the Imperial questions in which British and independent interests, as such, are arrayed against each other". The latter is "purely external", while the former is "not purely external" and is described by Sir Richard Udney, at pages 95 and 96 of the Blue Book, and one of the class of cases mentioned by him is cis and trans-border boundary disputes, which should be managed, he says, "as would be done in disputes of the same kind between a Native State under the Foreign Department and the conterminous Local Administration in British India". Thus, there was clear distinction made between tribes immediately adjoining a Deputy Commissioner's district and tribes in remote areas for which separate political charges had been framed. The latter arrangement was due to the "necessity of severing tribal management from administrative pre-occupations". (*Vide* paragraph 66 of Lord Curzon's Minute, page 144 of the Blue-Book) Having regard to this distinction between the tribes immediately adjoining a Deputy Commissioner's district and the tribes in the remote areas under separate political agencies, the remark of Sir Mackworth Young becomes intelligible, namely, :—

"The management of trans-frontier tribes is so much mixed up with that of the *adjoining* British frontier, that their *complete* separation is impossible."

It follows that their *partial* separation is possible. But Lord Curzon's "third compromise" was based on *complete* separation of cis-border civil administration from trans-border political control. If we divest that "third compromise" of its objectionable feature of "divorcing" the Deputy Commissioner from his political control over the tract immediately adjoining his district, the scheme assumes the form which the minority beg to submit to Government for their acceptance.

When the majority urge that our scheme violates what they have called their "two fundamental canons of frontier management", it is necessary to inquire whether or not in practice a clear distinction is made between the adjacent tribal tracts under the political control of the Deputy Commissioners and the separate political agencies in regard to remote trans-frontier tribes. Mr. S. E. Pears, C.I.E., I.C.S., Resident in Waziristan, in his memorandum submitted to the Committee (Volume I, page 755), distinguishes clearly between "adjacent tribes across the border" which are under the Deputy Commissioners' control, "not necessarily because they own land or reside during the winter in British territory, but because those trans-border tribes are economically dependent on British territory," and "tribes which are *more inaccessible*, in some cases *utterly remote from the British border and, economically independent of the British districts*". In the case of the latter, he says "we are faced with much more complex problems." He further observes that "the solution has been sought in the constitution of five distinct Political Agencies, and no better solution has ever been suggested". Thus, not only is the trans-frontier area separable in theory but actually treated as separate in practice. And not only are the districts and tracts, in so far as the latter are adjacent to and economically dependent on the former, capable of separate treatment from the rest for purposes of civil administration of the districts but are actually proposed to be so kept in the minority's scheme. To give the whole list of the various tribes in the trans-frontier area and say that they are interlaced and therefore inseparable is to ignore the fact that the so-called interlacing is treated as non-existent in practice by their being allotted for the purposes of political control to authorities independent of each other, both in the matter of their powers and their jurisdiction, and differing in the nature of the control exercised by them over the tribes in their respective charge. The officers in the agencies do *not* exercise, as wrongly asserted by the majority, any control *within* the districts. Their subordination as also that of the Deputy Commissioners to the Chief Commissioner is responsible for the

