# INDIAN STATUTORY COMMISSION

## VOLUME XIV

# MEMORANDUM

## SUBMITTED BY THE GOVERNMENT OF

# ASSAM

## TO THE INDIAN STATUTORY COMMISSION

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# CHAPTER I.

## THE REPRESENTATIVE SYSTEM AS APPLIED TO BRITISH INDIA.

### THE BASIS OF THE FRANCHISE.

1. This subject may conveniently be dealt with under two broad heads:—

I. The basis of the franchise for local bodies.

II. The basis of the franchise for the Provincial Council.

2. *Local Bodies.*—These again may be sub-divided into (*i*) local boards, (*ii*) village authorities, and (*iii*) municipal boards and town committees.

(*i*) *Local boards.*—There are 19 of these in the province. Prior to 1915, local boards in Assam were not corporate bodies nor was there any statutory provision requiring any of their members to be elected. In so far as they administered the proceeds of the local rate allotted to them, their position was that of branch committees formed under section 14 of the Assam Local Rates Regulation, 1879, and the only statutory provision bearing on their constitution was that they were to consist of not less than three members each. These boards, however, had certain other sources of revenue placed at their disposal by the Government, such as ferry receipts, grants-in-aid from provincial revenues, etc., and in administering this part of their fund, their position appears to have been that of agents of the Government. However they might be regarded, whether as branch committees under the Local Rates Regulation or merely as certain agents appointed by the Government, there was no provision in the law as to the manner in which the Government was to select their members. Up to 1915, therefore, there was no franchise prescribed whether by statute or by any statutory rule. Nevertheless, in practice, in appointing the members of these bodies, the Government adopted in part a system of election. The basis of the franchise varied at different periods and in different localities. Thus, during the period 1883—1905, in the election of planters' representatives, in certain boards each estate had one vote; in others, the number of votes to which each estate was entitled depended on the total amount paid by it as local rate or, it may be, on the acreage under tea;

in yet others, each European resident with a *bona-fide* interest in tea possessed a vote. So far as non-officials other than planting members were concerned, these were for the most part nominated; but in two of the boards they were elected, and the conditions for the franchise were—

(*a*) That the elector should reside or own property in the constituency (designated a "circle" in those days), and

(*b*) That he should own land assessed at full rates, paying an annual revenue to Government of at least Rs. 20, or land assessed at half rates paying an annual revenue of at least Rs. 10, or revenue-free land covering an area of not less than 20 bighas, or a house of not less than Rs. 50 annual value, or that he should pay not less than Rs. 2 annually in municipal taxes, and

(*c*) That he should be not less than 21 years of age.

In 1905 the boards were reconstituted and in addition to the tea-planters' representatives, a certain number of the non-official seats on each board were thrown open to election. As regards the election of the planter-members, only the superintendents or managers (assistant managers in separate charge being deemed to be managers for this purpose) of estates were given the right to vote, the number of votes depending on the acreage under tea. As regards the other elected members, one member on each board was to be elected by the holders of the municipal franchise, another by the payers of income-tax on trading profits, and the rest by the village *panchayats* or headmen in each constituency or circle. This system prevailed until 1915 when the Assam Local Self-Government Act was passed. From that year, local boards came to be corporate bodies, a certain number of whose members had to be elected in accordance with the rules made under the Act. The qualifications for voters thus prescribed by rule have, ever since 1921, been practically identical with those for the Council franchise.

(*ii*) *Village authorities.*—These were first created by the Assam Local Self-Government Act, 1915. The number of elected members and the manner of electing them were left to be prescribed by rule. The rules actually made did not prescribe any definite franchise, they merely directed that the presiding officer must consult the villagers and,

ordinarily, accept their decision. The constitution of these bodies is now governed by the Assam Rural Self-Government Act, 1926. They are now corporate bodies consisting of not more than nine members, all of whom are to be elected. Every male person not adjudged by a competent Court to be of unsound mind who is a resident of the village and has completed his twenty-fifth year is entitled to vote.

(*iii*) *Municipal boards and town committees.*—Prior to 1923, municipalities in Assam were governed by the Bengal Municipal Act of 1884. The franchise was regulated by rules made under the Act and differed for different places and at different times. The following rules, made in 1888 for the towns of Sylhet, Gauhati and Dibrugarh, may serve to illustrate the kind of franchise prescribed :—

"Every male person of the age of twenty-one years or more who is, at the time of election, and has been for a period of not less than twelve months immediately preceding such election, resident within the limits of the municipality, and who—

(1) has, during the year immediately preceding such election, paid, in respect of any of the rates imposed by this Act, an aggregate amount of not less than three rupees; or

(2) being a member of a joint undivided family, one of the members of which has, during the year immediately preceding such election, paid, in respect of any of the rates imposed by this Act, an aggregate amount of not less than three rupees, is a graduate or licentiate of any University, or holds certificate as a pleader or mukhtar, or holds any office or employment carrying a salary of not less than fifty rupees per mensem, shall be entitled to vote at the election as next hereinafter provided.

Each voter shall be entitled to vote for the ward in which he ordinarily resides, and for no other. He shall be entitled to vote for as many candidates as there are vacancies for such ward :

Provided that he may give all or any number of the votes to which he is entitled to any one candidate."

Municipal boards and town committees are now governed by the Assam Municipal Act, 1923. So far as

municipal boards are concerned, the basis of the franchise is laid down in section 12 of the Act which runs thus :—

"The qualifications of voters shall be prescribed by rule :

Provided :—

(1) that no person not being a British subject or a subject of any State in India shall, unless this restriction is removed by the Local Government with the approval of the Governor-General-in-Council in the case of any person or class of persons, be entitled to vote at such election;

(2) that every person of the full age of twenty-one years, being a British subject or a subject of any State in India, who is at the time of such election, and has been for a period of not less than twelve months immediately preceding the date of such election, resident within the limits of a municipality or an inhabitant thereof, and who—

(*i*) has, during the twelve months immediately preceding the date of such election, paid in respect of any rates an aggregate amount of not less than two rupees, or

(*ii*) has, during the twelve months aforesaid, paid or been assessed to the tax imposed by the Indian Income-tax Act, 1922, or

(*iii*) being a graduate or licentiate of any University, or having passed the Intermediate examination of the Calcutta University or the corresponding standard of that University or any other University, or holding a license granted by a Government medical school to practise medicine, or being a barrister, or holding a certificate authorising him to practise as a pleader or as a mukhtar or as a revenue agent, occupies a holding, or part of a holding, in respect of which there has been paid, during the twelve months aforesaid in respect of any rates, an aggregate amount of not less than two rupees, or

(*iv*) is a manager or person in charge of a company or firm or business owning or occupying any land or building within the limits of the

municipality, separately numbered and of which the annual value shall not be less than Rs. 50 per annum,
shall be qualified to vote at the election of members of such municipality.

*Explanation.*—Notwithstanding anything provided above, rules made under this section may reduce but not increase any of the sums mentioned in the second proviso thereto."

The rules made under the Act have reduced the qualifying rate from two rupees to one rupee eight annas in the case of Sylhet and have extended the franchise to occupiers of holdings in respect of which the qualifying rate has been paid provided—

(*a*) they are retired, pensioned, or discharged officers, non-commissioned officers, or soldiers of His Majesty's regular forces or of the Assam Rifles, or

(*b*) they have paid not less than Rs. 50 per annum as rent for their occupation.

The constitution of town committees is governed by section 328 of the Assam Municipal Act, 1923. They administer urban areas which are not yet sufficiently developed to be constituted into regular municipalities. The number of elected members and the manner of their election are left to be prescribed by rule. Under the rules at present in force, two-thirds of the members of each committee are elected, the basis of the franchise being similar to that of full municipalities, except that the minimum qualifying rate is one rupee and the minimum qualifying annual value twenty rupees.

3. *Provincial Council.*—In the Council of 1912, there were in all 11 elected members distributed thus :—

| | | | |
|---|---|---|---|
| (*a*) | Elected by the municipal commissioners ... ... | 2 | (one for the Assam Valley Division and one for the Surma Valley and Hill Division). |
| (*b*) | Elected by the local boards ... | 2 | ditto. |
| (*c*) | Elected by the landholders ... | 2 | ditto. |
| (*d*) | Elected by the Muhammadan community ... ... | 2 | ditto. |
| (*e*) | Elected by the tea planting community ... ... ... | 3 | |

No person was qualified to vote if a female, or a minor, or adjudged by a competent Court to be of unsound mind. As regards (*a*) and (*b*) above, the number of votes to which each municipality or local board was entitled depended upon its annual income. As regards (*c*), the qualifications required of electors were that they should have a place of residence within the division concerned and

(*i*) hold within the division as proprietors estates paying land revenue amounting to not less than Rs. 500 or local rates amounting to not less than Rs. 125 per annum, or

(*ii*) hold Government titles not lower in rank than that of Raja or Nawab.

No elector was to have more than one vote in any one division. As regards (*d*) the qualifications demanded were that the electors must be Muhammadans having a place of residence in the division concerned who

(*i*) held certain specified titles or decorations,

(*ii*) possessed certain specified educational qualifications, or

(*iii*) held certain specified public offices, or

(*iv*) owned estates paying land revenue or local rates amounting to not less than Rs. 50 per annum, or

(*v*) were *jotedars* of the Goalpara district paying rent amounting to not less than Rs. 250 per annum, or

(*vi*) had paid during the previous financial year income-tax on an income of not less than Rs. 1,000, or

(*vii*) were in receipt of Government pensions of not less than Rs. 50 per mensem. Each elector was entitled to only one vote.

As regards (*e*), the Assam Valley Branch and the Surma Valley Branch of the Indian Tea Association elected one member each and a second member alternately. No particular conditions for the franchise were prescribed; the election was to be conducted by each branch association in the manner laid down in its rules for deciding questions of business brought before it.

4. Since the Reforms, the Assam Council has contained 39 elected members, 33 from the general constituencies, 5 from the planting constituencies, and 1 from the commerce and industry constituency. The qualifications for the franchise as regards each of these constituencies are detailed in the Assam Electoral Rules, and need not be repeated here. In 1924, the Council passed a resolution recommending the extension of the franchise to women and accordingly, as prescribed in the Electoral Rules, the Local Government made a regulation removing the sex disqualification against women-voters. The Council also recommended that women should be given the right to stand for election; this, however, was before such a recommendation was binding on the Local Government. Had the recommendation been made or repeated after April 1926, it would have been binding. The position at present is therefore that women are not debarred from voting, but are still ineligible for election as members.

5. Besides the thirty-nine elected members (who include the Honourable President and the Honourable Ministers), the Council contains two members of the Executive Council, *ex-officio*, and twelve nominated members, of whom not more than seven may be officials, and two must represent the labouring classes and the backward tracts.

6. From the statements given as appendices at the end of the chapter (nos. 2, 3 and 4) in which an attempt has been made to classify candidates and members returned to the legislative bodies, it will be seen that lawyers by profession formed rather more than one-third of the candidates for the last two councils, and nearly one-half of the elected members. With the members who depend for a livelihood on rent from land, they formed more than two-thirds of the elected members. There were very few candidates from the classes engaging personally in agriculture, and the number of *mauzadar* candidates, *i.e.*, persons who hold an hereditary office for the collection of land revenue, has fallen off. Except for two men of business, one agriculturist, one minister of religion, and the planting candidates, none but lawyers or persons living on rent from lands was returned to the last council. On a classification of Hindu candidates by caste it appears that there were no candidates from the lower orders save for the first election, while only

the following twelve castes in which one-fifth of the population was tabulated at the 1921 census have secured representation by persons of their own number (*vide* statement 1). The figures of the 1921 census are adopted, though no attempt was made to secure accuracy in registering caste, for the number of each caste in the constituencies :—

STATEMENT 1.

| Caste. | Candidates. (Total for 3 general elections.) | Members. | Population in 1921. | |
|---|---|---|---|---|
| Surma Valley Brahmins | 10 | 3 | 54,184 | |
| Baidya ... | 2 | 1 | 5,438 | |
| Vaisya ... | 10 | 5 | 24,435 | |
| Kayastha ... | 29 | 15 | 93,830 | |
| Sudra ... | 4 | *Nil* | 165,921 | |
| Assamese Brahmins | 20 | 7 | 93,451 | |
| Assamese Kayastha | 24 | 12 | 25,719 | |
| Kolita ... | 24 | 10 | 234,691 | |
| Keot ... | 2 | 1 | 94,593 | |
| Koch ... | 17 | 4 | 223,679 | |
| Ahom ... | 10 | 3 | 210,429 | |
| Jogi ... | 1 | *Nil* | 161,410 | |
| | | | 1,387,771 | |
| | | | | Out of total—allowing for exclusion of certain backward tracts—about 4,500,000 non-Muhammadans. |

The statement does not pretend to be more than approximate, as the difficulties in ascertaining caste for statistical purposes, especially in the Assam Valley, are well known.

7. The introduction of the Reforms scheme would, it was expected, enfranchise 5 per cent. of the plains population, or 3 lakhs. Omitting the Mikir Hills and the population living on tea gardens, 3·4 per cent. of the population or 203,191 were enfranchised in 1920. The electorate has since grown to 224,063 in 1923 and 250,751 in 1926.

Taking the several constituencies separately, however, there were wide variations between the members enfranchised in 1920 and in 1926. Increase in enrolment ran as high as 125 per cent. of the 1920 figure, while in some cases there was actual diminution amounting in one constituency to 12 per cent. as shown in statement 5 below :—

STATEMENT 5.

| | Constituencies. | | Variation in subdivisions in numbers enfranchised between 1920 and 1926. |
|---|---|---|---|
| 1. | Cachar constituencies | non-Muhammadan | *Plus* 36, *plus* 27 per cent. |
| 2. | Ditto | Muhammadan | *Plus* 28 per cent. |
| 3. | Shillong constituency | | *Plus* 58 per cent. |
| 4. | Sylhet constituencies | non-Muhammadan | *Plus* 48, 25, 19, 31, 26 and 107 per cent. |
| 5. | Ditto | Muhammadan | *Plus* 66, 45, 32, 14, 39, 28 and 125 per cent. |
| 6. | Goalpara constituencies | non-Muhammadan | *Plus* 3, *minus* 1·8 per cent. |
| 7. | Ditto | Muhammadan | *Plus* 29, 19 per cent. |
| 8. | Kamrup constituencies | non-Muhammadan | *Minus* 4, *plus* 27 per cent. |
| 9. | Nowgong constituencies | Ditto | *Plus* 25 per cent. |
| 10. | Tezpur constituencies | Ditto | *Plus* 1·8, *minus* 12 per cent. |
| 11. | Kamrup, Darrang and Nowgong constituencies. | Muhammadan | *Plus* 63 per cent. |
| 12. | Sibsagar constituencies | non-Muhammadan | *Plus* 3, *plus* 21, *minus* 5 per cent. |
| 13. | Lakhimpur constituencies. | Ditto | *Plus* 26, 49 per cent. |
| 14. | Sibsagar *cum* Lakhimpur. | Muhammadan | *Plus* 28 per cent. |

No single explanation will cover all these variations. Natural increase in the population, and improved accuracy of enrolment, to which there is general official testimony, would account for some increase. Immigration, mainly Muhammadan, into Goalpara, Kamrup, Darrang and Nowgong, and to a less extent into Lakhimpur, with some consequent displacement of the non-Muhammadan population, which tends to move into the less occupied areas (Nowgong and the subdivisions indicated by the latter figure in each case under numbers 8 and 13) may partly explain the variations in the Assam Valley. It is also reported that the accuracy of the rolls based on land

revenue is to some extent affected by the date of the last settlement in the district concerned and by the degree to which mutation procedure is efficiently carried out between settlements. Fragmentation of holdings, where pressure on the land is heavy, reduces the number known to be qualified, and where this occurs, failing exhaustive enquiries such as were attempted in 1920, but have not been repeated, the rolls must decrease in so far as the piecing together of holdings is not done by the applicants themselves, though they will increase, at least to the extent of single leases of the required value, in newly-settled areas. Doubt, however, has been thrown upon the complete adequacy of the action taken in recording fresh settlements on the electoral rolls. The urban franchise (as shown in item 3) has greatly extended owing to the growing prosperity in the towns and revision of assessments. Before the election of 1923 the rules were modified to enable members of a commensal or joint family who own a share of the family property sufficient in itself to qualify, to secure enrolment. It is reported that no extensive use has been made of this proviso, though in 1926 use began to be noticed in Sylhet. The increases in Sylhet, where the franchise is based upon the chaukidari tax, are largest in Sylhet Sadr (non-Muhammadan 48, Muhammadan 66 and 45 per cent.) and Karimganj (non-Muhammadan 107, Muhammadan 125 per cent.) and more reasonable in other subdivisions (Sunamganj 25, 32, Habiganj 18, 29, 14 and 32, South Sylhet 26 and 26 per cent.). Meanwhile the total cost of the chaukidari establishment rose only by 10 per cent. in Silchar, by 5 per cent. in Hailakandi, and between 5 and 8 per cent. in four subdivisions of Sylhet. It actually fell in South Sylhet and rose by 7·7 in Goalpara.

8. It had been recognized at the framing of the franchise that the chaukidari tax, being assessed at the option of the *panchayat*, lends itself to manipulation. It is clear that in Sylhet the basis of the franchise has adjusted itself to the desire for it. In Cachar also there has been a similar but less marked result. In Goalpara, despite much new immigration, there is only a small change, the distribution of the tax having apparently been made equitably between old and new residents, and with less regard to the numbers paying on the particular level selected for the franchise.

Statistics have not been obtained to show how far the result has been achieved in Sylhet and Cachar by lowering

the higher grades of payment or by exempting or lowering the payments of the poorer persons. Since as against 60,656 houses in Cachar and 4,17,640 in Sylhet (reported in 1924), 58,931 in Cachar and 4,16,073 in Sylhet were liable to tax in 1926, exemption does not appear as yet to have played a very important part. Again on the figures of 1920, mere arithmetic subdivision of the higher assessments, *viz.*, those paying Rs. 2 or over Rs. 3 or over Rs. 4, etc., would only produce about 2,000 extra voters in Cachar, 7,000 in Sylhet and 4,500 in Goalpara. The actual increase is shown in the following statement :—

STATEMENT 6.

| District. | | 1920. | 1926. |
|---|---|---|---|
| Cachar ... | Total cost ... ... ... | Rs. 34,770 | Rs. 37,268 |
| | Persons paying not less than Re. 1 | 11,385 | 15,627 |
| | Increase ... ... ... | | +4,242 |
| Goalpara ... | Total cost ... ... ... | Rs. 78,144 | Rs. 84,168 |
| | Persons paying not less than Re. 1 | 11,965 | 11,974 |
| | Increase ... ... ... | | +9 |
| Sylhet ... | Total cost ... ... ... | Rs. 2,40,854 | Rs. 2,54,264 |
| | Persons paying not less than Re. 1 | 64,681 | 86,913 |
| | Increase ... ... ... | | +22,232 |

It is probable, therefore, that, as is reported, redistribution was effected in Sylhet and Cachar mainly by lowering the rates of the poorer persons. The tendency here before 1920 had been to make as many people as possible pay a *quota*, and three-fifths of the tax was then paid in amounts less than rupee one.

9. In only one case was a serious failure of system over a considerable area reported; this was raised in an election petition. The enfranchisement of women had unimportant results except in Shillong, where the matriarchal system of the Khasis led to the substitution of women for the bulk of the male voters. Full statistics are not available, but in 23 constituencies only 2,158 women came on the rolls. Unmarried or widowed tax-payers are few in Assam.

10. The electorate at the 1926 election was 2,50,751, or 4.3 of the population of the constituencies excluding the population on tea gardens. The fraction of the female population enfranchised is infinitesimal. Outside Shillong

the highest known percentage of women voters to female population was ·27 and the lowest ·01.

11. The only bodies of persons who by reason of the mode in which their dues are rendered to the State are unenfranchised are—

(1) The population residing on tea gardens, reckoned at a million (excluding Europeans) or one-seventh of the population, of whom some 6,000 are literate labourers, and some 15,000 other literates—clerks, muharrirs, etc.

(2) Nepalis. In 1921 there were reckoned to be 1,04,000, of whom 70,344 were born in Nepal. Land settlement figures indicate an increase in the total of at least 20 per cent. since. Only *ex*-soldiers are entitled to the vote of those born in Nepal. The bulk of the remainder are graziers, who pay the greater part of the three lakhs realised in grazing fees, but some have cultivation, and some reside in the towns. The question whether particular persons were entitled does not appear to have been raised, except in Shillong, where only *ex*-soldiers were permitted to vote, certain claimants being disqualified as born in Khasi territory. Probably there are now about 115,000 unenfranchised, of whom probably 35,000 are British subjects.

(3) Some 5,000 inhabitants of house-tax-paying villages.

(4) Forest villagers and inhabitants of special settlements, perhaps 30,000.

(5) Sub-tenants in the five upper districts in the Assam Valley. It is difficult to make an estimate of their number, which must be considerable. At the 1911 census a growing tendency to sublet was noticed. That census distinguished a population in the districts concerned of 241,314 supported by rent-paying land. The latest settlement report in Sibsagar indicates 5 per cent. of the land in one group as held by sub-tenants. Taking a general rate of 3 per cent. as that which might be enfranchised, it may be estimated that 10,000 persons are excluded from the vote by renting their

land through an intermediary. No action has been taken in the direction of using the local rate as a means to qualify such persons, though there is nothing in the rules to prevent such use.

12. The only grievance made was that the middle classes in Sylhet do not always pay chaukidari tax. One remedy proposed was the creation of a graduates' constituency. This was suggested in 1920 by the Secretary of State, but not adopted since such a constituency would be merely an agglomeration of graduates from Universities in other provinces and countries, and would be largely composed of Government servants. It was promised however that the debate on a resolution carried for the purpose should be laid before the Commission. There are no statistics, but there are probably some one thousand graduates of various Universities in Assam, and about one hundred youths graduate from the province annually. The debate indicated a feeling that the element endowed with higher education has an insufficient voice, but the point of the complaint was probably that many members of large undivided families have none. It has already been indicated that the low incidence of the chaukidari tax for protection of house and property (12 annas in Sylhet and Cachar and 15 annas in Goalpara per household, and less than 1½ anna per head of population) and the comparatively small proportion paid by better-off assessees, would prevent any large increase in the enfranchised members of commensal or joint families even if full use were made of the provision. The same disadvantage is felt wherever the pressure on the land is heavy. A district officer reports that only one-third of his clerks themselves own such amount of land as might entitle them to the vote in their villages, and there are always large numbers of matriculate applicants for any vacancy.

Vide Appendix A.

13. Another remedy proposed was that local rate should be substituted for the unpopular chaukidari tax. This would be impracticable however in Sylhet without the record-of-rights for which the Council refused to pay, if the rolls were to have any degree of accuracy, apart from the fact that local rate is often consolidated with the rent, and the procedure for recovery from the tenant too complicated for general use. It has also been suggested that the

franchise should be lowered, or given to all adults, or that there should be an educational qualification. Suggestions regarding the constituencies indicate a feeling that the mercantile and land-holding classes also carry insufficient weight under a franchise sufficiently low to include all persons on a reasonable level of comfort, in the towns at least, the landholder and income-tax payer being on a level with persons of a much lower status in society.

14. The most obvious disparity, however, occurs between the proportions enfranchised in the rural areas and the towns, especially in view of the rural or semi-rural areas which many of the towns in Assam embrace. The following statement shows this disparity, and also the progress. The percentage enfranchised runs as high as 15 in an urban, and as low as 1.9 in a rural area.

STATEMENT 7.

| Constituencies. | | Percentage of urban (1921) population enfranchised. | Percentage of rural (1921) population enfranchised. |
|---|---|---|---|
| Sylhet Sadr ... ... | 1920 ... | 8 | 2.1 |
| | 1926 ... | 11 | 3.3 |
| Habiganj ... ... | 1920 ... | 10 | 3.1 |
| | 1926 ... | 13 | 3.9 |
| South Sylhet ... ... | 1920 ... | 3.1 | 2.3 |
| | 1926 ... | 8 | 3.1 |
| Sunamganj ... ... | 1923 ... | 5.8 | 2.6 |
| | 1926 ... | 6.6 | 3.1 |
| Karimganj ... ... | 1923 ... | 7.6 | 3.1 |
| | 1926 ... | 7.7 | 3.6 |
| Dibrugarh non-Muhammadan | 1920 ... | 5.6 | 3.1 |
| | 1926 ... | 14 | 2.5 |
| North Lakhimpur ... | 1923 ... | 5.6 | 3.1 |
| | 1926 ... | 11 | 3.6 |
| Tezpur non-Muhammadan | 1920 ... | 9.4 | 2.3 |
| | 1923 ... | 6.7 | 2.3 |
| | 1926 ... | 9.1 | 2.3 |

## STATEMENT 7—*contd.*

| Constituencies. | | Percentage of urban (1921) population enfranchised. | Percentage of rural (1921) population enfranchised. |
|---|---|---|---|
| Tezpur Muhammadan ... | 1920 ... | 10.4 | 2.2 |
| | 1923 ... | 2.9 | 3.9 |
| | 1926 ... | 13.8 | 3.1 |
| Mangaldai non-Muhammadan | 1920 ... | 5.2 | 3.9 |
| | 1923 ... | 9.6 | 3.6 |
| | 1926 ... | 8.6 | 3.4 |
| Ditto. Muhammadan ... | 1920 ... | 6.2 | 2.7 |
| | 1923 ... | 9.8 | 2.7 |
| | 1926 ... | 5.4 | 3.4 |
| Silchar non-Muhammadan | 1923 ... | 5.9 | 2.2 |
| | 1926 ... | 7.7 | 2.5 |
| Hailakandi non-Muhammadan | 1923 ... | 8.2 | 1.9 |
| | 1926 ... | 10.1 | 2.5 |
| Cachar Muhammadan ... | 1923 ... | 5.3 | 3.9 |
| | 1926 ... | 6.3 | 4.5 |
| Nowgong ... ... | 1920 ... | 8 | 3.7 |
| | 1923 ... | 10.7 | 4.1 |
| | 1926 ... | 15 | 4.9 |
| Jorhat non-Muhammadan ... | 1923 ... | 8.3 | 4.5 |
| | 1926 ... | 12.6 | 5.2 |
| Sibsagar non-Muhammadan | 1920 ... | 10.3 | 4.3 |
| | 1923 ... | 10.7 | 4.7 |
| | 1926 ... | 10.7 | 4.4 |
| Golaghat non-Muhammadan | 1923 ... | 4.7 | 3.4 |
| | 1926 ... | 7.1 | 3.3 |

STATEMENT 7—*contd.*

| Constituencies. | | Percentage of urban (1921) population enfranchised. | Percentage of rural (1921) population enfranchised. |
|---|---|---|---|
| Sibsagar *cum* Lakhimpur Muhammadan | 1923 ... | 10.8 | 3.8 |
| | 1926 ... | 12.4 | 4.9 |
| Gauhati ... ... | 1920 ... | 2.2 | 2.2 |
| | 1926 ... | 3.2 | 2.1 |
| Dhubri ... ... | 1923 ... | 3.3 | 4.3 |
| | 1926 ... | 8.9 | 4.2 |
| Goalpara ... ... | 1923 ... | 5.3 | 5.3 |
| | 1926 ... | 7.7 | 5.6 |

The comparatively few voters enfranchised on income-tax payment or as *ex*-soldiers have not been taken into account. Inaccuracies may have crept into the figures of municipal, chaukidari and land revenue qualifications on which this statement is based, but it serves to indicate the wide differences between areas, and also that the urban vote is generally from two to three times as strong as the rural. The original figures based on Sir Archdale Earle's proposals contemplated enfranchisement of 4.7 per cent. of the urban and between 1 and 2 per cent. of the rural population. When enfranchisement of 5 per cent. of the population was decided upon, no examination was made as between urban and rural. The Franchise Committee observed however that their proposals would enfranchise a substantially higher percentage in the towns, in view of the higher level of wealth and intelligence there than in the country. The statement would require qualification in Assam. The Joint Select Committee deprecated the inadequacy of rural representation in India.

15. Statistics of claims and objections are incomplete. They indicate however increasing interest in the rolls; the claims known to have been made being 152 in 1920, 545 in 1923 and 1,347 in 1926, about one-third of the last number occurring in Sibsagar, and another third in Goalpara. Claims were generally lodged by individuals, and were largely only for correction of names and designations. It is reported that they were rarely spontaneous, and this is borne out by the fact that voters at the polling booths rarely

knew their roll number. Lists were also occasionally received from *sarpanches;* in some cases these were rejected on the ground that application should be by the voter, but they were in others accepted in correction of the chaukidari lists. Candidates maintained no organization for check upon the rolls, nor did party or communal organizations, such as these were. Objections were very few, only 2 being reported in 1920, 1 in 1923 and 8 in 1926, and enquiry into the age of electors scarcely occurred. The first rolls were made out by the land records staff, the municipal offices, and the *sarpanches*, and were believed to be accurate for chaukidari tax, but were too hurriedly prepared for land revenue and local rates to be entirely reliable, as the basis of the land records is not suited to simple extraction of the total revenue and rates paid by individuals. The same agencies were utilised in the preparation of new rolls. For land revenue and local rates their work lay in reporting changes and additions due to new settlements. Reference has been made to the defects inherent in the system. It is noticeable that one of the two districts in which large numbers of claims were made was one under resettlement, where interest was therefore not confined to the aspect of the franchise, while the other was attracting many immigrants. No instances have been reported casting doubt upon the integrity of the agency as concerning the franchise.

## METHODS OF ELECTION.

16. Shillong is the only urban constituency. It is peculiar in containing non-British territory, and a large body of women voters. Sixteen seats were given to each valley for the maintenance of equilibrium. For non-Muhammadans the units were complete subdivisions, one subdivision being again divided. The concentration of Muhammadans in Sylhet and Goalpara rendered it necessary, however, to lump whole districts or subdivisions together elsewhere, and to make an adjustment in Goalpara. The district of Sylhet made a group, much more compact than elsewhere, of constituencies with limited area and population. The following statement exhibits the size, population and literacy of the constituencies (approximately in cases where they do not entirely correspond to census data). Rural constituencies vary from 287 to 8,260 square miles in size and from 76 to 507 thousand in population.

## STATEMENT 8.

| District. | Constituency. | Area, in square miles. | Population in thousands. | Number of voters on the electoral roll. | Percentage of voters to total population. | Percentage polled at last contested election. | District standard of literacy. | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | Muhammadan. | non-Muhammadan. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | *Non-Muhammadan* | | | | | | | Per cent. |
| Cachar .. | Silchar .. | 1,661 | 254 | 7,104 | 2.79 | 53.87 | .. | 8.8 |
| | Hailakandi .. | 287 | 76 | 2,086 | 2.74 | 63.81 | .. | 8.8 |
| Sylhet .. | North Sylhet .. | 1,035 | 158 | 7,095 | 4.5 | 66.11 | .. | 11 |
| | South Sylhet .. | 1,064 | 244 | 7,530 | 3.08 | 55.34 | .. | 11 |
| | Habiganj—North.. | 494 | 130 | 5,698 | 4.38 | 52.7 | .. | 11 |
| | Do. —South.. | 595 | 132 | 6,386 | 4.85 | 57.8 | .. | 11 |
| | Sunamganj .. | 1,423 | 203 | 7,325 | 3.6 | 32.60 | .. | 11 |
| | Karimganj .. | 1,069 | 241 | 9,172 | 3.8 | 57.38 | .. | 11 |
| Goalpara .. | Dhubri .. | 2,865 | 314 | 16,425 | 5.22 | 35.34 | .. | 6.3 |
| | Goalpara .. | 1,089 | 132 | 8,273 | 6.27 | 21.79 | .. | 6.3 |
| Kamrup .. | Gauhati .. | 2,605 | 507 | 14,872 | 2.93 | 29.75 | .. | 8.1 |
| | Barpeta .. | 1,274 | 146 | 6,100 | 4.16 | 45.72 | .. | 8.1 |
| Darrang .. | Tezpur .. | 1,826 | 277 | 6,802 | 2.45 | 31.24 | .. | 4.4 |
| | Mangaldai .. | 1,353 | 162 | 5,685 | 3.51 | 17.67 | .. | 4.4 |
| Nowgong .. | Nowgong .. | 1,200 | 327 | 13,355 | 4.07 | 36.96 | .. | 6.1 |
| Sibsagar .. | Jorhat .. | 1,060 | 292 | 11,169 | 3.82 | 40.57 | .. | 6.5 |
| | Sibsagar .. | 1,028 | 274 | 12,785 | 4.67 | 29.91 | .. | 6.5 |
| | Golaghat .. | 1,800 | 223 | 6,856 | 3.07 | 37.92 | .. | 6.5 |
| Lakhimpur .. | Dibrugarh .. | 2,395 | 452 | 13,191 | 2.91 | 25.80 | .. | 5.3 |
| | North Lakhimpur | 1,166 | 119 | 4,382 | 3.67 | 27.81 | .. | 5.3 |
| | *Muhammadan.—* | | | | | | | |
| Cachar .. | Cachar .. | 1,948 | 171 | 7,656 | 4.47 | 65.32 | 5.3 | .. |
| Sylhet .. | North Sylhet—North | 666 | 200 | 6,819 | 3.41 | 54.6 | 3.8 | .. |
| | Do. —South | 369 | 182 | 5,388 | 2.96 | 64.3 | 3.8 | .. |
| | South Sylhet .. | 1,064 | 174 | 5,703 | 3.28 | 70.98 | 3.8 | .. |
| | Habiganj—North.. | 494 | 165 | 4,684 | 2.83 | 53.9 | 3.8 | .. |

STATEMENT 8.—*contd.*

| District. | Constituency. | Area, in square miles. | Population in thousands. | Number of voters on the electoral roll. | Percentage of voters to total population. | Percentage polled at last contested election. | District standard of literacy. | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | Muhammadan. | non-Muhammadan. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | *Muhammadan* | | | | | | | Per cent. |
| Sylhet .. | Habiganj—South.. | 595 | 166 | 7,520 | 4.52 | 43.2 | 3.8 | .. |
| | Sunamganj .. | 1,423 | 308 | 8,666 | 2.81 | 46.64 | 3.8 | .. |
| | Karimganj .. | 1,069 | 239 | 8,946 | 3.73 | 50.81 | 3.8 | .. |
| Goalpara .. | Dhubri *minus* .. South Salmora. | 2,561 | 158 | 5,506 | 3.48 | 43.00 | 2.3 | .. |
| | Goalpara *cum* South Salmora. | 1,393 | 158 | 3,701 | 2.33 | 39.63 | 2.3 | .. |
| Lower Assam | Kamrup .. | | | | | | 5.0 | .. |
| | Darrang .. | 8,260 | 219 | 7,867 | 3.59 | 51.41 | 5.5 | .. |
| | Nowgong .. | | | | | | 3.6 | .. |
| Upper Assam | Sibsagar *cum* Lakhimpur. | 7,645 | 50 | 3,293 | 6.52 | 44.67 | 14.0 | .. |
| | | | | | | | 5.3 | .. |
| Khasi and Jaintia Hills. | Shillong .. | .. | 17 | 1,509 | 8.77 | 53.87 | .. | .. |

The ratio on population excluding the Mikir Hills is—

| | Muhammadans. | | | non-Muhammadans. | | | Total ratio |
|---|---|---|---|---|---|---|---|
| | Population. | Members | Ratio. | Population. | Members | Ratio. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Assam Valley | 565,593 | 4 | 141,396 | 3,126,949 | 12 | 260,579 | 230,784 |
| Surma Valley | 1,604,012 | 8 | 200,501 | 1,437,813 | 8 | 179,727 | 190,114 |
| Total ... | 2,169,605 | 12 | 180,800 | 4,564,762 | 20 | 223,728 | 210,449 |

17. Neither the degree of literacy nor the large size of some constituencies appear to have affected the proportions of the poll. The lowest polling was in the less developed subdivisions, the highest in the Surma Valley. There were complaints in Council of the size of the Kamrup and Nowgong constituencies. It was also objected that South Salmora police station belongs linguistically and naturally to western Goalpara, and should not have been tacked on to Goalpara subdivision merely for equalization of numbers, thus rendering the Bengali vote likely to be swamped by the non-Aryan affinities of the eastern part. For the same reason a separate non-Muhammadan constituency was suggested for the Meches or Bodos. Separate representation was also urged for the immigrants, these even at one time asking that their districts in Bengal should be represented in the Assam Council! The Ahoms have pressed for separate seats, and Muhammadans have suggested a separate seat in the Council for Hailakandi (population 65,107) and a separate seat on the Legislative Assembly for their community in the Assam Valley, as they must otherwise be swamped by the Muhammadans of Sylhet. It has also been suggested by a resolution, not moved, that there should be two seats, instead of one alternating between Muhammadans and non-Muhammadans, on the Council of State. Besides the claim for a graduates' constituency special constituencies have been suggested for the Indian tea planters, or companies registered in India, and for the mercantile and land-holding classes.

18. Special constituencies exist only for commerce and industry (1 member) and for the tea industry (5 members). The planting constituencies are the only plural member constituencies. It has been urged that in view of the importance of the industry, which pays one-ninth of the land revenue, probably over half the excise revenue, and a fraction of the income-tax varying from a half to two-thirds, that it is under-represented with only one-eighth of the elected members. There has never been a contest for the planting seats, and the commerce seat was contested only at the last election. The electorates for the planting and commerce and industry constituencies in 1926 were 754 for the Assam Valley planting constituency, 410 for the Surma Valley planting constituency and 38 for the commerce and industry constituency.

19. For the 1920 election 86 candidates were nominated for all the constituencies, 92 in 1923 and 81 in 1926. Four

nominations were rejected in 1923 and 6 in 1926. The grounds upon which objections were made were lateness in filing, wrong name or description, misstatement of age, appointment of more than one election agent, failure to submit the declaration and occupation of an honorary magistracy. All the objections, including those allowed, were of a technical nature.

20. The only cases of failure of nomination were two in the planting constituencies. In 1920 on account of the non-co-operation movement there were 12 seats uncontested excluding the special seats. In 1923 the deputy leader of the *Swaraj* Party, one *Swarajist* pleader and one independent pleader were returned unopposed, while the candidate against another independent pleader withdrew. In 1926 two *Swarajist* pleaders were returned unopposed and the opposition to two *Swarajists* was withdrawn. Two prominent landholders were returned unopposed and the opposition to an independent pleader was withdrawn. In one instance a withdrawal is known to have taken place by mutual arrangement. Nine deposits were forfeited in 1923 and three in 1926. The forfeitures in 1923 appeared to have affected the election in 1926, when six withdrawals took place. In 1920 a number of men of straw were put up, and at least four withdrew, but in 1923 there was only one withdrawal. (The provision for deposit took effect in 1923.)

21. Candidates were nominated by their friends, organised candidature only being arranged by the Congress party. In two instances candidates stood for subdivisions other than those of their residence, since the bulk of their land lay in that selected, while one candidate stood for another subdivision of his district as well as his own. Some members elected for subdivisions were, however, generally resident at the district head-quarters. One such member, for instance, has scarcely visited his constituency since his election. The appeal of candidates was, save so far as the anti-Government programme of the Congress party influenced the electorate, entirely personal,* as it is on local boards, there having been hitherto no administrative questions in which the electorate could take an intelligent interest, save matters connected with a possible increase of taxation, *e.g.*, grazing fees, settlement of waste lands with immigrants, and, occasionally, the restriction of opium issues and excise policy. As regards taxation, sympathy with the tax-payers was not confined to

**Vide* Appendix to Chapter VII, case 18.

any party. It has been found impossible to make the consumers of opium and exciseable articles understand that restrictions are not the work of the local officers but due to the vote of the Council. The personal character of the appeal was illustrated at the Council elections by a case in which a candidate for whom the people of several adjacent villages had voted very strongly was unseated, and at the bye-election lost many votes in those same villages, where he had a land dispute with a relation of a person of local influence; also in a local board election where a gentleman received every vote cast at a polling station where he had land, but not a single one elsewhere. The candidates successful were mainly either landholders or pleaders, in both cases the traditional mouthpieces of popular grievance. Two or three have claimed to lead backward communities or the socially depressed, but their efforts have practically been confined to times of election. With rare exceptions they were not the recognized local leaders in communal and religious affairs. The *mauzadars*, to whom is entrusted the collection of Government revenue, were strong in the first Council, but since have lost much way. While the member is regarded as the mouthpiece for grievances, there is no doubt that the popular view largely regards successful candidature for the Council or the local bodies as a matter of social advancement. It is observed, however, that the man in office frequently loses this popularity.

22. Polling was arranged by *mauzas*, *i.e.*, a collection of villages for revenue purposes, in the Assam Valley, and by village police circles in the *chaukidari* areas, and took place from 11 A.M. to 5 P.M. after which time only those voters within the booth were allowed to record. It was not simultaneous, and polling over the province occupied about a fortnight. This was due to the size of the constituencies and the paucity of officers. Magistrates and revenue officers (Sub-Deputy Collectors) were used for presiding at the polling stations, with members of local bodies and other officials to assist them. Polling areas varied widely, from 3 to 200 square miles or over. It was found that the maximum number of votes that could be polled in one day was generally not more than 500 and sometimes less, while difficulty was met in finding an adequate number of officials even for the number of polling stations fixed, which could frequently have been increased with advantage. The despatch of available officers and clerical assistance from place to place caused considerable dislocation of ordinary

business. One presiding officer nullified his day's work by entering the voters' numbers on the voting papers.

23. Largely on account of the temporary nature of the available buildings, and the general illiteracy of the electorate, it was found that the ballot was by no means secret. No statistics are available as to the number of illiterate voters, but estimates are invariably high, averaging 75 to 80 per cent. The presiding officer had to guide the hand of the illiterate elector. He was prohibited from making the mark himself, but in the course of explaining to the elector where he should make his mark, it frequently became audibly known for whom the elector would vote. The ballot had been abandoned for an open vote in municipal elections in 1925, the Minister considering that a prepared ballot would give too much trouble, and that open voting, though objectionable, was preferable to the old system by which ballot papers had been distributed beforehand, and were often manipulated. Municipal boards were, however, permitted, in 1925, to introduce the closed ballot if they chose. Only four boards have adopted the ballot. It was considered impracticable to abandon open voting for local boards when the rules were revised in 1927. Resolutions concerning the introduction of the ballot in municipalities have been tabled but not moved. It is considered on some hands that with a largely illiterate electorate the convenience of the open vote would discount its objectionable features. The Government of Assam would however continue to aim at the secret ballot. In the elections for the Legislative Council, illiteracy was the most common cause of invalid votes, which were 1,542 in 1923 and 1,803 in 1926.

24. The votes polled in 21 contested constituencies in 1920 were 33,352 or 16·41 per cent. of the electorate. In 1923, 83,320 or 37·47 per cent. were recorded in 28 constituencies, and in 1926, 87,807 or 35 per cent. in 26 constituencies. While the social levelling has been marked, coolies freely exercising the franchise and even leather workers finding place on the rolls for the Legislative Assembly, as yet a growing use of the vote for the purpose of mutual benefit cannot be traced, save for the local bodies. There the communal feeling is displayed not only by efforts recently made by the immigrants and the lower classes, such as fishermen, to return their own representatives, but also by facts elicited, that for instance, Manipuris are willing to vote only for Manipuris, while Patnis and Namasudras,

instead of combining to overcome the superior classes, are solely interested to return men of their particular community. A tendency to debate locally as to who shall receive the Council vote has been recently noticed in Sylhet, but the use of the franchise is generally determnied by the personal influence of landholders, *mauzadars*, religious leaders and lawyers.

25. Remarkable facts illustrating the manner in which voters were herded came to light on an election petition in 1923. At a municipal board election Muhammadan tenants were compelled by threats of the Hindu proprietor of a bazaar to vote for a Hindu candidate, but it has been observed by a competent witness that where there are no separate electorates the communal principle usually wins. Even in the towns the electors have little opportunity to become aware of questions of policy, and know only what political leaders may tell them. In one important town only one newspaper to every six houses is received or sold. It has, however, been observed that the immigrants come to the polling stations of their own accord, and are not intimidated like others by the presence of persons wielding local influence or authority. The use of the franchise was stimulated by the entry of the *Swarajist* Party in 1923, but the figures already given lead to no conclusion as to the value placed upon the vote, save that it is clearly higher in the Surma Valley. Such figures as are available do not indicate that polling was particularly high in the urban areas.