progress and well-being of the people of the districts being sacrificed to the policy of pampering the tribes. In paragraph 21, the majority say :—" We said before and we say now that there is *no inseparability* between the districts and the tracts, if the tracts are dominated, administered and converted into districts" and yet in paragraph 28, they give a veiled threat to the Government of India that "if the Pathan race were now *dismembered* and one-half merged against its will in the Punjab, the tendency would be for the other half to look elsewhere than to India, and one of the most warlike races of Central Asia might be lost to the Indian Empire." If after the tracts are converted into districts the majority are ready to concede *separability* between them and the districts, that it is to say, *dismemberment* of the Pathan race into two compartments, why should not the dismemberment be made now and what is the value to be attached to the threat they have administered to Government? Administering threats seems to be their stock "argument". For, they say to Government that if the minority's scheme is accepted, it "would paralyse the management of India's most vital frontier affairs" and then comes the following piece of composition :—"It beggars the imagination to picture the friction, the confusion, the chaos, the paralysis of all action that would supervene under our colleague's scheme", etc. All I need say is that the imaginative faculty of my colleagues of the majority beggars description. Instead of dispassionately discussing the merits and demerits of the minority's scheme and weighing its advantages and disadvantages in a spirit of fairness, they have, I am sorry to say, indulged in mere declamation. No expert witness has pronounced his verdict *against* our solution. The fact is that it was not present to their minds. In giving their considered opinion on the first term of reference, they took it for granted that it meant a *clean cut* between the administered districts on the one hand and the *whole* of the unadministered tribal tract on the other. When the *juste milieu* of retaining with the Deputy Commissioners their present political control of the tribal tract immediately adjacent to their districts and restoring to the Punjab Government the civil administration of the districts thus separated was put to Lieutenant-Colonel James or to Sir John Maynard, the former said that it was really quite a new idea to him and that he was afraid he would require a little time to consider it, and the latter said he had never heard of it until it was put to him, but that he would be delighted to do his best to investigate it. I have already pointed out in a previous paragraph (paragraph 16) that if the proposals of the majority to inaugurate "full-fledged reforms" in the Province,—"*a live and vigorous*" constitution with "*all the essentials in the reforms enjoyed by a major Province*"—are given effect to, the civil administration of the districts in all the various departments which are "*transferred*" departments in the Punjab would be *separated* in theory as well as in practice not only from the political control of the tribal tracts but also from the direct control of the Government of India, so that their so-called "*fundamental canon*" of *inseparability* of the districts and the tracts is discarded by them in their own proposals.

47. But, then, say the majority, how can this re-amalgamation with the

Punjab objections.

Punjab be given effect to against the Resolution passed recently by the Punjab Legislative Council, as also against the wishes of the Punjab Government? I do not think the former objection requires detailed comment. As a matter of fact, when this idea of the Punjab Legislative Council being asked to pronounce its opinion on the question before the Committee was mooted, I told the President that I decline to be guided in this matter by the decision of a body which has not before it the material which was available to us, and that whatever the view of the Punjab Legislative Council might turn out to be, it was not right that the committee should allow its own view to be influenced by it. As to the Punjab Government's view, however, the matter stands obviously on a different footing. That view was put forward before the committee by Sir John Maynard, whose opinion is undoubtedly entitled to great weight. He divided the opinion of the Punjab Government into two parts :—(1) Judicial amalgamation; and (2) Executive amalgamation.

As to Judicial amalgamation he said.—

"We are virtually neutral." "It might mean, I suppose, an additional Judge of the High Court. There would be about half a

Judge's work more. It would obviously strengthen the case for an addition to the High Court". "On this point the Punjab Government are entirely neutral and it is simply a question of financial adjustment and addition to staff". (Volume II, page 482) "Looking into the matter, the only objections we saw to the Judicial amalgamation were, first, a financial one, which can be disposed of; and secondly, the possible objection which may be made of our getting a certain number of inferior subordinate judicial officers. That would only affect us for 15 years or so." (Volume II, page 517.)

So that, on the question of Judicial amalgamation, the Punjab Government do not mind if the Government of India decide to bring it about.

As to Executive amalgamation.—

The Punjab Government's view was summed up in the words, "Both or neither", that is to say, give us the whole thing back or nothing at all. "That view", Sir John Maynard said, "was based on the records of the past, not upon the opinions of officers who have had frontier training". He quoted Sir Alfred Lyall's opinion and urged that both sides of the frontier must be in the hands of the same British authority. (Volume II, page 483.) In his view the Political Agencies should be subordinate to the Deputy Commissioners and not independent of them, as at present. (*Vide* II page 512). As already mentioned in the preceding paragraph, when the middle course between "both or neither", embodied in the minority's scheme, was put to him, he no doubt said he realised the difficulty of dividing up the Orkzais from the Afridis, but he also said that the Punjab Government had not considered it, as he had not heard of it until that moment and that he would be delighted to do his best to investigate it. (Volume II, pages 487-488.)

The second difficulty which he raised was that of the financial burden which would be placed on the Punjab Government by the transfer of the Frontier settled districts to the Punjab, but he admitted that it was a matter capable of adjustment between the Government of India and the Punjab Government, and he saw really no objection to a reviewable assignment after a certain definite period. (Volume II, page 487).