26. The influence of landlords was, save among the immigrants, marked in bringing voters to the poll. Recently increasing motor traffic led to the use of this mode of transit being provided by candidates even for the local bodies. Canvassing was done largely by candidates themselves, some of whom have complained of the toil involved, and their friends. The extent to which paid canvassers were employed varied greatly, and also the cost to the candidates. As much as Rs. 9,000 has been expended by a candidate for the Assembly, and as much as Rs. 7,500 by one for the Council. In some instances, however, the reported expenditure was only a few rupees. Two candidates failed to submit a return of their expenses in 1926, and there was much difficulty in obtaining it from a number of others. One of the two candidates was absolved from the penalty on his frank explanation that the canvassers, who were, according to him, generally of an unreliable quality, would not

submit details of their expenditure, and, while he was himself conscious of no irregularity, he could not take the responsibility of certifying that none of the money had fallen into the hands of the voters. Meetings at which addresses were given were recently more common at election times, and handbills more in use. It is widely alleged that bribery occurs, though no charges were specifically held proved on election petitions. Incidents that led to the belief were such as a promise to contribute towards a temple, and it seems probable that the redistribution of the *chaukidari* tax was not wholly voluntary and unreimbursed. Treating was observed in places in the form of light refreshments at the tea stalls and sweetmeats sellers' stalls, and was held proved on an election petition, though not to have been such as materially to affect the election. Candidates at the last election to the Council generally preferred to be their own election agents, only 18 other persons, friends or relations, being employed. The election not being simultaneous, the only organized party, the *Swarajist*, obtained benefit from the movement of trained helpers from place to place. Only one case of personation was reported, in which the vote had not been challenged, but the fraud was detected by the *sarpanch* of the circle. There appear to have been no instances of votes being challenged. The votes tendered were very few, 27 in 1923 and 28 in 1926, and no enquiries were held in any instance. The cost of the elections in 1926 was Rs. 41,745 to Government, and Rs. 74,910, as reported, to the candidates.

27. No statistics exist as to the number of women who voted, except for the Khasis in Shillong and in four other constituencies. At Shillong a separate polling station was arranged, and 336 voted, forming 40 per cent. of the total poll and 67 per cent. of the female electorate. Elsewhere no special arrangements were made, save in one district where separate doors were provided at the municipal polling stations. The percentages voting in other constituencies were 8.92, 6.25, 5.71 and 11.76. It is reported that elsewhere none or very few voted, and in one subdivision it was noted that only prostitutes exercised their right.

28. Save in two cases in Sylhet, where interest ran higher and contests were keener than elsewhere, no instances of disorder occured either during the preparations for polling or the actual poll. There were four election petitions, in one of which the Minister's seat was concerned, and much interest therefore aroused. This petition, which

raised many allegations of undue influence, corrupt practice and *force majeure*, was rejected, it being held that the corrupt practices proved were not such as to affect the election, and that the witnesses on both sides were unreliable. One petition was allowed on the ground of the inaccuracy of the polling copies of the rolls and one for improper rejection of a nomination paper.

29. Only one of the special seats, for which postal voting was prescribed, was contested. This was the commerce and industry seat in 1926.

30. Statement 9 shows the working of elections to the Legislative Assembly seats, so far as figures are available. The Assam Valley non-Muhammadan seat was not contested on any occasion, a prominent *Swarajist* leader being returned unopposed on the last two. The European seat was only once contested. The other seats were contested, except the Surma Valley non-Muhammadan seat in 1923, to which a prominent politician was returned unopposed.

31. There were ten bye-elections, five due to death, one to failure to make the oath, two to members obtaining office which entailed resignation, and two to elections being declared void. Eight were contested, with the following results :—

STATEMENT 10.

| | Electorate. | Votes polled. | Rejected votes. | Expenditure of candidates. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | Rs. |
| 1923 Sylhet Sadr. non-Muhammadan | 4,777 | 1,045 | 11 | 200, 42 and 67. |
| 1923 Kamrup, etc., Muhammadan | 6,051 | 395 | Nil | 16 and 20. |
| 1922 Mangaldai non-Muhammadan | 2,677 | 912 | 5 | 163 and 19. |
| 1923 Habiganj—(South) Muhammadan | 6,997 | 807 | 15 | 71, 37 and 188. |
| 1922 Kamrup, etc., Muhammadan ... | 4,826 | 107 | 60 | 321, 125 and 259 |
| 1922 North Sylhet Muhammadan ... | 4,101 | 1,592 | Nil. | 36, 117 and 150. |
| 1922 Goalpara non-Muhammadan ... | 8,421 | 86 | 1 | 20 and 5. |
| 1927 Dibrugarh non-Muhammadan ... | 13,191 | 3,701 | 33 | 381 and 979. |

32. There are no plural constituencies for either the central or the provincial legislature, except the planting constituencies, and the question of representation by proportionate vote or reservation of seats has therefore never arisen in practical form. Indeed the number of members in both cases would have to be largely increased in order to admit of proportionate representation within constituencies of a reasonably wieldy size, while the great variety of clamorous interests in the province would make reservation a dubious expedient even if such constituencies could be arranged.

33. A most important fact for the future of the province, particularly in regard to the representation of the people, is immigration from other provinces for the purpose of settlement on the land. In the four eastern districts of the Assam Valley, and in both districts of the Surma Valley, *ex*-tea garden coolies settle on the land on a large scale annually, and considerable numbers of Nepalese are also absorbed throughout the province; figures of these classes are mentioned elsewhere. The largest stream of immigrants however comes from Eastern Bengal, chiefly from the districts of Rangpur, Jalpaiguri, Mymensingh, Pabna and Bogra. About 90 per cent. of them are Muhammadans. At the census of 1891 the movement was noticed as being on a comparatively small scale, and it was stated that a "certain number of persons from the neighbouring Bengal districts of Mymensingh, Dacca and Rangpur have crossed the boundary and settled in Sylhet and Goalpara.....They have only moved a few miles from their original homes." A falling off in the movement was noticed in 1901, but in 1911 an extraordinary incourse into Goalpara was reported. At first confined to the riverain lands of that district, it has since grown in volume and spread into the interior, especially the sparsely inhabited subdivisions of Barpeta and Mangaldai, and the district of Nowgong, while it is likely that the few immigrants who have penetrated into the distant subdivision of North Lakhimpur will be followed by many others. The immigrants are industrious and skilful cultivators, and where they come in contact with the older residents of Assam, they have tended to oust the latter from their land, though in some instances the older inhabitants have been hardy enough to imitate their more vigorous methods. Displacement, where it has occured by transfer of holdings, appears to have been due partly to belief in the aggressive character of the invaders, and partly

to economic inability to compete with their agricultural methods. For a time it was sought to confine the immigrants to areas where they would not disturb the interests of the established population, by drawing lines of demarcation in the villages concerned, but this policy has been found to be unsuccessful, since it made the land near the boundary lines all the more valuable, and encouraged voluntary transfers. Other means of controlling settlement are therefore under consideration.

34. In the decade 1911-1921 the immigrants were found to have increased probably from about 54,000 to about 300,000 souls. In 1921 they held 89,507 acres in the Assam Valley direct from Government, exclusive of the areas sub-let by zemindars and others. Since then the actual number of immigrants who may be supposed to have established themselves in each district or subdivision must be a matter of conjecture, upon which the only check lies in the statistics of settlement of land with them direct by Government. Whole trains are however at times reserved for the conveyance of the pioneers and their families to their new homes, and it is certain that the movement has been very large. It has seriously upset the balance of representation in the Legislative Council, which was constructed on the basis of the 1911 census figures. Thus while two members were allotted to the Muhammadans of Goalpara on a presumed population of 212 thousand, one to those of Kamrup, Darrang and Nowgong on a presumed population of 101 thousand, and one to those of Sibsagar and Lakhimpur with a presumed population of 62 thousand; there are now probably about 386 thousand in Goalpara, 208 thousand in Kamrup, 60 thousand in Darrang, 146 thousand in Nowgong, 39 thousand in Sibsagar and 19 thousand in Lakhimpur. The future distribution of seats must take account of this increase. As has been stated, there are no accurate data for an estimate of the present population of the Assam Valley, but from a scrutiny of the statistics of land settlement and reports of the district officers the following probabilities have been worked out.

| Subdivision and districts. | Population in 1911, on which representation was based. | | Population in 1921. | | Probable population in 1928. | |
|---|---|---|---|---|---|---|
| | Muhammadan. | Non-Muhammadan. | Muhammadan | Non-Muhammadan. | Muhammadan | Non-Muhammadan. |
| Dhubri .. .. | 183,538 | 259,700 | 237,077 | 314,274 | .. | .. |
| Goalpara .. .. | 28,024 | 129,381 | 79,413 | 131,759 | .. | .. |
| Goalpara .. | 211,562 (2 members) | 389,081 (2 members) | 316,490 | 446,033 | 386,000 | 494,000 |
| Gauhati .. .. | 58,018 | 470,661 | 71,349 | 504,807 | .. | .. |
| Barpeta .. .. | 6,609 | 132,540 | 40,197 | 146,318 | .. | .. |
| Kamrup .. | 64,627 | 603,201 (2 members) | 111,546 | 657,125 | 208,000 | 731,000 |
| Tezpur .. .. | 4,971 | 202,184 | 8,914 | 277,548 | .. | .. |
| Mangaldai .. .. | 15,334 (1 member) | 154,825 | 27,621 | 163,852 | .. | .. |
| Darrang .. | 20,305 | 357,009 (2 members) | 36,535 | 441,400 | 60,000 | 502,000 |
| Nowgong .. | 15,689 | 287,907 (1 member) | 70,582 | 327,339 | 146,000 | 366,000 |
| Sibsagar .. .. | 29,718 | 210,440 | 15,633 | 273,658 | .. | .. |
| Jorhat .. .. | 8,291 | 246,354 | 10,074 | 291,678 | .. | .. |
| Golaghat .. .. | 8,407 | 187,089 | 9,287 | 222,867 | .. | .. |
| Sibsagar .. | 46,416 | 643,883 (3 members) | 34,904 | 788,203 | 39,000 | 867,000 |
| Dibrugarh .. .. | 13,419 (1 member) | 356,319 | 12,711 | 453,494 | .. | .. |
| North Lakhimpur .. | 2,493 | 96,758 | 2,735 | 119,355 | .. | .. |
| Lakhimpur .. | 15,912 | 453,077 (2 members) | 15,446 | 572,849 | 19,000 | 650,000 |

METHODS WHEREBY PARTICULAR INTERESTS, COMMUNAL, LOCAL, SOCIAL AND ECONOMIC, MAY OBTAIN ADEQUATE REPRESENTATION ON LOCAL SELF-GOVERNING, PROVINCIAL AND CENTRAL REPRESENTATIVE BODIES.

35. The representation of particular interests in local bodies has been discussed in a separate memorandum. In the Legislative Council separate electorates exist for Muhammadans, the tea planters and commerce and industry.

36. The only interests in the Council expressly represented by nomination are (1) labour, (2) the backward tracts. In both cases it has been merely nominal, the members in the last two Councils being an employer of labour interested in cooly welfare, and a missionary. An employer also represented labour in the first Council, but the backward tracts were represented by a hillman. The latter could not understand the proceedings, and attended very irregularly. These members have spoken little, even on the rare occasions when their constituents' interests were affected, but members for the backward tracts used the vote with freedom, the first even voting against Government upon the Court Fees Bill and the Landlord and Tenant Procedure Bill, in neither of which the backward tracts have any interest, while the latter member voted freely against Government on educational and temperance matters.

37. It was originally proposed by the Franchise Committee that the landowners should have two seats, but these were actually not given. None of the great zemindars of Goalpara has been elected, but the small landowners are represented by election to the strength of about a third of the Council, and a prominent zemindar of Sylhet secured election in 1926. A representative of the Goalpara zemindars was nominated to the first Council. He attended irregularly and spoke little. A special representative of the same zemindars has been nominated under section 72A proviso (*b*) for the purposes of Goalpara Tenancy Bill which is now before the Council.

The following castes or tribes sought nomination to the Council:—

The Khasis, particularly of Jowai subdivision, a backward tract.

The Kacharis (about 250,000).

The Marwaris (about 16,000. They are not British subjects, but were enfranchised in 1923. The request was not accorded, as they take little part in public activity.)

The Ahoms (over 200,000).

The Bodos of Goalpara (some 80,000).

The Mahishyas (about 100,000).

The Maharas (some 2,000).

The Nepalis (some 104,000).

The Koch (some 225,000).

Of the above, only the Ahoms have received nomination.

38. The question of nomination in addition to pure election was raised both on the Municipal and on the Local Self-Government Amendment Bill, and on each occasion it was supported by a clear vote, on the grounds that—

(1) The best men would not always stand for election;

(2) Nomination enabled backward areas and minorities to be represented;

(3) Nominated members were sometimes more free than elected members from self-seeking interests.

On the latter occasion a full dress debate was had on the subject, the *Swarajists* emphasising that if the nominative principle was kept in the local bodies it would be difficult to abolish it in the Council. One member is reported as saying "I have personal experience that at present the nominated members serve as a brake upon the self-regarding activities of the elected members" (laughter). There was however a majority of one among the elected members against nomination.

The principle of nomination to the local boards was again discussed in 1928 on a motion of reduction, which was defeated by the official vote. The mover said, "The principle of nomination is baneful to the healthy growth of self-governing institutions.....They (the Government) have encroached upon the sphere of local self-government by means of putting nominated members to represent the interests of the Government rather than the interests of those whom they are intended to represent.....The rule says that by nomination representation should be given to those

castes, communities, localities and interests which otherwise would go unrepresented.....As a matter of fact, however, we find that this rule is seldom complied with."

### THE RELATIONSHIP BETWEEN REPRESENTATIVES AND CONSTITUENCIES.

39. The relations of the Council with their electorates have been determined largely by the prevailing ignorance of the latter and their pre-occupation with local affairs. The press scarcely penetrates beyond the educated community in the towns or in the schools of the muffassil. Except for the use by the *Swaraj* Party of the Congress organisation, the offices of which are generally in private houses and vary in activity according to the interests of the moment, there is no party organisation. Party agencies other than the relatives and friends of the candidates do not exist save at the time of elections, and there is, therefore, no permanent contact between the politicians and the rural voters. It has been stated in the Council that "The overwhelming majority of the voters of the present electorates of the general constituency are generally illiterate and do not understand the living political issues of the present day, and so far as our experience of the last two elections goes, their votes are cast generally on personal considerations or on the consideration of the support of or antagonism to the present Government, but not on any distinct political issues." This evoked as the only retort a statement that "Though our constituencies are said to be ignorant, so to speak, they are intelligent enough and they have got that instinct to discriminate between personalities and political issues. Sir, as a very bad record would have been kept on the subject, I thought it my duty to place these observations on record." Such facts as are available to illustrate this conflict of view as to whether the relations of the candidate with his electors are personal or political, are chiefly the occasions when the Council have been advised to obtain a mandate on an important issue :—

(1) When the Local Rates Bill was postponed in 1923 for the new Council, the Governor in his prorogation speech pointed out the importance of the decision which would have to be made, involving the question whether the boards should have an ensured revenue, or stagnation should continue. Opposition was, indeed, so great that the bill had to be dropped, but though the new Council were by no

means reconciled to stagnation, they were not armed with any solution of the problem. The question of improving the boards' income had, therefore, to be referred to the boards themselves.

(2) Under the electoral rules enfranchisement of women was to depend upon a resolution to be passed by the Council. On the first occasion when such a resolution was debated, it was observed by Government that no demand upon the part of women for enfranchisement had been noticed, and members were exhorted to discover whether such a demand existed. It did not appear from the speeches in the new Council that there had been compliance with this suggestion. The mover said indeed "Sir, in our part of the country there is some demand for such right," but he gave no instance. Another said, "I for one may say that just after I received notice of the motion I did consult some prominent members of my constituency, and they gave me the clear mandate not only for supporting but for strongly supporting the motion.....Then the Hon'ble Judicial Member asks if the women folk of our province did ever express their intention in this direction. We are very much familiar with such arguments;..... If we want anything publicly we are said to agitate, we are called agitators, and if we do not open our lips we are said to be content." Others, who had been members of the former Council, denied that there was any mandate, especially from the women, but the motion was carried for the reason shortly expressed by the deputy leader of the *Swaraj* party, who said, "Sir, I shall not mince matters and shall at once admit that the voters in our constituencies are, probably, many of them, unable to understand what the vote is; but I won't admit that the intelligence of the females is in any degree less than that of the males; ordinarily it would be higher." Another said, "If we know that it is good for our ladies to take part in politics, what is the harm in taking steps to rouse their ambition to take part in politics?"

(3) In 1925 the Minister for Education pointed out that the Compulsory Primary Education Bill contained the important principle of compulsion, which might seriously affect the cultivators. "Experience" he said, "shows that our local bodies have not been very enthusiastic or prompt in introducing compulsory primary education." The bill, therefore, provided power for Government to enforce action on the local bodies; and he requested members when they

came to Council in the next March to have obtained the considered opinion of their constituencies. When the bill came up, the deputy leader of the *Swaraj* party stated that his district was sleeping: "Not a word has been heard in the newspaper press, or on the public platform, not even, so far as I am concerned, in private conversation, not a word has been heard about this bill."

In such circumstances it could not be expected that a generally organised conception as to a representative's duties would exist. Such clear statements as were made may be quoted. Speaking on temperance legislation a prominent Responsivist said "We come here as the representatives chosen by a vast electorate.....They have no control over our judgment. As soon as the electorates send us here, they leave us perfectly free, and it is our will which they are bound to obey so long as we are here in our present capacity." This view may have determined the attitude of members towards much of the private legislation passed, which was admittedly to be imposed against the will of the persons directly concerned. It was emphasised on various occasions that the bureaucracy had frequently imposed unwelcome measures on the country, and the Council had a right to take a leaf out of their book. The argument that a minority have no right to impose upon a majority was countered by the retort "That is an argument which will not do for people who aim at reaching democracy some time or other." While the *Swarajist* party objected to the bill for compulsion in education on the ground that it was practicable only if the people were to co-operate fully, a supporter of the bill said "As regards approaching the people, the agricultural masses, about this bill, these suggestions appear to me like taking the opinion of those addicted to drunkenness on the bill regarding temperance.". In regard to the temperance bill, the member in charge quoted the example of Government who, he said "When it is necessary, for the good of all, force the incapable or ill-informed majority by a wise and well-informed minority to adopt certain principles which are indispensably necessary for the welfare of that majority and for all.....Another argument, that it will affect the personal liberty of subject.....is based on a wrong conception of personal liberty.....No man has a right to harm himself." Statements indicating that members were bound by the will of the people, express or latent, were, however, much more common.

While, of course, the members represented the opinion of the educated classes, they may also be said to represent the views of others, such as the rural masses, in particular matters. There is no reason, for instance, to doubt a member who stated that many persons had promised him their support only on condition that he endeavoured to get rid of the oppressive forest laws. The degree, however, to which this reflection of the feeling and opinion of the masses operates, is closely circumscribed. In all the frequent and lengthy debates that took place upon the grazing fees, there is no reference to the interests of either of the two classes most directly concerned, the professional graziers and the non-grazing cultivators, though these run counter to each other, and no reference to any action taken by either of these classes in regard to the fees. The member was mainly a spokesman and a lever to influence Government on the occasions when he acted for his constituency at all, as when in 1927 there were flood damages in Sibsagar.

There was some difference consequently in the constructions put upon the legislature's duties. The *Swarajist* mover of a resolution which affected only the permanently-settled tracts said "It is fit that only the Sylhet and Goalpara members should vote on this motion." He received the retort "I submit that we are here to work together, to put our heads together. and find a solution not for particular places but for the whole of Assam in all matters."

40. The representative character of the local bodies has of course been much closer, especially in the case of rural members. The enforcement of this representative character has, however, apart from the action at elections, been rare. On three occasions local bodies have sought the removal of their chairmen or vice-chairmen. In one at least there is reason to doubt if the ground of action was the genuine enforcement of responsibility. On several occasions did boards seek to control the action of their chairmen or vice-chairmen. On all the occasions of the removal of members action has been taken by Government on the reports of the local officials; and the electorate has been silent in the matter. Government have no record to show that members of the local bodies have on any occasion resigned owing to differences with their electors; though a chairman of a municipal board once resigned the chairmanship as he had been alone in opposing the presentation of an address to the Governor, and concluded he had lost the confidence of the board.

THE GROWTH OF PARTIES.

41. It is hard to trace the existence of any party in the constituencies beyond the divisions between communities and valleys which lead to claims and counter-claims, *e.g.*, that there should be a medical school for the Surma Valley and a leper hospital for the Assam Valley. In no constituency was there a party organisation save that of the *Swarajists* in the towns, and even the *Swarajist* Party sometimes depended for funds on assistance from outside the province, being unable to finance the Congress on the only occasion of its meeting in Assam. Save in so far as political considerations dictated support for, or opposition to, Government, or in so far as division ran on communal or territorial lines, policy at headquarters depended upon no organised opinion in the electorate. The Temperance Act, which transferred a function from the local bodies to a special electorate of all males not below the age of 20, and the campaign against opium, represented the feelings of the educated middle classes which monopolised the Council. The general policy of resistance to taxation, the provision of a rural water-supply, and the extension of *kala azar* treatment, were measures desired and appreciated by all classes, but the actual initiative and the development of a programme lay with the Minister. On the other hand, certain items of policy which predominated in the Council and the ministry, such as the development of avenues of employment, technical and industrial schools (including the use of the weaving institute as a means for training youth to a career), the provincialisation of posts, and the grant of practically free professional education at the expense of the general tax-payer, were such as the rural voters in general could have little interest in or must even deprecate.

42. Candidates in general found it necessary to tour their constituencies widely in order to obtain support, and the expense involved was found burdensome. Two constituencies, the area of which was 8,260 and 7,645 square miles respectively, were proved to be altogether too large to admit of any real attempt to instruct the elector. The necessity of a personal appeal, however, owing to the absence of party organisation in the villages, imposed such a method upon the candidates. Manifestos were rarely used but are becoming more common. The manifesto of a successful Minister based his claim on personal grounds and

*Vide* Appendix to Chapter VII, case 18.

on his efforts in the spread of education and medical aid, the only reference to a future programme being his adherence to a policy of territorial redistribution.

THE GROWTH OF INFORMED PUBLIC OPINION.

43. The Secondary Education Committee noted the weakness of general knowledge among even the educated youth of the country, and advocated the provision of common rooms well furnished with periodicals and the extension of liberal knowledge by the institution of talk periods in school. For the masses, there is still little beyond the talk of the bazaars. The province has still no daily newspaper. Press activity is confined to weeklies or fortnightlies depending for current news and the formation of opinion upon the Calcutta dailies, some of which have a fair clientele in the towns; information therefore generally reaches the population, if at all, at third hand. There are two English weeklies still, and much the same number of bilingual or vernacular periodicals as in 1920. They are badly financed and equipped, and circulate mainly in the towns or among rural landholders, schoolmasters, and the clerical classes. Such information as these organs obtain frequently comes from a tainted source and the misstatements of fact to which publicity is so given often meet with no denial. Since the times of non-co-operation no attempt has been made on behalf of Government to combat misrepresentation, save by the very occasional issue of communiqués. Organized propaganda on the part of Government would indeed, in view of the amenability of Government servants to the Conduct Rules, be extremely difficult to arrange. Reference has been made in an appendix to the memorandum under Chapter VII—The Public Services—to a number of instances of flagrant attack upon officials. A few excerpts from newspapers which illustrate the nature of attacks often made upon Government, or members of Government, are placed in Appendix B hereunder. On the reported circulation of all the local newspapers taken together, there is not one copy issued for every two villages in the province. The number of monthlies and other periodicals purveying, not news, but literary and social matter to the educated classes, has however considerably increased. One of the news-sheets only is definitely a party organ, and adopts the Congress' views. The proceedings of the Council are not reported in any fullness by these organs; the English papers, however, fre-

quently publish excerpts or precis of matters possessing immediate or local interest, or the expressions of political leaders' views.

44. That the possibility of using the machinery of the reformed Government for the furtherance of popular wishes is sometimes understood, may be illustrated by the telegram of a school pundit to his local member during a sitting of the Council, requesting him to raise a discussion on recent floods, with the object of obtaining remission of land revenue. Pressure was moreover at the same time put upon the district officer. The rarity of such incidents shows the difficulty of generalizing as to the growth of informed opinion. On the occasion mentioned there were a number of public meetings. The member has since tabled a resolution requesting that the loans issued should be converted into gratuitous relief. Such meetings are frequently reported in the newspapers as occurring in the enlightened towns, especially Sylhet, but are elsewhere engineered only on very special occasions, or at elections.

### NOMINATION OF OFFICIALS AND NON-OFFICIALS AS ADDITIONAL MEMBERS OF ELECTED BODIES.

45. Had the official vote not been used 21 reductions of budget grants would have been made. These would have included heavy cuts in 9 cases from the Police and 2 cases from the Forest budget, while the salary of the Ministers would have been reduced on two occasions. Four votes, one concerning an important provision for Forest conservancy and works, would have ended in a tie. Forty-two motions would have ended otherwise than they did. There would have been the following important results :—

(1) A recommendation would have been made for the institution of agricultural schools;

(2) A recommendation would have been made for the prevention of slaughter and export of cattle;

(3) A recommendation would have been made for giving effect to a previous resolution for the wholesale encouragement of handspinning as an industry;

(4) A recommendation would have been made on two occasions for the introduction of spinning in schools;

(5) A recommendation would have been made for the appointment of a committee to enquire into alleged excesses of Government during the non-co-operation campaign;

(6) A recommendation would have been made for a reduction of three lakhs in the amount of opium indented;

(7) A recommendation would have been made for the abolition of the grazing fees;

(8) A recommendation would have been made for the conversion of all middle vernacular schools, —some 150,—into middle English schools;

(9) A recommendation would have been made for the repair, against strong technical advice, of an embankment;

(10) A recommendation would have been made for the closure of country liquor shops on festal days;

(11) A recommendation would have been made for the appointment of a committee to advise on land settlement and reservation of land for grazing, with the particular purpose of stopping immigration from Bengal;

(12) A resolution recommending that ten lakhs be spent on improvement of communications—the beginning of the present policy of improvement to meet increasing motor traffic—would have been defeated;

(13) A resolution recommending that in normal years five lakhs be set aside for metalling roads and administered by a road board, would have been converted into one for the improvement of communications generally, with an eye to village roads;

(14) Motions of no-confidence in the Ministers during 1927 and in one Minister during 1928 would have been passed;

(15) Leave to introduce the court fees and also consequently the stamp bill would have been refused from the start;

(16) A maximum would have been imposed on the power of municipal boards to impose a holding tax;

(17) The local boards would have had to be consulted before each election as to the qualifications to be required for voters and candidates;

(18) The standing orders would have been amended so that—

(*a*) The Governor would have to veto the election of a President twice in order to disqualify him;

(*b*) The Governor's power to disapprove rules made by the President as to admission to the chamber would have been removed.

(19) The bill to remove doubts as to the power of local boards to levy scheduled taxes with the approval of Government would not have been taken into consideration, or passed;

(20) The appointment of grazing superintendents would not have been sanctioned in 1928;

(21) Government would have been recommended to recover from a retired Commissioner, now in England, the costs of a defamation case which he had been directed to bring in defence of his official reputation;

(22) Government would have been censured for utilizing the power of nominating members to local bodies otherwise than is intended by the rules.

(23) The whole grant for civil works, reserved, excluding establishment, tools and plant, would have been refused in 1928.

(24) A recommendation would have been made for the declaration of the whole Muhammadan month of *Ramadhan* as public holiday.

The official vote was given liberty at divisions on three occasions:—

(1) On the first resolution for the transfer of Sylhet and subsequently of Cachar to Bengal—one Minister refrained from voting on the amendment, and the Ministers voted on opposite sides on the substantive motion;

(2) On the resolution for the transfer of Cachar to Bengal—both Ministers voted for the transfer;

(3) On the question of nomination of members in local boards.

When the provision for communal representation on municipalities was proposed to be deleted from the municipal bill, the only Minister expressed his personal objection to communalism and abstained from voting; but on this occasion liberty was not expressly given. This was the only occasion on which a Minister abstained from voting after speaking upon the subject.

46. Freedom was also used owing to the decision being left to the Council, on the following occasions:—

(1) Resolution for the compulsory burial of infected carcasses of animals;

(2) Resolution regarding the payment by the Central Government of any extra cost accruing in the Assam Rifles;

(3) A division on the juvenile smoking bill;

Government members did not vote on questions concerning the number of Executive Councillors, the postponement of recruitment in the All-India Services, the reduction of the grant for Commissioners' offices, the abolition of the Commissioners, provincial autonomy, the Ministers' salary, the taxation of the tea industry, the salary of the President, the water hyacinth bill, and the constitution of the road board by election of members of the Council.

47. Of the ten officials and non-officials who may be nominated, the first Council had at first seven non-officials and three officials, subsequently six and four. The later Councils have contained five officials and five non-officials. The rectification of defects in elected membership has been obtained in this way on two occasions for one particular community and, in the first Council, for another. Some of the non-official members have been of value in debate. They have by no means been confined to support of Government, as the following statement shows :—

| —— | Total divisions. | Divisions in which nominated members voted against Government. | Number of nominated votes cast against Government. |
|---|---|---|---|
| First Council ... | 64 | 47 | 81 |
| Second Council ... | 94 | 38 | 66 |
| Third Council ... | 71 | 37 | 61 |

48. Some of the important divisions in which nominated members voted against Government were:—

(1) Appointment of retrenchment committee (3).

(2) Restriction on sale of opium (5).

(3) Conversion of all middle vernacular into middle English schools (2).

(4) Postponement *sine die* of the Sylhet record-of-rights bill (3).

(5) Abolition of the grazing fees (1).

(6) Stoppage of recruitment to the all-India services (2).

(7) Reduction of Ministers' salary (1).

(8) Imposition of a limit on municipal taxation (2).

(9) Refusal of introduction of the local rates' bill (1).

(10) Refusal of the grant for re-settlement (2)

(11) Postponement of the recommendations of the Lee Commission (3).

(12) Compulsory opening of schools on tea gardens (2).

(13) The temperance bill (3).

(14) Reduction of fees in high schools (1).

(15) Settlement of land with small capitalists (as against foreign companies) (3).

(16) Appointment of a committee on the grazing rules (3).

(17) Closing of liquor shops (2).

(18) Motion of adjournment *re* resettlements (4).

(19) Reduction of opium rations (3).

(20) Appointment of a committee to discourage immigration (1).

(21) Amendment substituting improvement of communications for the metalling programme (1).

(22) Listing of waste lands for the benefit of Assam capitalists (2).

(23) Appointment of a committtee to insist on rights-of-way over tea gardens (2).

(24) Dismissal of a sub-inspector of police (3).

(25) Refusal of grazing tax commission, twice (1 & 2).

(26) Taking of the stamp bill, 1928, into consideration (2).

(27) Recommendation for borrowing 50 lakhs in order to enable compulsory education to be introduced.

(28) The civil works grant (reserved) in 1928.

(29) Recommendation for declaration of the whole month of *Ramadhan* as a public holiday.

(30) A bill to remove doubts as to the power of local boards to levy scheduled taxes.

(31) A motion of no-confidence in the Minister for Local Self-Government in 1928.

49. Liberty was also used in abstaining from the vote Though all nominated members voted against the motion of no-confidence in the Ministers in 1927 and for the election of a committee to co-operate with the Statutory Commission, all abstained from voting on motions recommending a leper hospital in the Assam Valley and the appointment of a committee to reclaim lands for settlement, and on motions in 1928 censuring Government for making inadequate provision for subsidiary roads and loans to cultivators while none assisted Government on the divisions mentioned elsewhere concerning waste lands and rights-of-way. Only one did so on the division which settled the fate of the reassessments bill. Out of 145 votes that might have been cast by nominated non-official members during the budget session of 1928, only 93 were cast, and 27 of these were against Government.

# STATEMENT 2.

**(Reference to Paragraph 6.)**

*Classification of the candidates and the members elected to the Assam Legislative Council.*

| Year. | CANDIDATES. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total number. | By creed or nationality. | | | By Profession. | | | | | | | | | | |
| | | Hindus. | Muhammadans. | Christians and others. | Lawyers | Landholders. | Mauzadars. | Agriculturists. | Tea planters. | Business men. | Medical practitioners. | Teachers | Retired Government servants. | Ministers of religion. | Others. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 1920 .. .. | 86 | 55 | 23 | 8 | 31 | 22 | 7 | 1 | 8 | 5 | .. | 2 | 8 | 1 | 1 |
| 1923 .. .. | 92 | 53 | 32 | 7 | 37 | 31 | 3 | 2 | 7 | 1 | .. | 2 | 5 | 1 | 3 |
| 1926 .. .. | 81 | 45 | 26 | 10 | 33 | 23 | 1 | 4 | 7 | 4 | 1 | 3 | .. 2 | 1 | 2 |

| Year. | MEMBERS ELECTED. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total number. | By creed or nationality. | | | By profession. | | | | | | | | | | |
| | | Hindus. | Muhammadans. | Christians and others. | Lawyers | Landholders. | Mauzadars. | Agriculturists. | Tea planters. | Business men. | Medical practitioners. | Teachers | Retired Government servants. | Ministers of religion. | Others. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 1920 .. .. | 39 | 20 | 12 | 7 | 12 | 11 | 3 | .. | 6 | 1 | .. | 1 | 2 | 1 | 2 |
| 1923 .. .. | 39 | 20 | 12 | 7 | 18 | 10 | 1 | 1 | 6 | .. | .. | .. | 1 | 1 | 1 |
| 1926 .. .. | 39 | 21 | 12 | 6 | 17 | 10 | 1 | 1 | 6 | 2 | .. | .. | .. | 1 | 1 |

## STATEMENT 3.

**(Reference to paragraph 6.)**

*Classification of the candidates and the members elected to the Indian Legislative Assembly.*

| Year. | CANDIDATES. | | | | | | | | | | MEMBERS ELECTED. | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total number. | By creed or nationality. | | | By Profession. | | | | | | Total number. | By creed or nationality. | | | By Profession. | | | | | |
| | | Hindus. | Muhammadans. | Christians and others. | Lawyers. | Land-holders. | Tea planters. | Business men. | Retired Government servants. | Others. | | Hindus. | Muhammadans. | Christians and others. | Lawyers. | Land-holders. | Tea planters. | Business men. | Retired Government servants. | Others. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 1920 .. .. | 8 | 4 | 2 | 2 | 2 | 2 | 2 | .. | 2 | .. | 4 | 2 | 1 | 1 | 2 | .. | .. | .. | 2 | .. |
| 1923 .. .. | 5 | 2 | 2 | 1 | 3 | 1 | .. | 1 | .. | .. | 4 | 2 | 1 | 1 | 2 | 1 | .. | 1 | .. | .. |
| 1926 .. .. | 9 | 5 | 3 | 1 | 7 | 1 | .. | 1 | .. | .. | 4 | 2 | 1 | 1 | 3 | .. | .. | 1 | .. | .. |

## STATEMENT 4.

**(Reference to Paragraph 6).**

*Classification of the candidates and the members elected to the Council of State.*

| Year. | CANDIDATES. | | | | | | | | | | MEMBERS ELECTED. | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total number. | By creed or nationality. | | | By Profession. | | | | | | Total number. | By creed or nationality. | | | By Profession. | | | | | |
| | | Hindus. | Muhammadans. | Christians and others. | Lawyers. | Land-holders. | Tea planters. | Business men. | Retired Government servants. | Others. | | Hindus. | Muhammadans. | Christians and others. | Lawyers. | Land-holders. | Tea planters. | Business men. | Retired Government servants. | Others. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 1920 .. .. | 3 | 2 | .. | 1 | 1 | 2 | .. | .. | .. | .. | 1 | .. | .. | 1 | 1 | .. | .. | .. | .. | .. |
| 1925 .. .. | 1 | .. | 1 | .. | .. | 1 | .. | .. | .. | .. | 1 | .. | 1 | .. | .. | 1 | .. | .. | .. | .. |

# STATEMENT 9.

**(Reference to Paragraph 30.)**

*The Indian Legislative Assembly.*

| Total number of contested seats. | | | Total number of uncontested seats. | | | Total number of voters. | | | Total number of candidates. | | | Total number of nominations rejected. | | | Total number of deposits forfeited. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 3 | 1 | 2 | 1 | 3 | 2 | 19,503 | 27,183 | 30,472 | 8 | 5 | 9 | 1 | *Nil* | *Nil* | .. | *Nil* | *Nil* |

| Total number of withdrawals. | | | Total number of votes recorded. | | | Total number of tendered votes. | | | Total number of invalid votes. | | | Total number of election agents. | | | Total cost of election to candidates. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. | 1920. | 1923. | 1926. |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |
| .. | *Nil* | 1 | 2,308 | 2,832 | 7,204 | .. | *Nil* | .. | .. | 278 | .. | .. | .. | *Nil* | .. | Rs. a. p. 1,037 12 3 | Rs. a. p. 15,130 14 6 |

## RECOMMENDATIONS OF THE GOVERNMENT OF ASSAM.

50. The Government of Assam wish to emphasise the fact that these recommendations, and any further suggestions subsequently made under different heads of these memoranda, relate solely and exclusively to the province of Assam.

51. In the Legislative Council as now constituted special constituencies exist for the Tea Industry (5 seats) and Commerce and Industry (1 seat), while the general constituencies consist of one urban (Shillong) constituency and 32 rural constituencies, which are subdivided into 12 Muhammadan and 20 non-Muhammadans only, the principle of a separate electorate being admitted for the Muhammadans only. Labour and the backward tracts are each represented by a nominated member. In their memorandum Chapter II—on head 2 the Government of Assam have recommended the exclusion of the backward tracts, as now defined, from the province of Assam under the new constitution. If that proposal be accepted, it will not be necessary to consider the question of the representation of those areas in the Legislative Council.

52. The representation of labour by one nominated member, who has in practice been an employer, is admittedly unsatisfactory. The Government of Assam would welcome some method by which at least the stable labour population resident on tea estates could obtain the franchise, and be given effective representation in the Legislative Council. The latter could not be secured by their inclusion as electors in the general non-Muhammadan constituencies. The labour population on tea estates is largely animist, and has little or nothing in common with the Hindu element in the non-Muhammadan constituency. In such constituencies only a Hindu, and rarely anyone but a Hindu of the upper castes, can hope to secure election (*vide* paragraph 6), and even if any such member were a suitable representative of the tea garden labour force, the latter would never regard him as really representative. The inclusion of the labour force in the general non-Muhammadan constituencies would merely swell the electoral roll of the latter, with no advantage to the one million labourers now employed, it is estimated, on tea estates. The Government of Assam, therefore, suggest that separate

constituencies, electing three members, two from the Assam Valley and one from the Surma Valley, should be created for the labour population resident on tea estates; the qualification of an elector should be residence on a tea estate during the previous year and receipt of wages of not less than Rs. 100 in the year. The clerical staff would be eligible to be electors, but since these labour constituencies would be general constituencies they would have to decide whether they would prefer enrolment in a non-Muhammadan constituency. The ordinary system of election would not be practicable for a population largely illiterate and consisting of many different tribes and races. The Government of Assam, therefore, suggest that each tea garden in a constituency should appoint from its qualified electors a certain number of representatives fixed in proportion to the strength of the resident labour force. These representatives from the several tea estates would form an electoral college, which would elect the member for the constituency by secret ballot. Candidates for election as members must be qualified as electors of their constituency. The method of election should be regulated by rules made by the Governor in Council.

53. Apart from the labour population there are included at present in the non-Muhammadan constituencies a large number of different races which cannot at any rate for many years to come ever hope to secure adequate representation. For instance, the population of the plains districts of Assam include more than 500,000 animists, who, like the tea garden labour force, have little or nothing in common with the rest of the electorate, and have in fact no chance of obtaining any adequate representation. They belong to numerous indigenous or primitive races, the most important of which with their approximate population in the plains districts of the province are noted in the margin.

| | According to census of 1921. |
|---|---|
| Kacharis ... | ... 250,000 |
| Koch ... | ... 225,000 |
| Meeh ... | ... 100,000 |
| Mikirs ... | ... 30,000 |
| Miris ... | ... 68,000 |
| Rajbansis ... | ... 100,000 |

Some of these races have adopted Hinduism, at least nominally, but the facts regarding successful candidature in the past hold out little hope that those who have done so will obtain any real representation in the Legislative Council. Even those who have done so obtain no real representation from the Hindus, who alone can secure election in the constituencies as now framed.

The same criticism applies to the depressed classes of Hindus, *viz.*, Nadiyals, Namasudras, Mahishyas and Patnis of whom there is a population of approximately 250,000. Evidence is available to demonstrate a desire for social uplift among the aboriginal or primitive peoples, as well as amongst the depressed classes throughout the province.

There is of course an obvious objection to the creation of more general constituencies to provide for separate communal representation. The Government of Assam would not willingly advocate any course which would accentuate communal differences in India, but they are convinced that the present system of representation is most unfair and denies to a very large proportion of the population any means of advertising their requirements or their difficulties in the Legislative Council. In the matter, for example, of the restriction of opium the views of a member representing the Mikir tribe or the Miris might have been instructive.

The Government of Assam, therefore, are constrained to advocate the formation of separate constituencies, two in the Surma Valley for the backward classes; and six in the Assam Valley, one in each district, for the indigenous primitive races and the backward or depressed classes of that part of the province. To be eligible for election to represent any of these constituencies a candidate must be registered on the electoral roll of that constituency. The other qualifications of an elector should be the same as in the main general constituencies. It should also be provided that any person should have the option of registering himself as an elector in one of these separate constituencies, or in the general non-Muhammadan constituency of his area, but he should not be registered as an elector in both.

54. The Government of Assam also advocate, though not on the same grounds, the creation of a separate constituency for the Ahoms of whom there is a population of more than two hundred thousand mostly settled in the two districts of Sibsagar and Lakhimpur. They are the survivors of the people who ruled Assam before the British took over the administration. They are by culture, history and religion different from ordinary Hindus. The demand for separate representation of this community is illustrated by the extracts in appendix A hereunder.

55. The Government of Assam also recommend the creation of two landholders' constituencies, one in each valley. In their memorandum on the Provincial

Government they have advised that the creation of a second chamber is not a practical proposition in Assam. It is, therefore, desirable to give effective representation in the Legislative Council to interests which have a permanent stake in the country. For this reason the Government recommend the creation of the two landholders' constituencies. The qualification of an elector in these constituencies should be the payment of Rs. 1,000 a year in land revenue or Rs. 200 in local rates, or such other qualification as might be found suitable. These constituencies should be classified as "Special."

56. For the same reason there should be a separate constituency for the Marwaris, who have not hitherto secured representation by election in the Council. Although not a very large community, the Marwaris are the commercial bankers of the province, and their importance as such justifies a separate seat. At present a few of the Marwaris, through the possession of small mills, are electors in the Commerce and Industry constituency. If, as proposed, a separate constituency is created for the Marwaris, the qualification for an elector in the Commerce and Industry constituency should be raised, and the Government suggest that only such persons should be entitled to a vote in that constituency as have been appointed for the purpose by a company or other owner (other than one principally engaged in the tea industry) who has a place of business in Assam with a paid-up capital of not less than one lakh or employing not less than one hundred labourers.

57. Two additional seats, one in each valley, should be given to the tea industry. The large contribution which this industry makes to the State exchequer, and the considerable stake which it possesses in the province, will be described in other parts of the memoranda. To provincial revenues the industry pays about twelve lakhs in land revenue. In export duty it paid about 50 lakhs a year to central revenues until 1927, when the duty was taken off. The industry is also assessed to income-tax on a percentage of its profits. The percentage was increased in 1927-28 and the amount now payable of the industry on this account will not be less than 25 lakhs. The increase in its representation in the enlarged Council which this Government are proposing is, therefore, fully justified. The Government of Assam also consider that rule 5 of Schedule II to the Assam electoral rules should be amended so as to enable an individual proprietor of a tea garden to vote in a planting constituency.

58. One general constituency for Europeans is also recommended. The electorate outside the tea industry would not be large, but is growing and it is desirable that it should be given some voice in the administration.

59. Finally the number of Muhammadan constituencies should be increased by three. The Kamrup and Darrang *cum* Nowgong constituency (8,260 square miles) and the Sibsagar *cum* Lakhimpur constituency (7,645 square miles) are each far too large in area to be effectively canvassed or represented by one member. Under existing conditions it is extremely difficult for a candidate to establish personal relations with the electorate. Moreover, the number of electors has rapidly increased through immigration, as illustrated in paragraph 64 below, a process which will continue. The Government, therefore, recommend that in place of these two constituencies there should be four, one for the Kamrup district, one for Nowgong, one for the Darrang district, including the North Lakhimpur subdivision of the Lakhimpur district, and the fourth for the Sibsagar district, including the Dibrugarh subdivision of the Lakhimpur district. An additional Muhammadan constituency should be created in the Hailakandi subdivision of the Cachar district. There is already a non-Muhammadan constituency there, and as the Muhammadan population (65,107) is almost equal to that of the non-Muhammadan (75,905) the former should also be given a seat.