The third difficulty which he pointed out was that the communal equilibrium between Mahomedans and non-Mahomedans in the Punjab Legislative Council, in accordance with the Lucknow compact, would be disturbed. He thought that was the principal difficulty. After Sir John Maynard gave his evidence, the debate in the Punjab Legislative Council on the subject of re-amalgamation took place; and it is noteworthy that the Hindus who stand to lose by amalgamation in respect of their numerical strength in the Punjab Legislative Council voted solidly in favour of re-amalgamation, and did not attach importance to the fact that the communal equilibrium in the Punjab Legislative Council would thereby be disturbed to their prejudice. This, however, is a matter to be considered and adjusted primarily by the parties concerned in the same way and in the same spirit of mutual accommodation and brotherly feeling which resulted in the well-known Lucknow compact, which, I think, can, without difficulty, be brought about after the Government of India and the Secretary of State have come to a decision on the main question as to whether or not the last 20 years' experience of the experimental measure of Lord Curzon dictates a reversal of that measure and the reversion of the civil administration of the five settled districts to the Punjab. When a decision on this question has been arrived at, the *details* of the scheme to be brought into operation could be thought out and shaped by the authorities after consultation with the representatives of the different communities affected by the proposed change, and then the scheme as finally approved by the Government of India and the Secretary of State would come into operation. It is premature, therefore, to go into this question. It is a sufficient answer to the objection that the community in the Punjab, whose interests are in conflict with the proposal for re-amalgamation, has, through its representatives, declared itself in favour of it.

The fourth difficulty, which Sir John Maynard mentioned, was "about the Punjab having enough work of its own for the Governor". "You cannot", he added, "diminish that by any adjustments in the Secretariat very well." (Vol. II, page 485.)

Those were the difficulties pointed out by Sir John Maynard on behalf of the Punjab Government to "Executive Amalgamation". My colleague, Rao Bahadur T. Rangachariar, however, asked a question to Sir John Maynard, whose answer to it shows how the matter really stands :—

Q.—I take it that your Government wish merely to point out the difficulties, not that they are unwilling or unable to undertake the task if the Government of India so decide ?

A.—I think that is always the position. I would undertake any task that was put upon me."

I do not minimize the last difficulty which he has mentioned. No doubt the Punjab has become an anxious charge to the Governor of the Province. But in case executive re-amalgamation is decided upon by the Government of India, the Commissioner of the Punjab Government, who will be stationed at Peshawar, will have to be vested with delegated powers in such a way as not to overburden the Governor with heavy work in connection with the administration of the districts. It is not, therefore, such an insuperable difficulty as might appear at first sight.

48. I proceed now to give my answers to the terms of reference. I may mention at the outset that there is no difference between me and my colleague, Rao Bahadur T. Rangachariar, as to the substance of the recommendations which he has formulated in his report.

The Terms of Reference and My Answers.

First Term of Reference.—"Whether it is expedient to separate the administration of the five administered districts of the North-West Frontier Province from the political control of the adjoining unadministered tracts."

Answer.—It is not only feasible but expedient to recognise and give effect to the prevailing distinction in practice between the immediately adjoining unadministered tracts which are at present under the political control of the Deputy Commissioners of the districts and the other tracts for which a separate Residency and separate Political Agencies, independent of Deputy Commissioners and of district civil administration, have been created. The former are, can be, and should be, separated from the latter tracts. It is not only expedient but necessary to do so in the interests of the people of the five districts.

Second Term of Reference.—"Whether if such separation is expedient, it is expedient to re-amalgamate the five districts with the Punjab?"

Answer.—The five districts together with the political control of the immediately adjoining unadministered tracts which are at present with the Deputy Commissioners being separated in the manner described in answer to the first term of reference, the five districts so separated should be re-amalgamated with the Punjab. Such re-amalgamation is not only expedient but urgently called for both in the interests of the central revenues and for the purpose of freeing the people of the five districts from the inherent drawbacks, disabilities and disadvantages of a miniature province and conferring on them the benefits of an efficient and progressive civil administration in all its branches as also of political progress on sound lines.

Third Term of Reference.—"Whether, if such separation is not expedient it is expedient (a) to retain the whole province directly under the Government of India, and if so, (b) to constitute a Legislative Council for the five administered districts."

Answer.—(a) If the majority view prevails, namely, that such separation is not expedient, there is no question but that the whole Province should be directly under the Government of India. But I am not in favour of retaining control, both administrative and political, directly under the Foreign and Political Department. I consider that Department to be utterly unsuited for the purpose of controlling or supervising the civil administration of any Province. I would, therefore, retain only the political and foreign relations under that Department and transfer the administrative control of the Province to the Home Department of the Government of India.