60. If these proposals be accepted, the total number of elected members will be 60, as detailed below :—

| *General constituencies.* | | *Special constituencies.* | |
|---|---|---|---|
| Muhammadans ... | 15 | Landholders ... | 2 |
| Hindus ... | 20 | | |
| Europeans ... | 1 | | |
| Ahoms ... | 1 | Tea planter ... | 7 |
| Marwaris ... | 1 | | |
| Shillong urban ... | 1 | | |
| Primitive races and backward classes | 8 | Commerce ... | 1 |
| Labour ... | 3 | | |
| Total ... | 50 | Total ... | 10 |

Excluding the seats for Europeans, Marwaris and Commerce and Industry, for which the electorate is formed from

both valleys jointly, there will be 33 seats for the Assam Valley and 24 seats for the Surma Valley. These proposals will maintain the balance between the Muhammadans and the Hindus in the Council, and, except in the case of the constituencies in which there are special considerations, such as the land-holders and Marwaris, the seats will be fairly divided according to the strength of the communities.

61. There are two other communities in the province for which at present there is no effective representation, *viz.*, the Indian Christians and the Nepalis. The Government of Assam would have preferred to give them separate representation by election, but they could not be give more than one member each, and they are so scattered that it would not be practical to create a single constituency for either of them. The Government, therefore, recommend that they should be represented by nomination.

62. The question whether any additional members, official or non-official, should be nominated to the Legislative Council has been examined with great care. Elsewhere this Government have recommended the abolition of dyarchy in the provincial Government, which it has been suggested might fitly consist of the Governor and a Cabinet, composed of four Members appointed from the elected members of the Legislative Council with due regard to the votes they can command in the Council. This Government have also advised that there can at present be no second chamber in Assam. If these proposals are accepted, the power of the Legislature and the ultimate control of the Executive Government, except in so far as control is exercised by the Governor or the Governor-General or the Governor-General-in-Council, will be vested solely in the Legislative Council. It is, therefore, all the more necessary to take such measures as are possible, in the constitution of the Legislative Council, to secure some stability in the government, and to guard against hasty, predatory, communal or racial legislation. The recommendations which this Government have made to secure the representation in the Council of special interests and communities will go some way towards effecting the latter object, but there is grave danger that through inexperience in their first enjoyment of real responsibility, the Legislative Council may enter hastily on a disruptive policy, unless some steadying influence is introuduced. As regards the former point, *viz.*, stability in the Executive Government the Government of Assam have proposed in the memorandum on the provincial Government (chapter IV), that the

salaries of the Members of the Cabinet should be fixed by statute, and that a two-thirds majority of the Legislative Council should be necessary for a vote of no-confidence in the Cabinet. These proposals will contribute to the stability of the Executive Government, and as a further measure towards that end, the Government of Assam now recommend, first, that the life-time of the Legislative Council should be five instead of as at present three, years, and secondly, that when the Cabinet is dismissed or resigns, the Legislative Council should be dissolved and a general election held. This will act as a check on hasty motions of no-confidence. In the present condition of political life in Assam, however, further safeguards are required to secure the constitution and stabilize the Government. In the absence in Assam of any party organization based on any real bond of unity or any constructive policy, no Cabinet could, at present, count on any solid party majority among the elected members of the House. It is, therefore, for the two-fold object of giving some additional strength to the Cabinet, and of protecting the province against any disruptive tendencies, that the Government have decided to recommend that some seats in the Legislative Council should be filled by the nomination of the Governor.

Having arrived at that conclusion, this Government had then to consider whether all or any of the seats reserved for nomination should be given to officials, and they unanimously have decided against this. It would no doubt be of assistance to the Cabinet, some of whom may have had little or no experience, if they had with them in the Council officials who could instruct and advise them, and, when necessary, intervene in the debates, but this advantage counts for little against the more serious objections. The inclusion of officials in the Council will perpetuate the present position of a semi-official Government attempting to discharge its duties without the support of the Legislature. As long as officials sit as members in the Legislative Council, so long will criticism be directed against an "irresponsible Executive," and the accusation will be repeated that the Ministers or, as this Government now propose to call them, the Members of the Cabinet, are merely a device to secure the continuance of bureaucratic domination. The resentment against the "official bloc" has been in no small degree responsible in the past for the fact that many who ought to play a useful part in the Legislative Council devote their energies entirely to destructive criticism. As time goes on

this resentment would intensify, and the position of officials in the Council, already anomalous and difficult, would become impossible. Any officer who now in the Legislative Council has to expound and defend Government policy is during an election prohibited under the Government Servants' Conduct Rules from taking any active part therein. The Government of Assam are therefore definitely of opinion that officials should be altogether excluded from the Council. Outside the Council they will remain, as in England, a very real power in the back-ground, and whatever Government comes into power must for many years to come depend, as in the United Kingdom, on the permanent Civil Service.

The Government of Assam recommend, therefore, that there should be eight seats reserved for non-officials to be nominated by the Governor. Elsewhere they have advised that a convention should be established that the Governor should consult the members who are to form the Cabinet before he makes any nominations. These nominated members should provide a steadying influence in the Council, and would ordinarily be expected to support the Government. They would equally with the elected members be eligible for appointment as Council Secretaries under section 52(1) of the Government of India Act.

63. These recommendations would give a Legislative Council of 60 elected members and 10 nominated members, two of whom would represent the Nepalis and Indian Christians.

64. In view of the increase of population owing to immigration which is likely to continue for some years to come, as an instance of which may be mentioned the growth of the Muhammadan population in Nowgong from 17,734 in 1911 to 70,582 in 1921, provision should be made in the Act for the creation, when necessary in the future, of additional constituencies. The Government of Assam recommend that the power of adding to or altering the constituencies in Schedule I of the Electoral Rules should be vested in the Government of India, to be exercised on the representation of the Local Government concerned. In this connection the Government of Assam would also recommend that steps be taken to enable the census figures of 1931 to be adopted as the basis for the reconstitution of any constituencies or the creation of new constituencies, should this be considered desirable.

65. The apparent disproportion between the rural and urban electorates shown in the figures quoted in the memorandum is to some extent unavoidable. The disproportion could be reduced by the reduction in the amount of land revenue or local rate which qualifies for the suffrage. His Excellency and the Finance Member, however, consider that in the present state of education and political consciousness in Assam the existing qualification is quite low enough. The remaining Members of the Government are in favour of a reduction of the standard, and would agree to a reduction of the qualification to the payment of ten rupees as land revenue or eight annas as local rate. The Ministers would prefer to adopt adult suffrage, if it is practicable. His Excellency and the Finance Member are definitely of opinion that it would be impossible to provide either the polling stations or the staff necessary for an election based on adult suffrage.

66. Under section 72A(2) proviso (*b*) of the Government of India Act the Governor may, for the purpose of any Bill introduced or proposed to be introduced in the Legislative Council, nominate one member having special knowledge or experience of the subject matter of the Bill as an additional member of the Council. Experience has shown that one member is insufficient for this purpose, and the number should be raised to two. As an exception to the decision as regards other nominations the Government would allow officials to be appointed as additional members for this purpose.

67. In conclusion the Government of Assam would recommend an increase in the representation of the province in the Legislative Assembly and the Council of State. They recommend a separate seat in the Assembly for the Muhammadans of the Assam Valley and two seats, one Muhammadan and one non-Muhammadan, instead of one, in the Council of State. The increase in the population of the province, particularly the Muhammadan population, fully justifies this additional representation in the Central Legislatures.'

# APPENDIX A.

## REPRESENTATIONS FOR SPECIAL ELECTORATES AND SEATS FOR THE PROVINCIAL AND CENTRAL LEGISLATURES.

(1) *Proceedings of the extraordinary general meeting of the Tezpur Ahom Association held in the office of the General Secretary, Ahom Associations Assam, on the* 21st *February* 1928, *Tezpur.*

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The permanent President Rai Sahib Padmanath Gohain Borooah presided and over 50 members of the Association representing important centres and localities of the Sadar Subdivision of Tezpur attended.

President declared the meeting open punctually at 2 p. m. with a popular Bargit—by Aideu Sreemati Lahoree Gohain Borooah.

The following Resolutions were duly proposed, seconded, supported and carried.

*Resolution No.* 1.—Resolved that this meeting respectfully urges on the authority to allot a permanent seat in the Tezpur Local Board for an Ahom member with a view to safeguard the interests of the minor Ahom community on special consideration of their brilliant past and present backwardness.

Proposed by—Srijut Nathram Gogoi Barua.
Seconded by— „ Nandeswar Bura Gohain.
Supported by— „ Dandadhar Gogoi Barua.

Carried unanimously.

*Resolution No.* 2.—Resolved that this meeting respectfully moves that with a view to safeguard the interests of the Ahom community the Government be pleased to reserve a permanent seat for an Ahom representative member in each of the Managing Committees of High and Middle schools of Darrang and other districts of the Assam Valley Division, in consideration of the present backwardness of the community and for which special favour has been shown to them by the Government in respect of education.

Proposed by Srijut Robiram Handiqui.
Seconded by— „ Kanakchandra Gogoi Barua.
Supported by— „ Mahendranath Gogoi Barua.

Carried unanimously.

*Resolution No.* 3.—Resolved that this meeting moves respectfully and emphatically that the Government be pleased to (*a*) create a separate electorate for the Ahom community, in the line of the Muhammadan Electorate, and to allot two seats for Ahom members, *viz*:—One representing the districts of Lakhimpur and Sibsagar, and the other representing Nowgong, Darrang and Kamrup districts, in the Assam Legislative Council: (*b*) to reserve a seat for an Ahom member in the Indian Legislative Assembly by nomination, if not by election, on special consideration of their glorious past and deplorable present.

Proposed by Srijut Tulasichandra Hati Barua.
Seconded by— „ Thireswar Gogoi.
Supported by— „ Nandiram Konwer.
Ditto by— „ Nabinchandra Bar Gohain.
Ditto by— „ Mohidhar Handiqui Phukan.

*Resolution No.* 4.—Resolved that the Government may be pleased to forward the above three Resolutions to the Simon Indian Statutory Royal Commission for its such consideration as they deserve.

Proposed by—Srijut Nabinchandra Bar Gohain.
Seconded by— „ Tulasichandra Hati Barua.
Supported by— „ Radhikanath Gohain.

Carried by majority.

*Resolution No.* 5.—Read a letter from Srijut Lambodar Kalita deploring, on behalf of the Assamese nation, the misrepresentation of Ahoms, the pre-British Rulers of Assam, in respect of their images, dresses, etc., and places among the uncivilized hill tribes of India, in the Calcutta Museum Hall, and resolved that this meeting respectfuly request the Government to take necessary steps for redressing the grievances in question, if any.

Proposed by—Srijut Mohidhar Handiqui.
Seconded by— „ Santiram Gogoi Barua,
Supported by— „ Sonaram Gogoi Barua.

Carried unanimously.

* * * * * *

The proceedings of the meeting terminated at 7-30 p.m., with a popular National Anthem (all standing)—by Sreemati Lahoree Aideu and others.

P. GOHAIN BOROOAH,
*President.*

(2) *Proceedings of the special meeting of the Gauhati-Kamrup Ahom Association,*

A special meeting of the Gauhati-Kamrup Ahom Association was convened to discuss certain matters in connection with the reconstitution of the Local Boards and Municipalities in Assam and the coming Royal Commission.

The following resolutions were unanimously passed to safeguard the interests of the minor Ahom community of Kamrup, Nowgong and Darrang.

1. Resolved that the Government be requested to reserve a seat in the Gauhati Local Board to represent the interests of the Ahom community of Kamrup. This Association is strongly of opinion and urges on the Government to reserve at least one seat in each of the Local Boards of Mangaldai, Tezpur and Nowgong.

2. Resolved that this Association consider it indispensably necessary to have at least 5 Ahom representative members in the Assam Legislative Council and one in the Legislative Assembly—

(*a*) Resolved that the Government be requested to bring the abovementioned resolution to the notice of the coming Royal Commission.

(*b*) Resolved that this Association is of opinion that there should be one Ahom representative member in the Assam Council for the general Ahom community of Kamrup, Darrang and Nowgong in case the Government do not approve of the abovementioned resolution.

3. Resolved that a memorial be submitted to His Excellency the Governor of Assam for allotting a seat in the Gauhati Local Board to represent the interests of the general Ahom community of Kamrup.

* * * * *

(3) *Proceedings of a meeting of the Ahom Association, Nowgong.*

*Resolution No.* 1.—This meeting assembled to-day resolved that the Government be pleased (1) to create a separate Electorate for the Ahom community in the line of the Muhammadan Electorate, and to allot three seats for the Ahoms, *viz.*, one representing the districts of Kamrup, Nowgong and Darrang, one representing the districts of Lakhimpur and the places near about Sadiya and the other representing the district of Sibsagar only, in the Assam Legislative Council to preserve the rights of the minority of the backward Ahoms in the midst of the big majority of the non-Ahoms, and (2) to reserve a seat for the Ahoms in the Indian Legislative Assembly on special consideration of this glorious ruling nation's brilliant past and present backwardness.

Proposed by—Tambhu Nath Jagial Bora Gohain.
Seconded by—Padma Nath Bora Gohain.
Supported by—Dharani Dhor Bora Gohain.

*Resolution No.* 2.—Resolved that the Government may be pleased to forward the above resolution to Simon Indian Statutory Commission for favourable consideration.

Proposed by—Srijut Manjoy Jagial Bora Gohain.
Seconded by—Srijut Ladu Ram Barpatra Gohain.
Supported by—Srijut Chandra Moni Gogoi.

Forwarded by—A. Gohain,
*for* Srijut Padma Nath Bora Gohain.

*Secretary, The Ahom Association,*
*Monigaon, Nowgong,*
*5th April* 1928. *Post Office, Jalugoti.*

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(4) *Dated Jorhat, the 3rd December,* 1926.

From—Maulavi DARAJUDDIN AHMED, Pleader, Jorhat.

To—The Chief Secretary to the Government of Assam.

I beg to request that you would be good enough to explain to His Excellency the Governor of Assam that the Muhammadans of the Brahmaputra Valley are not represented in the Legislative Assembly since the introduction of the Montford Reforms. In all the three elections, the Brahmaputra Valley candidates were defeated by their Surma Valley rivals. This is due to the fact that the Surma Valley has a larger number of Legislative Assembly voters than this Valley.

It is, therefore, earnestly prayed that His Excellency would be graciously pleased to recommend to the Government of India that in the Legislative Assembly a seat may be reserved for the Muhammadans of this Valley.

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(5) *Memorials from the people of the Khasi and Jaintia Hills for creating two constituencies for the Legislative Council of Assam.*

To—His Excellency Sir E. L. L. HAMMOND, K.C.S.I., C.B.E., I.C.S.,
*Governor of Assam.*

The humble Memorial of L. Gatphoh and others of the British portions of the District of Khasi and Jaintia Hills praying that two constituencies for the Legislative Council of Assam be constituted, one for the Khasi Hills and one for the Jaintia Hills.

*Dated Jowai, the 23rd March* 1928.

*Most respectfully sheweth—*

1. That at present the Khasi and Jaintia Hills District is classed among the backward tracts and has no elected representatives in the Legislative Council of Assam.

2. That your Excellency's humble memorialists are now anxious that there should be two constituencies—one for the British portion of the Khasi Hills and one for the Jaintia Hills. The population of Jaintia Hills is 72,640 while the area is 2,086 square miles. The population of the British villages in the Khasi Hills is 16,527. The villages are scattered over a large area and are divided by large tracts which fall within the Khasi States.

3. That this district should not be classed any longer among the backward tracts as in many respects it is not backward at all, *e.g.*—

(*a*) In point of general literacy it stands second in the whole of Assam as will be seen from the last census figures (*viz.*, the literacy in the Khasi and Jaintia Hills is 7.64 per cent. of the population of the district while the literacy in Kamrup district is 7.71).

(*b*) In point of female education it stands first.

(*c*) In point of political constitution it has been used to democratic institution from time immemorial. Even the Sardars and Dolois of the villages in this district are elected. The people understand the principles of democracy as the social custom also is practically like that of the European nations.

4. Your Excellency's humble memorialists feel that they cannot any longer remain as they are to-day when they see the political progress in the whole of India towards Self-Government.

5. That it is natural for the people who will be affected by the change in the whole of India should seek to assert themselves and claim their privileges.

6. That your Excellency's humble memorialists pray that your Excellency will kindly move the proper authorities to grant this prayer and that arrangement may be made for the forming of these constituencies for the next election which will take place in 1929; and for this act of justice your Excellency's humble memorialists will ever remain grateful.

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(6) To—His Excellency Sir E. L. L. HAMMOND, K.C.S.I., C.B.E., I.C.S.

Governor of Assam.

The humble Memorial of S. G. Nalle and others, people of the British portions of the District of Khasi and Jaintia Hills praying that two constituencies for the Legislative Council of Assam be constituted, one for the Khasi Hills and one for the Jaintia Hills.

*Dated Shillong, the 6th February* 1928.

*Most respectfully Sheweth—*

1. That at present the Khasi and Jaintia Hills District is classed among the backward tracts and has no elected representatives in the Legislative Council of Assam.

2. That your Excellency's humble memorialists are now anxious that there should be two constituencies—one for the British portion of the Khasi Hills and one for the Jaintia Hills. The population of Jaintia Hills is 72,640 while the area is 2,086 square miles. The population of the British villages of the Khasi Hills is 16,527. The villages are scattered over a large area and are divided by large tracts which fall within the Khasi States.

3. That this district should not be classed any longer among the backward racts as in many respects it is not backward at all, *e.g.*—

(*a*) In point of general literacy it stands second in the whole of Assam as will be seen from the last census figures (*viz.*, the literacy in the Khasi and Jaintia Hills is 7·64 per cent. of the population of the district while the literacy in Kamrup district is 7·71).

(*b*) In point of female education it stands first.

(*c*) In point of political constitution it has been used to democratic institutions from time immemorial. Even the Sardars and Dolois of the villages in this district are elected. The franchise is also adult franchise. The people understand the principles of democracy as the social custom also is practically like that of the European nations.

4. Your Excellency's humble memorialists feel that they cannot any longer remain as they are to-day when they see the political progress in the whole of India towards Self-Government.

5. That it is natural for the people who will be affected by the changes in the whole of India should seek to assert themselves and claim their privileges.

6. That your Excellency's humble memorialists pray that your Excellency will kindly move the proper authorities to grant this prayer and that arrangement may be made for the forming of these constituencies for the next election which will take place in 1929; and for this act of justice your Excellency's humble memorialists will ever remain grateful.

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(7) *Debate on the Resolution for a University Constituency in Assam.*

Babu PARESH LAL SHOME CHAUDHURY :—Sir, I beg to move that—

This Council recommends to the Government of Assam that early steps be taken to move the proper authorities for amending the Assam Electoral Rules, so as to create a new constituency for the Legislative Council of Assam with an electorate of all graduates of all Indian and recognised foreign Universities of three years' standing, having a place of residence within the province.

Sir, I do not think many words are needed to commend this inoffensive resolution for the acceptance of the House. Sir, of the nine provinces of India which have got Legislative Councils under the Reforms scheme, Assam is the only province where the university graduates have not been given the right to elect their representatives on the Legislative Council. All the other provinces, even including Burma, have got their university constituencies where the electorate is composed generally of the registered graduates or of graduates of a certain number of years' standing, seven years in most cases, as well as the members of the Senate and the honorary Fellows of the University. Assam has no university of its own and that was probably the reason why such a constituency was not thought of at the time the details of the revised constitution were worked out, but at that time all university constituencies were meant to be composed of the members of the Senate and the Fellows of the Univers ities only. That was the recommendation of the Southborough Committee, but ultimately that recommendation was not accepted and the franchise was extended in the case of all the university constituencies to all graduates of a certain number of years' standing in certain cases and to all registered graduates in other cases in addition to the members of the Senate and the Fellows of the University. So the principle accepted was not the representation of the University as an institution but the representation of the graduates as a class. The absence of a University in Assam, therefore I, submit does not stand in the way of the graduates of this province getting a right which their fellow graduates in all the other provinces of India already enjoy. Even in the House of Commons the Universities have the right to elect their own representatives and in

this case also so far as I know the franchise is extended to all registered graduates of such Universities. In Bengal we have two university constituencies, the Calcutta University and the Dacca University. In the Calcutta University the electorate is composed of the members of the Senate, honorary Fellows of the University and all graduates of the University of not less than seven years' standing. In the Dacca University Constituency a person is qualified as an elector who has a place of residence in the province and is a member of the Court of the University or is a registered graduate of the University. In the Madras University Constituency a member of the Senate, an honorary Fellow of the University and all graduates of seven years' standing who are resident in India are entitled to vote. In Bombay also all graduates of seven years' standing as well as the members of the Senate and the Fellows of the University are entitled to vote. In Allahabad the members of the Senate and honorary Fellows of the University whether resident within the province or in India are entitled to vote and in the case of others, all masters and graduates of seven years' standing, they must be resident within the province. In the Punjab as in Bengal the voters must be resident within the province, and the electorate is composed of members of the Senate, the honorary Fellows of the University and all graduates of seven years' standing. In Bihar and Orissa the electorate is composed of members of the Senate and the Syndicate and registered graduates of the University. And in Burma the Fellows of the University and all registered graduates of the University are entitled to vote. In all these cases residence within the province is a necessary qualification. In the Central Provinces all graduates of seven years' standing of the Nagpur University are entitled to vote and over and above that certain graduates of the Calcutta and Allahabad Universities also of seven years' standing are allowed to take part in the voting. I submit, Sir, the University Constituency of the Central Provinces may very well serve as a guide for the constitution of the proposed new constituency in our province. It is well known that the Nagpur University was brought into existence only a short time before the inauguration of the Reforms and the number of graduates of that University alone would not have justified the formation of a separate constituency in that province. But the number of graduates in the province was by no means negligible and it was therefore that the franchise was extended not only to the graduates of the Nagpur University but also to the graduates of the other universities, namely, the University of Allahabad and the University of Calcutta, who were resident within the province. Here also the principle accepted was not the representation of the University as an institution but the representation of the graduates of the province. Now, Sir, the number of graduates in our province is so far as I know by no means neglibible. The two colleges of this province between themselves must have turned out about 500 graduates and the number of graduates of the different Universities of India and elsewhere residing within this province must be about equal to that number, if not more. In any case I believe the number of graduates who are either natives of this province or are residing within this province on various pursuits will nearly approach 1,500, which is about the number of the electorate in the case of the Dacca University. Sir, the overwhelming majority of the voters of the present electorates of the general constituency are generally illiterate and do not understand the living political issues of the present day and so far as our experience of the last two elections goes their votes are cast generally on personal considerations or on the consideration of the support of or antagonism to the present Government, but not on any distinct political issues. The graduates' constituency which will generally represent the intelligentsia of the country will set an object lesson to the other constituencies of the province. It is from such an enlightened and intelligent constituency that we can expect a real intelligent vote on distinct political issues unswayed by any personal considerations. Now after all I am not asking for a new right or an impossible thing. All the other provinces are enjoying it. Let not the graduates of Assam be deprived of a right simply for the crime of their living

in a province which is called backward,—I do not know why. To my mind, Sir, our province far from being backward is as much forward as any of the other provinces but it is sought to be thrown backward by getting it tacked to a portion which is called the " Backward Tracts " and which hangs like a millstone over its neck.

The Hon'ble Khan Bahadur KUTUBUDDIN AHMAD :—Sir, at the outset I would inform the House that I rise not to oppose the resolution but to place the views of the Government on the subject. The hon. mover of the resolution has gone beyond the recommendations made by the Franchise Committee. The interests of university education are represented in the Provincial Legislative Council by a member elected by the Senate and the Fellows of the University of the Province. None of the other provinces which has its own university has extended this right even to a graduate of any other Indian University. In the Calcutta and Bombay Universities a graduate of seven years' standing is eligible to vote for the university constituency and in the other provinces a registered graduate of the Universvey of the province only is eligible. So long as Assam has no University of her own there is very little chance for the creation of such a constituency extending all over the province. There would be no homogeneity at all about a constituency comprising the graduates of a dozen or more Universities scattered all over the province. It would be a mere fortutious collection of individuals with no common interests and it would be extraordinarily difficult for the candidates to canvass it effectively. Moreover, the majority of the present members of the Council have enjoyed a university education and there is no need to add a seat which would invariably be held by a member of that class. What we want, if possible, is to have more members capable of more truly representing the views of the majority of the electorate.

In any advance towards responsible Government the ideal should be purely territorial constituencies such as are found in most countries under Parliamentary Government. In India unfortunately we still have to provide for special communities and special interests but that is no reason to add to them gratuitously or to give special representation to a class which is already over-represented in the Council.

Government are not inclined to accept this resolution. In the first place it hardly seems advisable to approach the Government of India and the Secretary of State for the purpose of adding one member to the Council. The matter might very well wait until there is a general revision of the constituencies. In the second place such a constituency hardly seems to be called for in Assam. There is no precedent for the creation of a constituency for the representation of a class of persons scattered over the country and without any common interests. I place the views of the Government. Government Members will not take sides in the matter. On behalf of the Government I undertake to lay the debate expressing the views of the Council before the Royal Commission in due course.

MAULAVI MUNAWWARALI :—Sir, I wish to say a few words on this subject, not properly on the main resolution but on certain observations made by the Hon. mover. He has stated that in our constituencies the votes are cast merely on personal considerations and not on the political issues involved. I think, Sir, that is a dangerous statement and that is not in keeping with the actual state of things. Sir, I contradict him with all the vehemence that I can command that votes are not cast and have not been cast on personal considerations merely during the two elections that have taken place. Sir, although our constituencies are said to be ignorant, so to speak, they are intelligent enough and they have got that instinct to discriminate between personalities and political issues. Sir, as a very bad record would have been kept on this subject I thought it my duty to place these observations on record to show that conditions are not as described by the Hon. mover of the resolution.

Babu PARESH LAL SHOME CHAUDHURY :—I am glad that the Hon'ble Judicial Member has thought it fit not to oppose this resolution and has advised the Government to remain neutral in this matter. Now, one of the arguments advanced by him with regard to the inadvisability of providing such a new constituency is that Assam has no University and that all the other provinces have Universities of their own. Now, as I said before, there is at least one province, namely, the Central Provinces in which the right to vote is not confined to the graduates of the University of the province, but also to the graduates of the other Universities ; and I suggested that the electorate of that province, namely, the Central Provinces, may serve as a guide for us.

The Hon'ble Khan Bahadur KUTUBUDDIN AHMAD :—On a point of explanation, Sir, I do not think that the graduates of all the universities, foreign as well as Indian, are eligible to vote in the university constituency of the Central Provinces Council.

Babu PARESH LAL SHOME CHAUDHURY :—I beg the Hon'ble Member's pardon. Of course the question whether the graduates of only the Indian Universities or of some of the foreign Universities as well should be given the franchise is one of detail in which I shall give the Government a free hand. My point is that the mere fact that Assam has no University ought not to be a ground for refusing the graduates of the province a right which all the other provinces enjoy.

Now, Sir, as regards the special necessity of creating a new constituency, since all the other provinces enjoy that right I do not see why the graduates of this province should be deprived of that privilege, nay that right. Further, there is a tradition behind these constituencies. In' the House of Commons the English Universities have been enjoying that right from time immemorial and presumably on that tradition the Indian university constituencies have also been created and whether or not there is any special interest or special reason for creating those constituencies I rely on that tradition.

The position taken up by the Hon'ble Member for the Government is that they do not propose to approach the Government of India now to add a new seat to this Council, and their view is that this proposal may await the revision of the constitution by the Statutory Commission. Sir, I may say that I have no objection to that. As regards the point that the electorate—if such a new constituency is created—would be scattered all over the province, I may say that there is one other constituency, the Commerce and Industry constituency, where the electorate is also scattered all over the province. Then as regards the difficulty of canvassing I should say that canvassing of a certain sort should at least be discouraged. In an enlightened constituency like this I feel that there would not be any very great necessity for canvassing.

For all these reasons I submit that my resolution should be accepted by this House.

The motion was put and adopted.

## APPENDIX B (EXTRACTS FROM NEWSPAPERS).

### From an English Newspaper in 1927.

The notorious Quoran tearing incident of Maijbhag, as might be expected, figured prominently in the last session of the Council. The facts of the incident have been told and re-told on many an occasion and we need not recapitulate them. The recent judicial findings in the civil suit brought by Magfur Mean in whose house the "unauthorised" search was made "with extreme ruthlessness" against Abdul Hamid Akanda, Sub-Inspector of Police, and others, claiming damages and the orders of the First Subordinate Judge of Sylhet decreeing his claim in part for Rs. 839 with proportionate costs against all the defendants, gave the opportunity to a member of an interpellation in the Council which elicited the facts that the Government had not only met the cost of the defence but also paid the decretal amount out of the provincial exchequer. Thus if any body has been made to expiate for the sin of Sub-Inspector Abdul Hamid Akanda, it is the poor tax-payer. The arch-offender escapes scotfree. The Government have no intention, as stated, of dismissing him and hold that the Sub-Inspector's action "Amounted to a *bona fide* mistake." These are the ways of the power drunk, prestige-sick, brazen-faced Bureaucracy who have invented such phrases as " error of Judgment," "*bona fide* mistake" to shield their overzealous officers.

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The matter was further sought to be threshed out. Notice of a motion for adjournment of the House to discuss the Government action was given, but the Hon'ble President Maulavi Abdul Hamid disallowed it. Fortunately it was not a Kaffir President to disallow the motion and another *Rangila Rasul* agitation has been averted we believe.

[Note.—This case is mentioned in paragraphs 22(4) and 31 (Judicial) (12) of Chapter IV.]

### Translated from a Bengali Newspaper in 1928.

The large number of deaths from phthisis in the Sylhet jail during the year 1927 is not a feature peculiar to the Sylhet jail though the Inspector General has tried to explain it away by referring to the general prevalence of the disease among the outside public. The Inspector General has also described the Sylhet jail hospital as the best of its kind. We are not aware whether the best hospital is the real remedy for the prevention of phthisis. The cases of political detenus are sufficient proof that inmates of Indian jails are extremely prone to contract phthisis. Srijut Subas Chandra Bose and others took only two years to develop this disease. The fact is that, as Colonel Wedgewood has remarked, " The Indian jail is a veritable hell " and that the Sylhet jail is no exception is proved by its high death-rate.

Fifty-three out of 290 warders resigned during the year—a fact indicating how congenial a place the jail is to work in! The fact that 169 warders were punished for misconduct reveals the character of the people employed in Assam jails.

Referring to His Excellency's remarks expressing regret that the public are apathetic in the matter of helping the released prisoners, we ask—"Why is this grief? Do you trust the public? Have you ever appointed a man enjoying public confidence as non-official visitors to jails? None but the semi-officials or sycophants have ever been taken in confidence. The work of rectifying the character of the convicts must be begun in jail so that it can be followed up on their release and the public can be held responsible only when the affairs in the jails are conducted according to their wishes.

### Translated from a Bengali Newspaper in 1928.

There is a persistent rumour here (at Shillong) that two Surma Valley members have earned quite a fair deal in cash in the matter of overthrowing the Minster and that two other members have got hopes for appointment of their near relatives to Government service. Rai Bahadur Sadananda Dowerah who is a pleader earns a good deal in Excise cases and is also a member of the Excise Committee. Many of his relatives own Excise shops and the Minister Mr. Roy is in charge of the Excise Department.

### Translated from an Assamese Newspaper in 1927.

*The nomination for the post of Deputy Superintendent of Police.*

It is known that on the 30th August last, the Nomination Board to select a candidate for Deputy Superintendent of Police sat in Gauhati. For this post the candidate has previously been selected. The Board is but a farce. It is heard that His Excellency Sir John Kerr at the time of his departure noted that the post was to be given to M. Ahidut Zamal, the son of the retired Deputy Superintendent of Police Khan Saheb Khijnur Ali. It is reported that an application form was sent to M. Ahidut Zamal, before he submitted any application for the post. Be that as it may, but we should ask why the Government make the other candidates bear heavy expenses, when it is already decided to give the post to a particular person?

### Translated from an Assamese Newspaper in 1928.

*Posting of Bengali officers in the district of Goalpara.*

We see that Government have posted all Bengali officers in the district of Goalpara. A Bengali clerk was recently appointed in the office of the Civil Surgeon and it is understood that this clerk bears some relation to the Civil Surgeon. He was at first taken in temporarily but now he has been made permanent. Both the head clerk and the sheristadar in the office of the Deputy Commissioner are Bengali. The head clerk is trying his best to employ his relatives in his office. The Government are approached times without number for appointment of local men or men from the Assam Valley districts in these two posts but they seem to have paid no heed to this prayer. We don't understand the contemplation of the Government. If the Government wish to amalgamate the Goalpara district with Bengal, the Government should tell us frankly.

### Translated from an Assamese Newspaper in 1928.

The villagers living to the north of Sorbhog have been suffering from the depredations of flood for the last 5 or 6 years. The Eastern Bengal Railway built a high bank for their line on account of the flood, and there is no outlet for the waters of the Sorbhog *beel*. Therefore the raiyats are asking for several outlets. One year the Company paid compensation for damage to crops, but it was nothing in comparison with the loss. The authorities are not yet roused in spite of the cries of the raiyats all these times. It is the duty of the Government to enquire into the matter and devise relief to combat the annual flood. But the Government exists for guarding the selfish interests of a body of country's wealth-sucking foreign traders. This is why the cries of the raiyats have been like crying in the wilderness. There is no other alternative but to stop payment of revenue in order to rouse the senses of the Government to their duty.

### Extract from a Calcutta daily of 1926.

*Alleged Police Barbarism—(from our Sylhet correspondent).*—Reports that have been received from Barpeta subdivision in the district of Kamrup about the excesses alleged to have been committed by certain policemen on the villagers, males

and females, recall in bestiality and barbarism the shameful episodes of Char Manair. The facts, as reported, are as follows :—

The villages of Damandia, Baorlaman and Gonailjuri are inhabited by Bengalee emigrants from the districts of Mymensingh and Pabna. There was a dispute about fishing rights in a *beel*, to the west of Damandia, between the Ahoms and the Bengalee settlers. Recently the Bengalees went in for fishing in the *beel* and this led to a riot with the Ahoms, who lodged a complaint in the police station of Sorbhog. Certain policemen with 16 Gurkhas and 50 constables, accompanied by Ahoms, marched into the Bengalee villages, began to assault the villagers indiscriminately, arrested almost all the male population, and locked them up at the Kokila camp. After night-fall, leaving a few of their comrades to guard the arrested persons, some Gurkhas and some policemen entered the villages and in almost every house, the women were made the victim of their lust. They spared neither the young nor the old. Mothers were outraged in presence of daughters, mother-in-laws and daughter-in-laws in their mutual presence. The women were denuded of their clothes which were snatched away by the ruffians. One of the women is said to have succumbed to abortion, in cónsequence of the injury sustained. The brutal outrages in all their revolting details beggar description.

The Assam Provincial Congress Committee has an obvious duty in the matter. They ought to bestir themselves in rendering all possible assistance to the victims of the savagery and bestiality of the policemen and Gurkhas and publish full details of the occurrence. The Hon'ble Khan Bahadur Maulavi Kutubuddin, the Home Member, is known to be a God-fearing man. We wait to see what steps he takes against the miscreants.

**Leader from the same paper of 1926.**

*A crying shame.*—Confusion seizes our tongues. Shame and humiliation benumb us. We confess that the beastly episodes of Barpeta are not the subject for an editorial disquisition or of a platform oration. It were well if the saturnalia of horror and beastliness that was perpetrated in the quiet backwoods of a distant Assam village had melted away under the thick cover of the night in the silence of the woods and the hills. But the dismal devil's glare in the dark has caught a ray of light. The sigh of shame has trickled out from its gagged silence. The facts, as reported, are as follows :—

" The village of Damandia, Baorlaman and Gonailjuri are inhabited by Bengalee emigrants from the districts of Mymensingh and Pabna. There was a dispute about fishing rights in a *beel*, to the west of Damandia between the Ahoms and Bengalee settlers. Recently, the Bengalees went in for fishing in the *beel*, and this led to a riot with the Ahoms, who lodged a complaint in the police station of Sorbhog. Certain policemen with 16 Gurkhas and 50 constables, accompamnied by Ahoms, marched into the Bengalee villages, began to assault the villagers indiscriminately, arrested almost all the male population, and locked them up :—

And then what followed is staggering :—

" After night-fall,leaving a few of their comrades to guard the arrested persons, some Gurkhas and some policemen entered the villages and in almost every house,the women were made the victim of their lust. They spared neither the young nor the old. Mothers were outraged in presence of daughters,mother-in-laws and daughter-in-laws in their mutual presence. The women were denuded of their clothes which were snatched away by the ruffians. One of the women is said to have succumbed to abortion, in consequence of the the injury sustained."

Amritsar, Charmanair, Barpeta—the story is galling : the list is sickening. We talk politics ! We " demand " rights ! And we have to look helplessly on the mothers' shames and the daughters' humiliations ! We only feel that the soul of the country is scared. We know the voice of agony has to be hushed. The sense of

shame and humiliation that is rankling in the heart of the country the feeling of indignation that is simmering, the pain that weighs on the people may be echoed and re-echoed, but where, is the cure?

(The case under reference in the extracts above is mentioned in paragraph 34 of Chapter II and in the Appendix to Chapter VII, case 3.)

**Extract from a Bengali Newspaper of 1927.**

We hear that fees are taken from patients entering for operation in the Sylhet Sadr hospital. We also hear that those who are unable to pay fees have to return home with dejected mind and being unsuccessful. In charitable dispensaries, the doctors cannot exact money from the patients. Perhaps rules have been so infringed in the Sylhet Sadr hospital by casting dust in the eyes of the authorities. Why have not the authorities tried to check these, though allegations have been put up against them by the people. It is seen that those who cannot afford to pay money cannot find place in the Government hospital. We say the authorities should either take steps against these or abolish the pay of the doctors. The patients from muffasil come to the town for treatment but when they hear demand for Rs. 300-400 they return home with dejected minds.

## CHAPTER II.

## THE SUITABILITY OF EXISTING AREAS FOR LEGISLATIVE AND ADMINISTRATIVE PURPOSES, AND FOR GROWTH OF REPRESENTATIVE INSTITUTIONS.

### Local Self-governing Institutions.

1. The natural features of the country have an important bearing on the working of local institutions in particular. The valleys have in common the characteristics of a heavy rainfall, rendering all construction, and particularly construction with local materials, non-durable, and an alluvial soil much cut up by torrential rivers. Natural silting, neglect, and the alteration of levels due to earthquakes, particularly that of 1897, have rendered many of the tanks and wells (which have always been the main sources of water-supply) useless, while the shifting character of the rivers, besides complicating the problem of communications, makes the provision of piped water-supplies difficult and expensive. The towns, generally riverine, are straggling and resemble overgrown villages. Drainage has almost always been superficial, and therefore liable to silting; roads, though the principal streets in towns are generally metalled, if only roughly, are never provided with paved side-walks; conservancy is everywhere of the primitive superficial nature; and building regulations having only been spasmodically and partially enforced, much of the housing is also of an entirely rural character. The population is in a very large proportion agricultural throughout the rural areas and even in parts of the towns; the tea-gardens with their higher demands for communications and other conveniences are in most parts scattered among the agricultural areas.

Villages vary greatly in size, from the large composite villages in Sylhet inhabited by various communities, often in separate blocks, to the small exclusive collections of houses affected by some of the indigenous peoples of the Assam Valley.

2. The area of the local boards varies from 287 square miles (Hailakandi) to 2,865 (Dhubri). In Nowgong, where there is no subdivision, the area of the local board coincides with that of the district. Elsewhere the subdivision

is the area of the local board. The subdivisions at least attain a greater degree of homogeneity and common interest than the districts. More homogeneity could not be obtained by further subdivision, as the tea industry (except in Goalpara, Kamrup, and parts of Sylhet) cuts across other interests, and is rarely confined to distinct blocks of country, while racial divisions are found all over the Assam Valley, and religious division, where important, as in the Surma Valley and Goalpara, cuts across any territorial boundaries. The *mauza* (village) system of division in the Assam Valley is more convenient than the police station system in the Surma Valley, as enabling single member constituencies to be more largely employed.

3. It should be mentioned here that, excluding Shillong, there is no municipality or local board in any of the hill districts in the province. Shillong is exceptional, as the headquarters of Government, and as composed territorially of both British and non-British territory. It is the largest municipality, is better equipped and its financial position is sounder than that of the rest. Other municipalities vary from overgrown villages with a population of some three thousand to towns of growing importance with a population of some seventeen thousand.

4. The Government of Assam do not recommend any change in the existing areas of jurisdiction of the several classes of local bodies of the province.

## Provincial.

Nature of the province.

5. The province of Assam is young and yet not fully developed. Sylhet and Goalpara were taken over with the *Dewani* of Bengal in 1765, but when the first expedition went to Assam in 1792, the rest of the country was divided between warring princes, the Ahom, Kachari, Jaintia, Manipuri and their tributaries, and independent tribes or sects such as the Moamarias. The expedition was withdrawn in 1793 despite reports that confusion, devastation and massacre would ensue. It was the occupation of the country by the Burmese between 1819 and 1824, and the oppression and massacres of which they were guilty, which, coupled with the activities of bands of native marauders, had in parts completely desolated the country, that made occupation of Assam proper necessary, though effort was first confined to stopping slavery and placing the revenue upon a proper

basis. The process of annexation was gradual, Upper Assam and Sadiya being annexed only in 1838-39 and the Mattak territory in 1842. The occupation of the hills was still more reluctant. The aggression of the tribes, which led to ten military expeditions within sixteen years into the Naga Hills, rendered it necessary to occupy and administer in 1866 the Naga Hills, in 1869 the Garo Hills and in 1899 the Lushai Hills. The Sadiya and Balipara Frontier Tracts were separately formed in 1914. The regular codes were introduced into the plains only in 1860—1862, while the province was constituted as a separate unit, and the laws applying thereto defined, only in 1874. The administration was until then almost entirely in the hands of military officers seconded from the local regiments, of which there were four, occupying 14 outposts distributed over the country. The pacification of the country was acknowledged in 1879 by the withdrawal of the armed police from their 35 outposts to stations on the frontier, their constitution as a protective force and the gradual withdrawal of regular units. Since then there have been numerous conflicts with border tribes resulting from what were in essence rather assertions of independence than civil disturbances, of which the most recent were the Abor war of 1911 and the Kuki operations of 1918.

6. Physically the province is the interior of a broad arrow pointing north-east, the stem and barbs being the foot hills of the Himalayan system, and the spaces the Brahmaputra (or Assam) and the Surma Valley. The province, excluding the State of Manipur, consists of 77,500 square miles, of which 53,015 square miles have been surveyed—35,400 in the two valleys and 17,615 in the hills and frontier tracts. There is however an isolated block of Mikir Hills in the Assam Valley containing some 4,000 square miles. The population in 1921 was 6,854,367 in the valleys (including approximately 120,000 in the Mikir Hills) and 751,863 in the hills and frontier tracts. Despite the introduction of unitary administration political and social coalescence have been slow. The figures in the statement following, showing progress since the constitution of the province, are affected rather by the immigration of settlers from Eastern Bengal and Nepalis, and by the settlement of tea-garden coolies, than by rapid coalescence though there has been a good deal of nominal conversion to Hinduism.

*Statement showing the proportion of Hindus, Muhammadans and Animists per 10,000 of population in the plains districts of Assam.*

| | | Hindus. | | | | | Muhammadans. | | | | | Animists. | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1881. | 1891. | 1901. | 1911. | 1921. | 1881. | 1891. | 1901 | 1911. | 1921. | 1881. | 1891. | 1901. | 1911. | 1921. |
| Assam Valley | Goalpara .. | 7,374 | 4,631 | 4,409 | 5,573 | 4,844 | 2,348 | 2,751 | 2,779 | 3,522 | 4,151 | 262 | 2,567 | 2,719 | 788 | 849 |
| | Kamrup .. | 8,836 | 7,019 | 6,914 | 6,876 | 7,141 | 782 | 873 | 911 | 963 | 1,463 | 364 | 2,077 | 2,132 | 2,105 | 1,336 |
| | Darrang .. | 9,213 | 6,367 | 7,095 | 6,502 | 7,077 | 567 | 599 | 515 | 538 | 764 | 177 | 2,985 | 2,326 | 2,882 | 2,023 |
| | Nowgong .. | 8,040 | 6,226 | 6,422 | 5,856 | 5,579 | 388 | 411 | 482 | 517 | 1,774 | 1,560 | 3,343 | 3,054 | 3,560 | 2,553 |
| | Sibsagar .. | 9,173 | 9,157 | 8,855 | 8,623 | 8,443 | 423 | 433 | 416 | 431 | 425 | 373 | 355 | 656 | 834 | 991 |
| | Lakhimpur | 8,460 | 8,944 | 8,979 | 7,846 | 7,834 | 323 | 318 | 321 | 286 | 263 | 910 | 493 | 484 | 1,635 | 1,681 |
| Surma Valley | Sylhet .. | 4,821 | 4,715 | 4,680 | 4,444 | 4,327 | 5,157 | 5,217 | 5,265 | 5,519 | 5,640 | 18 | 64 | 50 | 29 | 24 |
| | Cachar (plains) | 6,449 | 6,528 | 6,725 | 6,488 | 6,379 | 3,145 | 3,070 | 3,055 | 3,311 | 3,409 | 330 | 378 | 194 | 177 | 177 |

7. The new character of the province has caused the criterion of language as to the division between races to be a safer guide than it usually is to racial constituents. Though the Assamese language belongs to the Indo-European family, the large majority of the Assamese-speaking peoples are of racial stocks quite distinct from the Aryan while the latter stock—the Aryan—is predominant among the Bengali and Hindi-speaking peoples. From the following statement it will be seen that only in three districts, Goalpara, Sylhet and Cachar, is the Bengali element in other than a small minority :—

*Classification by languages per* 10,000 *of population in the plains districts of Assam.*

| — | | Assamese. | | Hindi. | | Bengali. | | Chief "indigenous" languages excluding those of tea-garden coolies. | |
|---|---|---|---|---|---|---|---|---|---|
| | | 1911. | 1921. | 1911. | 1921. | 1911. | 1921. | 1911. | 1921. |
| Assam Valley .. | Goalpara .. .. | 1,421 | 1,821 | 867 | 322 | 5,790 | 5,321 | 1,797 | 1,679 |
| | Kamrup .. .. | 7,927 | 7,553 | 186 | 220 | 126 | 667 | 1,459 | 1,203 |
| | Darrang .. .. | 4,427 | 3,671 | 571 | 730 | 1,541 | 1,813 | 1,471 | 977 |
| | Nowgong .. .. | 6,444 | 5,293 | 573 | 564 | 419 | 1,812 | 320 | 224 |
| | Sibsagar .. .. | 5,673 | 5,232 | 627 | 740 | 1,852 | 1,596 | 56 | 23 |
| | Lakhimpur .. | 3,379 | 3,076 | 1,867 | 1,339 | 1,629 | 1,785 | 24 | 16 |
| Surma Valley .. | Sylhet .. .. | 4 | 2 | 482 | 468 | 9,232 | 9,180 | 138 | 120 |
| | Cachar .. .. | 29 | 39 | 2,034 | 1,916 | 5,785 | 5,951 | 1,230 | 1,050 |

8. The province is predominantly agricultural, and practically its only industry, except for some coal mines and oil wells, is the tea industry. Ordinary agriculture supports 761 out of every thousand in the province and tea culture 115. Trade, industry and transport support only 68 and the professions only 17. Of the population subsisting by cultivation of ordinary crops nearly 96 per cent. in 1921 were actual cultivators. It will be seen from the following statement that these proportions apply to all districts, though the professions are stronger in the districts of Sylhet and Kamrup than elsewhere. Goalpara is a district of large landed estates.

| — | | Occupations in 1921, *i.e.*, number per 1,000 supported by— | | | |
|---|---|---|---|---|---|
| | | Agriculture. | Industry. | Commerce. | Professions. |
| Assam Valley .. | Goalpara .. .. | 891 | 19 | 45 | 7 |
| | Kamrup .. .. | 837 | 26 | 60 | 20 |
| | Darrang .. .. | 907 | 14 | 26 | 5 |
| | Nowgong .. .. | 917 | 15 | 33 | 6 |
| | Sibsagar .. .. | 932 | 12 | 24 | 8 |
| | Lakhimpur .. | 896 | 30 | 33 | 7 |
| Surma Valley .. | Sylhet .. .. | 855 | 26 | 57 | 19 |
| | Cachar (Plains) .. | 904 | 21 | 33 | 11 |

The development of the province, by the taking up of land for ordinary agriculture and tea, has been very rapid in the Assam Valley. While the increase of population in the decade from 1901 to 1911 was nearly half a million in the Assam Valley and rather more than a quarter of a million in the Surma Valley, in the decade 1911 to 1921 it was nearly three quarters of a million in the Assam Valley and less than one lakh in the Surma Valley. The population of the hills has increased comparatively little. In 1921, there were 610 industrial establishments employing power, of which 554 were engaged in the tea industry, five in coal, oil and corundum production, 12 in saw milling, and 15 in milling rice and oil-seeds. The remainder were 13 railway or other engineering workshops and some unimportant factories for local products.

9. The prosperity of the province during this period of rapid expansion was seriously affected by high prices due to the War and the depression of the tea industry in 1920. This depression was greatest in the financial year 1921-22. At the census of 1921 it was observed that a large part of the population lived barely on or below the margin of comfort. Such statistics as are available point to increasing prosperity. The total value of money orders issued has risen from 217 lakhs in 1919-20 to 350 lakhs in 1926-27, the increase being steady since 1922-23. Prices of agricultural produce, which rose heavily during the War, have after a fall in 1922 continued steadily to rise, and there has been a corresponding increase in the value of land. An examination of the value of land in registered documents shows

that the price on sale has risen in almost all areas to treble, and in some to seven times or even seventeen times, what it was in 1901. Recent group assessment reports from Sibsagar indicate that in many cases land there has appreciated three or four-fold in the last twenty years. The cultivator has therefore benefited, in so far as he is not in debt for amounts borrowed to meet special occasions of expenditure, and in so far as his standard of living has not risen. The cash wage of a servant provided with board in Sylhet has at least doubled since 1920. The professional and clerical classes, especially those on a fixed income, have not been similarly compensated for the rising prices. Despite the systematic efforts made to develop the income-tax, the number of small incomes assessed has increased but little, the increased receipts being due to the assessment of tea from 1923-24 onwards and to great additions to the number of the larger assessed incomes, as the following statement will show :—

| Assessed incomes, excluding securities, and the incomes of companies and registered firms. | 1920-21. | | 1926-27. | | Increase. |
|---|---|---|---|---|---|
| | Number of assessees. | Assessed income. | Number of assessees. | Assessed income. | |
| | | Rs. | | Rs. | |
| 2,000 to 2,499 .. .. | 960 | 19,23,747 | 1,113 | 22,52,820 | 16% |
| 2,500 to 2,999 .. .. | 484 | 12,92,224 | 539 | 14,71,487 | 11% |
| 3,000 to 3,499 .. | 472 | 15,02,181 | 514 | 16,48,474 | 9% |
| 3,500 to 4,999 .. .. | 711 | 29,57,926 | 1,046 | 40,20,801 | 47% |
| 5,000 to 7,499 .. .. | 734 | 41,88,062 | 923 | 56,48,875 | 26% |
| 7,500 to 9,999 .. .. | 290 | 23,97,801 | 463 | 41,98,539 | 60% |
| 10,000 to 12,499 .. .. | 125 | 11,65,856 | 299 | 29,83,070 | 139% |
| 12,500 to 14,999 .. .. | 79 | 7,17,375 | 149 | 19,63,526 | 88% |
| 15,000 to 19,999 .. .. | 85 | 13,38,123 | 201 | 32,81,296 | 136% |
| 20,000 to 24,999 .. .. | 34 | 5,72,805 | 124 | 21,45,581 | 206% |
| 25,000 to 29,999 .. .. | 32 | 4,40,379 | 66 | 15,75,369 | 106% |
| 30,000 to 39,999 .. .. | 13 | 3,98,779 | 69 | 18,27,443 | 431% |
| 40,000 to 49,999 .. .. | 5 | 1,55,536 | 14 | 4,81,218 | 180% |
| 50,000 and over .. .. | 15 | 43,41,339 | 20 | 13,12,603 | 33% |
| | 4,039 | 2,33,92,133 | 5,540 | 3,48,61,102 | |
| | | | | *plus* 2,63,392 | unclassified |
| | | | | 3,51,24,494 | +50% |

*Statement showing the harvest (wholesale) prices of winter and autumn rice, mustard seed and raw sugar for the years from* 1921 *to* 1927.

| Commodities. | 1921. | 1922. | 1923. | 1924. | 1925. | 1926. | 1927. |
|---|---|---|---|---|---|---|---|
| | Rs. a. | Rs. a. | Rs. a. | Rs. a. | Rs. a. | Rs. a. | Rs. a. |
| Winter paddy, average .. .. | 3 4 | 2 12 | 2 8 | 3 3 | 3 13 | 3 12 | 3 12 |
| Winter rice, " .. .. | 6 1 | 5 4 | 4 10 | 4 14 | 6 3 | 6 10 | 6 13 |
| Autumn paddy, " .. .. | 2 13 | 2 10 | 2 14 | 3 9 | 4 1 | 3 10 | 4 5 |
| Autumn rice, " .. .. | 5 10 | 4 12 | 5 0 | 6 6 | 6 15 | 6 12 | 7 4 |
| Mustard seed, " .. .. | 9 13 | 6 14 | 8 1 | 6 3 | 8 0 | 7 4 | 7 4 |
| Raw sugar (*gur*) " .. .. | 9 11 | 8 15 | 8 13 | 8 12 | 9 10 | 9 4 | 9 1 |
| Cotton, " .. .. | 8 0 | 14 0 | 13 15 | 19 3 | 16 9 | 11 9 | 9 4 |

10. In 1921 the Eastern Bengal Railway had 143 miles of main line within the province, connecting the Pandu ferry crossing, whence the road runs to Shillong, with Calcutta, and two branch lines, of 38 miles. The Assam-Bengal Railway had 552 miles of main line, connecting the north-east of the province with Chittagong, and—by steamer—with Calcutta, and also linking up the two valleys. It had also 118 miles of line linking up the rest of the system with the Pandu crossing through Gauhati, close to Pandu, and three branches with a total of 101 miles. There were also one provincial and two company lines in upper Assam, with a total of 144 miles. The Assam-Bengal Railway opened two more branches in this period, and also opened a short colliery line to passenger traffic, the total mileage of these being 70 miles. Further projects are sanctioned or under construction, but both road and railway communications are still very inadequate, especially in outlying subdivisions. All plains district headquarters are now in railway communication with Gauhati, except Tezpur, which lies on the far side of the Brahmaputra from the railway terminus. but only three out of the eleven plains subdivisional headquarters though three more are expected soon to have such communication.

### Separatist Claims.

11. When the province was formed in 1874, the inhabitants of Sylhet memorialised the Viceroy to be included in the province of Bengal. They were informed that this

could not be done, but that no change would be made in the system of law and judicial procedure. On the decision to break up the province of Eastern Bengal and Assam there was again agitation for inclusion in Bengal, but in August 1912 the Anjuman-i-Islamia of Sylhet passed a unanimous resolution desiring to remain in Assam. An address to the Viceroy was offered in December 1917 by the secessionists, and there were debates in 1918 in the Indian Legislative Council. The advice of the Government of India, however, in their Ninth Despatch, that redistribution should not be imposed by official action but should follow rather than precede or accompany Reform, was accepted. Meetings were organised by a body styled the "Sylhet-Bengal Reunion League" and in 1920 a deputation to the Viceroy was arranged. The adoption by the Surma Valley Conference of non-co-operation prevented, however, the presentation of any addresses. In July 1924, a resolution recommending the reunion of Sylhet was moved in the Assam Council. In order to gain the vote of the Cachar representatives, an amendment was moved towards the close of the debate adding that district, and the resolution was passed. A debate was manœuvred in the Legislative Assembly in January 1925 but postponed till the following September, when, however, it did not mature. Meanwhile the Bengal Legislative Council in August 1925 recommended that Sylhet alone be transferred and the Bengal Government decided not to oppose the proposal. The Government of India considered that the introduction of Cachar into the matter would be a complication, but they suggested that the future of the Jaintia Parganas which, as the Local Government had pointed out, had never formed a part of Bengal, and the question of the future constitution of the province, should be considered, and asked for the ground to be cleared for a final decision. Enquiries showed that there was no strong opinion on the question in Cachar, and that the deficit in the district of Sylhet if no account be taken of divisional and headquarter charges, or of extraordinary expenditure, was not as serious as had been supposed. The Bengal Council again debated the question from the financial point of view in December 1925. In January 1926 the Assam Council passed a resolution purporting to recommend transfer of Sylhet without consideration of the effect upon status, but seeking at the same time to secure a guarantee that Assam would not lose its political privileges. In this result the Hindus of Assam had supported the secessionists, but the Muhammadans, other than those who had joined the

*Swaraj* party, were in opposition. The Local Government considered that though opinion against the transfer was growing, a majority of those who held any views at all were in favour of it and that the Jaintia Parganas geographically could not, and did not wish to be, separated from Sylhet. It was recognized, however, that there would be much dissatisfaction if any loss in status were involved. A subsequent resolution for the transfer of Cachar was defeated. At the instance of the Secretary of State, who held that the transfer of the district could not be dissociated from the future form of administration of Assam, the questions both of transfer and of future status have been relegated for consideration by the Statutory Commission. The result of the transfer of Sylhet would be the loss of 5,388 square miles of territory, and 2,541,341 in population, while the provincial budget would be reduced by about 34 lakhs.

The following are excerpts from speeches :—

" My veteran friend will be able to relate his sad experience of how the last three years have been wasted by the members of the two valleys with different models to advocate, in trying to find a common plan..... This is a three-legged race in which no progress whatever is possible. Neither the inhabitants of Sylhet nor those of the Assam Valley have shown any disposition to merge their exclusiveness." (A Sylhet Swarajist.)

" Sylhet is a veritable clog to the all-round development of Assam proper and to her homogeneity or the growth of nationality." (An Assamese Swarajist.)

The district of Cachar was added in the first Resolution although the considerations were far from equal, in the fear that without the Cachar representatives the motion would fail.

12. A movement emanating from the zemindars has followed, for the transfer of Goalpara also. The zemindars of Goalpara memorialised the Viceroy in 1919 for inclusion in Bengal, and a counter memorial was made. There had been some protest in 1909 and again on the reconstitution of Assam in 1912. There have, since the announcement of the Commission's visit, been further representations that the zemindars are not safe in the alien Assamese Council, and counter representations by the Bodo peoples. The chief source of contention is, however, the language question. In the early days Goalpara had been omitted from the districts where non-natives of the province should

not be employed, while the court language remained Bengali after Assamese had been introduced in the courts of Assam in 1873, because Goalpara formed a part of Bengal proper till 1874, and the schools were taught in Bengali until 1914, when after considerable agitation by the Assamese, and some counter propaganda, orders were issued that the medium of instruction in primary schools should be Bengali or Assamese according to the local demand, and Assamese became also an alternative court language. These orders were based on the facts elicited, that it was difficult to determine exactly where Bengali stopped and Assamese began, but that broadly speaking the language spoken in the west of the district was akin to Bengali and that spoken in the east to Assamese.

The conflict between Bengali and Assamese culture changed its venue in the latter part of 1927 from Sylhet to Goalpara, partly as the result of the initiation of the Goalpara Tenancy Bill at the desire—expressed to the Governor on tour—of the tenants, and upon a resolution in the Council, and partly in consequence of the announcement that the appointment of the Royal Commission would be expedited. The zemindars represented in September in a deputation to the Governor that their interests were not safe in the Assam Council, and that in order that they might have the support of their confreres the district should be transferred to Bengal, or alternatively the neighbouring districts of Rangpur, Jalpaiguri and Cooch Behar should be transferred from Bengal to Assam. They were informed that there was no justification for the assumption that they would not get justice in the Assam Legislature, and that the legislation could not be postponed. In October the projected meeting of the Goalpara District Association resulted in a split, counter meetings, each arrogating the right to represent the district, being held at Gauripur and Dhubri. The immediate cause for this split was a session of the Assam Literary Conference in the district, and a contest for supremacy of the Bengali and Assamese languages in the schools has since raged. The Boro or Mech community have passed counter-resolutions against transfer. They form nearly one-tenth of the population of the district, many of them being animistic.

### The Backward Tracts.

13. These are the Lushai Hills, the Naga Hills, the British portion of the Khasi and Jaintia Hills (excluding the

Shillong municipality and cantonment), the Garo Hills, the Mikir Hills (in Nowgong and Sibsagar districts), the North Cachar Hills, the Lakhimpur Frontier Tract, the Sadiya Frontier Tract, and the Balipara Frontier Tract, and are shown coloured pink on the map attached. Sir Archdale Earle had assumed in discussion on the announcement of 1917 that all hill districts, where the ordinary law is not in force, would be excluded from the scheme, as before. Two senior officers, Messrs. Reid and Barnes, were strongly in favour of the exclusion of the frontier areas, pointing out that even in such matters as education and medical the importance of having local men raised problems quite different from those in the plains. Mr. (now Sir William) Reid thought, however, that the Garo Hills, Mikir Hills and North Cachar Hills might belong to reformed Assam. Discussion at first proceeded on this assumption, but it was observed that the financial proposals on which the reform scheme was to be based, did not make it clear whether excluded areas were to be financed by the central authority or the provincial, though the Government of India had made it known that the provinces would be relieved of expenditure hitherto met under the head 25.—Political, or by assignments under that head.

14. In his first note on the Reforms, Sir Nicholas Beatson Bell had stated that it was out of the question to frame electorates for the backward tracts. He considered, however, that they should be brought within the scope of the Reforms for several reasons. Though unrepresented in the Council, they were included in the then existing system, and the Council could, and to a limited extent did, legislate for, budget for, and ask questions about them. Finally, the plains might have to finance these tracts. Under his system, which provided for a unified form of government, no subject connected with any of the hill districts would be included in the portfolio of a Minister. His scheme. however, having not been recommended by the Government of India in their Ninth Despatch, he later noted that he had anxiously considered the matter again in discussion with various people, and was so much impressed with the disadvantages which would follow the separation of budgets and divided authority entailed by exclusion, that he would only recommend it if otherwise a satisfactory financal settlement could not be obtained. In such event he might propose the exclusion of the outer hills, that is, the Naga and Lushai Hills, the Frontier Tracts, and of course

the State of Manipur. The Functions Committee, and the Assam witnesses before it, considered that the backward tracts should be excluded. In their Ninth Despatch the Government of India had recommended the complete exclusion of certain areas, such as Angul and the Chittagong Hill Tracts, where the population was aboriginal, of low density, and inimical to its plains neighbours, while they considered that other areas which were more developed, being represented on the Legislative Council and administered on much the same lines as other parts of the province concerned, as for instance Chota Nagpur (where the ordinary civil and criminal procedure codes were in force), might be dealt with by preventing local legislation from applying to them without the express orders of the Governor in Council, and by giving the Governor himself a greater discretion than elsewhere to override his Minister. The Chief Commissioner thought that the included areas might be treated on these lines. He had throughout excepted from the areas which might be proposed for exclusion the Khasi and Jaintia Hills and Mr. Reid, though he emphasised that a large part of these consisted of Native States, and that in his experience "there is at times a pronounced bitterness of feeling between the aborgines and the other Indian inhabitants," a characteristic of a backward tract referred to in the Ninth Despatch, now agreed that the suggested treatment might meet the case of the Khasi and Jaintia Hills . He held, however, that the Naga Hills and the Frontier Tracts, and probably the Lushai Hills, were on a different footing, and should be excluded as typically backward areas. When it was decided to give Assam the same constitution as other provinces the Chief Commissioner adhered finally to the conclusion that there could be no half-way house, and that the treatment proposed would be suitable for all the backward areas, in view of his conviction that the administrative integrity of the province could not safely be disturbed. There is nothing on record to show whether he was aware that in other provinces areas similar to those proposed for exclusion had actually been excluded, even the Darjeeling district.

15. The Khasi and Jaintia Hills are peculiar in consisting partly of Indian States in varying degrees of dependence, through their *sanads*, on the paramount power, and partly of British territory. The total area of the district is 6,022 square miles, with a population of 243,263. British territory comprises an area of 2,117 square miles with a population of 95,016 and the non-British territory is 3,905

square miles with a population of 148,247. The Shillong cantonment is a British enclave, and part of the civil station is also British, but the remainder is not. The municipal law has been applied to the non-British part of Shillong under the procedure of the Foreign Jurisdiction Order. The Khasis of Shillong and those of Jowai have exhibited a desire for a voice in the administration; there has been no indication, however, that the chiefs and their subjects would willingly make that surrender of their limited independence which the incorporation of Khasi territory within the British dominions, to which the Government of India Act applies, would entail.

16. The legality of the creation of the Shillong Urban Constituency was challenged in 1928 by a motion of no-confidence in the Legislative Council, though the return of the sitting member was not made the subject of any election petition. The member in question has sat in the reformed Council throughout, and was selected by Sir John Kerr in 1927 to be Minister for Local Self-Government. The mover of that motion said, "The Government of India Act is applicable only to British India.....the interests of a foreign state and the interests of this province may be at times in conflict,.....I am told that recently some such conflicts have already arisen." Another member said "The hon'ble member quoted a rule by which the Local Government of Assam have qualified non-British subjects for election to this house. But I am afraid he has omitted to mention a proviso which is very important, *viz.*, provided that they are resident in British India." A nominated non-official member supported the motion saying, "I should be stultifying myself if, having been.....the first person to have questioned the legality of the constitution of the Shillong Urban Constituency,.....I were to oppose the motion before the house." Another member said "I think, Sir, the people did not mean giving *Swaraj* to the foreign states like those to which the honourable member himself belongs." Another "It has been reported that a movement has been set on foot within the Khasi Hills for the establishment of a "Khasi National Durbar" with a view to excluding the Assamese and the Bengalis from the territories of the Khasi Siems and a cry has been raised "the Khasi Hills for the Khasis."

17. Endeavours have been made from time to time to calculate the net cost of administering these areas. For a variety of reasons accurate statistics cannot be evolved, but

the result of the most recent enquiry goes to indicate the following probabilities:—

(1) The net deficit on the administration of the Lushai Hills, the Naga Hills and Garo Hills, excluding overhead but including home charges, is about 4¾ lakhs, though the last named is nearly self-supporting owing to the valuable *sâl* forests in the Garo Hills;

(2) The provincial deficit on the administration of the Khasi and Jaintia Hills, without reckoning any expenditure that can be attributed to the fact that Shillong is the provincial headquarters, is about 1¼ lakhs, or, if the net cost of the metalled road from Gauhati to Shillong and thence to Cherra, which serves the Khasi cultivator by enabling him to export his potatoes, is included, about 2 lakhs. The bare figures for Jowai subdivision would, however, disclose a surplus of nearly a lakh for that subdivision, if taken alone, leaving out of account district headquarters expenditure, which cannot be apportioned;

(3) The deficit in the Sadiya and Balipara Frontier Tracts is 1¼ lakhs. At present this deficit is not charged to provincial revenues, as the Central Government have assumed responsibility for most of the expenditure on these tracts;

(4) The provincial surplus on the administration of of the North Cachar Hills, Mikir Hills and Lakhimpur Frontier Tract is about 3 lakhs;

(5) The cost of the Dimapur-Manipur metalled road within British territory, which is charged to provincial revenues, is about 1¾ lakhs;

(6) Forest revenue, collected in the plains from forests which geographically form part of the hill areas though for administrative purposes included in plains districts, is a matter of conjecture. It is believed at present to amount to over 2 lakhs, and is capable of development, the extent of which is hard at present to foresee, but is at least considerable. There may also be more mineral wealth in these areas;

(7) Overhead charges for the administration of these areas must be a matter of opinion. Reckoned on a basis of population they would amount to 3 or 4 lakhs, but on a more reasonable computation of the services given by the provincial headquarters and divisional offices to these areas, they would only amount to between 1½ and 2 lakhs;

(8) In the result the total deficit, without reckoning forest revenue for which the hills are geographically responsible, or overhead charges, must be about 6¾ lakhs, or, taking account of these items, about 6½ lakhs.

The cost of maintaining the Assam Rifles is not included in these figures. The average cost of the force in the three years 1925-26, 1926-27, and 1927-28 was Rs. 1,83,000 over and above the subvention of Rs. 16,00,000 received from the Central Government. The public works cost of maintaining their buildings averaged Rs. 44,000 to central revenues, and Rs. 8,000 (for the Kohima and Aijal battalions) to provincial revenues. The cost of original works, which now includes heavy expenditure on the Kohima lines, is not reckoned.

18. The safeguards provided for constitutional protection of the hill and frontier areas are as follows:—At the Chief Commissioner's proposal the areas mentioned have all been declared "backward tracts," and on the advice of the Government of India an express provision has been made in the statutory rules requiring a mandatory section in any provincial or Indian law solely intended for these tracts, that it shall apply only as directed by the Governor in Council, and with such exceptions and modifications as may be made by him. A further provision enables the Governor in Council to direct that no Act of the local legislature shall apply to these tracts save as, or with such modifications and exceptions as, the Governor thinks fit. The safeguards against application of legislation that are of importance, however, are contained in previous enactments. Though the whole of Assam is scheduled under the Scheduled Districts Act, the powers under that Act have not been used for the purpose. But under the Assam Frontier Tracts Regulation of 1880 Government may direct that any enactment in force in these areas shall cease to be in force therein, and the backward tracts have all been brought within its

purview, while under section 14 of the Assam General Clauses Act (II of 1915) it is provided that no local Act, passed either before or after, can come into force unless expressly extended under the Scheduled Districts Act or otherwise. Affirmative powers of legislation exist for all these areas, as for the province as a whole, under section 71 of the Government of India Act. Finally, in interpretation of the passage in the Instrument of Instructions enjoining upon the Governor "to take care that due provision shall be made for the advancement and social welfare of those classes among the people committed to your charge, who, whether on account of the smallness of their number, or their lack of educational or material advantages, or from any other cause, specially rely upon Our protection, and cannot as yet fully rely for their welfare upon joint political action, and that such classes shall not suffer, or have cause to fear, neglect or oppression"; and in exercise of the power conferred by section 49(2), the Governor has framed the following business rules:—

(*a*) "'All proposals which affect a 'backward tract' directly or indirectly, and in particular, and without prejudice to the generality of this rule,

(*i*) A proposal to post either permanently or temporarily an officer, gazetted or non-gazetted, to an appointment in a backward tract, or to an appointment which involves the exercise of any function in a backward tract,

(*ii*) A proposal to grant leave to, or transfer, any officer, holding such an appointment" . . . . . "shall be submitted to the Governor after consideration by the Member or Minister in charge."

(*b*) "When any case affecting a backward tract or tracts, directly or indirectly, has come to the Governor, . . . . . the Governor shall, if the case relate to a reserved subject, consider the opinion of the Member in charge and also (if the case has been brought before a meeting of Council) the opinion of the other Member or, if the case relate to a transferred subject, he shall consider the opinion of the Minister in charge; and he shall then pass such order authorised by law as he believes to be in the interest of the backward tract or tracts concerned."

19. In view of the rigidity of the business rules not unnaturally the reformed executive Government as such has

had little or no history in the backward tracts; Ministers have generally disavowed their responsibility for any question involving a hill or frontier area, and in the few cases in which they have asserted their views, or in which proposals have arisen which would have brought them into direct contact with such areas, they have generally* been given little option. There are however exceptions†. The very close concern of the department responsible for political matters with many of the questions that arise has sometimes led to doubt and misunderstanding as to which is the responsible department‡; and the fact that certain expenditure is definitely central complicated the question. Most of the areas indeed are administered on very different lines from the plains districts, and, the policy having been one involving a minimum of interference, decentralization in the hands of the local officers has been so great that the system of administration is frequently, as the records show, not well known even at the headquarters of Government§. The reliance on executive orders, necessitated on the one hand by the fact that civil and criminal law are to a great extent a matter of local custom, and on the other by the necessity of controlling practices which give rise to problems other than those provided for by legislation in the plains, has not yet led to any serious conflict with the popular element in Government, which has for the most part abandoned the patriarchal system, and aims at abolishing the last remnants of executive rule, but the possibilities of such conflict have been far to seek. The special nature of the administration‖ in the Naga and Lushai Hills and Frontier Tracts has apparently—no reasons are on record—been recognised in the allocation to His Excellency's own portfolio of judicial appeals from these hills and from the partially administered portions of the frontier tracts (the initial criterion adopted having been that cases from the regular hill districts and the fully administered parts of the frontier tracts should be dealt with as judicial and others as political), while there have been arguments as to the political character of some aspects of civil justice and other subjects which have led to "Succession of headmen, village and tribal rights in hill districts and Frontier

*Vide Appendix A, cases 9, 14, 15, 17.

†Vide Appendix A, cases 3, 10, 13.

‡Vide Appendix A, cases 16, 18.

§Vide Appendix A, cases 4, 5, 6, 7, 8, 13, 17.

‖Vide also Appendix A, cases 6, 7, 8, 11, 12, 13, 14, 15 and 16.

Tribes" being ruled to be political, and therefore in the Governor's portfolio. The application of the Government of India Act and rules has in some instances caused inconvenience or delay.

*Vide* Appendix A, cases 9, 12, 24, 16 and 17.

20. The Council equally is unable to appreciate the various difficulties in the administration of the backward tracts, and probably shares the misunderstanding of the constitutional position referred to. Except for disapprobation of the fact that the plains have to meet the deficit of the frontier, displayed by the resolution that the cost of the hill districts should be met by the Government of India, and partly by those recommending that the Central Government should bear a larger share of the expenditure on the Assam Rifles, the Council has shown little interest in the matter. Their feeling was represented before the reforms by the representatives of the Assam Association who gave evidence to the Functions Committee, and is based upon the fact that the occupation of the areas concerned was necessitated by the duty of protecting the plains, and not by the demands, save in a few rare instances, of the aboriginal inhabitants. The sole attempt made to endorse this view met with the comment by the Government of India that the deficit of the hill districts was only an incident of the reforms upon a particular area. The deficit on the hills was then stated at Trs. 8,92, and the Government of Assam pointed out with reference to the Naga Hills (deficit Trs. 3,66) and Lushai Hills (deficit Trs. 1,88) that they were frontier territories, abandonment of which would lay the plains open to the recurrence of raids from wild tribes. Interest in Shillong has naturally been greater than elsewhere. Apart from attacks on the legal status of the municipal seat there has also been an attempt to bring the civil station under the jurisdiction of the Calcutta High Court. These movements are inconsistent, though they have the common motive of a desire to import the ordinary law. The creation of similar interest in other backward tracts would have the same effect, but this has not yet occurred.

The general attitude of the Council may be illustrated by the following excerpts from speeches :—

"We have no objection to bear the expenditure of the administration of the hill districts if these hill districts get the advantages of the civil administration which the plains districts have." (An Assamese Responsivist.)

"If I read the signs and portents of the times correctly, I feel almost sure that the hill districts will be separated sooner or later, and I hope within about 5 or 6 years, and when this is done the case of Cachar will be a clear case" ..... They "are not within the jurisdiction of the Governor's province of the Legislative Council." (A Sylhet *Swarajist.*)

"Sir, in our scheme it is submitted that the hill districts with the exception of the British portion of the Khasi Hills may be administered by His Excellency the Governor, as the agent of the Government of India, and the whole expenditure also may be borne by the Government of India. If this is done there will be no administrative or financial difficulty even when Sylhet is transferred to Bengal." (An Assamese Responsivist.)

"Before long Assam Valley will have to see its own way to disjoin itself from the hill districts." (An Assamese *Swarajist.*)

21. While no party has yet made the administration of the frontier and hill areas a matter of definite party policy, the extracts quoted from the speeches of persons belonging to different persuasions probably illustrate a widely held distaste for bearing the cost of the backward tracts, and a fear that the political advance of the province may be retarded either by the fact of their being yoked to the plains, or by the suggestion in the Ninth Despatch that without the hills Assam could not bear its present superstructure. A former Minister on the other hand has expressed the opinion that, unless carrying the hill districts with it, the province cannot attain self-government. No other resolution debated concerned these tracts, nor was their administration discussed, save in a few questions.

Out of 48 questions traceable as bearing on the backward tracts twenty might be taken to display interest in the native peoples. Of these, many of which were asked by the two members who were natives of hill tribes, two concerned the rights of hill chiefs, two the practice regarding arms, one communications, seven the judicial system, one reserved forests, one the principles of education, one wages of indented labour, one the pay of a cooly corps returned from France, one the succession rights of Indian Christians, one the appointments open to hill men, one the prevailing scarcity in a hill area, and one the system of explosive licenses for lime quarries in the Khasi Hills.

Questions concerning matters in Shillong, as the headquarters of Government and a municipality, are left out of account. Of the other questions, nine elicited figures of cost, sixteen were solicitous as to the rights of plainsmen, as on adjustment of boundaries, rights of pleader, settlement in plains portions of hill districts, elephant mahals, grazing dues, etc., while the remainder dealt with such matters as the exemption of a hill district from the Juvenile Smoking Act. A question regarding the sum budgetted for remission of loans in one plains and one hill district evoked a number of supplementaries, but only on the former district.

22. A Khasi has throughout been the elected member for Shillong, and is now Minister for Local Self-Government. Under the Electoral Rules a member must be nominated for the backward tracts. At first a Garo was nominated, but he attended only two sessions, and was too imperfectly acquainted with the Council vernaculars or with English to be a successful legislator. The difficulty of obtaining a true representative was insuperable, and since 1924 these areas have been represented by a Welsh missionary whose experience has been confined mainly to the Khasi and Jaintia Hills.

23. In view of the policy of non-interference in internal affairs, progress in the direction of fitting "all classes of the population without distinction to take their due share in the public life and government of the country" and of encouraging the inhabitants to "look for the redress of their grievances and the improvement of their condition to the working of representative institutions" has been *nil*, save so far as there has been educational advance, due mainly to the activities of missionaries. There are, in fact, two main and irreconcilable forms of government among these heterogeneous tribes, the chieftaincy, hereditary or elective, and a democracy of the city state type, in some ways far in advance of European democracy. These natural systems have been left intact, and should in the opinion of some be so left, to work their own future, with as little interference as possible from any alien race.

24. When the views of Government were invited on the main recommendations of the Lee Commission, they replied that undue acceleration of Indian recruitment to the Police Service would *inter alia* be a source of danger owing to the fact that Assam is surrounded by wild tribes, but took no account of the bearing upon recruitment to the

Indian Civil and Police Services of the fact that the charges in the hills have always been held by European officers of these services. Lately, there has been serious difficulty in obtaining suitable officers for subdivisional charges, owing to the shortage of recruits.

### The Tea Industry.

25. The tea industry is the outstanding feature in the development of Assam. The nominal capital invested in the industry in Assam is understood to be over twenty million pounds, when reduced to sterling, though the real capital so invested must be much higher. Reckoned on the present nominal cost of opening out tea, the capital value must be over thirty million pounds. Some three quarters of this is European capital. The total area in Assam occupied by tea estates at the end of 1926-27 was 1,577,048 acres, of which 420,564 acres were planted with tea. The labour population residing on the estates was 1,010,470 more than half of whom were adults. Employment is also given in many cases to the people of neighbouring villages. The average monthly wage bill is about 4¼ lakhs. During the non-co-operation campaign the industry suffered chiefly from organised attempts to boycott the garden bazars and to prevent the supplies necessary for the labourers from reaching the gardens. In some cases, however, there were attempts to involve the labourers in the agitation; this was a feature of the propaganda in Sylhet, and led to a serious exodus from one area. The fact that the industry pays comparatively little in provincial taxation, though large sums go to the Central Government by way of income-tax, import duties on machinery, etc., and (until recently) export duties, while it also pays import duties into other countries, has led popular opinion to regard this as a good field for essays in taxation, but interest in the industry is too widely shared by prominent members of the various parties for direct attacks upon it to take place, despite the adhesion of the extremists to a policy antipathetic to western influence. The excitable and uncertain character of the cooly population, the delicate financial equilibrium of the industry, and the method of management, make it particularly vulnerable both in matters of law and order and in other directions. The increasing employment of Indian capital however probably minimised the risk in the days of intensive agitation, and has tended to reduce the effect upon the industry of political changes.

26. The maintenance of an adequate labour supply has been the chief difficulty with which tea cultivation has had to contend. Remedies proposed have been many, but the dependence of almost all of these upon legislation, which at the present time must be a matter of sericus risk, where many interests are involved, and negotiations must be of great delicacy, has ruled them out of practical politics. Legislation under the present system would be for the central legislature, though it is not clear how a settlement of principles could be arrived at except by agreement between the province of origin of immigrant labour and the province of employment, nor how such agreement could be based on popular consent even in the provincial councils concerned, since the labourers would have no voice in the matter. It may be noted that according to settlement figures some 100,000 *ex*-tea garden labourers must have settled on the land since the census of 1921, raising their total to about 600,000 or one-tenth of the plains population.

27. Other matters in which the reformed system has re-acted upon the tea industry may be briefly mentioned :—

(1) The taxation of the tea industry for the benefit of the local boards was suggested by some boards in 1924, and was on several occasions mentioned in Council. The origin and development of the Local Rates and Local Self-Government (Amendment) Act, 1926, will be mentioned in connection with the Land Revenue Department, and the acceptance by the Council of a policy of improving communications, which was partly the result of consent to submit to this taxation by the local planting members, and partly due to a growing financial interest in motor traffic.

(2) The antipathy to settlement of land with European capital, and the resentment felt for relations alleged to exist between tea garden managers and the Indian public, will also be mentioned in connection with resolutions passed affecting the Land Revenue Department.

(3) In 1924 a resolution was carried demanding that the maintenance of schools on tea gardens should be made compulsory. This was opposed by Government as singling out a particular industry for a principle of compulsion

which had not yet been approved by the Council for general application. The ground given for special treatment was that "The main question is the provision of funds. But here in this resolution the question of funds does not arise, and therefore I think advantage ought to be taken of this resolution at once, and the matter not postponed till the consideration of the Primary Education Bill." The resolution was opposed by planting members on the ground that compulsion would have a seriously disturbing effect on labour.

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(4) A resolution in 1925 requiring that the provision for purchase of opium should be reduced by three lakhs was coupled with a suggestion that a tax of one pice per lb. should be placed upon tea manufactured in the province. As the first part was defeated, this part of the resolution was not voted on.

(5) In pursuance of the policy of compromise a planting member in discussion on the budget of 1927 proposed the transference of public works to the charge of a Minister, alleging that the bureaucracy had neglected the subject of communications.

*Vide Appendix A, cases 1, 2.

(6) The European Association represented that in subservience to popular clamour Government had taken unreasonable action against planters accused of offences* against Indians.

(7) In the budget session of 1928 a token reduction was carried to condemn the alleged excessive representation of the tea industry on local boards. A member said "They are unfortunately found invariably to rally round the opposition against all popular measures brought either by the *Swarajists* or non-*Swarajists*."

Labour.

28. The tea garden coolies, who form nearly 80 per cent. of the population labouring for wages, constitute the labour problem in Assam. Establishments employing

over 20 persons at the census of 1921 distributed their labour as follows:—

| | Skilled workmen. | Unskilled workmen. |
|---|---|---|
| Growing of special products (almost entirely tea) ... | 5,607 | 506,898 |
| Collieries ... ... ... ... | 409 | 2,668 |
| Petroleum ... ... ... ... | 319 | 1,662 |
| Wood industries ... ... ... | 340 | 1,632 |

29. Since the slump of 1920 the tea industry has expanded, particularly in the growth of small gardens financed and managed by Indians. The number of gardens rose from 876 in 1920 to 941 in 1926, though the older gardens abandoned much of the area under tea. The planted area rose only from 420,163 to 420,564 acres, but the total area of estates rose from 1,479,239 to 1,577,048 acres. Meanwhile the daily average of persons employed fell from 589,733 to 532,024. The labour supply problem has in places become acute. Though there are statutory restrictions upon the recruitment of workmen, there is no other labour law, the last remnant in the Workmen's Breach of Contract Act disappearing when the Act was repealed by the Assembly in 1926. Where, as is generally the case, land is available for settlement locally, the tendency of imported coolies who wish to remain in the province is to settle down as cultivators or in some independent occupation, as soon as they have acquired sufficient capital. In the 1921 census it was estimated that 840,000 foreigners to the province were living on tea gardens, while probably 500,000 brought by the tea industry to the province were living off the gardens, mostly on the land, the total tea-induced population being thus one-sixth of the population of Assam. Settlement figures indicate that since 1921 a further lakh of persons brought by the tea industry have been settled on the land. It may be noted that on the gardens the coolies have no means of securing the franchise which it was the wish of the Chief Commissioner to grant; but that off the gardens they may obtain it.

Increase in land directly settled 72,207 acres. Increase in land sublet 1,525 acres.

30. The economic distress following the War caused serious strikes upon the tea gardens as well as the railways. An enquiry committee found that the trouble was mainly economic, but had in certain cases been fomented by political agitation. In particular before the exodus of coolies from the Chargola valley in 1920 there was evidence that the coolies had largely attended non-co-operation meetings, and been advised to strike for higher wages. The gardens were also affected by boycott, which the Surma Valley Conference of 1920 resolved to apply to them. One of the immediate results of the enquiry was to determine Government to abolish the Breach of Contract Act, thus reversing a decision of a few months before.

Since the collapse of the non-co-operation campaign the industry has been little affected by labour disturbance. There have been, however, instances of exodus by coolies imported in misguided efforts to keep up an adequate supply without sufficient care being taken to see that the class of labour obtained was suitable for the work and life on a tea estate. Disturbances have occurred from time to time and the strike as a weapon to enforce demands has also been at times adopted. Hitherto the trouble where it has appeared has been short-lived. A recent development has been the deputation by, according to newspaper reports, the All-India Trade Union Congress of an agent to organize trade unions in the tea gardens of Assam.

31. The labour force is imported from different parts of India and drawn from various tribes who are in the main obstinately illiterate, superstitious, and easily moved to violent action by anything they do not understand, as was illustrated during the War period by the bazaar-looting which followed a spread of rumours that traders were profiteering in cloth. Though such dangers were a factor in determining the increase in 1921 of the armed police, no special police are maintained on account of the industry, and it is left generally to maintain its own discipline. Government have frequently acknowledged during this period the success with which this duty has been achieved. Beyond the difficulty of bringing this large element actively within the franchise, while under the discipline mentioned, it also forms one of the most serious factors in law and order. The desires of the cooly population run counter to the aims of the Council in the matter of temperance, and may at any time conflict with those of their neighbours in matters of land, fishing rights, bazaars, etc. The majority in the

Council, while acknowledging the value to the province of the tea industry, is resentful of the fact that in bulk it is owned and controlled by foreign capital. Indian interests in tea culture are often in conflict with foreign in the matter of labour supply, and instances have not been wanting in which this conflict has taken concrete form. The interest of members was illustrated by the action of several in interviewing and assisting or sheltering coolies who had been imported from districts hitherto not tapped, and who in dissatisfaction with the conditions left the gardens without expressing any definite grievance, but seeking repatriation at Government expense. The members concerned advertised the matter in the newspapers as one requiring public attention.

### Communal Matters.

32. The communal question in the strict sense, tracing its history to the resolution of the Government of India upon Muhammadan education of 1885, has been complicated in Assam by the rivalry between the two valleys, or in another aspect between the indigenous cultures of Assam proper and the districts having affinity with the culture of Bengal. In 1873 it was ruled that the natives of Assam proper should have preference over Bengalis for appointments in the five districts of Upper Assam. In 1903 the first definite instructions were given that for district, divisional and departmental staffs, "some endeavour should be made to recruit from each race of the community in proportion to its numbers.....subject to the condition that qualified candidates are available." The principle was thus established that the more important of the almost innumerable ethnic elements of the province should be entitled to consideration in the composition of the services. While the more backward of these elements are disputing more than before the field of education, the inevitably gradual progress in that field has resulted in importance being attributed chiefly to insistence. Meanwhile, in 1907 the Government of Eastern Bengal and Assam again drew attention to the resolution of the Government of India, and prescribed annual statements for ministerial appointments. In 1912 Sir Archdale Earle took up the question of appointments made by Government, and noted that in cases requiring his sanction, "for example, where there is little to choose as between two candidates, the fact that one of them represents a community which has an inadequate share of offices would be a point in his favour." Statements were prescribed

covering the whole province, showing as the principal classes to receive attention, Europeans and Anglo-Indians, Bengalis of Sylhet and Cachar, domiciled Bengalis, other Bengalis, Assamese, Ahoms, Muhammadans, Khasis, and miscellaneous,—and in 1914 a resolution issued stating the Chief Commissioner's intention that all officers should consider on the occurrence of vacancies which of the communities had less representation than that to which their numbers would entitle them, and should, if qualified candidates were available, endeavour to give appointments to members of those communities.

In his opening speech to the Council the Governor in 1921 referred to two golden rules by which he hoped his successor would be guided—first never to recruit an officer from beyond the province if a good man could be found within it, and second to hold the balance even between the claims of the two valleys.