(b) This is incompatible with the idea of the whole Province being directly under the Government of India. The utmost that the Province can have, consistently with that idea, is a mere "advisory Council." But I would not recommend any such being started in the Province. It is bound to lead to an insistent demand by the intelligentsia of the Province for a real Legislative Council, and would involve a step which not only cannot be retraced but is bound to lead to a further step and a still further step, causing a yearly increasing drain on the central revenues. I would, therefore, recommend larger representation of the Province in the central Legislature in the immediate future and would prefer the number of seats proposed by my colleague, Rao Bahadur T. Rangachariar, namely, 6 in the Legislative Assembly,—5 by election and 1 by nomination,—and 2 in the Council of State, 1 by election and 1 by nomination. If the Government of India do not re-amalgamate the five settled districts with the Punjab in the manner recommended by the minority, I would respectfully advise the Government of India not to take the false step of taking away from the purview of the Legislative Assembly its present control and powers in regard to the affairs and expenditure of the Province in any manner.

Fourth Term of Reference.—(The first part refers to Judicial Amalgamation).

Answer.—My answer is in the affirmative. But I think it necessary to again emphasize the point that the recommendation of the Legislative Assembly on the subject, as embodied in the Resolution passed by it, being "just and reasonable," should be given effect to by the Governor-General in Council. On this answer the second part of this term of reference does not arise.

Fifth Term of Reference.—"The approximate financial effect of any proposals recommended."

Answer.—The recommendations of the minority would certainly be beneficial to the central revenues and would, in any case, put a stop to the increasing drain on them for the civil administration of the five districts. The Punjab Government will no doubt have to be provided with financial means to meet the extra burden which will be thrown on it by taking over the civil administration of the five districts. This can be arranged, for the present at any rate, by reducing its Provincial contribution to the central Government to cover what would, on reasonable calculations, be taken to be the deficit which the Punjab Government would have to meet on the *net* civil expenditure of the settled districts. Sir John Maynard, in his evidence before the Committee, made the following observations:—

"I should say that, *prima facie*, the amalgamation of offices would tend to the diminution of the cost of establishments."

"Other things being equal, it is no doubt the case that a larger province can run these things (meaning the establishments) more economically."

He was of opinion that by amalgamation the expenditure, on the civil administration of the province, could be curtailed and he thought the deficit might be brought down to half its present figure. His words in connection with the reduction of expenditure and *pro tanto* of the deficit of the province were :—

“Of course, a certain amount of that would be got rid of, possibly as much as half might be got rid of.” (Vol. II, page 485.)

Rai Bahadur Lala Thakur Datta, in his memorandum, says :—

“If the five settled districts are amalgamated with the Punjab, there will be considerable saving in civil expenses. We have not full details of the existing establishment nor is it possible off hand to determine the cost which will be necessary as a result of transfer. I have looked at the figures of estimates and demands for grants for expenditure of the Central Government for 1922-23 so far as they relate to the North-West Frontier Province. I have made out a rough memorandum, which is attached, of the savings which, in my opinion, will be effected: these amount to Rs. 5,16,000 a year.” (Vol. II, page 254.)

It will be apparent to the Government of India that the minority's proposals are calculated to relieve the central revenues to a considerable extent of the burden imposed at present on them for the civil administration of the Province. A little expense will have to be borne for the additional members proposed by the minority for the Legislative Assembly and the Council of State to represent the Province in the two bodies. But that addition is a flea-bite as compared to the heavy and yearly increasing burden which the majority's proposals would inflict on the central Government's financial resources.