33. Pressure for the observance of communal claims has been constant throughout the period under review; at every session a considerable proportion of the questions asked have been inspired by them, and though attacks upon the principle have been made in the Council on several occasions, as in debates upon the Municipal Bill and the Local Self-Government (Amendment) Bill, they have all failed, a resolution for abolition of the system being withdrawn in 1927 with the expressed belief that it was bound to fail. When Government members were left free to vote on provisions for nomination to local boards, one exercised his right to vote for pure election, but the motion was defeated by a narrow majority without counting the Government vote, there being, however, an elected majority of one against nomination. The principle has been acknowledged in a less extreme form in regard to the All-India Services—the Indian Civil, Police, Forest, and Service of Engineers—by the Secretary of State in his despatch No. 32-Services of 20th August 1925. Resolutions for the introduction of the competitive principle into appointments to the provincial civil services were also defeated, though on the last occasion provision for communal distribution as a temporary measure had been added. Ministers who deprecate the principle have been compelled to give effect to it, and even to carry it further. In 1923 the form of return was amended, making it clear that no class was *entitled* to any particular number of appointments, by a

reference to the number "each community might expect to hold, if the sole consideration was their numerical strength." In that year also a Minister raised the whole question on the ground of the resulting inefficiency in offices. It was decided that to go back on the arrangements was impracticable, but that the due qualification of candidates should be insisted upon, and standards should, if necessary, be raised. Some were indeed raised. Shortly afterwards, however, on the recommendation of a committee appointed at the instance of the Minister on account of resolutions tabled in the Council, the principle was applied to the scholarships and vacancies reserved for medical students at the Calcutta colleges, though such a proposal had been negatived in 1923. A certain amount of heat was engendered; and a minority report indicated that the cause of trouble was a departure from precedent in giving both scholarships to the same valley.

A resolution proposing that the claims of provincial medical officers who are natives of the province should invariably be preferred in appointments to the staff of the medical school was defeated in April 1928, after the Minister had announced his acceptance of the general principle of taking natives of the province who are qualified. Another resolution recommending that the declared policy of representation of different communities in the services should be given practical effect was pressed and carried, after it had been stated that Government were already giving practical effect to their policy, and that the position of minor communities had improved. An Independent from Sylhet said, "I think my friend by pressing such a resolution is only trying his best to create a division amongst the different communities which exist in this province."

The attitude of Government may be taken from the reply to a question in 1927:—

*Q.*—"Are the Government aware that it is mentioned in the Montagu-Chelmsford Report that India cannot prosper and attain self-government with communalism and communal representation at the sacrifice of efficiency and qualification? If so, do Government propose to so proceed with the operations of administration that the tension of communalism and communal representation, if any, may be removed and done away with?"

*A.*—"Government are aware of the views expressed in paragraph 231 of the Montagu-Chelmsford Report. These

views are not exactly reproduced in the question. Government do not propose at this stage to abolish communal representation. They would gladly see communal tension disappear, but this requires the co-operation of the public."

34. The very mixed races of Assam have generally lived on very easy terms of mutual religious tolerance. It was only in 1926, when trouble had been long brewing in other parts of India, that any signs of disturbance of these relations occurred in Assam. Towards the end of 1925 there had been some collisions between Muhammadan and Hindu immigrants, and in December of that year there was a fishing dispute followed by a riot between the Muhammadan immigrants and their Assamese neighbours. On the Muhammadan immigrants lodging charges of bestial outrage against the police, one of the most determined among the Assamese *Swarajists*, a noted critic of the police, made personal enquiry and reported the charges to be false in the press, sending Government a copy of his findings. No reference was made to these charges in the rioting case against the immigrants, and a newspaper which had published them was successfully sued. It was not uncommon for the Hindus and Muhammadans among the Assamese to unite, where the immigrants were concerned, for resistance. (*Vide* case 3 in appendix to Chapter VII.)

The activities of foreign preachers and of at least one local religious leader, however, resulted in some reverberations of the religious upheaval, due to the doctrines of conversion, being felt in Assam. In general the trouble was of sporadic nature, leading to small local scares over cow-killing, defilement of tanks, and the playing of music before mosques. The only serious situation was created at Habiganj in Sylhet, where Government had to threaten the employment of additional police, and the excitement aroused prevented a settlement from being reached, and led to hooliganism. On one occasion, however, in the other valley, religious excitement in a deluded Hindu constable following a communal dispute, in which up-country as well as local Hindus took part, led to his murdering his Moslem Inspector, and capital was made of the resulting criminal trial in the press. Meanwhile a curious aspect of the ferment was the accompanying recurrence of child-kidnapping scares, which are a common characteristic of the animistic tribes of Assam proper, and of the tea recruiting districts. Excitement has since died down.

## Recommendations of the Government of Assam.

35. From this descriptive account of the province as now constituted there emerge two important questions on which the Government of Assam desire to place their recommendations before the Commission;

(*a*) The first is the question of the transfer of Sylhet. The views on this question that have previously been expressed by the Government of Assam are contained in their letters No. 1917-5585A.P., dated the 30th October 1924, No. 1573-3860A.P., dated the 11th August 1925 and No. 69-237A.P., dated the 13th January 1926, copies of which are given as Appendix C to this memorandum.

Briefly the position which has hitherto been taken up by this Government is that although Sylhet would lose materially by the transfer, the Government would not oppose it, if the people through their representatives in the Council declared themselves in favour of the transfer, provided that the status of the rest of the province was in no way impaired thereby. The Government of Assam again wish to emphasize this proviso. Apart from the fact that the transfer of Sylhet would diminish the communal or racial lines of cleavage that now exist in the province, the arguments in favour of the transfer of Sylhet are mainly sentimental. The Government of Assam have no wish to disparage sentiment nor to underrate its strength in determining a country's history, and, provided no other interests were at stake, they would not oppose the transfer, if convinced that it was the desire of the people. In this case, however, there are other interests at stake and it is possible that the transfer may no longer be the popular will. The other interests at stake are the political privileges of the rest of the province. If the transfer of Sylhet is to carry with it any loss to Assam of the political privileges which it has been enjoying, or is to deny to Assam any further privileges which may be granted to the other major provinces in India on the march towards the goal of responsible government, the Government of Assam must emphatically protest against the transfer, as they are confident that the country would declare strongly against a transfer on such terms. Moreover, the Government of Assam feel that the process of dismemberment, if it begins with the transfer of Sylhet, cannot stop there. Historically Cachar has no connexion with Bengal, and linguistic affinity with that province is confined to the Bengali settlers in that district. The people

of Cachar do not desire a transfer, but owing to the long association of Cachar with Sylhet, a section at any rate of the people of Cachar would prefer to go with Sylhet to Bengal than to remain in Assam without Sylhet. However, it is not on that account that the transfer of Cachar with Sylhet would be justified, but on the ground of practical convenience. If Sylhet were transferred, Cachar would be isolated, and its retention in Assam would be administratively inconvenient. The transfer of Sylhet would also strengthen the demand for the transfer of Goalpara. In that district the desire to go to Bengal is confined mainly to the large landholders and the domiciled Bengali community. It would not have the justification which Sylhet can claim, and it is very unlikely that it would be supported by the majority of the people. Still the transfer of Sylhet would undoubtedly strengthen the agitation for the transfer of Goalpara. There are obvious objections to admitting the principle that the territorial constitution of the provinces should be readjusted on the basis of linguistic or racial affinity or both. Separatist claims would arise all over India, and, if the principle were carried to its logical conclusion, could not be resisted. In the views which have been here expressed on the question of the transfer of Sylhet the Government of Assam are unanimous. The Ministers have in fact declared themselves opposed to the transfer, whatever might be the outcome.

36. The statement that the transfer of Sylhet may no longer be the popular will requires justification in view of the fact that the Legislative Council has twice carried a resolution in favour of the transfer. The Government of Assam have reason to believe that there has been a decided change in feeling even in Sylhet itself. In 1926 the Government of Assam had stated that opposition to the transfer was going and would probably further develop, if consideration of the question were postponed. The Government understand that at the ensuing session of the Council some members intend to move a resolution opposing the transfer. If this be done, it will again test public feeling on the question, and the result will at once be communicated to the Commission.

37. The second important question is the future of the backward tracts. This question has received the careful consideration of the Government of Assam and they are convinced that with the exception of the Shillong municipality, the backward tracts should be excluded from the

province of Assam in the new constitution. The position of the backward tracts and their relation to the rest of the province has been well described in the note which Dr. Hutton, C.I.E., I.C.S., Deputy Commissioner, Naga Hills, has submitted to the Commission. For reference a copy of Dr. Hutton's note is annexed to this memorandum (Appendix B). These areas have nothing in common with the rest of the province. There is no sympathy on either side, and the union is an artificial one, resented by both parties. The backward tracts are, with certain safeguards, brought within the reforms and the control of a Council in which they cannot be effectively represented. On the other hand the Council and indeed the rest of the province generally resent the burden which the administration of these areas places on the provincial revenues, and fear that their own political growth and material development are impeded or may be impeded by their being yoked to the backward tracts. The backward tracts, where there is already a deficit, cannot expect to obtain from the Council the funds which their development may require. On the other hand it would be unreasonable to make all expenditure in these areas non-voted, so long as there is a deficit which has to be made good from the revenues of the rest of the province.

38. The existing restrictions on the powers of the Legislative Council to legislate for the backward tracts and on the executive control of the popular Ministers emphasize the artificiality of the political union. Yet these restrictions are necessary, because the backward tracts have not and cannot for many years hope to have effective representation in the Council, and because they must be allowed to develop on their own lines and be protected against exploitation and the subversion of their rules and customs by a different civilization which would be unsuited to them in the present state of their development, and in which they would be unable at present to distinguish the good from the evil.

39. Another point is that it is necessary that these areas should be administered by British officers. The tribes would in fact resent as a breach of faith, and might refuse to submit to any other authority. Yet the progress of Indianization in, and the provincialization of, the services will make it impossible to provide the officers required for these areas from the Assam cadres, unless special provision is made for them and the cost of administration is not debited to provincial revenues.

40. For these reasons the Government of Assam are convinced that in the interests both of the backward tracts and of the rest of the province the present artificial union should be ended. The backward tracts should be excluded from the province of Assam and be administered by the Governor-in-Council, as agent for the Governor-General in Council, and at the cost of the central revenues. If it be contended that the charge of these areas cannot reasonably be transferred from the provincial tax-payer to the general tax-payer of India, it may be stated in reply that the Naga Hills, Lushai Hills, and the Sadiya and Balipara Frontier Tracts are frontier districts occupied to protect India as well as the province from invasion and attack, and that though for the moment the north-east frontier may not be a serious menace to the peace of the rest of India, there was a time not long ago when attention was directed to that frontier, and the time may soon come when that frontier will become no less, if not more, important for the defence of India than the north-west frontier, the administration of which is a charge on central revenues.

41. To the general exclusion of the backward tracts an exception must be made, as already stated, in the case of the Shillong municipality in the Khasi and Jaintia Hills district. Shillong is the headquarters of the Government of Assam and the Legislative Council Chamber is also situated there. Shillong, moreover, has a cosmopolitan population, and for that reason the arguments which have determined the general decision of Government do not apply to the town of Shillong. The Minister for Local Self-Government, who is himself a Khasi, while agreeing otherwise with the views of the rest of the Government, would retain the whole of the British portion of the Khasi and Jaintia Hills district within the province of Assam under the new constitution. A copy of his note on the subject is attached (Appendix B). He maintains with justice that the district is in education as advanced as many of the plains districts of Assam, and he claims that the district should be admitted to the political privileges which are granted to the plains districts. He advocates the formation of one or more constituencies from which the people of this district should elect their representatives of the Legislative Council. He would prefer that existing restrictions on the Council's powers to legislate for the district should be maintained, but he is prepared to give up those restrictions if they are incompatible with the admission of the district to the political privileges of the

plains districts. He believes that the people of this district could hold their own with the plainsmen and that their future lies in the same lines of development as the plains districts. The Minister's view is shared by some at any rate of the people of the district. In 1925 the creation of a constituency for the Jowai subdivision was suggested in an address to the Governor, and recently two memorials have been presented praying for the representation of the Jowai subdivision and the British portion of the sadr subdivision by elected members in the Legislative Council (*vide* Appendix A to Chapter I). A gathering at Shillong in June 1928 has recorded a protest against any proposal for exclusion of the district for the information of Government. With this view however the rest of the Government are unable to agree. In the first place it would not be reasonable to allow this district to elect representatives to the Legislative Council to legislate for the rest of the province, while their own district was protected against the legislation of the Council. If the district is to be included within the province under the new constitution and empowered to elect its own members to the Council, it should be placed exactly on the same footing as the plains districts of the province. To that the rest of the Government are opposed. They do not believe it to be in the interest of the people of this district or of the rest of the province. Although they are in many ways more advanced than the people of the other hill districts, the considerations which have determined the Government's decision on the general question apply also to them. The district is a deficit district, the burden of which will be resented by the rest of the province, and the people have little in common with the plainsmen. The fact that the district is more easily accessible to, and in closer contact with the plains makes its protection from absorption and exploitation more immediately necessary. In the sadr subdivision British villages are few and scattered. The Khasis of these villages are in every way closely allied with the Khasis of the non-British villages who must in any case be excluded, and although this consideration does not apply to the Syntengs of the Jaintia Hills in the British subdivision of Jowai, the latter as well as the Khasis will maintain their individuality and secure their development more certainly by exclusion from than inclusion in the province of Assam under the new constitution.

It might appear strange for the capital of the province under the new constitution to be isolated from the rest of

the province and be situated in an area which is not included in the province, but practically no serious inconvenience would result, and the expenditure in the town of Shillong and on the roads of communication between Shillong and the plains could be adjusted between central and provincial revenues without much difficulty.

## APPENDIX A.—(Cases referred to in Chapter II of the memorandum.)

1. On the 30th June 1925 a cooly of a garden in Sylhet died of spleen rupture after the manager had (on provocation) slapped him, and, on his falling down, kicked him. He was tried for man-slaughter, and a charge of assault was added during the final arguments. A jury of 3 Europeans and 2 Indians unanimously acquitted him on the charge of man-slaughter and by majority of 3 to 2 convicted him of causing hurt on provocation. As a result of a leading article in a newspaper, Government sent for the records and considered the question whether, assuming that no appeal lay and that the finding of the jury justified the conviction for causing (on provocation) simple hurt only, the sentence passed was not far too lenient and whether the High Court should not be moved in revision to enhance it. The Governor suggested that as no question of provocation could arise after the deceased fell down, a conviction for voluntarily causing hurt could have stood. The Judicial Member considered that taking into consideration the importance of the case, the racial question involved, and the inadequate sentence passed, the High Court should be moved in revision. The Governor approved, considering the provocation entirely insufficient to justify relegation of the offence to such a minor category. An application was therefore made for revision of the conviction and enhancement of the sentence. The High Court held that there had been material irregularities in that, even if the verdict given were proper as a constituent part of that originally charged, —*i.e.*, man-slaughter—no verdict had been given on the charge of assault, that the Judge should not have allowed the jury a copy of the Penal Code, and that certain expressions in the charge to the jury had imported a political question. (This last remark apparently referred to the head of charge recorded in the words "Justice must be done not only to the accused but to the community.") A re-trial was therefore ordered, which ended in a unanimous acquittal for man-slaughter, a finding by majority under a different section of the Code, and the same sentence as before—a fine of Rs. 200.

The European Association protested against the re-opening of the case, as implying that Government had been influenced by a section of Indian opinion in a manner prejudicial to Europeans entrusted with the charge of labour, especially as it occurred shortly after a Bengal case which had aroused their apprehensions. Government replied that they had been solely influenced by apprehension that a miscarriage of justice had occurred owing to the material defects of which they had been advised, and the result of the re-trial had been satisfactory in showing that in spite of the defects, which the judgment of the High Court showed to have reasonably aroused such apprehension, there had been no actual miscarriage. They noticed as a remarkable fact that the Association had given no indication that the gravity of occurrences in which life was lost, and Government's responsibility in the matter, were appreciated, and expressed surprise that the Association, acting on an inadequate study of the case, had seen fit to charge Government with being influenced by improper motives, and had imported an element of racial prejudice into the case.

2. In another case involving the death of a cooly about the same time, there was unanimity of opinion among the officials concerned with it that the acquittal was a miscarriage, the jury, four out of five of whom were Europeans, being consciously or unconsciously prejudiced. The High Court on appeal reversed the acquittal and convicted the accused of voluntarily causing hurt, sentencing him to 3 months' imprisonment and a fine. The Tea Association supported the accused's attempt to get the sentence remitted by Government on the plea that he had been prejudiced by the protracted proceedings, and that the High Court's finding was not justified by the evidence. The request was refused.

3. The opening up of tea gardens and the influx of a mixed population including tea-garden coolies, Chinamen, Nepalese, etc. into parts of the Lakhimpur Frontier Tract led to considerable difficulties in making the registration of opium consumers effective. Apart from this influx the conservatism and illiteracy of the Naga tribes had made registration a difficult task. As the area, being undeveloped and jungly, offered considerable facilities for the illicit opium trade from China and from Burma *via* the Hukaung Valley, the Deputy Commissioner proposed that the time for registering names should be extended for one year. The Minister reluctantly agreed to the proposal, but attached a number of conditions some of which were—

(1) That there should be a written or thumb impressed petition in each case;

(2) That opium smoking would entail cancellation of the pass;

(3) That the ration of all consumers below the age of 50 should be gradually reduced so as to be extinguished within ten years.

The Governor in passing orders noted that as this case related to a backward tract, he had deleted condition No. (3) above. It was not brought to his notice that the Opium Smoking Act was not in force in the backward tracts, or that it was the recognised practice not to require written petitions from residents of such tracts. The Governor did not delete conditions Nos. (1) and (2).

4. In 1926 the Political Department had to request that cases which might concern a backward tract should be referred to it, as a Bill to amend an Act which applied in fact to no backward tract was introduced with a clause barring such application.

5. By the Eastern Bengal Frontier Regulation, V of 1873, power is taken to prohibit persons from crossing from British India into territory which is not under ordinary jurisdiction without a pass from the officer in relation with the tribes beyond. The line prescribed under this regulation as that beyond which it is necessary to have a pass in order to travel, has given rise to difficulties at times when there has been territorial redistribution. In the parts about Darjeeling the prohibition has been particularly necessary in order to prevent Europeans, Americans, etc., making unauthorised entry into Tibet, and for this reason the " Inner Line " was in 1906 extended to the districts of Kamrup and Goalpara.

On the constitution of the Naga Hills subdivision of Mokokchung in 1890 the Inner Line fell not, as usually, on or beyond the borders of fully administered territory but between two British districts, and, though there was some doubt felt about abolishing it, Government decided to do so, as the Deputy Commissioner advised that the prevention of bad characters from settling in the hills could be accomplished by executive order, and it was abolished in 1902. When the Sadiya and Balipara Frontier Tracts were constituted, it became necessary to extend the Regulation to those newly formed areas and to issue fresh notifications prescribing the Inner Lines. This was done at once for the Balipara Frontier Tract, but orders as regards the Sadiya Frontier Tract were deferred until the country had been properly surveyed. When the question of forming an Inner Line for the Sadiya Tract and the adjoining Lakhimpur Frontier Tract came up on completion of the survey, it was found that the Inner Line would be incomplete without an extension for the Naga Hills district. The Deputy Commissioner when asked to advise recommended a line not far from the old line along the boundary of the plains district adjoining. The Commissioner, who did not know the Naga Hills, was inclined to object to the creation of a barrier that had not existed for 25 years, and the Political Department were inclined to consider that the Regulation was not meant to prevent free access to regularly administered areas. In point of fact, though the Inner Line was abolished in the Naga Hills, persons who were not *bona fide* natives of the hills

were not permitted to reside there without a pass. In practice persons entering the hills generally give prior notice, for one reason in order to ensure accommodation, and it is not ordinarily understood that the Inner Line Regulation has ceased to apply to persons so entering. The Inner Line is in fact required not only to prevent bad characters entering unknown, but also to prevent persons wandering through the hills into unadministered territory and so risking their lives—Government were aware that the Burma Government believed that a regular trade in victims for human sacrifice was furnished by this means, and it is probable that persons have occasionally disappeared, since it is not unknown for wanderers to be brought in by the transfrontier tribes. It is for this reason that the Government now proposed to prescribe again an Inner Line for the Naga Hills district. This will cause no hardship, particularly as under a section of the Regulation Government may vary the prohibition at its discretion. Government have however informed enquirers (without reference to the Deputy Commissioner) that there is no restriction on entry into the Naga Hills, a doctrine that in practice might lead to serious trouble. Without a restriction of the kind, while the government of the district on political lines could function well enough under official administration, which left discretion to the local authorities, it might become impossible under a Government submissive to a popular Council.

6. The Political Officer, Balipara, reported that a progressive tribe called the Akas who had been much weakened by influenza epidemics and were therefore suffering from the encroachments of their neighbours—Miris, Duflas, etc.—were suing for protection. He therefore proposed the establishment of an outpost in their country. The Government of India were addressed, it being pointed out that if the Akas left their country and settled in the plains as they threatened, their country might be occupied by the Daflas, whose activities were much to be feared as endangering the Tibetan trade routes and leading to trouble with Tibet. The Secretary of State approved the project; and the Government of India have called for estimates. A good deal of delay was caused by the fact that Political Officer wanted expert advice regarding some bridges and also a difficult section of the road. A portion of the work has been carried out by the Political Officer with his labour corps.

7. Two missionary organizations attempted to establish themselves in a hill district where another was already in possession of the main field and had converted half the population. Hitherto missions had generally agreed not to encroach upon each others' fields. This district, the last to come under British administration, had been a source of serious trouble in earlier days. Murders of Government officers and raids upon the plains, culminating in the murder in 1891 of the Political Officer placed among the tribes, led to occupation, and the last chief submitted in 1896. Thereafter matters were easier until 1911, when the attempt of a missionary to undermine the authority of the chiefs in a matter which he considered uncivilized led to apprehensions of disturbances, and the provisions of a Regulation enabling the district officer to deport undesirables had to be applied and used against him. Many of the chiefs are now Christians, but recently education and other influences have resulted in movements in the direction of subverting the authority of the chief which Government considered would require close watch if they were not to lead to dangerous disorders. Government therefore decided to refuse permission for other missions to occupy the district, after the case had been circulated to the Executive Council. In only one other hill area had opposition missions disputed the same field, and the results there were in the opinion of the Governor most unfortunate, though no fear of disturbances had arisen as was considered probable by the local authorities in the present case. The action of the local Government was endorsed by the India Office, to which one of the missions, which had practically no converts, appealed through a foreign power. The other mission, which had

some hundreds of converts, partly renegades from the established mission, obtained through proselytising agents acting in the hope of gain or notoriety, hinted at similar steps, but has not taken them.

8. When the cultivation of the poppy by transfrontier tribes in the area of loose political control was reported, the Minister for Excise questioned the adequacy of the proposals of the local officers—to take action for the prevention of border traffic, but not to endeavour to prohibit cultivation across the border at present—and wished that cultivation should be prohibited. The local officers had noted that the limit of operation for such an order would be hard to define. The Minister wished the order passed in the control area. He accepted however the view of the Political Department that such interference was undesirable. The case was not referred to the Governor, as required by the business rules.

9. The Deputy Commissioner of a hill district had in accordance with a scheme approved in 1917 been permitted to work up to a certain number of primary schools for the various tribes in the district, within a maximum of ten new schools a year. During the retrenchment period the Director of Public Instruction had held these orders in abeyance. In 1925 the Deputy Commissioner protested against the ruling of the Director that the opening of new schools must be provided for as a new scheme in the budget. At his instance the Governor called for the file and ordered that the orders of 1917 must be held to be still in force. The Minister had no objection, as the subject-matter related to a 'backward tract.'

10. The Minister accepted in January 1928 the proposals of the local officers for the increase of fees on outstills in the Khasi and Jaintia Hills, but requested that next year a reduction of stills should be considered. The Governor and the Political Department concurred.

11. The office of the Minister of Excise questioned whether a proposal by a Political Officer in December 1927 slightly to increase the opium ration of his tract (on account of the opening of elephant *mahals* and the extension of the area of opium control), to prevent smuggling which was known to exist, should be permitted. The Minister accepted the advice of the Political Officer. The Governor, who saw the case after the issue of orders, requested that all files dealing with backward tracts should be submitted to him at an early stage, as he had been much impressed on tour with the extraordinary difference between them and the plains districts. In this and another case, since the Political Officer's proposals had been accepted, he approved the action.

12. The Political Officer of a frontier tract obtained sanction to the appointment of an inspector to supervise the opium consumers' registration, and to appointing one of his clerks who had knowledge of the tribes to the post. The post was not renewed after the second year on account of financial difficulties, but was again proposed in 1924 on account of defects in the registration resulting. The Finance Department in agreeing requested that the Political Officer should consider the appointment to the post of one of certain excise inspectors whose posts had recently been abolished. In 1927 the Political Officer asked for the appointment to be made permanent, and that the clerk who held it should be brought on the scale of inspectors at a point Rs. 30 in advance of his present pay, with an allowance of Rs. 25. The Minister proposed to reduce this by the allowance. The Finance Department objected to the grant of advance increments, but subsequently withdrew their objection when the Mnister urged that the allowance would be necessary if the advance increments were not given. The case was then submitted to the Governor. The Governor observed in January 1928 that in this simple matter it had taken more than six months to consider the proposals, and even now it was not clear what the Finance Department had accepted. He passed orders on the assumption of the consent of the Finance Department, which was given.

13. When the abolition of certain travelling dispensaries was ordered in March 1922, the Deputy Commissioner of the Naga Hills protested, and was supported by the Commissioner, who though having little faith in travelling dispensaries thought conditions in the hills peculiar, it being probably useful to have doctors who could treat simple cases in the villages, and there being much enteritis and influenza then in the Naga Hills, and much need of itinerant doctors in consequence. The Minister accepted the advice of his office that such work should be done by the ordinary staff, especially as the hills were non-paying. The case was not referred as required under the rules of business to the Governor. When the remaining dispensaries were abolished under the Governor's orders, no express reference was made to the hill districts. The Political Department were however subsequently consulted in regard to the Sadiya Frontier Tract, and that Department supported the view of the Political Officer that the dispensary was needed. Since the cost was met by the Central Government in this case, the Medical Department without reference to the Governor or Minister decided to retain this dispensary.

14. Two proposals (one in 1925 and the other in 1926) for the creation of managing committees to raise the money for and provide arrangements in such matter as sanitation in particular areas in backward tracts were made, in the former instance because the existence of an unauthorised fund had been discovered and objected to by the audit authorities and in the other because improved arrangements were needed. In the first case the need was met by the constitution of a fund under the Local Rates Regulation, although there was a doubt as to the legality under that Regulation of the proposed functions. In the other case taxation measures were necessary, and it was proposed to grant certain judicial powers and to convey the proceeds of fines to the authority administering the Fund. It was ruled however that since the provisions of the Scheduled Districts Act were subject to those of the Government of India Act, no body could be created with such powers by executive orders of the nature contemplated. A modified proposal was made for the partial application of the Municipal Act, or for the application of that Act, and the delegation thereunder of all powers to the Divisional Commissioner. The Minister objected to such delegation, as he considered that the withdrawal by delegation of his powers would be a retrograde step. The Governor however considered that in the area concerned it would be a great mistake to introduce the authority of the transferred departments and was not willing so to apply the Act. He referred to the arrangements at Sadiya in the frontier tract as being eminently suitable, a local fund having been constituted or rather declared for the purposes of audit by executive orders of the Government of India. So far as the exercise of certain taxing powers however is concerned the introduction of the Government of India Act has probably rendered this fund invalid.

15. The Minister for Excise noticed from the tour diary of a Political Officer that opium was being issued in bulk to the lessee of a cane *mahal*, though since 31st March 1926 it had been ordered that no opium should be allowed to other than registered persons. The Political Officer explained that this had been the practice since 1925, that the reason was the employment by the lessee of people from an unadministered hill tribe, and that, though it had not expressly been announced at the sale of the *mahal* that this concession would be given, it was undoubtedly understood, and that its withdrawal would involve the lessee in loss. The Minister noted that the lease had five months to run ; exceptions from the general rule would look bad in the Council, and for the sake of the success of the anti-opium policy it was necessary to stop the practice at once. If the trader lost, it would be in the ordinary way of business. The tribesmen must therefore take out temporary passes in the ordinary way. The Governor, stating that conditions on the frontier are peculiar and exceptions sometimes necessary there, ordered that these directions should not take effect until the lease ran out, and that then the lessee should be allowed to send

an accredited person for the opium of the tribesmen temporarily registered. (When the registration system was introduced in this tract—before other parts of the province—the object had been to check the widespread cultivation of the poppy, and the unadministered part of this tribe, who were believed not to sell, but were known to cultivate and consume the drug, had not then been interfered with.)

16. After issue of orders that from the 1st April 1926 no person save foreigners should get a new pass for opium, and then only after careful enquiry and examination by an assistant surgeon, the Political Officer of the same tract represented that there was immigration from the Burma side of the main watershed into parts of his jurisdiction to which no assistant surgeon would ever penetrate, that a good deal of smuggling was liable to occur from this direction, and that owing to measures for control of smuggling immigrants were applying for passes. He asked for issue without medical examination and stated that passes would only be given on personal application to the Political Officer, as customary, who would satisfy himself of the need. The Minister was not satisfied that the Political Officer would go out of his way to investigate such cases properly, and he feared that the people applying for passes might be doing so in order to cover up their smuggling activities; he would allow issue of temporary passes on the terms suggested in exceptional cases where the Political Officer was satisfied that the man was a regular consumer, but such persons must be carefully watched. The Governor enquired whether such cases should not be dealt with in the Political Department. He agreed to issue of these instructions.

17. Education in a hill district, where the people had been clamorous for it, was for a very long time under the control of a mission. This did not prove very satisfactory, however, as the heathen hillmen were not provided for. A scheme for the handing over of schools as they became developed to Government agency was approved in 1916, but this and the correlated proposals for development of secondary education with due care to the peculiar needs of a district where the use to which English education could be put was very small, were stopped for shortage of funds in 1921. In 1924 a proposal of the Director to increase the Government schools under the approved policy was not accepted as it was taken in the Finance Department to be a new scheme. In 1926 the failure of the existing system to provide for the heathen and the dissatisfaction existing over the proselytising done by mission teachers came to notice on a visit by the Governor to the headquarters of the district. It was decided after an interview between the Governor, Minister and Director that the matter should await the arrival of the civil administrative officer. At an interview with him and the Inspector of Schools, at which the Minister could not be present, the Governor passed orders regulating the control of the schools in this district, which would henceforth be made clear to lie largely with the district officer. The Governor noted that the district being hard to reach, it did not receive the attention it should from heads of departments, only one of whom had visited it in ten years.

18. There was from the first some doubt as to the treatment of cases, particularly those having a bearing upon the administration, or raising questions of local custom, in the backward tracts. Sir Nicholas Beatson Bell considered that judicial appeals and petitions from these tracts should be dealt with in his protfolio; he finally acceded however to such matters going before the Judicial Member, when they concerned British territory. Subsequently the Governor ruled that civil and criminal appeals from the Naga and Lushai Hills and the portions of the Sadiya and Balipara Frontier Tracts which are not fully administered, *i.e.*, the hill areas, should be dealt with in the Political Department, and consequently by himself.

In 1925 an appeal or petition was filed by a Garo claiming to be a *Nokma*, that is a headman in whom the territorial and other rights of the village vested through

the operation of the matriarchal principle. The Revenue Member, who had been Commissioner of the division concerned, stated that as Commissioner he had found such petitions being filed as revenue appeals, and he had stopped this device by ordering them to be dealt with as political matters. There was no revenue matter concerned, the matter being one of tribal territorial possessions. (In this connection it may be noted that Government have never recognized "rights" of hill tribes except in village sites and permanent cultivation). He considered that as involving a question of hereditary tribal rights and Garo custom, such a case should be dealt with in the Political Department.

The Governor agreed, and ordered that all cases in the hill districts other than obvious matters of civil or criminal justice should be so treated and certainly all matters concerning the succession of headmen, tribal or village rights. Where the headmen have a position as they generally do in the administration, the basis of this ruling is clear; but the *ratio decidendi* under the existing constitution of the treatment of village rights *ipso facto* as a political matter, is not on record. Nor is there any record as to the reasons for which "frontier tribes" (which might mean either *cis*-frontier, or transfrontier, tribes), were declared a political matter, by entry in the list under that head.

## APPENDIX B.

Note by Dr. J. H. Hutton, C.I.E., I.C.S., on the case for the withdrawal of the Hill Districts of Assam from the operation of the Reforms.

In preparing this note I have had the valuable advice and assistance of Mr. J. C. Higgins, Political Agent, Manipur State—at present on leave in England—Mr. J. P. Mills, Deputy Commissioner, Cachar, and Mr. H. G. Dennehy, on special duty in Shillong. I have also had the advantage of the criticism of Mr. W. A. Cosgrave, and Mr. G. D. Walker, Deputy Commissioner, Garo Hills; a note by Mr. N.E. Parry, Deputy Commissioner, Lushai Hills, and formerly also in the Garo Hills, and likewise just going to England on leave, was received after my note was drafted and has been appended, as it contains corroborative and supplementary material. A very brief separate note on the Jaintia Hills has been added.

*Kohima,*
*17th March* 1928.

J. H. HUTTON,
*Deputy Commissioner, Naga Hills.*

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In most provinces in India the hill tribes and backward tracts were excluded from the operation of the Montague-Chelmsford Reforms, and apparently in no province was there included any tract similar to the frontier hill tracts of Assam. In Burma, where the inhabitants of the hills have much more in common with the Burmese of the plains than the hillmen of Assam with Assamese or Sylhetis, the precisely similar hill areas were all excluded from conciliar government. In Assam, however, the hill tracts were included in the area subject to the reformed constitution, against the advice of the most experienced hill officers. It is the purpose of this note to show that the interests of the hill districts will not only not be served by leaving them included in the Reforms, but that they will suffer very serious detriment by being tied up to the politically more advanced plains districts, while the latter are likely to suffer in the future by being joined with people of an irreconciliable culture in an unnatural union which can ultimately only entail discomfort for both parties. It should be made clear that areas such as the Siemships of the Khasia Hills and the Sadiya Frontier Tract, already excluded from the scope of the Reforms, are not dealt with, and that the arguments that follow apply only in a qualified degree to the Syntengs of the Jaintia Hills.

*Racially* the inhabitants of the Assam and Surma Valleys are people of a Hindu or Muhammadan culture imported from Bengal, and even those of Shan or Bodo origin have a considerable admixture of Indian blood in at any rate the higher castes. The hill districts of Assam are populated by tribes that are neither Bengali, Shan nor Indian in origin and have remained untouched by either Hinduism or Islam. The Garo Hills, with a population largely Bodo and formerly animist but increasingly Christian have, it is true, racial connections with the Koch, Rabha and Kachari tribes of the plains, now mostly Hinduised and culturally divorced from them, but the other hill districts have little in common with any plains tribes. The Lushais belong to the Kuki family whose racial connection are with Chins and Kachins of western and north-western Burma; the Syntengs (and Khasis) have their nearest kindred in the hill tracts of Indo-China and Yunnan; the Nagas combine some elements of both these with an Indonesian stock closely related to the pagan peoples of Malaya, Borneo, the Philippine Islands and the Indian Archipelago generally, having cultural and some racial connections with the islands of Pacific. None of these tribes are Indian at all except in the barest geographical sense, in that they are included, like the Burmese, within the political boundaries of the Indian Empire, and they feel for the people of the plains a rooted antipathy which seems generally to be heartily reciprocated.

If it be contended that the peoples of India are anyhow not homogenous, it must be conceded that the various ingredients are bound by common ties of religion,

since neither Hinduism nor Islam has a racial distribution, and of uniformity of social aspiration. *

*Historically* the hills and the plains have always been hostile. The peoples who now occupied the hills were probably driven to take to them as a refuge from better organised invaders whose descendants the plains people are, and from their fastnesses the hillmen rarely ceased to harry the plains. The Ahoms succeeded in disarming the Mikirs but tried arms and bribery with equal ill-success against the Nagas, to check whose raids they built that fortification called the Ladai-Garh. The Nagas, Lushais, Khasis and Garos raided the plains systematically until we were compelled to occupy their hills, while the Syntengs of Nartiang had established a kingdom in the plains of Sylhet. Neither the Assamese nor the Bengalis ever conquered or would have tried to have conquered the hills for themselves. Large tracts in Cachar, now inhabited and cultivated by Bengali Hindus or Muhammadans, lay waste till the British took control and restrained the Kukis and Lushais less than a century ago. It would be unjust for the British Parliament to subordinate the interests of the hillmen, conquered only by British interference,to interests of their ancient foes. If the hills and plains be linked together under the Reformed Council the interests of the hills must be sacrificed, as their population is impecunious, unlettered, rural and much too simple to compete with the plainsman in legal or political finesse.

*Culturally* the hillman has neither part nor lot in Hinduism or Islam. Neither of these social systems has touched him in the past, and his own system is alien to both of them. Legislation prohibiting the killing of cattle or the brewing of strong drink would be in acute conflict with his religious ceremonial. Caste is unknown, and such distinction as there is between a chief and his villages is rather functional than social, and a man of the meanest position and occupation can feed from the same dish as a chief. Some tribes practise polygamy and others are monogamous, but such ideas as that of *purdah* on the one hand or of commercialized prostitution on the other would be repugnant to all alike, and there is a very considerable degree of equality between the sexes. The hill-man of Assam differs as greatly in race, language, religion and culture from the Bengali of the plains as the Englishman does from the Turk. This is no exaggeration.

The religion of the hillman is usually described as " Animism " and generally but quite erroneously regarded as something indefinite and even non-existent, but in point of fact it is based in many tribes at any rate on ancestor-worship, and a cult of the ancestral souls through whose agency the fruits of the earth are secured to their descendants. Nearly all, if not all tribes believe in a benign Creator and a future existence, they have a moral code which is in some respects different from that of most "revealed" religions, but which in many respects is no less exacting and which is much better suited to the environment in which they live. Generally speaking their religious beliefs are entitled to much greater respect than has been commonly accorded to them ; animism is the religion of the hill districts of Assam and is entitled to as much consideration as Hinduism or Islam. It differs from each as widely as they from each other. It is tolerant of both but regarded by both with intolerance because it allows, even enforces, the consumption of beef and pork. It is true that Hinduism is very catholic, but any incorporation into Hinduism could only have the effect of degrading them into a low caste.

It would be as unjust to place animists under the control of those who abominate their practices as to thrust Muhammadans under the rule of Hindus or *vice versa*, for the animists of the hills have never been subject to Hindu or Muslim rule, nor

* Probably this dislike of foreigners is a typical Mongolian trait to be seen very noticeably in China and Japan, and in Burma, where the intruding Indian is anything but popular. Obviously it is not incompatible with rapid progress on its own lines. If the dislike felt by hillmen of Assam for Europeans is less than that felt for Indians, it is probably because there are much fewer of them, the gap between the indigenous inhabitant and the European is greater and there is less jar of contact, since they hardly meet on the same ground. Also there is the common absence of caste which makes them able to associate much more freely when they do not associate.

have they ever displayed any enthusiasm for those aspects of Hinduism which have elsewhere appealed to animistic tribes.

Social problems in the hills are entirely different from those in the plains. Social customs to which exception has been taken from the standpoint of civilization are different from those in the plains and are dying out faster. There is no prostitution (until introduced by foreigners), no child marriage, no *tabu* on widows, no *purdah*, no caste. Political development, however, is slow. In the plains on the other hand political development is fast, while social change, being internal, is slow. To fuse or attempt to fuse the two would be to risk the acquisition by the hills of the baser elements of the cultures of the plains and the retention of their own evils at the expense of what is best in them.

*Linguistically* their name is Babel, but their languages nearly all belong to be Tibeto-Burmese group, the Khasis using a Mon language with affinities even more eastern than the other. None of their languages have any affinity with Assamese Bengali or Hindustani. To exclude them from the scope of the Reforms in Assam would be to grant a sincere and probably sound request of the Indian National Congress who passed a resolution at Madras this winter in favour of dividing up India on linguistic lines.

*Administratively* the whole system under which the hill districts are controlled is completely different from that of the plains, where a regular routine of standardised and codified administration is in force. Thus the land revenue system, familiar under various aspects all over India, has never been and probably never could be introduced. The theory of the state ownership of all land was inherited in the plains by the British Raj from the principles and practice enforced by previous rulers. In the hill districts Government, presumably by right of conquest, has declared its theoretical right (which is totally irreconcilable with tribal history in the hills) to all so-called "waste" land used for *jhuming*, but this theory has never been put into general force and is utterly barren in a district such as the Naga Hills, where much of the land consists of irrigated terraces privately owned and where almost every inch of *jhum* land has for generations been subject to individual ownership, and has changed hands by sales, inheritance and marriage settlements. A claim by the state to settle such land with whom it chose could not possibly be enforced without causing a rebellion, and is utterly foreign to the views and practice of the hill tribes in their independent pre-British conditions, when each village was an autonomous state. The danger is that a Council with a majority of plainsmen and planters ignorant of or unsympathetic towards the hills would give scant consideration to rights in land which even the existing Government is apt to treat very cavalierly. It is frequently stated that the process of cultivation known as *jhuming*, practised throughout the hills of Assam, Burma and south-eastern Asia generally is "wasteful." That is not quite accurate. It is expensive, very, but where it is the only method which can be employed it cannot rightly be called wasteful. All hill land is not convertible to irrigated terraces, and where it is convertible it takes generations to convert it, and in the meantime the people must live. But it is very difficult to induce those unfamiliar with the difficulties of agriculture in the hills to adjust their impressions that *jhuming* is wasteful and that rights in *jhum* land can therefore be fitly ignored.

The policing of the hills again is carried out by the communities themselves with occasional supervision and help from interpreters selected from village communities by the Deputy Commissioner and forming a liaison staff between him and them. The civil police not only do not enter the hills but are generally forbidden to do so. In justice, too, the most of the litigation is similarly dealt with, the Deputy Commissioner or the Subdivisional Officer acting as a recorder, and even serious cases of crime are dealt with according to tribal custom in which the local officer must be an expert. Assertions of principles of Roman law have been confined to

matters on which the indigenous attitude has shocked the western mind, unconditioned to the environment which has produced the offending custom. Cases between communities are also dealt with by the Deputy Commissioner and the good administration of the district principally depends at present on the personal contact of the local officer with the tribes under his charge; if it be found necessary to devise mechanism for the expression of tribal as distinct from village life, the proper method would be by tribal councils, with a view to the creation, ultimately, of autonomous tribal areas. The present system under which provincial laws are barred can never have been intended to provide a permanent solution of the difficulty, and a Legislative Council whose laws do not apply is an absurdity. On the other hand codification of the extremely varied customs which are administered would be an excessively intricate and troublesome matter which the Council would be quite incompetent to attempt, while to throw over customary law in the hills would be to court social distintegration and moral collapse.

*Politically* they are at present lacking in cohesion among themselves and with no common basis for the election of representatives; even in restricted areas they have little unity of sentiment such as would enable them to work for a common end. They can produce at present no leaders of education suitable to represent their interests on an elected body, and they have no community of interests whatever with the people of the plains, which would enable them to obtain suitable sponsors from the more educated communities of the province, and their present representation on the Legislative Council is farcical. It has been objected that to exclude the hill areas from the operation of the Reforms would unduly reduce the area of the province under the Legislative Council. This argument is, of course, purely specious. The withdrawal of the hill districts would entail the reduction of the existing Council by a single member, and that a nominated one. A fair representation would mean at least one representative from every tribe, and more than one from some tribes. It is to be doubted if the Council would accept such a proposition with equanimity, but even if it did the difficulty of finding representatives who could understand one another and the President would be insuperable for a generation at the least. Nor does it seem that there can in any case ever be any future for the inhabitants of the hills through representation in the Assam Legislative Council, which, even if the hills ever attained the best representation they could hope for, in view of the combined Hindus and Muhammadan opposition which they would have to face, would doom them to perpetual minority in an Assembly whose interests and nationality are entirely other than their own, and introduce a discordant element into the Assam Legislative Council which must be to the disadvantage of all concerned, apart from the unfairness of subjecting the hill tribes to another race who would never have attempted to incorporate them had it not been for the British Raj. The British occupation of the Assam Valley was welcomed by its inhabitants oppressed by the Burmese, but the British were never invited to occupy the hills, and were, on the contrary, strenuously resisted. In this connection it is also necessary to consider the fact, and it is a fact of great importance, that in the case of both the Naga and Lushai Hills, but particularly the former there are large tracts and populations across the frontier not administered at all, but nevertheless in intimate relation and daily intercourse with the administered populations within our boundaries. Some of these tracts have not even been surveyed or visited by any whiteman, and it is not yet possible to guess at the time which must first elapse, or to visualize the ultimate conditions under which these tracts could ever fall into line with the progressive population of the plains. On the other hand self-determination actually exists in a tangible form, though in some cases a transition is in progress from a village to a tribal consciousness. Organization varies from that of a Greek city state with complete democracy through a feudal to a purely monarchical system, but even these are essentially self-determined. The process of change needs watching and

guiding. A western and alien policy cannot be imposed *de novo* in defiance of existing institutions without confusion and disintegration.

It is also necessary to keep in view the possibility that some policy of reservation as effected in Australia may prove necessary in order to prevent the decimation of the population of the hills as a result of a too rapid contact with civilization. Already some tribes are showing a disturbing decrease in population. Any such reservation would be, in effect, self-determination and would be carried out under ideal conditions.

*Financially*, when central receipts and expenditure are excluded and also the cost of the Assam Rifles, 4-5th of which is paid by the Central Government, the hill districts as a whole approximately pay for themselves. Moreover a certain expenditure on their administration, and in particular on the Assam Rifles, could be justified from the plains point of view as expenditure on an insurance policy, since it was to protect the plains that the hills were occupied. As it is, there is at best no financial gain from their occupation. The existing internal administration of the hills is really extraordinarily cheap. The rather patriarchal system in force entails the absolute minimum of expenditure on the police and justice, but if any more complicated system were introduced the hills would immediately become a serious burden, and the existing administration cannot safely be reduced by substituting cheaper and therefore less efficient local officers, especially as such officers would almost inevitably be Indians of the plains, a type which provides admirable material for the routine of plains administration, but which has never proved successful among the uncongenial people of the hills. This difficulty has already arisen in that Government has been reluctant to recruit suitable officers for the hills owing to the dislike the Council has of the recruitment of Europeans or Anglo-Indians while the Government of India, in insisting on the 50 per cent. standard of Indianization has failed to take local conditions into account.

*Educationally* the hills stand where they did in 1919, and the Government of India Act prescribes (S.84A (2)) that the Commissioners shall enquire not only into the development of representative institutions in India but also into the growth of education. On this score alone the hills should be excluded from the scope of the Reforms. They have not advanced with the plains and their rate of advance must be very much slower for many generations. Indeed it is extremely doubtful if the growth of superficial education is at all to be desired until it can be such as will keep the educated hillman suited to his environment and content with the prospects of a purely agricultural life in surroundings from which a high standard of culture is by the nature of things excluded. Education in the plains is admitted on all hands to have been on wrong lines and to have produced an educated element which cannot be economically absorbed. This would be disastrous in the hills where a man must toil to grow rice or else become a parasite upon his village. On the other hand some form of education is required to forestall exploitation by the unscrupulous. The problem entailed is difficult and is not likely to be successfully dealt with by a Legislative Council composed of men of the plains educated on the lines of the professions and unlikely to comprehend the entirely different environment and needs of the men of the hills. The lower primary education given the hillman is in his own language and is as far as possible suitable to his environment. There is not a single member either of Council or of the Education Department who could understand half a page of even one of the text-books (except in the case of the Jaintia Hills).

It is submitted, therefore, that in the interests of the plains districts, which will merely be retarded in development by being tied to the backward hills, and still more in the interests of the hills themselves, the latter should be withdrawn from the reformed constitution altogether and that as soon as possible. This is no retrograde step, as the representation on the Council so far means nothing at all to

the inhabitants of the hill districts who have not the remotest conception of what it is all about, but if it should be regarded as reactionary in nature, this objection could be met by the establishment of local durbars which would give reasonable opportunity for the development of the indigenous genius for village administration and of rudimentary co-operation between different and often antagonistic tribes. Hill communities in Assam are remarkable for decentralization and individuality and for ability to manage their own affairs. The hills already possess a great measure of local self-government and to bring them under the Council would be emphatically deprivation rather than a benefaction.

The hills are an unprofitable possession. They were occupied by us to protect the plains but we have no moral right to accomplish that end at the expense of the hills themselves. The true solution of the question of their administration is the gradual creation of self-governing communities, semi-independent in nature secured by treaties on the lines of the Siemships in the Khasia Hills or the Shan States of Burma, for whose external relations alone the Governor of the province would ultimately be responsible. Given self-determination to that extent it would always be open to a functioning Hill State to apply for amalgamation if it so desired and could satisfy the other party of advantage in its incorporation. Meanwhile different areas differ greatly in degree of administration, which varies from complete abstention through occasional interference and loose control to actual administration but all are capable of being developed along the same lines. Such a development can only be gradual, but under conditions of intertribal peace imposed by administration communications rapidly improve and with them tribal consciousness spreads speedily and certainly, while in districts like the Garo Hills where there is linguistic solidarity it is already coherent, and even among the Ao and Angami Nagas recently formed tribal associations show it to be awake.

History is full of instances of the lamentable results of attempting to combine alien populations into political units. The damage can be avoided here at the outset. On the other hand failure to separate the hills from the plains entails certain obvious and palpable dangers for the future. There is a danger that the hills, if brought into prominence and especially if represented on a popular Council, might become a battle ground of religious contention. There is the more imminent danger that the hills would suffer acutely at the hands of self-seeking persons of influence under a popular government in which the hill vote would be of no importance. Even under the existing system the rights and interests of the local inhabitants are apt to be treated none too tenderly when large financial interests, such as those of oil or coal, are balanced against them. Specific cases can be quoted. That the danger of exploitation by plainsmen is not a chimaera is borne out by experience in the Manipur State, where a Political Agent, well known for his affection for, and popularity with Manipuris of all ranks, has not hesitated to state :—

> "The Manipur Hill Tribes not only during the Regency of the Superintendent of the State, but even since 1907, when ruling powers were placed in the hands of the Maharaja, have been kept under European control, owing to the inhuman rule of the Manipuri, and his contemptuous disregard of the most elementary rights of the hillman whom he regards as little better than an animal, to be exploited in every possible manner."

This special treatment of the hill tracts of Manipur amounts to a recognition of the principle that the hills have, for their own protection, a right to exclusion from the sphere of self-government by Indians. If this principle is enforced by Government without regard to the sovereign rights of a Native State, there can be no possible justification for its jettison in the case of British subjects in hill tracts which never fell under the yoke of the plainsman and would have enjoyed their independence

to this day had it not been for British intervention. What is to be feared for the hills from Council Government is interference with local customs and rights; Indianization of services and staff to the exclusion of the hillman on the score of inferior ability or education (departments such as the Public Works, the Posts and Telegraphs continue to import Hindu foreigners even for menial work instead of employing the local man) the opening of the hill tracts to exploitation by traders and pleaders in the desire of finding openings for educated plainsmen, and the introduction of unsuitable methods of administration in every department. There is further a danger that the need of money for the " nation building " departments will lead to financial starvation of the hill tracts, where inhabitants are already too often regarded in the light of " depressed classes " or " untouchables " and are commonly addressed as such by plainsmen (when in the plains). When these dangers materialize a further is at once involved—discontent, disturbance, rebellion, a danger which is not unlikely to be accentuated by the reduction of the Assam Rifles, expenditure on which force has always been resented by Council. The Kuki rebellion of 1918 had as contributing causes not only the oppression of Manipuri subordinates but also the rumour that the 4th Assam Rifles had been depleted of men and that they could not be replaced. It cost upwards of Rs. 20,00,000 to disarm the rebels and reduce their country to order. This was, I believe, paid by the Government of India but it may be doubted if the Central Government would be willing to foot a bill of this sort again for a more or less autonomous province and it is very certain that the plains of Assam would intensely resent having to pay it themselves. Anyhow it is a risk which the province can ill afford to take.

Meanwhile the present position is unsatisfactory as the " safeguards " so-called are inadequate. The fact that the hills are included in the area under Council Government means that the Government could not consult the interests of the hills without arousing objections and criticism wherever such action would appear contrary to the interests of the plains, and there is no vocal or articulate body of opinion to counterpoise such opposition. The single representative of the " backward tracts " must not be an official and there are no other persons fit and able to represent in Council the interests of the hills as a whole. It is urged that whatever solution of the problem is ultimately adopted, the administration of the hills should be entirely separated from that of the plains, with an entirely separate budget consisting of all the receipts from the " backward tracts " *plus* an annual grant to cover the difference between receipts and expenditure. Such a grant might reasonably be expected from the Imperial Government, as the security of the Frontier is of importance to the whole of India. It might also be not unreasonable to expect a small portion of such a grant to be found by the Assam and Surma Valleys who reap an immediate benefit in the security from the raiding of the past eras which the occupation of the hills afford.

## Jaintia Hills.

It has been remarked that some qualification is needed in the case of the Jaintia Hills as to the facts set out in the above note.

The Syntengs of Jowai are familiar in some way with the principle of election as the Dolois, or headmen employed in the administration of that area, are chosen by limited election from certain families.

In the administration of the area there is a somewhat nearer approach in some respects to the plains system, as land-revenue, or a similar tax, is realized on certain lands, and civil police have been more frequently employed than in other hill districts.

The people generally are much richer, better educated, and have a higher standard of comfort than in other hill districts, and several of the inhabitants pay income-tax.

My information, obtained direct from an educated Synteng, is that what the Jowai subdivision would like is to obtain separate representation on the Council *plus* any benefits to be obtained from inclusion in the Reforms, and at the same time to retain all the advantages which they derive from the present system in the exclusion of foreigners from their hills and their administration as a backward tract. Obviously however, they cannot have it both ways for long, and I am inclined to think that the scheme which I have suggested of ultimate home rule for different tribes, a solution probably not contemplated by them would come nearest to meeting their own desires. It would also place them on an administrative footing similer to that of their neighbours and kinsmen the Khasis. If, however, it is considered that they should be given an opportunity for exercising a choice in the matter, there are enough educated Syntengs in Government service to be capable of conducting an enquiry and of reporting the result, but if the Syntengs genuinely desire to be included in the Reforms scheme, to be given a constituency and to elect their own members, it may be presumed that they will move in the matter themselves, in which case the alternative should be clearly set before them by their own people. The disadvantage from the administrative point of view in including the Jaintia Hills in the Reforms is that, should a proposal such as Mr. Parry's for a separate Hill Division be accepted, the Jaintia Hills, as one of those hill areas which yield a surplus of revenue over expenditure, would be a valuable asset towards balancing the Hill budget; they are moreover socially, racially and geographically tied up to the Khasi Hills, which are not British Territory and cannot be included in the conciliar constitution.

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*Extract from a note by N. E. Parry, Esq., I.C.S., Superintendent, Lushai Hills, dated the 3rd March* 1928.

The whole question of the origin and future development of the backward tracts is one which calls for the most careful consideration as once the backward tracts are placed definitely under the Council it must be presumed that they will, for all administrative purposes, be treated on the same lines as the plains districts and that the interests of the hill tribes will be entirely subordinated to the interests of the plains people.

In origin the hill people have absolutely no connection with the Bengalis or Assamese. The Lushais are of Mongolian origin and are allied to the Kukis and Chins. They are entirely untouched by Hinduism and Muhammadanism. They look down on and distrust the people of the plains, who, in their turn, despise the hillmen as untouchables. I can quote definite instances of this but I refrain from doing so here. The mentality of the hillmen is quite different to that of the plainsmen and the two races neither understand nor agree with each other. The natural tendency of the hillmen seems to be to develop on non-Indian lines. The primitive religion of the hill tribes is not Indian. Long before they had ever heard of Christianity the Lushais believed in the existence of one supreme God whom they called Pathian and this I think one of the reasons why Christianity has made such strides in this district. The ordinary Lushai moral code is also quite un-Indian and is not far removed from the teachings of Christianity. Special stress is laid on unselfishness and the necessity of helping others in every branch of life, and lying is regarded as disgraceful and sexual relations, though very free, are confined to persons of full age. *Purdah* is unknown and women though they have to work hard are well treated and are on a practical equality with the men. The people are friendly, kindly and sociable among themselves and are not split up by caste bars. A sweeper can associate on friendly terms with a chief or an educated Government official, and in fact frequently does so. The whole religious and social outlook of the hillman is quite opposed to that of the plainsman.

Prior to the Lushai Hills and the other hill districts being taken over by the British the Lushais were independent and had never been brought into subjection

by the dwellers in the plains who never exercised even a shadowy suzerainty over them. It was only owing to the fact that the Lushais so constantly raided the plains and harried dwellers therein that the British Government took over the hills. The hills therefore were taken over and are to this day held primarily for the benefit of the plains people who could not protect themselves. By taking over the hills however we incurred a definite responsibility towards the hill people. Having disarmed the hillman and to some extent emasculated him by depriving him of his former opportunities and by educating and Christianising him, we are bound to protect him from being exploited by the more sophisticated plainsman, who once the hillsman was deprived of the superiority that he formerly held by virtue of his greater aptitude for war, would hold him at a disadvantage. We are further bound to assure to the hillman the rights to his land and the right to follow his own customs and to live in his own way, without interference from outside, provided he does not break the peace. These responsibilities we have hitherto undoubtedly carried out, except perhaps in the case of the Garo Hills where the intrusion of the plains influences has been permitted to an extent that has been very detrimental and that as far as my experience goes has been allowed in no other backward area. In this district, at any rate, the people are ruled by their own chiefs ; follow their own customs and so far as is compatible with keeping the peace lead their own lives in their own way. The possibility of the plainsman trying to exploit the hillman and to seize his land was realised as soon as the hills were taken over and the Government of the day laid down rules to prevent this which are still in force. The fact however that when the Government of India Act was passed it was applied to the backward tracts, though with reservations, indicates that the possibility of transferring our responsibilities to the Council was then envisaged. If this is done I submit that it will be a disastrous and retrograde step which will do great harm to the hill races and will confer no real benefit on the plains people. We should be evading our responsibilities and throwing on the Council responsibilities that are not theirs and that they are not fitted to bear, and we should also be failing in our duty to the hill races.

It may be said that to assert that the educated Indian is unfit to bear the responsibilities of looking after the hill races is to cast an unjustifiable slur on his capacity and good will. I submit that the Indian is bound hand and foot by his environment and caste laws and that if we consider the position of the untouchables in the greater part of India and the way in which they are treated by the more fortunate sections of the people there is every reason for hesitating long before deciding to place the hill races under the Council. If the hill peoples were treated like the untouchables there would be bloodshed.

Judged from the educational standpoint the backward areas are certainly not fit for Council rule. Educational advance is very slow. The Lushais are probably the most advanced educationally of the hill tribes. Such education as there is among them however is purely superficial and underneath they remain savages at heart with the virtues and also the vices of savages. They are unstable and ready to follow any new thing and have no understanding of abstract political ideas. In no way is the hill district ready for political advance nor is it likely to be for many years to come. There is no politically minded class and no one fit to sit on a council and if there were such a person he would represent only himself. The experiment of nominating a hillman to the Council was tried while I was in the Garo Hills and one Jangin Laskar, a Garo, sat for some years. He was, I believe, quite useless and got so bored with it after a bit that he ceased to attend regularly.

Again when we consider the physical features of the Lushai Hills it will be seen that no rapid advance is possible. Industrially the district has no future, minerals there are apparently none, distances are great, transport is difficult, the rivers are not easy to navigate and the expense of building motor roads is prohibitive. The only way for the people to improve their material position is by improving their agriculture and for this purpose political advance is useless.

If therefore we consider what the hills have to gain from an unnatural union with the plains whose culture, social and political life and religious ideas are quite different, it is difficult to see any direction in which the hills could possibly derive any advantages. The marriage of so ill-assorted a couple could only end in a speedy divorce, which would leave feelings of resentment in the minds of both parties. It may be said that it would not be fair to deprive the hills of the blessings of self-government; to this the reply is that the hills are already far ahead of the plains in the self-government. Each village manages its own affairs, cases are tried by the chiefs and elders and the great majority of cases never come to court. Cases that do come to court are cases between people living in separate villages or appeals from the orders of chiefs. All cases whether tried by the court or by the chiefs are dealt with according to Lushai custom by which the people have been governed for ages past. This, I believe, applies to other hill districts being governed by their own customs. In these circumstances it is surely better to let the people develop on their own lines instead of handing them over to a council of foreigners on which they have no voice; let them slowly and under guidance work out their own salvation. When, if ever, the Lushais reach the stage when they feel the need of some form of self-government wider than that of the village chief, the present system could be developed so that councils or chiefs and elders could be made responsible for the affairs of certain areas in the hills. The village chief could rule as at present in his own village and matters affecting larger areas could be dealt with by the council of chiefs. Even a development on these lines is, I think, a matter for the comparatively distant future. The existing system is entirely adequate for the needs of the present. It should, however, be our aim to build up the present system and to encourage healthy developments from it so as to enable the hill people to find for themselves when the ultimate end of a self-governing India has been attained, rather than to link the destinies of the hills to those of the plains. The linking of the hills to the plains leads inevitably to the introduction of a pseudo-democratic regime under the auspices of the council, to a complete break with the traditions of the race, to the imposition of a Hinduised civilisation and to the end of all the hopes of a humane civilisation based on the natural instincts and traditions and influenced by Christian ideas.

The question is asked "What is the attitude of the educated classes to these tracts?" The term "educated classes" refers I presume to the educated classes in the plains. What the attitude of these classes is I do not know but they will probably want to control the hills and will probably urge that as the hills do not pay their way and as the loss of their administration has to be met from the general revenue of the province the Council must have a voice in the administration of the hills on the principle that he who pays the piper calls the tune. To this the answer is that the hills were taken over by the British Government to stop the hillmen raiding and killing the plainsmen who were unable to protect themselves. The money contributed by the plains districts towards the administration of the hills is small compared to what the plains people would have had to pay in tribute to the hills had the hills not been taken over. Apart from this the plains actively gain from the hills being administered as they can now trade freely with them and make money out of their cotton, lac, oranges and other crops and also out of the bamboo and wood of the hill forests. I think, therefore, that the plains can justly be called upon to contribute towards the cost of administering the hills. Whether the contribution is regarded as tribute, an investment, or an insurance is of little import; the plains people would probably prefer to call it a free gift made out of good will. However, on whatsoever ground the contribution may said to be made it does not entitle the plains people to a voice in the affairs of the hills as the hills were never conquered by the plainsmen. Were the hills still independent the plains people would undoubtedly have to pay tribute to them or submit to constant raids. Without the British Government at their back the plains people would not be able to hold the hills for

a single day. The hills are still held ultimately by force and not by talk, however, peaceful they may appear to a casual observer.

Further, it is very questionable whether it would be right at a time when the ability of the Indians to govern themselves is still under consideration, to place in their charge a large number of tribes of whose customs and needs they have no knowledge and in the ruling of whom they have no experience.

The argument in the preceding paragraph is based on the presumption that the hills can only be run at a loss. It would not however be right to presume this must always be the case. On the contrary if in this district a continuous policy of strongly encouraging agricultural improvements is carried out I think within a comparatively short time the material position will have improved to such extent that it will be possible to raise the rate of the house-tax. For instance coffee does very well in these hills and I have induced a number of people to start growing it. This year we have sent a few samples of coffee beans to Calcutta firms and they report that it would probably fetch Rs. 40 per maund landed in Calcutta. There is already a growing export trade in oranges which should in a few years' time attain large proportions, as a great number of orange trees have been put out in the last few years. There is no reason why provided that the beginnings are financed by Government this district should not become a centre for the distribution of high class fowls and eggs. In addition there are cotton, lac, sesamum and many other crops and fruits that I am convinced can be grown at a profit and a growing forest revenue can be expected. In these circumstances it is not right that the whole argument should depend on the presumption that the hills will never be able to pay their own way.

Supposing however that for the sake of argument it is admitted (*a*) that there must be a loss on the hill administration and (*b*) that if the loss on the hills falls on the provincial revenues the Assam Council must be allowed a voice in the administration of the hills then I submit that another alternative is availablbe.

In the foregoing paragraphs I have endeavoured to show that if we consider how totally different the hillsman is from the plainsman in his traditions, his moral and social ideas, his village organisation and his general outlook on life, it would be little short of a crime to place him under the Council as if this were done he would be exploited for the benefit of the plains. It would be out of place here to discuss whether in giving the plainsman a free hand to manage his own affairs we are sinning against the light, but what is sauce for the goose is sauce for the gander and if it is good for the plainsman to be allowed to manage his own affairs and to develop on his own lines under a camouflage of western democracy surely it is equally important that the hillman should be left to live his own life in his own way and should not be condemned while still unable to express his own opinions to succumb to the civilisation of the plains. It is so essential that we should meet our responsibilities to the hill peoples that rather than place the backward tracts under the Council, one or other of the two following alternatives should I think be considered :—

(*a*) A hill division comprising all the backward tracts of Assam might be constituted with a Commissioner directly under the Governor of Assam, who for the purposes of the hill division would be in the position of a Chief Commissioner directly under the Government of India without any council. This division would have an entirely separate budget. Its revenue would consist of all the receipts from the backward tracts *plus* an annual grant from the Imperial Government sufficient to cover the difference between revenue and expenditure. As the division would still be part of Assam it would have the services of all the heads of departments, also technical experts, etc., as at present free of all charge. The provincial revenues would benefit and the only party on whom any extra burden would fall would be the Imperial Government

and it may be fairly argued that as the backward tracts are mostly frontier districts held primarily for the defence of the plains it is only right that any expenditure that cannot be met out of the revenues of those districts should be met from Imperial funds. The security of the frontier is not a purely provincial matter but is of importance to the whole of India.

(*b*) The second alternative is that a separate North-Eastern Frontier Hill Province should be formed to comprise as many of the backward tracts in Assam and Burma as could be conveniently included in it.

The following districts would appear to be suitable for inclusion in such a province. The Lushai Hills, the Chittagong Hill Tracts, the North Cachar Hills, the Naga Hills, the Garo Hills, the Khasi and Jaintia Hills, the Sadiya Frontier Tract, the Balipara Frontier Tract, the Mikir Hills, Pakoku and any other hill or backward tracts in Burma which could be suitably included ; also the Dibrugarh Frontier Tract. A suitable headquarters would be Kohima as it is in connection with both Assam and Burma. The loss on the administration of such a province would of course have to be met from Imperial funds. The extra expenditure involved would not be very great as a large headquarter staff would not be necessary. The head of the province would presumably be a Chief Commissioner and he would not require more than a couple of Secretaries at the most ; no Commissioner would be necessary and very few heads of departments ; I suggest that either of these alternatives would be better than condemning the hills and the plains to an unnatural union in which the hill districts would merely act as a drag on the progress of the plains districts and the latter would exercise a detrimental influence on the development of the hills. The second alternative would in many ways be far the better as it would group together a large number of tribes with a more or less common origin and would ensure uniformity of administration for the hill tribes of the North-Eastern Frontier.

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*Note on the Khasi and Jaintia Hills by the Honourable the Rev. Mr. J. J. M. Nichols-Roy, Minister for Local Self-Government.*

I am very doubtful about the exclusion of the backward tracts from the Reforms. They have been for 3 terms of the Council included in the Reforms. Now it is proposed to exclude them. These backward tracts include the hill districts. I think if they are left with the Reforms in course of time a political consciousness will be aroused among those who are actually backward and they will take their place alongside their fellow citizens in the plains districts. The Government of India may be asked to help bear the expenditure thereon. There is a large number of people in the plains who are of the same type as those who populate the hill districts.

**The District of Khasi and Jaintia is not backward.**

In this note I am not however speaking about all the hill districts. Whatever may be the decision in regard to the other hill districts, the district of Khasi and Jaintia Hills stands on a different footing from all the other hill districts. It is not right to class this district among the backward tracts.

The literacy in the Khasi and Jaintia Hills according to the last census is 7·64 per cent. of the population. This district stands second in the whole of Assam as will be seen from the following table :—

| Districts. | Percentage of literacy. |
|---|---|
| Kamrup .. .. .. .. | 7·71 |
| Khasi and Jaintia Hills .. .. .. | 7·64 |
| Sylhet .. .. .. .. | 7·28 |
| Cachar .. .. .. .. | 7·2 |

| Districts. | Percentage of literacy. |
|---|---|
| Lushai Hills .. .. .. .. | 6·29 |
| Sibsagar .. .. .. .. | 6·8 |
| Goalpara .. .. .. .. | 4·68 |
| Nowgong .. .. .. .. | 5·48 |
| Lakhimpur .. .. .. .. | 5·3 |
| Darrang .. .. .. .. | 4·48 |

Female education is the highest in this district as will be seen from the following table calculated from the last census figures:—

| Districts. | Percentage of female literacy. |
|---|---|
| Khasi and Jaintia Hills .. .. .. | 2·52 |
| Kamrup .. .. .. .. | ·57 |
| Sibsagar .. .. .. .. | ·52 |
| Nowgong .. .. .. .. | ·48 |
| Lushai Hills .. .. .. .. | ·47 |
| Lakhimpur .. .. .. .. | ·45 |
| Goalpara .. .. .. .. | ·35 |
| Darrang .. .. .. .. | ·28 |
| Garo Hills .. .. .. .. | ·28 |
| Naga Hills .. .. .. .. | ·21 |
| Sylhet .. .. .. .. | ·703 |

In the last election the most active ladies of Assam who took part in the election were the Khasi ladies of Shillong.

The Khasis, in both the Khasi and Jaintia Hills, have been used to democratic institutions from time immemorial. There is nothing new to them in the system of adult franchise as their headmen and sirdars have all along been elected on the basis of adult franchise.

**The Present Proposal of Government.**

The present proposal is that the backward tracts be excluded from the Reforms and the expenditure for these tracts be borne by the Government of India. Supposing the Government of India do not agree to bear the expenditure for these tracts what will be the arrangement?

(*a*) Will the Government of Assam leave them as they are to-day within the Reforms on the ground that the Council should have some say about the expenditure which is taken from the general provincial revenues? or

(*b*) Will they be left under the sole control of the Governor who will have power to take from the provincial revenues any reasonable amount to be spent in these tracts for the running expenditure and for their advancement without any reference to the Legislative Council?

It seems reasonable that if the Government of India do not undertake to bear the whole expenditure for these tracts that the Council should have some voice in the expenditure on these tracts. It is owing to this consideration that these tracts have been brought within the Reforms.

I take it for granted that the Government of Assam will not exclude these tracts if the Government of India do not bear the expenditure thereon.

For the purpose of this note I shall take it for granted that the Government of India will agree to bear the expenditure for these backward tracts and that they will be excluded from the Reforms. What will this exclusion involve? Will these tracts

be considered as foreign territory and therefore they will not get any longer those privileges which they now get in Assam, *e.g.*, schools, colleges and a proportional share in the services of Assam and privileges in the courts, etc.?

It seems that they will be excluded from all these privileges.

This position may not affect those hill districts which have not yet advanced so far as to have any appreciable share in the said privileges; but it will surely affect the Khasi and Jaintia Hills district.

For the sake of the people of this district any administration which will not retard their progress is, no doubt, the best for them.

I consider that a relegation of this district to the class of backward tracts which will have no voice in the administration in Assam and no opening for a progressive and advanced people like the Khasis is to stop their progress. The people themselves resent such an idea.

The arguments put forward against the inclusion of this district can be brought under these heads:—

(1) Argument from the basis of affinity.

(2) Argument from the basis of finance.

The first argument resolves itself to this, namely, that as the Khasis have not much affnity with the peoples of the plains it will not be beneficial for them to be yoked together with the plains.

This argument does not have much weight. If they have no affinity with the plains people neither have they affinity with the other hill tribes. The Khasis have to deal every day with the people of the plains. All their trade is with them. The whole district is surrounded by the Assam Valley and the Surma Valley. On one side the district is joined to the Garo Hills, but there is no relation at all with the Garos even in trade. They are foreign to the other hills tribes. They are altogether connected in their business with the peoples of the plains districts.

Another factor must also be taken into consideration, namely, that mental affinity of an advanced people is more with those who are advanced and civilised than with the people who are altogether uncivilised.

Again this fact should not be overlooked, namely, that the plains of Assam do not contain a homogeneous people. There is not very much affinity among many sections and castes in the plains.

The second argument is that it is a deficit district.

I am not sure about this statement and about the amount of deficit. I am afraid the district expenditure has been mixed up with the expenditure on the capital of the province. I know that the Jowai subdivision is paying. The expenditure is about Rs. 50,000 while the income is over one lakh.

The Shillong division of the district does not have much expenditure if we exclude the expenditure within the capital.

The expenditure on the Shillong-Cherrapoonjee road should not all be included in the district expenditure. It is the road which *now* joins the capital with the Surma Valley.

The Shillong-Gauhati road yields a large revenue.

The Deputy Commissioner's Court in Shillong is a district court, but it is for the benefit of the capital of Shillong and not only for the rural areas of the district. The town of Shillong uses this court much more, probably, than do the rural areas. This is principally the court for the town: Perhaps the balance from the Jowai subdivision with the revenue from the Khasi Hills is more than enough to pay for the need of the Khasi Hills rural areas excluding the expenditure in the provincial capital.

The dispensary at Shillong may not be considered as a district dispensary. Most of the people from rural areas get their medical aid from the Mission private dispensaries.

The district expenditure has been augmented by expenditure such as the upkeep of the Long-Round road, Fuller's ride and some other roads which are not at all necessary for the district. These roads are only for the beauty of the town, for the use of the townspeople. The expenditure thereon should not be against this district. They are the expenditure for the luxuries of the capital of Assam. They should all be headquarters expenditure.

The high school here in Shillong is not altogether for the benefit of this district. More than half of the boys are the sons of the officials who work in the capital of Assam and the boys of other hill districts.

As Assam gets a convenient capital in the midst of the Khasi Hills, most of the expenditure on this town and its suburbs may be considered to be due to its existence. Therefore this consideration of its being a deficit district should not be the ground for excluding it from the Reforms.

Sylhet is a deficit district, but still Assam wants to keep it. As Shillong is the capital of Assam and is within this district Assam should not think about its deficit. It is however difficult to get the actual figures of expenditure and receipts of this district.

There is however another consideration that is very important for the people of these hills and that is this :—If they be included in the Reforms will they be able to maintain their own self-governing village institutions? Will not all these be replaced by the laws of the province? Will not these people be swamped by the plains people? Pleaders of the High Court and money-lenders will come in and take away gradually all the living of the people.

This, no doubt, is a serious question. Every community in India now wants to preserve itself. But this preservation should not be at the expense of progress. Under the present conditions in India with various creeds and castes and modes of culture, it is not desirable to overlook the needs of the minorities. Small communities should have a certain amount of protection. Therefore I think that the Khasi and Jaintia Hills may have a constituency like the Shillong constituency. The capital now is non-regulated and it is not under the High Court. The same may be done with the Khasi and Jaintia Hills (British portion). It will have its own representatives in the Council, but owing to the necessity of preserving the village organisations existing at present and of protecting the rights of the people, it may remain non-regulated. Any law passed by the Legislative Council may be extended only by the power of the Governor. The position may be as it is at present, but with only one modification, namely, that the people will elect their representative as does the Shillong general urban constituency. This, no doubt, is considered as a half-way house, but in the present stage of development in India there are stages which may be called half-way houses. The power of certification given to the Governor is a half-way house in the constitution. It really means that the Legislative Council is not able to impose its will upon the people. The special communal electorates are half-way houses in the constitution. These are not proper in a purely democratic state. The present dyarchical system is a half-way house.

But if it should be considered that unless the Khasi and Jaintia Hills want to come fully under the Reforms they would have no part in Assam as they have now and would thus be relegated to the category of backward tracts which are to be excluded from the Reforms, the people of this district would have to choose between being fully within the Reforms and be made a regulated district and being classed a backward tract and excluded from the Reforms and be ruled by a Political Officer.

All those who know what this means choose to be governed by law instead of being governed by the executive powers of a single individual. A Government by

a political power is only for a people in their very primitive stage, but for the people of this district who have advanced far beyond that stage and who can to some extent at least compete with their friends in the plains districts, such a position is inconceivable, it will be unbearable. One thing that the populace have understood and that is that they want a government by law. For the present it may be supposed that such a government as has been good in the past will always be so in the future to protect the land and property of the poor hill people. But what guarantee have they that these hills and all the backward tracts may not be under a military rule? What guarantee have they that the hill territories may not be used for exploitation by some big companies? To be under the parental rule of a political officer may be quite inviting and safe for any people who have no ambition and who are in a very primitive condition because there can be no possible friction between him and the people, but parental rule has its end.

As regards taxation, the British portions of the district do pay house-tax. Jaintia Hills pay some land revenue too of rice lands. Land tax is for persons who hold land and who are able to pay, but house-tax is levied on every house without any exception. Who can guarantee that the people of the backward tracts will never be asked to pay land revenue and that the land will be protected for them in the future?

As regards money lenders even now all the transactions of the Khasis are with the plains people. They borrow money and they mortgage their properties. There are also some Khasis who hold lands in Sylhet district.

The Khasis are not poorer than the Assamese cultivators in the plains.

No doubt there will be some risk and disadvantages, but the advantages in moving on the side of progress are more than the advantages to be gotten from being classed among the backward tracts and be excluded from the Reforms.

It must not be forgotten that competition is the thing that brings out the mettle in man. The Khasis are not afraid of the plains people. They deal with them all the time.

I will however advocate a certain amount of protection of the minorities and that protection will include the private rights which the people have now on land. Government should be willing to give them a perpetual right and in some cases a freehold settlement. If this is done, the Khasi and Jaintia Hills district will run no risk being under the Reforms.

*15th May* 1928. J. J. M. NICHOLS-ROY.

## APPENDIX C.

*Letter from the Government of Assam, No. Pol.-1917-5585, dated the 30th October 1924.*

I am directed to forward for the information of the Government of India and for preliminary orders an extract from the proceedings of the Assam Legislative Council, at a meeting held on the 29th July, 1924, relating to a resolution, which was ultimately carried, recommending the transfer of the districts of Sylhet and Cachar to Bengal.

2. The Government of India are aware of the history of the movement for the re-union of Sylhet with Bengal. The Chief Commissionership of Assam, as originally constituted in the Home Department's notifications Nos. 379 and 380, dated the 6th February 1874 (Pub., A. January 1874, Nos. 157-67), did not include this district, which was added to it a few months later by notifications Nos. 3343 and 2344, dated the 12th September 1874 (Pub., A. September 1874, Nos. 222-33). A memorial protesting against the transfer of Sylhet to Assam, and purporting to emanate from " the inhabitants of the district of Sylhet " was submitted to His Excellency the Viceroy and Governor General on the 10th August 1874 (Pub., A, September 1874, Nos. 258-59). The memorialists based their protest on the long association of Sylhet with Bengal, the absence of sympathy between Sylhet and Assam, the disadvantage of being yoked with a backward people, and the apprehension that the district would enjoy laws and institutions inferior to those which it had been accustomed. The memorialists were informed, in a letter from the Government of India dated the 5th September 1874, that their prayer for retention in Bengal could not be acceded to, but that there would be no change whatever in the system of law and judicial procedure under which the inhabitants of Sylhet had hitherto lived, nor in the principles which applied throughout Bengal to the settlement and collection of land revenue. The decision appears to have been accepted as final, and no more was heard of the matter during the next 31 years. In 1905 (Pub., A., October 1905 Nos. 163-98), however, the formation of the province of Eastern Bengal and Assam re-united Sylhet with the Bengal districts with which it was most closely connected and when the announcement of the dissolution of that province in December 1911 threatened again to separate Sylhet from Eastern Bengal an agitation was immediately set on foot for the incorporation of Sylhet in Bengal instead of in the reconstituted province of Assam. Hindu educated opinion was, and has remained, generally in favour of re-union with Bengal. Muhammadan opinion was at first divided, but as time went on and experience was obtained of the working of the new Administration a number of influential Muhammadans who had at first supported the agitation for inclusion in Bengal realised that continuance in Assam was to the interest of the district and of their community. A largely attended public meeting of Muhammadans convened in August 1912 at the instance of the Anjuman-i-Islamia Sylhet, and presided over by the President of the Anjuman, passed a unanimous resolution in favour of remaining in Assam. The agitation then subsided, but was revived in connection with the discussions regarding the proposed constitutional reforms. An address on the subject was presented to the Secretary of State and His Excellency the Viceroy by certain inhabitants of the Sylhet district in December 1917, and the question was also brought up in the Indian Legislative Council early in 1918 in a debate on the general subject of the adjustment of provincial boundaries. The Government of India commented on the matter in paragraph 13 of their Ninth Despatch, and agreed with the view expressed in paragraph 246 of the Report on Indian Constitutional Reforms that redistributions of provincial areas should not

be imposed by official action, and should follow rather than either precede or accompany reform. Meetings in favour of "reunion" were then organised. A "Sylhet Bengal re-union league" was formed, and in 1920 decided that a deputation should address His Excellency the Viceroy at his forthcoming visit to Assam, but, as the Surma Valley Conference meanwhile adopted non-co-operation and resolved that no addresses should be presented to His Excellency, the proposed deputation fell through and the league was dissolved.

The question of the transfer of Sylhet to Bengal was not raised during the lifetime of the first reformed Assam Legislative Council. In the second Council it was brought up by one of the leaders of the Nationalist party in the shape of a resolution which, after being amended so as to recommend the transfer of Cachar as well as of Sylhet, was carried by 22 votes to 18.

3. While the mass of the population of Sylhet are indifferent in the matter it is probable that the majority of the educated Hindus are in favour of the transfer of the district to Bengal though some important sections like the Mahisyas, are against it. A protest against the transfer recently made at a public meeting in Sunamganj seems to indicate that at least a section of the numerically small but influential Brahman community of the Surma Valley is also against the measure A substantial body, probably the majority, of educated Muhammadan opinion is opposed to it. It is significant that the Council resolution was supported only by Muhammadans who are members of the Nationalist party, whilst it was supported by independent Hindus as well as by Hindu members of the Nationalist party. The leading Muhammadan Association in the district was opposed to transfer in August 1912 : and as recently as August 1924 there was so much difference of opinion between Hindus and Muhammadans on the subject that the Surma Valley Provincial Conference, sitting at Sunamganj in the Sylhet district under the presidency of Mrs. Sarojini Naidu, found it necessary to omit from its agenda (*vide* No. F.-682-24) a resolution advocating re-union with Bengal. The Council resolution as originally moved concerned only Sylhet, and was amended so as to cover Cachar as well at a late stage of the debate. The Government of Assam have no doubt that, as was indicated in the course of the debate, the educated Bengali-speaking Hindus of Cachar while not strongly in favour of absorption in Bengal, would desire to remain in association with Sylhet whether Sylhet continues to be in Assam or is transferred to Bengal ; but they have no reliable information as to the wishes of other sections of the people of Cachar. It is clear that both in Sylhet and in Cachar further enquiry will have to be made as to the real wishes of the people before any action is taken in the matter.

4. Even a partial dismemberment of Assam as at present constituted would give rise to many serious difficulties, both administrative and political, and if its area and population were materially curtailed, it is doubtful whether it could retain the status of a Governor's province. The Governor in Council does not think it necessary to go into detail at present as he is uncertain whether the Government of India will be prepared to take up any questions of territorial redistribution whilst they are engaged with the larger problems arising out of the working of the reformed constitution ; and he would be glad to be informed whether the Government of India would prefer that the matter should be taken up now or that it should be left over for a more convenient season. If the matter is to be taken up now, the first step necessary would seem to be to ascertain the general views of the Government of Bengal before instituting enquiries, which are bound to cause a certain amount of unrest, into the real wishes of the people concerned.

*Letter from the officiating Chief Secretary to the Government of Assam, No 1573-Pol.—3860A.P., dated Shillong, the 11th August 1925.*

I am directed to refer to the correspondence resting with Mr. Sloan's letter No. F.-81—25-Public, dated the 6th May 1925.

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2. To the history of the movement for the re-union of Sylhet with Bengal given in Mr. Botham's letter No. 5585A.P., dated the 30th October 1924, the Governor in Council has nothing to add. Since then, in addition to the definite enquiries which have been made at the request of the Government of India, all the members of this Government have endeavoured in the course of their tours to ascertain the real state of public feeling. The subject has been extensively discussed in the press and on the platform, and unquestionably the bulk of educated Hindu opinion in the Sylhet district favours re-union with Bengal. It is nowhere claimed that material advantages will ensure to the people of Sylhet, and even the argument that Bengal is politically a more advanced province than Assam is now rarely used and has indeed lost much of its force. The desire for re-union is admittedly based on sentiment. The Bengali Hindu of Sylhet feels that he is looked down upon by his brothers in Bengal owing to his being included in a province inhabited by semi-civilised tribes and by the Assamese whom he considers to belong to a lower standard of civilisation than he does, and he feels keenly that he is not appreciated if indeed he is not actively disliked by the Assamese who in his estimation is his inferior. The leading Hindus of the Assam Valley if they do not actively dislike the Hindus of Sylhet at least disown any kinship with them and regard them with certain feelings of jealousy. The fact that the administration of Sylhet is carried on at a loss, a matter which will be discussed presently, gives them an additional reason for desiring that the district of Sylhet should go to Bengal, but it was undoubtedly in the main these feelings of jealousy that led the Assam Valley members of the Legislative Council to support the resolution adopted in July 1924.

3. Muhammadan opinion, as the Government of India were informed, is far from being unanimous. So far as the Governor in Council has been able to appraise matters, a considerable body of Muhammadan opinion is against the transfer, holding that this would be detrimental to the interests of their community. Certain thoughtful members of the Muhammadan community however already look ahead with some apprehension to the time when a Swaraj Government will be established in Bengal, and feel that when that day comes it is expedient that their community in Bengal should be strengthened by the addition of the Muhammadans of Sylhet. The opposite opinion is well expressed in the notes by the Hon'ble Mr. Saiyid Muhammad Saadulla, the Minister for Education, which are appended to this letter. Mr. Saadulla speaks with authority for the Muhammadans of the Assam Valley and voices their apprehension that with the Muhammadans of Sylhet taken away their community in what would be left of the present province of Assam would be so numerically weak and unimportant as to be unable to claim the favourable treatment which it at present receives. It will be observed further that he found considerable support for his views among the Muhammadans of Sylhet.

4. Reference was made in the debate in the Legislative Assembly in January 1925 to the Jaintia Parganas which are temporarily-settled, and in your letter under reply you have asked that figures of receipts and expenditure for that area should be shown separately from the rest of the Sylhet district. It is a fact that the Jaintia Parganas are temporarily-settled, and it is also a fact that this area formerly belonged to the Jaintia Rajas and originally formed no part of the old district of Sylhet. Moreover, as the letter from Maulvi Sikandar Ali Khandkar shows, there is a considerable feeling in these Parganas against a transfer to Bengal. If it is decided that the

district of Sylhet should be transferred to Bengal, the question whether the Jaintia Parganas should remain in Assam will require consideration, but this is a detail which need not be further examined at present.

5. It will be convenient to deal here with the district of Cachar, and I am in the first instance to observe that in all the agitation that has been carried on in the press and on the platform since the resolution was adopted in this Legislative Council, Cachar has practically never been mentioned. The original resolution covered only Sylhet, and Cachar was added purely as an after-thought in order to obtain the votes of the representatives of that district. The Governor in Council is in complete agreement with the provisional views of the Government of India, that while there may be something to be said for the transfer of Sylhet, the transfer of Cachar is hardly a practical proposition. His Excellency in Council would further point out that Cachar has always been intimately associated with Assam, to which it gave a Kachari dynasty and in almost every district of which small bodies of its original inhabitants are to be found to this day. The Bengalis now inhabiting the district of Cachar, while forming the majority of the population, are mere settlers there and can hardly claim that they have annexed the district and have a right to demand its transfer to Bengal. Arguments based solely on numerical strength and linguistic affinity if admitted would, at the present rate at which immigration from Mymensingh into several districts of the Assam Valley is going on, entitle the Bengali settlers in these districts after a few years to assert that they were in the majority and that therefore the districts in which they had settled should go to Bengal. To the appreciation of the feeling actually prevalent in the district given in the letter from the Deputy Commissioner the Governor in Council has nothing to add, but one matter must be mentioned. The resolution recommending the transfer of Sylhet and Cachar was carried with the aid of the votes of the members representing the Assam Valley constituencies. The case of Cachar was really not discussed, and if the Assamese members considered the matter at all, they were so anxious to get rid of Sylhet and the Sylhetis that they were prepared to let Cachar go as well if that was the only way of getting rid of Sylhet. Since then there has been a pronounced change of feeling, and several of the members who supported the resolution now admit that they made a mistake about Cachar. The Governor in Council does not think it necessary to discuss the case of Cachar further.