49. I will now bring this Minute to a close. It has become much longer than I expected it to be when I started writing it. I have endeavoured, in the

Concluding Remarks.

course of it, to place before the Government of India, as fully as possible and as clearly as I could, the reasons which have compelled me to differ from my colleagues of the majority and the grounds on which the minority's solution of the real problem involved in the terms of reference is based. The majority, I regret to have to say, have deliberately shut their eyes to that problem and have declined to face it. The system of government, both for civil administration of the districts detached from the Punjab and political control of the trans-frontier tribes, which Lord Curzon set up 20 years ago, was on its trial. The Foreign and Political Department itself was on its trial. The whole policy of trans-border management underlying Lord Curzon's scheme and the scheme itself for civil administration under the Chief Commissioner having “two very different sets of duties to perform and supervise” had proved an utter failure. His tribal militias went to pieces at the first real test to which they were put. Instead of his postulated “tribal contentment” materialising, tribal turbulence has been the result. And as to his plea for a separate Frontier Province on the ground of “reduced outlay” and economy, it has been so woefully falsified to the detriment of the central revenues as to justify on that ground alone, if on no other, a reversal of his whole scheme and policy. The failure of the Foreign and Political Department to manage this Province, both in regard to its civil administration and the control of the trans-border tribes,—two separate and incompatible functions centred in a Department, incompetent to manage the first—is writ large in the miserable lot of the people of the Province, an apparent indifference to which was argued, according to Sir George Roos-Keppel, by Government's failure to embark on a Forward Policy. The majority not only retain Lord Curzon's scheme and policy but urge with vehemence that no other alternative is thinkable. They make light of the drain on the central revenues caused by the Province on account of its civil administration and approach Government, in all seriousness, with a request for an amendment of the Government of India Act so as to be permitted to bring into being a political and financial Frankenstein on the North-West Frontier of India. The minority, on the other hand, could not ignore the fact that Lord Curzon's

scheme and policy had utterly failed and that it would be a dereliction of duty on their part to make recommendations to Government which not only perpetuated that scheme and policy, but threw on the central revenues the additional growing burden of the costly reform machinery. They have, therefore, formulated a solution for the acceptance of Government, for which they claim no originality. It is, in a modified form, the scheme which Lord Curzon has mentioned in his Minute as one which possessed attractions for himself at one time. In the minority's solution, all that is done is to divest that scheme of its objectionable feature of *complete* separation between the districts and the tracts. The minority do not claim that their scheme is perfect. No scheme can be devised which will not be open to some objection or other. The question to be considered is not only whether the disadvantages of the minority's proposed scheme outweigh its advantages or *vice versa* but also whether the perpetuation of this miniature Province and its political development as a separate entity on autonomous lines, would be politically and financially a wise and sound policy. Apart, however, from the question of executive re-amalgamation of the five districts, the question of their Judicial re-amalgamation with the Punjab, which stands on a different footing altogether, has not received, at the hands of the majority, the treatment it deserved in a spirit of fairness and detachment. On this question, at any rate, I did not expect the majority to take a different view from that of the minority. The Legislative Assembly had expressed its view in favour of it by passing a Resolution which did *not* ask for the appointment of a Committee to inquire into its advisability. The Punjab High Court is "willing and able" to undertake it. The Punjab Government is "neutral" about it. And yet, the majority did not see their way to agree with the minority, *even on this question*. It was evident that the majority's whole outlook was hopelessly divergent in all essential matters from that of the minority. No unanimity under such circumstances was possible. To me and to my colleague, Rao Bahadur T. Rangachariar, the result was regrettable. But there was no help for it. It was unavoidable. And the Government of India have now to decide between the two divergent views of the majority on the one hand and the minority, on the other.

50. I cannot complete this Minute without saying a few words about the officers on the spot, who not only made excellent arrangements for our comforts and conveniences during the Committee's tour through the Province, but placed before us carefully prepared memoranda, on which I have freely drawn for my purposes and for which I feel thankful to them, although I have not been able to see eye to eye with them on many matters. I need not add that I attach no blame to the Chief Commissioner and the other officers on the spot. They are not responsible for the faulty system which they are asked to work and of which they are not only the instruments but also its victims. The great ability, the daily anxiety, the strenuous labour, the continuous strain, and the keen sense of duty, with which they are working it, are beyond all praise. When it comes, however, to assessing the views which they have expressed on the questions before the Committee, while I attach due weight to their official experience and knowledge, I can scarcely ignore the factor to be taken into account in a matter of this kind, namely, that they are apt to have contracted an unconscious bias in favour of a system to which they have become accustomed and with which they have been identified for several years.

51. I regret the delay which has occurred in submitting this Minute owing to certain difficulties under which I had to write it and the labour involved and the time taken in writing it.

BOMBAY;

The 30th November 1922.

N. M. SAMARTH.