6. Appended to this letter are notes by the two Honourable Ministers, one of whom is a Hindu from the Sylhet district while the other is a Muhammadan from the Assam Valley. The note by the Hon'ble Rai Bahadur Promode Chandra Dutta states the case as forcibly as it could be put by the most devoted supporter of the movement for transfer, and makes claims on the grounds of numbers and linguistic affinity which the Governor in Council cannot but regard as extravagant. The other Minister, as has been stated earlier, puts forward the views of the Muhammadans of the Assam Valley and of at least a considerable section of those in the Surma Valley.

7. Annexed is a statement* giving, as far as it has been possible to set these forth, receipts and expenditure in the district of Sylhet and Cachar and of the Jaintia Parganas for three years. The statement even with the explanatory note attached to it is necessarily incomplete and many of the adjustments made are only approximate. No attempt has been made to apportion to the district of Sylhet its correct share of headquarters charges which include the cost of the Government, the Heads of Departments, the Secretariat and the Legisiative Council, but this must be considerable. Its share of the provincial contribution to the Central Government is also omitted. It may safely be said that the cost of administering the Sylhet district is considerably in excess of the receipts from that district, and that the annual deficit of over four lakhs of rupees shown in the statement is almost certainly an under-estimate.

* Not printed.

8. The position as regards Sylhet may therefore be summed up as follows. The only reason for severing its fifty years' old connection with Assam is the sentimental desire for re-union with Bengal which is felt by a section of the population, numerically small but undoubtedly influential, comprising the bulk of the educated Hindu community and a considerable portion, but probably a minority, of the educated Muhammadans. The masses of the people cannot be said to hold any views one way or the other. It is not pretended that Sylhet will gain any material advantage by the transfer. On the contrary, it is obvious that, as an outlying district of Bengal, it will receive much less liberal treatment and consideration than it has hitherto received as the most important and populous district of Assam. These considerations have however been clearly put before the Legislative Council and the supporters of the transfer, and they have not been induced thereby to change their views. If the Government of India feel that their wishes should be accepted as representing the views of the majority of that section of the inhabitants of the district which is capable of giving an intelligent opinion, the Governor in Council would not feel justified in opposing the transfer, provided always that it could be arranged that what remains of the province of Assam should retain its status as a Governor's province. This aspect of the case, which has been cursorily mentioned in the previous correspondence, now requires more detailed examination.

9. In Mr. Botham's letter No. 5585A.P., dated the 30th October 1924, it was stated that if the area and population of Assam were materially curtailed, it was doubtful if it could retain its status as a Governor's province. The present area of the province including the hill districts and the controlled frontier tracts and the Manipur State is 77,500 square miles. At the 1921 Census the population of this area, excluding part of the frontier tracts where no census was taken, was 7,990,246. If Sylhet were transferred to Bengal, the area of Assam would be reduced to 72,000 square miles of which the population in 1921 was 5,448,905. In area, therefore, Assam without Sylhet would be little smaller than Bengal or Bihar and Orissa, but it must be admitted that the population would be much below that of any other major province in India. It must however be remembered that the population of the Assam Valley is increasing rapidly owing to the influx of cultivators from Mymensingh, who are rapidly bringing large tracts of jungle and waste land into a high state of cultivation. During the last four years nearly 100,000 acres of waste land have been taken up by men of this class in the Assam Valley, and the population must have been increased in this way by more than a quarter of a million souls.

10. Another important factor is that as Sylhet is a deficit district the province of Assam would on the transfer of Sylhet to Bengal be in a much better possition financially than it is at present. It would not merely be relieved of the burden of the Sylhet deficit, but it would probably be possible to abolish one of the existing Commissionerships and also to effect other savings in the cost of administration. Financially therefore the maintenance of the existing system of administration would be a lighter burden on the reduced province of Assam than it is on the existing province. In other respects it would be perfectly feasible to maintain Assam as a major province. The Legislative Council would represent a homogeneous area, while the administration of the hill and the frontier districts as backward tracts would not be affected. The cadres of the various services would have to be slightly reduced, but the time-scale system of pay now generally in force renders this a matter of small consequence, and the attractions of service in Assam would be increased rather than diminished by the transfer of Sylhet to Bengal.

11. If however it were held that the reduced province of Assam could no longer retain the status of a Governor's province, the only alternatives would be its incorporation in Bengal or its reduction to the status of a Chief Commissionership with presumably a small Legislative Council, acting mainly, apart from legislation, in an advisory capacity and without Ministers. The Governor in Council is strongly

opposed to either alternative, which, he is confident, would be received with intense dissatisfaction by the great majority of the inhabitants of the Assam Valley. The loss of Ministers and the curtailment of the political privileges granted under the Reforms would be keenly resented, while as to the other alternative it is hardly necessary to elaborate the objections to doubling the area of the Bengal Presidency and adding to the cares and perplexities of the Bengal Government the charge of a rapidly developing province with an entirely different system of land revenue and the problems, entirely unfamiliar to Bengal, involved in the administration of the hill and frontier tracts. If, therefore, the Government of India hold that the transfer of Sylhet to Bengal necessitates a change in the status of Assam as a Governor's province, the Governor in Council must unhesitatingly oppose the transfer of Sylhet to Bengal. It would be better to leave Assam as it is and to face the discontent of a section of the population of Sylhet than to arouse discontent throughout the Assam Valley. If however Assam without Sylhet were allowed to retain its present political status and privileges, His Excellency in Council would not, as already stated, feel justified in opposing the transfer of Sylhet to Bengal.

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*The Honourable Ministers of the time for Local Self-Government and Education, the Hon'ble Mr. P. C. Dutta, and the Hon'ble Mr. (now Sir) S. M. Saadulla, recorded the following notes.*

My views on this question have been well known to His Excellency the Acting Governor for years. I wish to be in Bengal and that for reasons which His Excellency is well aware of.

Since I became a Member of the Council I began to take interest in all parts of the province and in my budget speech of the second year of the first Reformed Council I advocated that the whole of Assam should go to Bengal and the more I think of the matter the more convinced do I feel that that is the proper course. I shall state my reasons briefly—

The total population of Assam is 7,606,230 according to the Census Report of 1921; of this 3,524,318 are Bengali-speaking and 1,718,712 are Assamese-speaking, the rest 2,363,200 being primitive tribes in different stages of civilisation and speaking a number of languages.

The province is therefore essentially a Bengali-speaking province and if Sylhet is to go why not the rest?

Again, if Sylhet goes, can the claim of Cachar and Goalpara be resisted? If the wishes of the people and racial affinity are any criteria, these two districts have the same claim as Sylhet. His Excellency Sir John Kerr in his prorogation speech indicated as much (so far as regards Goalpara). The population of Cachar is 527,228, of whom 313,797 are Bengali-speaking. The population of Goalpara is 762,523, of whom 405,710 are Bengali-speaking. If the wishes of the majority are to prevail these districts must go—even Sylhet is not unanimous. Apart from the masses who cannot be expected to understand the issues—there is some difference of opinion even among the educated classes. I do not see on what ground Cachar and Goalpara can be resisted. The question is not whether Cachar and Goalpara ever formed part of Bengal; that is immaterial. The question is, are the inhabitants—the majority—Bengali-speaking? Even the Ahoms are not the original inhabitants of this province.

If Sylhet, Cachar and Goalpara go to Bengal what remains of Assam? Only the five districts of the Assam proper and the hill districts. Can they form an administration?

Again if Sylhet alone goes, over 23 lakhs of the Bengali-speaking people go away—What about the remaining 12 lakhs? The Bengalis who were the predominant people in the province will at once sink down to a very secondary position. As a Bengali I feel for them and would naturally like to take them with us.

Then, again, if the Muhammadans of the Surma Valley or even of Sylhet go away the Muhammadans of the Assam Valley will be in a minority and lose the strong position they now hold. I have spoken to some Muhammadan gentlemen of the Assam Valley and they fully realise the danger.

Then, again, if competition brings out the mettle in men, then the Assamese will suffer for want of people to compete with.

Lakhs of Bengal people are migrating to Assam; the influx will continue as Assam is the natural field for expansion of the surplus population of Bengal. If checked Bengal may retaliate as it will certainly be justified when it becomes autonomous—where will Assam then be?

To me it seems the solution lies in transferring all the plains districts to Bengal. The hill districts should be administered by the Central Government through the Government of Bengal as an agency area. This will also relieve the plains districts of the burden of maintaining the hill districts at their own cost.

I know it is said that Bengal with Assam will be too heavy a charge. That is hardly correct. By transferring the plains districts we merely add a division. Sylhet and Cachar will go with the Chittagong Division which is admittedly too small. The six Assam Valley districts will form a Commissionership. As it is, Bengal is too small a charge for a Governor and a Council of four Executive Members.

And we must not forget that Bengal, Bihar and Orissa for years formed a Lieutenant-Governorship.

If Cachar has spoken out its mind—*viz.*, that if Sylhet goes, it must also go—Goalpara is not inactive. It is moving in the matter and is just waiting to see what becomes of Sylhet.

*Minus* Sylhet, Goalpara will be the only permanently-settled district in the province in the midst of a number of temporarily-settled districts—the danger is not fanciful and Goalpara knows it.

*The 19th July 1925.* P. C. DUTTA.

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My personal view is that no provincial redistribution should be undertaken now. Opinion, even in Sylhet, is not unanimous and I am told that majority of Moslems there are against the transfer of Sylhet to Bengal.

Although some persons in the Assam Valley seem to think that the transfer of Sylhet to Bengal will be a good riddance, in view of its being a deficit district, but a long view of the matter will convince them that it will not be an unmixed blessing. An advanced form of Government, like the present one, will be out of the question, with a province consisting of the Assam Valley alone. Once the principle of linguistic and revenue settlement affinity—two main planks in the present agitation—is conceded there will be no logic to oppose the transfer of Goalpara as well.

Cachar was an after-thought in the Council at least, and if Cachar goes, my opinion is that the Lushai Hills should also go; or otherwise, there will be no way to the Lushai Hills, but through Cachar—a Bengal district. The geographic situation is such that one must follow the other.

Speaking from the communal point of view, the transfer of Sylhet will spell disaster for both the Valley Moslems. For the Assam Valley, the power of numbers will be gone and with it the proportionate share of representation in self-government institutions and services will dwindle to an enormous extent.

Surma Valley Moslems, in Assam, obtained a dominating voice and share on account of their preponderance, but the experience of neighbouring Moslems in Bengal districts shows that they cannot expect such treatment and results, if they go to Bengal.

Recently, the Gauhati Anjuman sought my opinion in this question and I understand that the Jorhat Anjuman has already submitted a representation to Government over the same matter. The view point of these Anjumans is :—

Sylhet should not be transferred. But if the transfer is effected, then the Assam Valley should also be included in Bengal.

While leading the Assam Valley Muhammadan deputation before the late Mr. Montagu and Lord Chelmsford, at the time of the enquiry for Reforms, I said that Sylhet ought not to go over to Bengal, but if in deference to popular opinion Sylhet is transferred, then the Assam Valley should also be transferred subject to the proviso that all the Assam districts are kept intact and the privileges obtained in Assam be continued in Bengal, for the preservation of the Assamese nationality, culture and language, which is quite distinct from that of Bengal.

I still adhere to that view.

*20th July* 1925. M. SAADULLA.

Since coming to Sylhet, I have been seen by a large number of persons both Hindus and Moslems and I enquired from most of them, what was their real feeling with regard to the transfer of Sylhet to Bengal. I find opinion is sharply divided. Majority of Moslems are against going to Bengal, while majority of educated Hindus are in favour of the proposal. I met a few Moslems from distant Jaintia Parganas as well. The English-educated people from there say that they are opposed to provincial redistribution, but two Maulavis said that they have been so long an adjunct to the district of Sylhet, and they do want to remain with Sylhet. In short they have no pronounced opinion either way.

When opinion in the country is divided, I hold that Government also should oppose the disturbance of the *status quo*, as a very large amount of the public funds, chiefly contributed by the districts of the province, other than Sylhet, has been sunk in public institutions in Sylhet.

*27th July* 1925. M. SAADULLA.

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*No. Pol.-69—237A.P., dated Shillong, the 13th January* 1926.

From—G. E. SOAMES, Esq., I.C.S., Chief Secretary to the Government of Assam,

To—The Secretary to the Government of India, Home Department.

**Proposed transfer of the District of Sylhet from Assam to Bengal.**

I am directed to refer to the correspondence ending with your telegram No. 81 Public, dated the 8th January 1926, on the above subject, and to submit the report called for in your letter No. F.-81—25 Public, dated the 24th of October 1925. A special session of the Assam Legislative Council was held on the 6th and 7th of January 1926, to reconsider the question of the transfer of Sylhet, and

* * * * *

2. The following two Resolutions, which were moved by Rai Bahadur Sadananda Dowerah, an Assam Valley member, were adopted by the Council, the first by a majority of 26 votes to 12 and the second unanimously :—

(*a*) This Council recommends to the Governor in Council that the district of Sylhet be transferred to Bengal.

(*b*) While it is not the intention of the Council to prejudice the transfer of Sylhet by any consideration as to the status of the rest of the province, Assam should not by reason of the transfer be deprived of any of the political privileges which it at present enjoys in common with other Governors' provinces or which may hereafter be extended to other Governors' provinces.

The majority in favour of the first Resolution, on which the official members did not vote, consisted of all the Sylhet members with the exception of two, all the Assam Valley Indian members with the exception of three Muhammadans and four of the five European members of the Assam Valley. The minority consisted of two Muhammadan members from Sylhet, three Muhammadan members from the Assam Valley, including the Hon'ble Minister for Education, one Muhammadan and two Hindu members from Cachar, the member for the Shillong (general urban) constituency and three European members. The two Sylhet members opposed the Resolution on the ground that Sylhet would materially suffer from the transfer to Bengal. The three Cachar members held the view that Sylhet should not be allowed to go unless Cachar was transferred with it. The remaining members who voted with the minority were actuated mainly by the fear that the status of Assam as a Governor's province would not be maintained if Sylhet were transferred. The Muhammadan members of the minority were further influenced by the fact that their community would be greatly weakened by the transfer of Sylhet with its large Muhammadan population.

3. Within the last few months opposition to the transfer has been growing among the Muhammadans of Sylhet, and certain members of that community asked for an interview with His Excellency the Viceroy to represent their case to him. It is possible that if the final consideration of the question had been further postponed the opposition would have grown in strength. Some Hindus of Sylhet are not quite so confident of the wisdom of the transfer as they were, but they are too far committed now to withdraw. There can be no doubt, however, that the vote of the Council represents the views now held by the large majority of those who have any views at all on the subject, both in the district of Sylhet and in the province generally. The members from the Assam Valley who voted with the majority are influenced by two motives. They desire to let Sylhet realise what they consider to be a natural aspiration and at the same time they are anxious to be rid of Sylhet in order that the inter-valley rivalry, which they feel to be a bar to the progress of the province, may cease.

4. As regards the Jaintia Parganas, the Government of Assam have ascertained that the people of that area almost without exception desire to remain with Sylhet whether Sylhet goes to Bengal or remains in Assam. In this connection I am to forward a memorial addressed to His Excellency the Viceroy and the Governor General. The suggestion that the Jaintia Parganas might be separated from Sylhet did not emanate from this Government, and the Governor in Council agrees with the Legislative Council that the Jaintia Parganas should not be separated from Sylhet. Apart from other considerations it would be impossible to have a clearly defined geographical boundary between the two provinces if these parganas remained in Assam after the transfer of the rest of Sylhet to Bengal. On the other hand, communications between Cachar and Shillong would not be affected by the transfer to Bengal of the Jaintia Parganas together with Sylhet, as the means of communication ordinarily used is the Assam-Bengal Railway.

5. On the question as a whole the Governor in Council adheres to the views expressed in my letter No. 1573Pol.—3860A.P., dated the 11th August 1925. Both the Assam and the Bengal Legislative Councils have now twice pronounced in favour of the transfer of Sylhet to Bengal, and the Governor in Council would not feel justified in offering any opposition to the fulfilment of their wishes, were it not for

the uncertainty which exists regarding the political future of Assam. It will be observed that in the course of the debate the opponents of the transfer not unnaturally made the most of the arguments which might be used against the retention by Assam without Sylhet of the status of a Governor's province, while the supporters of the transfer professed their belief that, in spite of the Government of India's decision to leave the question open for the present, it is inconceivable that the transfer should involve any such consequences. The resolution declaring that Assam should not by reason of the transfer suffer in the matter of its political status was, however, carried unanimously. There can be no doubt that it represents a very strong feeling throughout the province and that any proposal to lower its status would lead, as Mr. Kuladhar Chaliha, one of the leading Assam *Swarajists*, significantly remarked to an intense agitation more bitter than that of 1921. The Governor in Council feels that he would be failing in his duty if he did not urge upon the Government of India the importance of this aspect of the case. He earnestly trusts that if the Government of India decide to sanction the transfer of Sylhet to Bengal, they will find it possible to accompany their decision by an announcement regarding the political status of the rest of the province which will serve to allay the doubts which at present exist and to prevent a disturbance of the friendly relations which, after the bitter experiences of 1921-22 have now happily been re-established between Government and most sections of the community.

# CHAPTER III.

## THE LOCAL SELF-GOVERNING BODIES.

### MUNICIPAL BOARDS.

1. Generally speaking, local self-government in Assam has not advanced beyond the early stage of experimental development. In the year 1920-21, there were 25 municipalities, including, under this term, 9 "unions" constituted under Act V (B.C.) of 1876. In the year 1926-27, there was the same number of local self-governing urban bodies constituted as municipal boards or "town committees" under the Assam Act I of 1923. Apart from Shillong, there are no municipal boards in the hill districts. The total income of these boards in 1920-21 was below 8 lakhs of rupees, of which nearly 2½ lakhs was obtained from grants and contributions by Government, and nearly 4 lakhs was realised from rates and taxes. The income received during the year 1926-27 had risen to over 10½ lakhs, Government grants remaining at about two lakhs. Rates and taxes produced over six lakhs of rupees, nearly half being on account of water or conservancy rates. The average incidence of taxation for the province per head of population increased during this period from Rs. 2-5-9 to Rs. 3-11-2 *per annum*, and the number of rate-payers from 26,175, to 29,030. In Assam there is no town with a population of even 20,000 people. The Assam Municipal Act of 1923, as subsequently amended in 1925-26, introduced various important alterations in the sphere of municipal administration, chiefly in the direction of freedom from official control. Thus, with the exception of Shillong, chairmen could be elected in all municipalities. The number of members of the municipal board, it was provided, should be, in no case, more than 30 or less than 10. Of these one-fifth might be nominated by the local Government, four-fifths being elected. Officers of Government have the doubtful privilege of being appointed as supernumerary members "with the right to attend and speak at all meetings of the board but not the right to vote." They are specifically debarred from eligibility for election as chairman or vice-chairman, unless the local Government, by notification, declares that the municipal board is one of those in which the chairman is to be appointed. As noted above, at present Shillong is the only municipality thus scheduled.

2. The principal municipal tax is that payable by the owner on holdings situated within the municipality. As an alternative, the board is permitted to impose a tax on inhabitants "assessed according to their circumstances and property within the municipal area." Where a system of drainage has been introduced a drainage tax can also be imposed within the area for which a scheme for the construction of a drainage system has been approved by the local Government and introduced, agricultural land being exempted. Service taxes payable by the occupier are a water, lighting and latrine tax. The amounts of these are to be fixed on the principle that the total net proceeds of the tax should not exceed the amount required for the services rendered. Other taxes are license fees on carriages, including motor cars, on private markets, on the registration of carts, a fee on vessels moored at *ghats* or landing places constructed or maintained by the board, tolls on bridges and metalled roads, and, finally, with the sanction of the local Government, any other taxes included in Schedule II of the scheduled taxes rules. Subject to the prescription of forms and procedure the boards are left free to spend their money as they like. No rules were made as to priority of expenditure. Previously Government exercised some control over the establishment charges and fixed a limit on the aggregate cost of establishment. If Government contributes any portion of the pay of an officer employed by the board, his appointment or dismissal is subject to confirmation by the Commissioner. In the matter of leave to employees a board shall not, "without the special sanction of the Governor General in Council, grant more favourable terms of leave than those prescribed for the servants of Government of a similar grade."

3. The valuation of holdings and the assessment of taxes is left to the board, the gross annual rent at which a holding may be reasonably expected to be let being the annual value thereof. The rate of assessment varies but is usually 7½ per cent. Re-assessments have not however contributed considerably to increase the total taxation. In no case has the rate of taxation been raised in the most important tax, that on holdings, above the old limit of 7½ per cent. on annual value, as a result of the removal of the limit. The service taxes for water-supply and conservancy rarely cover or nearly cover the cost of running, though improvements are in many cases declared necessary by the experts. Only in Shillong does the water-supply regularly

pay for itself. Several municipalities have refused to instal meters in order to prevent waste from house connections. The object in removing the limits on the taxes, which was that these services should be self-supporting, has therefore been defeated. The only new item accruing to all boards was the receipt from fees on motor vehicles, under the Act of 1926. A statement is appended (Statement XII) shewing the various changes made in the rates of assessment during the past eight years.

4. Re-assessments from between 1920-21 and 1926-27 which were reported to have produced an increase of more than Rs. 1,000 were :—

| | | | Increase. Rs. |
|---|---|---|---|
| Shillong | ... | ... | 14,922 |
| Ditto | ... | ... | 26,772 |
| Tezpur | ... | ... | 2,085 |
| Ditto | ... | ... | 1,695 |
| Barpeta | ... | ... | 1,270 |
| Silchar | ... | ... | 5,205 |
| Dhubri | ... | ... | 1,756 (including new water-tax). |
| Nowgong | ... | ... | 1,060 |
| Dibrugarh | ... | ... | 9,612 |
| Karimganj | ... | ... | 1,640 |
| Goalpara | ... | ... | 1,107 |
| Gauhati | ... | ... | 5,709 |
| Jorhat | ... | ... | 1,537 |
| Ditto | ... | ... | 3,265 |
| Sylhet | ... | ... | 5,201 |
| Habiganj | ... | ... | 2,164 |
| Maulvi Bazar | ... | ... | 3,604 |

There were 22 revisions of assessment altogether. Nearly half the value of re-assessment occured therefore in Shillong, where it was made by Government officers.

5. A noticeable feature of municipal taxation in Assam is the absence of any inhibition on the rate of the tax on holdings. In Bengal where the cost of a building has exceeded one lakh of rupees "the percentage on the annual value to be levied in respect of so much of the cost as is in excess of one lakh of rupees shall not exceed one-fourth of the percentage determined by the Commissioners." No such provision at present appears in the Assam Municipal Act.

6. A rate-payer can apply to the board for a review of his assessment. All such appeals are heard by a committee consisting of not more than 5 members of the board, the chairman and the vice-chairman being *ex-officio* members. Experience has shown that at present in Assam there is general reluctance on the part of municipal boards to insist on a proper valuation and a full assessment. In Sylhet, for example, an assessor was appointed whose valuation would have produced an increase in the rates of Rs. 22,154. After review by the committee the increase of the assessment was reduced to Rs. 4,597. No advantage has been taken of the procedure offered by section 89 of the Act under which on the request of the board an officer of Government can be appointed to deal with appeals against taxation. The result of this is that the municipal income, which under ordinary circumstances would be insufficient to meet modern requirements, is in the case of most boards totally inadequate, and requests for Government assistance are frequent.

7. The system of surcharge which prevails in some of the other provinces is not in force in Assam. Under section 47 every member of a board is liable for the loss, waste or mis-application of money "if such loss is a direct consequence of his wilful neglect or misconduct," in which event "a suit for compensation may be instituted against him by the board with the previous sanction of the local Government."

8. The control by Government is referred to later. It is limited to inspection by the Commissioner, Deputy Commissioner or Subdivisional Magistrate and by the Inspector of municipal works, if one has been appointed by the local Government. The Deputy Commissioner may suspend the execution of any resolution or order of the board if in his opinion it is *ultra vires* or is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public or to any class or body of persons. Such order must be forwarded to the local Government, which may rescind the order or modify the same. Incompetence or persistent default in performance of duties or abuse of powers can, under the Act, be punished by supersession. In the case of two municipalities* the local Government have recently been compelled to consider whether action in this direction should be taken. The Dibrugarh municipal board has actually been superseded.

* *Vide* Appendix, case 12, and paragraph 14 below.

9. Rules can be made under the Act by the local Government subject to the condition of previous publication, and to the further condition that the rules be laid before the Legislative Council. After the rules have been so laid the Council may annul or modify the rules. This provision apparently escaped notice at the time the Bill was under discussion, but a similar provision in the Local Self-Government (Amendment) Bill was criticized by the Government of India as giving the Legislative Council undue powers of interference in the administration of local bodies and of providing the Legislative Council with the opportunity of bringing municipal administration to a deadlock. The local Government may make rules to regulate the division of each municipality into wards, and "provide for the distribution of elected members among the different sections of the community." No such rule providing for communal representation has, however, yet been made. Of the 233 elected members of the municipal boards throughout the province, 43 are Muhammadans. (This is prior to the supersession of Dibrugarh.)

10. Apart from the payment of interest on any loan, the charges for establishment and such sum as ought, in the opinion of the local Government, to be paid by the board for the expenses on pauper lunatics or lepers sent to public asylums, expenditure by the board is permissive. The local Government and, in cases of emergency, the Deputy Commissioner may call upon the board to perform any duty in which the board had made default. The boards have been furnished with very full and modern powers but owing to paucity of funds have not at present been able to use them to any large extent. Government grants, which depend rather on the capacity of Government at any time to meet the demands made than on the comparative growth of local needs, appear to be the deciding factor in municipal finance.

11. In education, subject to rule and to such exceptions as the local Government may think fit, municipal boards may contribute towards or be charged with and be responsible for the establishment, maintenance and management of all primary and middle vernacular schools and with the consent of the board of any other class of schools. The provision of dispensaries, hospitals or asylums is left to the discretion of the board. The board is. however, responsible for the maintenance of roads, bridges, tanks, wells, latrines, drains, etc., and for the cleansing of the municipality.

12. In only seven of the municipalities is there a piped water-supply: in only one is a lighting rate imposed. The seven water-supply schemes were sanctioned at varying dates between 1882 and 1919. The total initial cost was Rs 8,04,642, and the bulk of this sum was met by grants (Rs. 5,11,241) and loans (Rs. 2,52,334) from Government. In some instances, however, owing to the physical conditions constant further capital outlay besides the cost of new connections has been necessary to enable them to function, amounting to large sums. In 1921 three of the systems were in the charge of the boards themselves, while one which was under construction was delivered to the board in 1922. The piped system at Gauhati, however, which cost initially Rs. 67,000, was carried out as a provincial work in 1885-86 on the ground that it was of more than local importance: and since the further outlay entailed was a constant cause of demands for help by the board, for which it was managed from 1896 onwards by the Public Works Department, Government from 1908 met all the charges, and received the proceeds of the rates. A similar arrangement was made in the case of Jorhat in 1920. the Chief Commissioner remarking however that it was the negation of self-government. When the maximum rate for water-tax was abolished by the Act of 1923, these arrangements were revised, and in 1925 these two supplies were handed over to the boards for maintenance with temporary maintenance grants, generally of Rs. 5,000 for three years, of which one has expired and the other is due shortly to expire, it being held that this was the only means of enforcing the collection of such rates as would bear a reasonable relation to the cost of working. The capital outlay on the Gauhati works between 1908 and 1925 was in the neighbourhood of one and a half lakhs.

The works at Shillong, which cost only Rs. 19,122 in the first instance, were destroyed in the earthquake of 1897, and were reconstructed with a Government grant of Rs. 22,127. Improvements since made cost Rs. 1,37,651, of which sum Government gave Rs. 1,08,498. In this instance the cost of ordinary maintenance has been small and fully covered by the rates. The supply was handed over to the board at its own request in 1922.

Under the Act of 1923, which follows in the main the old Bengal Act, regard must be had in fixing the rate to the principle that the total net proceeds, together with the proceeds of any special contracts for supply, shall not exceed

the amount required for making, extending, improving or maintaining the supply. It is not however obligatory that the proceeds should meet such amount, and it has been noticed that actually in all cases a large part, and in some the whole, of the expenditure on making the supply has been met by free grant. The average receipts from water rate in the last five years for the seven piped systems have been Rs. 1,02,229, the average expenditure—including capital charges for extensions and improvements—Rs. 1,24,817, and the average loan charges Rs. 14,323, total average expenditure Rs. 1,39,138. The receipts only balance the expenditure in Shillong. The following statement shows the working of each system; figures of capital outlay are separately available from 1899 only in the reports:—

| — | Town. | | | | | | |
|---|---|---|---|---|---|---|---|
| | Shillong. | Gauhati. | Jorhat. | Silchar. | Sylhet. | Tezpur. | Dhubri. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Date of sanction .. .. | 1882 | 1884 | 1912 | 1913 | 1914 | 1914 | 1919 |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Initial cost .. .. | 19,122 | 67,000 | 1,22,197 | 1,32,768 | 2,00,000 | 1,00,000 | 1,63,555 |
| Grant for construction .. | .. | .. | 1,22,197 | 1,02,768 | 1,10,000 | 66,666 | 1,09,610 |
| Loans for construction .. | 15,000 | 67,000* | .. | 30,000 | 90,000 | 33,334 | 17,000 |
| Further capital outlay from 1899. | 1,74,800 | 1,86,264 | 13,667‡ | 27,179 | 27,710 | 30,712 | .. |
| Further grants .. .. | 1,43,534† | 66,910† | .. | .. | 7,571 | 5,000 | .. |
| Further loans .. .. | .. | 10,000 | .. | .. | .. | 20,000 | .. |
| Average receipts from rate, 1922-27. | 20,443 | 25,251 | 9,028 | 13,164 | 10,106 | 16,759 | 7,478 |
| Average expenditure, 1922-27 —Maintenance only. | 10,244 | 25,480 | 11,345 | 16,139 | 13,508 | 11,007 | 8,083 |
| Total (Ditto) .. | 17,099 | 40,327 | 13,867 | 20,497 | 19,362 | 18,421 | 9,565 |

*This was a grant to be reimbursed by temporary discontinuance of a recurring grant.

†Includes sums of Rs. 12,999 (Shillong) and Rs. 13,419 (Dhubri) written off being sums due to Government for loans, experimental borings, and repairs.

‡Excludes the loss to Government on maintenance while under the Public Works Department. The figures also exclude maintenance grants in Gauhati and Jorhat.

Applications for help in improving the supply at Gauhati at a cost of Rs. 2,83,639 and at Tezpur at a cost of Rs. 66,000 are pending.

13. Save in connection with the water-supply scheme sanctioned before the reforms for which the board met over Rs. 35,000 of the cost, partly from subscribed funds, and an expenditure by the Shillong board of nearly Rs. 30,000 for improvement of their water-supply, no considerable work has been carried out by the municipal boards with their own money during this period in regard to water-supply, drainage or conservancy. A number of schemes are in contemplation, but the boards have in all cases been unwilling to undertake them without the assistance of Government by way of grant, loan or both, while financial and other difficulties have generally stood in the way of such assistance. The principal changes have been—

(1) The creation of a municipal market, with a Government loan of Rs. 15,000;

(2) The bridging of a river by a municipal board, with a loan of Rs. 56,000;

(3) Attempts to provide an electric lighting scheme in a number of municipalities, successful in Shillong, and partially successful in two other towns where the boards have contracted for public lighting by electricity, but have not yet reported the adoption of the lighting rate;

(4) A promise to grant a municipality the amount of the honorarium due to a public works officer for framing a remodelling of the water-supply.

14. While municipalities have carried out no considerable schemes with their own money, there have been a fair number of proposals, especially of late, which have been stopped sometimes even at the outset, both by the lack of an expert adviser, or by the refusal or inability of Government and the boards to finance them. One board, though anxious to get Government help for improving its water-works, has steadily refused to fulfil the conditions of the original grant or to instal meters to prevent waste. Almost all the boards with municipal water-supplies have avoided this means of reducing cost, though influence has resulted in an unmanageable number of house connections being allowed. In this particular case the additional income promised to be obtained by converting the personal tax to one on property or to increase the personal tax, has even yet not been forthcoming in full, and the required closing balance has only been maintained by keeping bills in arrears of payment. The Public Works Department has under the existing rules to be paid percentage charges on

the cost of framing an estimate for a local body. In some cases the schemes proposed have been of considerable magnitude, involving the services of a whole-time officer, who could not be spared by the Public Works Department. In others, where it was clearly impossible that they could be subsequently financed, or the data supplied were totally inadequate, the waste of time and useless expense had to be pointed out. The boards, on the other hand, have been unable to frame the initial schemes without expert advice, yet while unwilling to introduce the scheme at their own cost, they have been inclined still more to object to meeting the cost of preliminary investigations. The Finance Department has resisted the charge against Government of experimental measures without knowledge of the commitment entailed, but has occasionally accepted liability. No decision has been reached as to the proper division of cost of the new schemes themselves between Government and the municipalities, but it has been suggested that one-third should be financed by the municipality, one-third by a loan repayable, and one-third by a Government grant.

*Vide* Appendix, case 26.

15. The absence of any expert sanitary engineer to prepare schemes of water-supply and drainage is a further handicap to any marked development. It was hoped that if the increased Court Fees Act had been made a permanent measure such an officer could have been appointed, and, year by year, various schemes would have been taken up and financed by grants of money obtained from this source and by loans. The recent refusal of the Legislative Council to continue this source of revenue places the Minister in the unenviable position of refusing reasonable requests for assistance owing solely to want of funds.

16. In two cases municipal boards have resisted the transfer to their charge of water-works constructed by Government agency with Government aid. They were however compelled to take the works over with the aid of Government recurring grants fixed for a period sufficient to enable them to make the supply self-supporting. The deficit on those works had become serious, and the step was necessary in order to compel the boards to meet it by raising the rate. In one of these cases the transfer of the works to an electricity company for management has hitherto worked poorly, and on one occasion the resulting dispute was set at rest by the Minister personally. Collections of revenue were markedly bad in the case of one municipal board. In

this case remissions have been large and cases of embezzlement and financial irregularity serious. The board has on several occasions been threatened with supersession and has now been superseded. In one of the most important boards the rates are so low and the income so poor that the board lives from hand to mouth and is permanently short of funds to pay outstanding bills.

### Local Boards.

17. In Assam, unlike the neighbouring provinces, district boards do not exist. There are 19 local boards whose area is that of a subdivision of a district, the idea being to give the rural population a closer contact with the administration. There are no local boards in the hill districts. The chief source of revenue is the "local rate" realised under the Assam Local Rates Regulation (Regulation III of 1879), under which "all lands should be liable to the payment of such rates in addition to the land-revenue and local cess, if any, assessed thereon, as the Chief Commissioner may from time to time direct, not exceeding one anna and four pies on every rupee of the annual value of such land." The rate of present assessment is one anna per rupee, the remaining four pies being intended as a reserve to be imposed when necessary as a public works or famine insurance cess. Prior to 1915 these bodies had no legal entity, being constituted under executive orders. The Assam Local Self-Government Act I of 1915 was amended in 1926 (Assam Act VIII of 1926) and subsequently in 1928. This conferred upon the local boards power to levy, with the sanction of the local Government, any tax included in Schedule II of the scheduled taxes rules, to impose tolls on roads which might be metalled at a cost of Rs. 5,000 or over, and to impose a license fee on vehicles. It is estimated that the local rate produces, in the permanently-settled districts, only one-third of the amount which would be collected if land was assessed on the method adopted under the Bengal Cess Act. In the temporarily-settled areas the local rate is calculated on land revenue actually paid to Government, instead of, as in Bengal, on the rent paid to the landlord by the actual cultivator.

18. The income of the 19 local boards in Assam in the year 1920-21, excluding the opening balance, was nearly 26¾ lakhs, towards which Government contributed over 13½ lakhs, the local rate producing Rs. 8,65,000. The corresponding figures for 1926-27 are:—

The total income of the boards was Rs. 38,59,000, towards which Government contributed Rs. 21,88,000. Local rates produced some Rs. 9,70,000. Other sources of income were the receipts from pounds Rs. 1,69,000; from markets Rs. 90,000; while tolls on ferries and roads realised over two lakhs of rupees.

19. The boards are expected to maintain 160 miles of metalled road and 5,546 miles of unmetalled road. It is estimated that in Assam it costs, roughly, Rs. 20,000 to metal a mile of road and Rs. 2,000 annually to maintain it. Unmetalled roads cost on an average Rs. 400 a mile to maintain. The sums mentioned are those paid by the Public Works Department. The local boards do not, and cannot, spend so much, but the standard of work is lower.

20. There are 93 dispensaries maintained directly by the boards and 47 aided, the total expenditure on medical relief for the year 1926-27 being over six lakhs, to which Government contributed one-third.

21. In the field of education local boards were in charge of 3,455 primary schools, 117 middle vernacular and 7 middle English, and among aided 33 primary, 4 middle vernacular and 53 middle English schools, the total number of pupils being 191,524. The total expenditure on education was nearly 11½ lakhs towards which Government paid Rs. 6,30,000 and the boards Rs. 5,07,000, while fees contributed only Rs. 8,000.

22. It will be seen from the above that local boards in Assam are even more dependent than municipal boards on Government grants. They are responsible for the establishment, maintenance and management of all primary and middle vernacular schools under public management within the subdivision; for the appointment, pay and management of all public vaccinators; and shall, also subject to rules, provide for the repair of roads, embankments, bridges, and for the construction of new roads or any other works for directly improving the communications within the subdivision. Lastly, subject to rules "Every local board, shall, as far as possible, provide for the sanitation, conservancy and drainage of the subdivision." Under the 1915 Act the Chief Commissioner could direct that any public charitable dispensary or hospital within the subdivision should be placed under the control and the administration of the board, when the board would, subject to rule, be charged with the maintenance of the institution. By the amending Act of 1926 any such notification can only be made with the

consent of the board. Actually, however, the desire of the local boards to open and maintain new dispensaries far exceeds the funds at ther disposal.

23. As the result of a policy inaugurated in 1922 a considerable mileage of roads was transferred for maintenance to seven of the local boards. The experiment was of doubtful success, as the boards had neither the establishment nor the tools and plant necessary for the effective discharge of their duties. The introduction of the motor car, though necessarily on a very limited scale, into Assam, resulted in an agitation for better communications, the Legislative Council passing a resolution that five lakhs a year should be devoted from provincial revenues to this purpose. A Road Board has been constituted to advise Government on the administration of this special fund, and several of the roads made over to local boards will probably again be resumed by the Public Works Department.

24. A noticeable development in the expenditure of the local boards during the last few years has been in the provision of rural water-supplies, special grants for which were made by Government from the receipts derived from the increased stamp and court-fees, but at the budget session of 1928, the renewal of the Acts which raised the fees was refused by the Legislative Council.

25. The constitution of local boards differs from that of municipalities in that communal representation is not left to be settled by rule, but is definitely provided for in section (4), sub-section (2) of the Act, under which "the local Government shall, by notification, fix for each local board:—

(*a*) The total number of appointed and of elected members;

(*b*) The distribution of the elected members among the different sections of the community and in different localities; and

(*c*) The qualifications of members and of electors, or of any electoral body;

Provided that in making the distribution of members among the different sections of the community and in different localities under clause (*b*) the local Government shall take into consideration among other things the population of each such section, the area held and the local rates and taxes paid by each."

A further proviso was added that the local boards may elect a chairman, or at a meeting, attended by not less than two-thirds of the members, request the local Government to appoint a chairman. The local Government may, as in the case of municipal boards, appoint officers of Government as supernumerary members.

26. In 1926-27, 13 chairmen were elected and six were nominated. In distributing members of local boards amongst the different sections of the community 105 seats on 19 local boards have been reserved for Muhammadans and 86 seats on 15 boards for tea planters out of 376 total elected members.

27. Both in the case of municipal and local boards it is somewhat difficult to appraise the value of the work done. An experienced Deputy Commissioner reports his view that "there is an appreciable advance in the realization of responsibilities by the members of the local bodies." He thinks the old local bodies with official chairmen were more efficient in what they did, but the individual members had little sense of responsibility. As an instrument for educating non-officials in local self-government the old boards were of little use: the reverse is now the case." The suspicion is justified that with the removal of official chairmen responsible to superior officers, frequent inspection and, to some extent, personal interest in the working of the local bodies diminished. Doubtless the feeling prevailed that mere fault-finding was an ungracious task. Persistent criticism or frequent reports of bad work or failure to perform duties must place the Minister in an awkward position, and might either result in friction as between him and the inspecting officer or damage his position in the Legislative Council. It may be said that the cheerful disregard of advice given by the Local Self-Government Department to a few of the local bodies would not have been possible in a reserved department, and to this extent it is feared that at least in the earlier stages of development, popular control (as was indeed anticipated at the time) has impaired efficiency. Thus the failure of one municipal board to compose internal differences led to delay and to the eventual postponement of a filtered water-supply. The final result was a serious outbreak of cholera, the spread of which on a larger scale was only avoided by the personal activity of the Civil Surgeon, who, during the epidemic, practically assumed charge of the municipal health and conservancy

*Vide* Appendix, case 12.

administration. In the financial sphere, which may be regarded as an important test, audit has been applied by the same agency, though under provincial control, as in the past. In only one case* has there been an attempt to challenge this audit. The generality of defects noted—delay in replying to objections, irregularities in appropriation, irregular drawals of money, double payments, retention by employees of money in hand, irregular payments,† unsatisfactory measurements, inadequate accounts of stores, etc., and embezzlements—were of a character that could be, and were, alleged against the boards under official chairmen. Objections which are new or more common among certain boards appear to be—

*Vide Appendix, case 33.

†Vide Appendix, cases 5, 9, 10, 22, 25, 27, 28.

(1) Failure to take adequate action against defaulting servants;

*Vide* Appendix, cases 6, 8, 11, 13, 22, 28, 31,

(2) Irregularities in connection with the travelling allowance of board officials;

*Vide* Appendix, case 1.

(3) Failure to insist on the execution of deeds by the lessees of lands, etc.;

(4) "Failure of nearly all offices to secure vouchers in support of payments at the time that payments are made" (Report of 1927);

(5) Payments often made at rates higher than the tendered rates;

(6) Noticeable reluctance to proceed in accordance with the law against members of municipal boards who are in arrears of taxes; or well-to-do persons in like case;

*Vide* Appendix, case 12.

(7) Overpayments of salary and travelling allowance, and delay in recovering such overpayments.

The examiner of Local Fund Accounts in his report for 1926-27 states :—

"The Sunamganj Local Board is the only Board which, to my knowledge, has really been pressing dispensaries to attend to audit objections and to get their accounts in order. The accounts of the dispensaries under that Board have improved appreciably....."

Regarding the fact (not new) that local board estimates are often deviated from by the executive without the board's sanction, he notes "I have not yet noticed a case where a board has resented the usurping of its power in these matters."

A further extract is "I fear that too much is left to the (local board or municipal) office in account matters, and unless and until heads of offices personally study audit objections, try to understand the principles involved, and make their offices realise that the appearance of the same class of objection at a subsequent audit will not be excused, no material improvement can be expected."

28. It must be observed however that the responsibility to higher authority under which the official laboured has not been replaced by anything else in the case of the popular representatives. Comments on municipal and local management occur in the press, but are often inspired by faction, and have no means in any case of bringing pressure to bear. It is noticeable that the rate-payers' associations have decreased in the last eight years from six to three, instead of increasing. Owing to the action of the legislature no mode of bringing public opinion to bear on lax public officers exists except by a cumbrous and futile action in the courts. On only three occasions have boards tried to remove their chairman, though they have wished on several occasions to limit them or the vice-chairmen in matters of executive discretion.

*Vide* Appendix, cases 24, 25, 27, 14, 15, 34.

*Vide* Appendix, cases 12, 17, 22, 28, 31.

Faction, as possibly in all local institutions throughout the world, is present in the local bodies, particularly the municipalities, and leads to incongruous situations on occasion in the absence of any other local authority except that of the district officers, any interference by whom may be resented, to set it at rest.

*Vide* Appendix, cases 31, 34.

29. It has not been possible to obtain complete or accurate figures for the elections to local boards and municipalities in 1928. The figures obtained, however, indicate greater interest in them than before, owing, it is reported, to keener canvassing. Out of a (reported) electorate of 197,460 for the local boards 76,279 electors voted, *i.e.*, 39 per cent., as against a percentage of about 22 on the last occasion. For 306 seats in respect of which statistics are

available there were 662 candidates and 197 contests, as against 454 candidates and 129 contests for 221 seats on the last occasion. The percentage of voters in municipalities which have supplied comparative figures was 65, as against 49 on the last occasion. There were 387 candidates and 143 contests for 180 seats, as compared with 310 candidates and 130 contests for 173 seats on the last occassion. The results, however, show little change in the classes of representative chosen on the whole, though there have been different movements in the different bodies. The only considerable change is the reduction of the number of elected tea planters under the recent reconstitution of the local boards. They form 28 per cent. of the elected members and 24 per cent. of the total membership on the boards which have planting members, as against the previous percentages of 39 and 30 respectively. There are small increases in the proportions of landholders and professional men returned. In local boards landholders (including *mauzadars*) continue to occupy about 23 per cent. of the seats, agriculturists 15 per cent., lawyers 20 per cent., and other professional men 10 per cent. Trade and commerce supply only 10 per cent. of the members. In municipalities 12 per cent.. are landholders, 37 per cent.. lawyers, 19 per cent.. other professional men, and 16 per cent. traders. Only four members of municipal boards and one of local boards have been classified in these returns as belonging to the depressed classes as against two at the last elections. The increase of members appears, however, to have resulted in a somewhat larger number of candidates being returned to the local boards who reside in rural areas. Reports indicate that landholders and *mauzadars*, and in some places lawyers, were very influential in canvassing. The defects of open voting have also been commented upon.

*Vide* Appendix, case 2.

The reports also show that politics are not generally of importance in relation to elections to the local bodies, candidature ordinarily running on personal or faction lines, and not on the lines of party.

The first regular elections to the eight reconstituted small towns resulted in a poll of 56 per cent. out of 1,952 voters. Twenty-one out of the thirty-two seats were contested, and there were seventy candidates.

Two local boards of which the chairmen had before the elections of 1928 been officials decided on this occasion to

elect non-officials as their chairmen. On the other hand five local boards, of which one had previously a non-official chairman, have in the first instance requested Government to appoint officials.

Mention has been made in Chapter I of the memoranda of the election petitions raised on the election of Muhammadans to fill non-Muhammadan seats.

### Village Authorities.

30. Upon the recommendations of the Decentralization Commission the Local Self-Government Act of 1915, with subsequent amendments, provided for the constitution of village authorities under the ægis of the boards, which might delegate minor duties to such authorities and make grants for the fulfilment of such duties. By notifiation under the Scheduled Districts Act in 1920 certain provisions of the Bengal Village Self-Government Act, 1919, were also imported for the purpose of constituting village courts and criminal benches to try petty cases. In 1924 the Minister for Local Self-Government reviewed the history of village organization, and announced his opinion that the problem required tackling on much broader lines. He pointed out that while there were 25,080 villages in the province, there were only 204 village authorities and 84 judicial institutions, the majority of which owed their existence to the enthusiasm of a district officer, and hardly touched the fringe of the problem. He considered that it was necessary to take drastic steps to quicken the dead spirit of rural organization, to finance it adequately, and to free it from the paralyzing control of the local boards. In particular, he was anxious for a real effort to deal with the absence of a good water-supply in rural areas. Opinion when consulted on the detailed proposals was very various. The strongest objections were taken by official opinion to the proposals that the whole province should be parcelled out into areas to be constituted village authorities without regard to demand, that the *chaukidari* control should be handed over to the authorities, and that they should be charged with medical relief, to be achieved by a system of subsidizing doctors, the dispensaries being *pari passu* done away with. Non-officials chiefly took exception to the executive control proposed to be maintained, to the lack of provision for giving the authorities a share of the boards' income, and to the provision for a limited power of taxation. It was however pointed out even by a leader of the

*Swarajist* party, which opposes taxation generally, that there is plenty of evidence of a will on the part of villagers to contribute funds for local needs. The Police Department objected to the handing over of the *chaukidars* (or village watch and ward) to the authorities, as had been suggested by the Decentralization Commission. It was considered that this would mean the loss of what was in this province an essential link between the police and the villagers, which could only be cured by an expensive extension of investigating centres; and the Judicial Member considered that the authorities would be unable or unwilling to take up the duties of crime report, epidemic report, vital statistics and many others performed by the *chaukidars*. He suggested that the proposal might be tried in selected authorities which had proved their worth. It had been also suggested that the percentage of collections payable as remuneration for the collection of the tax, and the savings possible by a reduction in number of the *chaukidars*, should be made available for the authorities, or alternatively the *chaukidari panchayats* converted into authorities. As a compromise it was provided that Government might in its discretion require the authorities to exercise the powers of the *panchayats* and perform prescribed duties, raising a rate equivalent to the *chaukidari* tax for the purpose.

31. It was decided at a Government meeting that a bill might be drafted pending the decision as to the transfer of Sylhet, and subsequently that it should be circulated. A bill making a practical attempt to achieve the Minister's ends was therefore drafted and passed into law with few changes in 1926, as the Assam Rural Self-Government Act (Assam Act VII of 1926). In introducing it the Minister said "As past experience shows that the village courts and benches have an extraordinary fascination for our villagers, the consequence is that they often busy themselves with the more imposing duties, and neglect the primary duties of water-supply, sanitation and medical relief and so forth." It provided for the compulsory institution of enquiries throughout the plains areas as to the demand and suitability of conditions for the constitution of village authorities, and where *desiderata* were met, the creation, for "any local area wholly or partly appropriated to human habitations" of corporate and wholly elective bodies. These were to be charged with village communications and buildings, conservancy, water-supply, prevention of diseases, medical relief, and vaccination, and chargeable with watch and

ward and the management of other such matters (including village forests and education, though this latter was not expressly mentioned); the bill provided also for the appointment of village courts and benches. The difference of opinion as to whether the "village" should be a homogenous collection of houses or a group of such collections, was thus left to be decided as the occasion arose. Finance was provided for by a village development fund to be supported by Government, and a power to raise funds for special needs; to the fund were to be carried any contributions from the local boards or private sources, fees for grazing or fuel, and fines and fees from the judicial institutions. The authorities were to be controlled by a registrar, who might with the approval of Government delegate any of his functions to district officers. Many powers, including that of removal of a member, were confined to Government, and the contact of the local administrative officers, save so far as such delegation might be made, was to be *nil*. Rules under the Rural Self-Government Act have only just been framed, and in consequence no action has yet been taken under the Act.

32. The measure was interesting as the first large constructive step in local self-government during the reforms. It imported a new principle in permitting surcharge entirely at the discretion of Government for loss or misapplication due to misconduct or gross (the adjective "wilful" was not here applied) neglect. There were other matters in which the Act ran counter to the provisions of other measures in force. In the Select Committee proposals that there should be nominated members and communal representation were defeated. A proposal to enfranchise women was also defeated by the casting vote, and this reversion from the decision taken as regards election to the Council was not explained or criticized in Council. The conditions of appointment to the courts and benches were a matter of much controversy in the Committee and in Council. The Minister wished the members to be ordinarily elected members of one or more authorities. His view was supported by members who disliked the grant to Government of discretion in the selection. It was opposed by official members on the ground that it would result in there being too many petty institutions and would involve the dangerous principle of making judicial authorities subservient to election, and by non-officials on the ground that it would entail loss of the services of suitable

persons who would not seek election; and one member pointed out that it violated the principle of the separation of executive and judicial functions. The principle adopted was that the courts and benches might be for one or more villages, and the members might or might not be members of the authorities.

33. The Act provided that the registrar might be either an official or a non-official. In 1927 a resolution was moved by a *Swarajist* member that he should be a non-official. The motive was frankly political, reference being made to the attitude of Government towards the arbitration courts of the non-co-operation campaign, and the mover stating his object to be that these village authorities should not be "utilised as a bureaucratic stronghold with a view to destroy the ambition and ideals of the people." He stated however that his party were not making this a party question. The resolution was withdrawn, on the Minister promising to take the sense of the House into consideration in making the appointment. As this was interpreted in some quarters as a promise to take the sense of the House at the time of making the appointment, he made a subsequent statement that he had not engaged that the House should elect this official.

34. It is too early yet to form any estimate of the value of village authorities or to express any opinion as to the possibility of future development. The 239 already in existence were created by the enterprise and enthusiasm of local officers, chiefly in the district of Kamrup. According to recent reports they are apt to become inert, though considerable interest is shown in any judicial work made over to the village union, and the work done has been generally of a useful nature. The total receipts in 1926-27 amounted to less than a lakh, of which Rs. 30,000 was contributed by local boards. In the district of Kamrup Rs. 23,000 was raised by the village authorities. With the spread of education it may be hoped that in time something will have been done towards the revival of the old village *panchayat*. Rules under the Assam Rural Self-Government Act have not yet been published. It has now not been found possible for financial reasons to create the post of registrar. In the early stages, at any rate, the development of these village authorities will be left to the local officers, to whom the powers of the registrar will be delegated.

## Relationship with officials of the Provincial Government.

35. It has been observed that the boards work in many instances with or through departmental officers. Deputy inspectors of schools, veterinary assistants, inspectors and sub-inspectors of vaccination, and, in many cases, sub-assistant surgeons, are officers of the Government Departments. The spheres of education, curative medicine, preventive medicine, and public works continue to engage Government activity side by side with that of the boards, and the experts are in all cases officers of Government, the Executive Engineer, the Civil or Assistant Surgeon, and the Inspector of Schools with his assistants. These experts, with the District or Subdivisional Officers, have now been deprived of active membership of the local bodies, and their position in administration has been made mainly advisory, saving the District Officer's emergency powers, the control of the Executive Engineer over technical estimates, and the partial control over establishments.

36. The Executive Engineer is *ex-officio* Inspector of local works and may be one of the supernumerary members of the local board who can speak but not vote. Under section 81(5) of the Local Self-Government Act "every board within the charge of an Inspector of local works shall, in all matters of professional detail, be guided by his report."

37. The Executive Engineer is declared not to be subordinate to the board or chairman, but while he is responsible for the preparation of the more important plans and estimates, and must inspect and report on works, there is no provision requiring that his opinion should be followed. On the application of the board, he may be called upon by the Chief Engineer to plan and execute any work of importance or difficulty on behalf of the board. In such case he is not responsible to the board, but must comply with its wishes regarding the order in which the works are to be carried out, and must supply such information as the chairman may require. The Civil Surgeon's authority in professional matters is final; in other matters he may call the attention of the managing committee of a dispensary to any irregularity or other circumstance, but they need only consider his communication. Similarly the boards are bound on all occasions to take the opinion of the Director of Public Instruction and the Inspector into consideration.

While the deputy inspector remains an officer of the Education Department, he is the immediate educational adviser of the board, but is also responsible for checking pay bills. There is no provision as to the authority which his advice is to carry. In matters of detail the relations of Government officers with the boards are matters of complicated rule. In practice they naturally in such circumstances depend mainly on the personal equation.

*Vide* Appendix, cases 12, 20, 21, 30, 31, 35, 36.

38. In health matters it is complained that the boards, though paying lip service in full and displaying indeed marked enthusiasm, are often not prepared to accept the advice of medical experts, especially when heavy expenditure is involved, or expenditure not producing a visible result. For instance, a municipal board long neglected to take any action to chlorinate their water-supply, though the public health and public works officers considered this necessary, and the method proposed was inexpensive.

*Vide* Appendix, cases, 4, 12, 20, 30, 36.

39. In engineering matters the complaint of the Inspectors has been that the boards are not equipped with an adequate engineering staff, particularly to cope with the departmental roads made over to them, and that in enthusiasm for the extension of communications they are satisfied with specifications which in the view of the Public Works Department are defective, and lacking in foresight as to future up-keep, and that estimates framed by the department are not followed. After His Excellency the Governor had seen some of the works in their charge, it was decided that no further works should be made over, pending decision of the road board as to the roads to be maintained by the Pubilc Works Department, under the scheme approved by the Legislative Council.

*Vide* Appendix, cases 21, 31, 35.

### Control by the Provincial Government.

40. The development of the local bodies has suffered from the fact that the decision to give them a real measure of independence and popular control coincided with the throwing into the melting pot of the machinery of Government, and with an unexpected financial stringency which would, in any case, have made any thorough reorganisation or demarcation of the provincial and local spheres of taxation and administration impossible. Among measures which the Government of India in their resolution of 1918

considered should be applied in connection with development of these institutions, the following are some in which actual development has proceeded on other lines :—

(1) In local boards it was considered that the withdrawal of official chairmen should be accompanied by the appointment of special executive officers to be approved by, and removable only by Government. It was decided that the local boards could not pay for such officers.

(2) Gradual relaxation of control over the taxation of municipal bodies and permission to vary the cess, within limits, to local boards. In practice the difficulty has been not to restrain local bodies in the exercise of their taxing powers, but to induce them to undertake any taxation. In this respect they are microcosms of the Council.

(3) The grant of full control to local bodies over the expenditure of their funds in their proper spheres, and the removal of dictation by Government in matters of detail. This recommendation was couched in vague terms, but appeared to imply that a board should have control in administration.

(4) The creation of a central authority armed with adequate powers. The Government of India considered that while the relaxation of control from the inside might logically be accompanied by closer control from the outside, especially as regards sanitary improvement on modern lines, the local bodies should generally be left to make mistakes rather than be led in harness. They recommended, however, that a central board after the model of the Ministry of Health should be created to provide for control and guidance through a body of experts, and in the alternative the appointment of a standing committee largely selected from the new Council. The committee appointed to examine local self-government in England pointed out that the control of the ministry there appeared to be much more strict than that which the Government of India's resolution intended. They also observed that the practice in

England was not to give free grants at least for such works as water-supply, or drainage schemes, and that the adequate fulfilment of duties was guaranteed by a public opinion powerful enough even to obtain a conviction of the London County Council, and to insist on losses due to inefficiency or dishonesty being recovered by surcharge. The Chief Commissioner was in favour of such a board, but thought it might clog the responsibility of a Minister. The future Minister when consulted wrote "The essential difference between England and India in the matter of local self-government seems to be that in England local bodies are compelled to maintain a certain standard of efficiency in the works in their charge, leaving them free option to find the money by taxation at their will, while in India funds and the power of taxation are limited. and local bodies are expected to maintain or to undertake only such work and in such efficiency as their funds allow. The municipal and local boards should, therefore, in my opinion, have greater latitude in making their own programme of work without much outside interference, while it should be the duty of the Government to see that in the works so undertaken the standard of efficiency and the method of work are in accordance with rules and orders of the central authority, the Government Department under the Minister." He would like to see the control of the Commissioner and the Deputy Commissioner replaced by that of experts in the various branches, sanitary, educational and engineering. He thought it would be sufficient to give the Minister an advisory committee. It was later considered, however, that it would be sufficient to appoint such a committee, when required, for particular purposes.

41. For the causes mentioned, while no central authority other than the Minister has been created, fresh powers have not been taken by Government. In the course of legislation the powers of administrative officers have been reduced, or transferred to Government, in pursuance of the

general desire displayed, especially by the committee appointed to advise on the amendment of the Local Self-Government Act; but this process has not been accompanied by accession of powers or expert machinery to the central authority. The existing powers consist in—

(1) The withdrawal of grants.—Local Self-Government Act, Section 23 (2), Municipal Act, Section 51.

(2) Supersession.—Local Self-Government Act, Section 85, Municipal Act, Section 293.

(3) Removal of officers or members.—Local Self-Government Act, Section 7, Municipal Act, Section 20.

(4) Suspension of resolutions.—Local Self-Government Act, Section 82, Municipal Act, Section 291.

(5) Compulsion in the performance of particular duties in the event of default.—Local Self-Government Act, Section 83, Municipal Act, Section 292.

(6) Power to require dismissal of officer or servant.—Local Self-Government Act, Section 88.

42. Funds have not permitted the appointment of an expert inspectorate. In fact it has not been deemed desirable to inflict expert advice on the boards as necessary to be followed. In Medical, Health, Education, and Public Works, their duties are performed by departmental officers, the Civil Surgeon, the Inspector of Schools, and the Executive Engineer, etc. They have multifarious other duties: their contact with the board could never be close: and has been further relaxed by their position being made supernumerary. The Audit Department, as anticipated by the first Minister, has been given a special position, but its powers have proved wanting in legal authority for the purpose of carrying out its demands. This was due to early recognition, before the reforms, of the risk involved in giving powers to auditors of the existing inferior capacity, and the danger of discouraging non-official enthusiasm. The officers charged with inspection are responsible not to the Local Self-Government Department

*Vide* Appendix, cases 20, 30.

*Vide* Appendix, cases 24, 25, 27, 28, 32.

alone, but to several other departments. Meanwhile the administrative officers are similarly responsible to their own department and the boards, and only indirectly to the Local Self-Government Department. The rules, also, having been framed with reference to enactments and conditions antecedent to the popularisation of the boards, as for instance in the case of health officers or the education rules, lead to lack of definition in relations and spheres of duties. Friction, therefore, has been frequent, and where the Minister has come into contact with such friction he has been handicapped by the multiplicity of authorities involved. Even before the reforms the official chairmen, who were employed in most local boards and some municipalities, were limited by their subservience to a majority on the board, and official control was by no means always heeded, but the enactments and rules often proceed on an assumption that orders of superior authority will be obeyed without questioning their strict legal basis, which is scarcely consistent with the general introduction of non-official chairmen.

*Vide* Appendix, case 36.

43. These considerations have led not only to the sins of the boards being those rather of omission than of commission, but also to the contact of the Ministry being largely confined to cases of friction and demands for help. The policy has tended to be that inaugurated by the resolution of 1918, to leave the boards as independent as possible, and is one of inaction. Where the Ministry has interfered in a matter of commission, its authority has not been questioned by the boards, but it has not hitherto been found desirable to deal with cases of omission by the use of drastic powers even when, as in the case of the water-works mentioned above, specific agreements and conditions imposed by Government have been ignored. Demands by the inspecting authorities for improvement in the boards' activities have frequently been answered by promises to fulfil them as and when funds permit, and the fact that inspection is neither continuous in action, nor under the control of the Local Self-Government Department, prevents the watch on fulfilment from being steadily pursued. The Minister has requested the boards to recruit officers for their establishment only within the province, and to consult Government, if it is proposed to go outside, but has no official means of knowing if his behest is obeyed.

*Vide* Appendix, cases 3, 19, 23, 28, 29, 30.

*Vide* Appendix, case 13.

44. Ten members of local bodies were removed by Government, five for non-attendance and five on account of offences. Of the latter, two were convicted of offences during the non-co-operation movement. The Minister raised the question whether, as such persons would be eligible for election to the legislature, it would be proper to exclude them from local bodies. He expressed no opinion, but asked for the advice of the Governor, suggesting that the views of the Government of India be obtained. The Governor, after discussion at the headquarters of the Government of India, stated that local bodies differed in this respect from the legislatures, inasmuch as their purpose was different, candidature in the Councils being the right way for such persons to obtain their ends, while Government could not permit, for instance, the political capture of local bodies with the intention of organising them in hostility to Government. Cases in local bodies should therefore be considered on their merits. The Minister accepted this advice.

*Vide* Appendix, cases 14, 15, 16, 17, 18.

45. The resolutions of municipal or local boards have been suspended on five occasions. These are detailed in the appendix.

46. An attempt of a local board to introduce their own curriculum in the primary schools in reliance on the ambiguous wording of the rules was resisted by the Education Department and the Minister of Local Self Government overruled the board.

47. The bye-laws framed by local bodies had on certain occasions to be interfered with, but only on technical grounds.

48. The Council's attitude to the local bodies was one of little interference and of benevolence at the expense of provincial funds. Only four resolutions were adopted with reference to them. Of these two have been mentioned, those which recommended the formation of the committee to propose amendments to the Local Self-Government Act, and the grant of power to local boards to tax and control vehicles. A resolution of 1927 requested that the Government grant to local boards should be raised by 50 per cent. The Government were unable in view of the many demands on provincial revenues to undertake a commitment which would amount, as ascertained from the mover (whose wording was ambiguous) to more than 10 lakhs, a very

considerable fraction of provincial revenues. The Minister, however, formed a committee to deal with anomalies which had in course of time arisen in the distribution of grants for general purposes as between board and board. This committee recommended an adjustment in the case of certain boards so as to enable grants to be made to three boards which had hitherto received none. The Minister, after the matter had been raised in Council, proposed that these three boards and others which received less than they were entitled to on the method of distribution adopted when the grants were allotted 30 years before, should be given grants from provincial revenues, and this proposal, accepted with some demur from the Finance Department, is now awaiting funds. The fourth resolution dealt with the purely local question of water-supply in two municipalities. The Government announced readiness to consider any scheme put forward by the bodies concerned, and schemes are now under consideration.

## STATEMENT I.

*Constitution of Local Boards.*

| — | 1919-20. | 1926-27. | Under new constitution. |
|---|---|---|---|
| Number of boards .. .. | 19 | 19 | 19 |
| Population .. .. | 6,051,507 | 6,853,176 | .. |
| No. of elective chairmen .. | 1 | 13 | 19 |
| No. of elective official chairmen .. | *Nil* | *Nil* | *Nil* |
| No. of nominated chairmen .. | 18 | 6 | *Nil* |
| No. of *ex-official* members .. | 77 | 45 | *Nil* |
| No. of nominated members .. | 45 | 59 | 67 |
| No. of elected members .. | 208 | 276 | 376 |
| Total .. | 330 | 380 | 443 |
| No. of Europeans .. .. | 115 | 88 | .. |
| No. of Indians .. .. | 215 | 292 | .. |
| Average attendance (non-official) at meetings. | 60·44% | 63·31% | .. |

## STATEMENT II.

*Income of Local Boards.*

| — | 1919-20. | | | 1926-27. | | |
|---|---|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Land Revenue including bazaars. | .. | 59,226 | .. | .. | 89,668 | .. |
| Local rates .. .. | .. | 9,15,937 | .. | .. | 9,69,738 | .. |
| Cattle trespass, etc. .. | .. | 1,42,720 | | .. | 1,74,955 | .. |
| School fees .. .. | .. | 10,868 | .. | .. | 7,899 | .. |
| Education, miscellaneous .. | .. | 4,850 | .. | .. | 2,569 | .. |
| Medical, miscellaneous .. | .. | 1,115 | .. | .. | 635 | .. |
| Tolls .. .. | .. | 1,30,951 | .. | .. | 2,02,724 | .. |
| Civil works .. .. | .. | 5,452 | .. | .. | 12,758 | .. |
| Contributions :— | | | | | | |
| *Educational*— | | | | | | |
| From Government .. | 4,50,803 | .. | .. | 6,39,232 | .. | .. |
| „ other sources .. | 2,165 | .. | .. | 2,597 | .. | .. |
| | | 4,52,968 | | | 6,41,829 | |
| *Medical*— | | | | | | |
| From Government .. | 69,420 | .. | .. | 2,04,123 | .. | .. |
| „ other sources .. | 12,638 | .. | .. | 36,265 | .. | .. |
| | | 82,058 | | | 2,40,388 | |
| *Civil works*— | | | | | | |
| From Government .. | 3,45,769 | .. | .. | 11,22,115 | .. | .. |
| „ other sources .. | 2,273 | .. | .. | 16,383 | .. | .. |
| | | 3,48,042 | | | 11,38,498 | |
| *General*— | | | | | | |
| From Government .. | .. | 1,97,409 | .. | .. | 2,17,443 | .. |
| Miscellaneous .. .. | .. | 14,335 | .. | .. | 10,941 | .. |
| Total .. | .. | .. | 23,65,931 | .. | .. | 37,10,045 |
| | | | Rs. a. p | | | Rs. a. p. |
| Incidence of taxation on head of population. | .. | .. | 0 2 5 | .. | .. | 0 2 3 |
| Incidence of income per head of population. | .. | .. | 0 6 3 | .. | .. | 0 8 8 |
| Percentage of Government grants to total income. | .. | .. | 45% | .. | .. | 58% |

# STATEMENT III.

*Expenditure of local boards.*

| —— | 1919-20. | | | 1926-27. | | |
|---|---|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Bazaars .. .. | .. | .. | 2,796 | .. | .. | 3,176 |
| Local rates .. .. | .. | .. | 9,568 | .. | .. | 45,677 |
| Administration .. | .. | .. | 57,248 | .. | .. | 1,12,927 |
| Superannuation .. | .. | .. | 10,256 | .. | .. | 29,533 |
| Stationery and Printing .. | .. | .. | 9,512 | .. | .. | 13,349 |
| Pounds .. .. | .. | .. | 15,487 | .. | .. | 6,257 |
| Schools, special .. | .. | 3,624 | .. | .. | 9,839 | .. |
| „ middle .. | .. | 1,02,208 | .. | .. | 1,32,972 | .. |
| „ primary .. | .. | 6,38,317 | .. | .. | 8,43,373 | .. |
| Grants-in-aid .. .. | .. | 25,428 | .. | .. | 38,120 | .. |
| Scholarships and contribution. | .. | 24,229 | .. | .. | 26,969 | .. |
| Buildings .. .. | .. | 82,543 | .. | .. | 75,833 | .. |
| Miscellaneous .. .. | .. | 12,195 | .. | .. | 17,619 | .. |
| Total .. | | | 8,88,544 | | | 11,44,725 |
| *Medical and Sanitation—* | | | | | | |
| Hospitals and Sanitation | .. | 1,60,843 | .. | .. | 2,95,055 | .. |
| Vaccination and Sanitation. | .. | 35,937 | .. | .. | 46,863 | .. |
| Epidemics .. .. | .. | 16,769 | .. | .. | 15,210 | .. |
| Medical education .. | .. | 738 | .. | .. | 5,179 | .. |
| Contributions .. | .. | 83,718 | .. | .. | 1,80,912 | .. |
| Buildings .. .. | .. | 18,592 | .. | .. | 61,773 | .. |
| Miscellaneous .. | .. | 1,955 | .. | .. | 2,809 | .. |
| Total .. | | | 3,18,552 | | | 6,07,801 |
| *Scientific—* | | | | | | |
| Veterinary .. .. | .. | 28,589 | .. | .. | 37,253 | .. |
| Cattle-breeding .. | .. | 809 | .. | .. | 359 | .. |
| Contributions .. | .. | 22,328 | .. | .. | 27,846 | .. |
| Total .. | | | 51,726 | | | 65,458 |
| Contributions and rewards.. | .. | .. | 26,245 | .. | .. | 20,615 |
| *Civil works—* | | | | | | |
| Buildings .. .. | .. | 7,256 | .. | .. | 25,207 | .. |
| *Communications—* | | | | | | |
| Original works .. | 1,65,741 | .. | .. | 3,98,496 | .. | .. |
| Repairs .. .. | 4,49,571 | .. | .. | 6,32,400 | .. | .. |
| Total .. | | 6,15,312 | | | 10,30,896 | |
| *Water-supply—* | | | | | | |
| Original works .. | 78,057 | .. | .. | 3,77,540 | .. | .. |
| Repairs .. .. | 19,174 | .. | .. | 27,570 | .. | .. |
| Total .. | | 97,231 | | | 405,110, | |
| *Drainage—* | | | | | | |
| Original works .. | 338 | .. | .. | 1,048 | .. | .. |
| Repairs .. .. | 3,147 | .. | .. | 731 | .. | .. |
| Total .. | | 3,485 | | | 1,779 | |
| Other works .. | .. | 7,708 | .. | | 5,001 | .. |
| Total works .. | .. | .. | 7,30,992 | .. | .. | 14,67,993 |
| Establishment, tools and plant. | .. | .. | 82,403 | .. | .. | 1,45,178 |
| C. W. Miscellaneous .. | .. | .. | 4,816 | .. | .. | 11,453 |
| Miscellaneous .. .. | .. | .. | 1,322 | .. | .. | 20,427 |
| Total .. | .. | .. | 22,21,366 | .. | .. | 36,94,569 |

# STATEMENT IV.

*Work done by local boards.*

| — | 1919-1920. | | 1926-1927. | |
|---|---|---|---|---|
| **ASSAM VALLEY.** | | | | |
| Number of viallage authorities .. .. | .. | 77 | .. | 208 |
| *Receipts of village authorities—* | Rs. | Rs. | Rs. | Rs. |
| From Government .. | *Nil* | .. | 622 | .. |
| From Local Boards .. .. | 4,964 | .. | 15,085 | .. |
| From other sources .. .. | 8,803 | .. | 37,337 | .. |
| | | 13,767 | | 53,044 |
| Expenditure of village authorities .. | .. | 10,510 | .. | 54,443 |
| Number of lower primary schools .. | .. | 1,796 | .. | 1,890 |
| Mileage of roads .. .. .. | .. | 2,980 | .. | 3,587 |
| Number of dispensaries maintained and aided | .. | 70 | .. | 77 |
| **SURMA VALLEY.** | | | | |
| Number of village authorities .. .. | .. | 6 | .. | 31 |
| *Receipts of village authorities—* | Rs. | Rs. | Rs. | Rs. |
| From Government .. .. | 350 | .. | *Nil* | .. |
| From Boards .. .. .. | 6,166 | .. | 15,202 | .. |
| From other sources .. .. | 214 | .. | 5,800 | .. |
| | | 6,730 | | 21,062 |
| Expenditure of village authorities .. | .. | 4,934 | .. | 20,688 |
| Number of lower primary schools .. | .. | 1,540 | .. | 1,597 |
| Mileage of roads .. .. .. | .. | 1,559 | .. | 2,058 |
| Number of dispensaries maintained and aided | .. | 57 | .. | 63 |

| | 1919-20. | 1922-23. | 1926-27. |
|---|---|---|---|
| Total schools, lower primary, Assam .. | 3,336 | 3,440 | 3,487 |
| Total pupils, all schools, Assam .. | .. | 160,817 | 191,524 |

## STATEMENT V.

*Percentage of expenditure on various functions from income not earmarked fo other purposes such as contributions for Public Works Department roads made over to certain boards, etc.*

| — | 1919-20. | 1920-21. | 1921-22. | 1922-23. | 1923-24. | 1924-25. | 1925-26. | 1926-27. |
|---|---|---|---|---|---|---|---|---|
| Education .. .. | 31 | 31 | 27 | 33 | 28 | 27 | 28 | 29 |
| Roads .. .. | 30 | 23 | 27 | 30 | 26 | 26 | 27 | 24 |
| Medical aid .. .. | 17 | 19 | 23 | 25 | 21 | 21 | 21 | 23 |

## STATEMENT VI.

*Constitution of Municipalities and Unions.*

| — | 1919-20. | 1926-27. |
|---|---|---|
| | Act III of 1884 and Act V of 1876. | Assam Municipal Act of 1923. |
| Number of municipalities .. .. | 15 | 17 |
| Number of Unions (town committees) .. | 10 | 8 |
| Average population of municipalities .. | 7,827 | 8,692 |
| Average population of unions .. | 1,823 | 2,392 |
| Number of elected non-official chairmen.. | 13 | 15 |
| Number of nominated non-official chairmen | 4 | 5 |
| Number of elected official chairmen .. | 1 | *Nil.* |
| Number of nominated official chairmen .. | 7 | 5 |
| Number of *ex-official* members .. | 40 | 1 |
| Number of nominated members .. | 87 | 62 |
| Number of elected members .. | 123 | 232 |
| *Total number of rate-payers—* | | |
| Municipalities .. .. .. | 20,305 | 24,689 |
| Unions .. .. .. | 4,662 | 4,341 |
| Average attendance of non-officials at mee ings. | 58·492 Per cent. | 62·752 Per cent. |
| *Average number of rate-payers—* | | |
| Per municipality .. | 1,354 | 1,452 |
| Per union .. .. .. | 466 | 542 |

# STATEMENT VII.

## *Income of Municipalities and Unions.*

| — | 1919-20. | | | 1926-27. | | |
|---|---|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| *Taxation—* | | | | | | |
| Houses and lands .. | 1,20,420 | .. | .. | 1,84,440 | | |
| Tax on persons .. | 32,415 | .. | .. | 42,150 | | |
| Professions and trades .. | 700 | .. | .. | 1,134 | | |
| Animals and vehicles .. | 26,395 | .. | .. | 61,124 | | |
| Water rate .. .. | 74,192 | .. | .. | 1,21,626 | | |
| Lighting rate .. .. | *Nil* | .. | .. | 9,557 | | |
| Conservancy .. .. | 1,01,707 | .. | .. | 1,57,016 | | |
| Tolls .. .. | 22,891 | .. | .. | 39,419 | | |
| Miscellaneous .. .. | 602 | .. | .. | 753 | | |
| Total taxation .. | | 3,79,322 | | | 6,17,219 | |
| Pounds .. .. | .. | 27,059 | .. | .. | 25,723 | |
| Hackney carriages .. | .. | 492 | .. | .. | 822 | |
| Rents of lands, houses, etc. | .. | 11,183 | .. | .. | 15,812 | |
| Sale-proceeds of lands, etc. | .. | 1,026 | .. | .. | 1,359 | |
| Conservancy receipts .. | .. | 1,862 | .. | .. | 1,715 | |
| Fees from educational institutions. | .. | 1,651 | .. | .. | 2,624 | |
| Markets and slaughter houses | .. | 58,514 | .. | .. | 1,19,447 | |
| Fines .. .. | .. | 3,952 | .. | .. | 5,353 | |
| Interest on investments .. | .. | 200 | .. | .. | *Nil* | |
| *Contributions—* | | | | | | |
| From Government— | | | | | | |
| For educational .. | 580 | .. | .. | 285 | .. | |
| „ medical .. | 13,357 | .. | .. | 30,297 | .. | |
| „ general purposes .. | 1,60,175 | .. | .. | 1,59,111 | .. | |
| | | 1,74,112 | | | 1,89,693 | |
| From Local bodies— | | | | | | |
| For educational .. | 456 | .. | .. | 7,285 | .. | |
| „ medical .. | 340 | .. | .. | 340 | .. | |
| „ general purposes .. | 5,675 | .. | .. | 4,940 | .. | |
| | | 6,471 | | | 12,565 | |
| From other sources— | | | | | | |
| For educational .. | *Nil* | .. | .. | 168 | .. | |
| „ medical .. | 90 | .. | .. | 740 | .. | |
| „ general purposes .. | 2,971 | .. | .. | 6,470 | .. | |
| | | 3,061 | | | 7,378 | |
| Miscellaneous .. .. | .. | 16,824 | .. | .. | 40,545 | |
| Total .. | .. | | 6,85,729 | | | 10,40,255 |
| | | | Rs. a. p. | | | Rs. a. p. |
| Incidence of taxation per rate-payer. | .. | .. | 15 3 1 | .. | .. | 21 4 2 |
| Incidence of income per head of population. | .. | .. | 5 0 10 | .. | .. | 6 3 9 |
| Maximum incidence of taxation per head of population. | .. | .. | 6 2 1 | .. | .. | 8 3 3 |
| Minimum incidence of taxation per head of population. | .. | .. | 0 4 11 | .. | .. | 1 2 0 |

## STATEMENT VIII.

*Expenditure of Municipalities and Unions.*

| — | 1919-20. | | | 1926-27. | | |
|---|---|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| General administration and collection.. | .. | 51,472 | .. | .. | 87,557 | |
| Provident fund.. .. | | 1,859 | .... | .. | 5,777 | |
| Fire establishment .. | .. | 151 | .. | .. | 239 | |
| Lighting .. .. | .. | 33,636 | .. | .. | 49,970 | |
| *Water-supply—* | | | | | | |
| Capital .. .. | 33,313 | .. | .. | 11,670 | .. | |
| Establishment and repairs | 70,084 | .. | .. | 1,06,914 | .. | |
| Total .. | | 1,03,397 | | | 1,18,584 | |
| *Drainage—* | | | | | | |
| Capital .. .. | 13,749 | .. | .. | 2,644 | .. | |
| Establishment and repairs | 12,352 | .. | .. | 19,674 | .. | |
| Total .. | | 26,101 | | | 22,318 | |
| Conservancy .. | .. | 1,93,578 | .. | .. | 2,76,825 | |
| Health officers and sanitary inspectors. | .. | 4,179 | .. | .. | 4,195 | |
| Hospitals and dispensaries | .. | 18,531 | .. | .. | 35,130 | |
| Public health .. .. | .. | 8,159 | .. | .. | 11,806 | |
| Markets and slaughter-houses | .. | 7,658 | .. | .. | 22,016 | |
| Pounds .. .. | .. | 7,138 | .. | .. | 8,561 | |
| Veterinary .. .. | .. | 50 | .. | .. | 127 | |
| *Public Works—* | | | | | | |
| Establishment and stores | 16,474 | .. | .. | 25,080 | .. | |
| Buildings .. .. | 10,881 | .. | .. | 13,530 | .. | |
| Roads .. .. | 83,929 | .. | .. | 1,55,952 | .. | |
| | | 1,11,284 | | | 1,94,562 | |
| *Education—* | | | | | | |
| Schools and colleges .. | 29,877 | .. | .. | 86,776 | .. | |
| Contributions .. | 11,147 | .. | .. | 15,839 | | |
| Libraries, etc. .. | 3,525 | .. | .. | 5,291 | .. | |
| | | 44,549 | | | 1,07,906 | |
| Contribution to other institutions. | .. | 1,022 | .. | .. | 5,416 | |
| Miscellaneous including interest and arboriculture. | .. | 28,391 | .. | .. | 45,095 | |
| Total .. | | | 6,41,155 | | | 9,96,084 |

## STATEMENT IX.

*Demand, Collection and Remission in Municipalities and Unions.*

| — | 1919-20. | | 1926-27. | |
|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. |
| *Demand—* | | | | |
| Arrears .. .. | 18,092 | .. | 31,376 | .. |
| Current .. .. | 3,86,099 | .. | 6,33,364 | .. |
| | | 4,04,191 | | 6,64,740 |
| *Collection—* | | | | |
| Arrears .. .. | 10,452 | .. | 16,293 | .. |
| Current .. .. | 3,66,929 | .. | 6,01,783 | .. |
| | | 3,77,381 | | 6,18,076 |
| *Remissions—* | | | | |
| Arrears .. .. | 4,445 | .. | 2,269 | .. |
| Current .. .. | 5,467 | .. | 7,521 | .. |
| | | 9,912 | | 9,790 |
| Outstanding balance .. | .. | 16,898 | .. | 36,874 |

## STATEMENT X.

*Indebtedness of Municipalities.*

| — | 1919-20. | | 1926-27. | |
|---|---|---|---|---|
| Number of municipalities in debt | .. | 5 | .. | 7 |
| | Rs. | Rs. | Rs. | Rs. |
| Loans sanctioned in previous years | .. | 2,20,334 | .. | 2,67,334 |
| Total of average payments due .. | .. | 15,442 | .. | 23,282 |
| Average payment due .. | .. | 3,088 | .. | 3,326 |
| Total surplus or deficit on working of year— | | | | |
| Gross surplus .. .. | +38,473 | +38,393 | +52,506 | .. |
| Gross deficit .. .. | —80 | .. | —*Nil* | .. |
| Net average surplus .. | .. | 7,678 | .. | 7,501 |
| Loans granted in year .. | .. | 17,000 | *Nil* | *Nil.* |
| Outstanding capital balance of loan. | .. | 1,84,956 | .. | 1,80,166 |

## STATEMENT XI.

*Comparative statement of total expenditure on principal heads.*

| — | 1919-20. | 1920-21. | 1921-22. | 1922-23. | 1923-24. | 1924-25. | 1925-26. | 1926-27. |
|---|---|---|---|---|---|---|---|---|
| General establishment .. | 7·75 | 7·65 | 7·54 | 8·09 | 7·75 | 7·84 | 8·37 | 8·41 |
| Lighting .. .. | 5·24 | 4·62 | 4·61 | 4·54 | 3·57 | 4·75 | 5·30 | 5·01 |
| Water-supply .. | 16·13 | 19·82 | 20·04 | 16·47 | 16·07 | 17·93 | 15·33 | 11·90 |
| Drainage .. .. | 4·07 | 4·62 | 2·46 | 2·61 | 2·17 | 2·04 | 2·47 | 2·24 |
| Conservancy .. | 30·20 | 28·54 | 26·04 | 29·11 | 26·33 | 26·29 | 25·62 | 27·79 |
| Medical .. .. | 2·89 | 2·54 | 2·05 | 2·39 | 2·28 | 2·52 | 4·08 | 3·53 |
| Vaccination .. .. | ·39 | ·38 | ·35 | ·39 | ·41 | ·43 | ·42 | ·43 |
| Public Works .. | 17·35 | 15·85 | 15·89 | 17·64 | 24·08 | 19·77 | 19·63 | 19·53 |
| Education .. .. | 6·94 | 7·66 | 8·28 | 9·46 | 8·82 | 8·58 | 8·54 | 10·83 |

Government grants rise by 9 per cent.

Income rises by 63 per cent.

Income from taxation rises by 60 per cent.

Expenditure rises by Government grants now 18 per cent. of income.

# STATEMENT XII.

*Statement of changes of taxation in municipalities and small towns.*

| Name of Municipality. | Changes made in rates of assessment since 1920-21. | Heads. | Income. 1920-21. | Income. 1926-27. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | Rs. | Rs. |
| 1. Silchar .. | Water rate increased from 6¼ per cent. to 7½ per cent. on the annual value of holdings. | Tax on holdings<br>Latrine fees ..<br>Water rate .. | 11,344<br>10,741<br>10,179 | 13,395<br>12,826<br>14,416 |
| 2. Hailakandi town committee. | Tax on persons at $\frac{5}{16}$ per cent. on income of assessees replaced by a tax on holdings at 7½ per cent. on annual letting value. | Tax on persons<br>Tax on holdings | 822<br>309 (Government buildings.) | ..<br>2,035 |
| | Latrine tax of annas four per month for each latrine replaced by a graduated scale on annual value of holdings as follows :—<br>From Re. 1 to Rs. 12 at Re. 1 ;<br>„ Rs. 13 to Rs. 24, at Rs. 3 ;<br>„ Rs. 25 to Rs. 50, at Rs. 6 ;<br>„ Rs. 51 to Rs. 100, at Rs. 7 ;<br>„ Rs. 101 to Rs. 200, at Rs. 8 and from Rs. 201 upwards, at Rs. 9. | Latrine fees .. | .. | 1,982 |
| 3. Sylhet .. | The rate of latrine fees has remained the same, but the minimum limit of Re. 1-8 has now been eliminated. In 1920-21 water rate on houses and lands situated along roads not supplied with water was 6 per cent. This rate is now levied only on houses and lands within 1,000 feet from nearest stand-pipe. | Tax on persons<br>Tax on holdings<br>Latrine fees ..<br>Water rate .. | 13,756<br>3,720 (Government buildings.)<br>10,853<br>8,933 | 13,915<br>4,046<br>12,618<br>11,526 |
| Maulvi Bazar .. | Tax on persons at $\frac{5}{16}$ per cent. per annum on income of assessees replaced by a tax on holdings at 6¼ per cent. per annum on the annual letting value of holdings. Latrine fee at annas 6 or 10 per month for each latrine replaced by following rates on annual letting value of holdings up to Rs. 150 at Rs. 6¼ per cent. subject to a minimum of of Re. 1-4 ; over Rs. 150 at 7½ per cent. of holdings. In 1920-21 the rate on Government buildings was 7½ per cent. Presumably this is now merged in the general rate of 6¼ per cent. | Tax on persons<br>Tax on holdings<br>Latrine fees .. | 852<br>186 (Government buildings.)<br>.. | ..<br>2,785<br>2,941 |

## STATEMENT XII—*contd.*

*Satement of changes of taxation in municipalities and small towns*—contd.

| Name of Municipality. | Changes made in rates of assessment since 1920-21. | Heads. | Income. | |
|---|---|---|---|---|
| | | | 1920-21. | 1926-27. |
| 1 | 2 | 3 | 4 | 5 |
| | | | Rs. | Rs. |
| 5. Shillong .. | In 1920-21 holdings the annual value of which was Re. 1 to Rs. 12 were exempted from latrine fees. Such holdings are now assessed at Re. 1 for latrine tax. Since 1920-21 a lighting rate at 1½ per cent. on annual value has been introduced. | Tax on holdings | 33,325 | 47,921 |
| | | Latrine fees .. | 20,093 | 30,992 |
| | | Water rate .. | 15,426 | 25,569 |
| | | Lighting rate .. | .. | 9,557 |
| 6. Dhubri .. | A water tax at 77 per cent. within 1,000 feet from nearest stand-pipe; but 7½ per cent. on holdings on streets supplied with hydrants or stand-pipes and 6 per cent. on holdings on streets not supplied, has been introduced since 1920-21. | Tax on holdings | 6,019 | 7,438 |
| | | Latrine tax .. | 6,702 | 7,979 |
| | | Water tax .. | .. | 8,295 |
| 7. Goalpara .. | In 1920-21 latrine tax was at higher rate of 7½ per cent. on annual value of holdings in wards Nos. I and II. To these two wards another ward *viz.*, ward No. V has since been added. | Tax on persons | 3,490 | 4,351 |
| | | Tax on holdings | 850 (Government buildings.) | 782 |
| | | Latrine fees .. | 3,012 | 3,669 |
| 8. Gauripur town committee. .. | A latrine tax has been introduced since 1920-21 according to circumstances and property of rate-payers. | Tax on persons | 1,055 | 2,332 |
| | | Latrine tax ... | .. | 1,923 |
| 9. Gauhati .. | The rate on holdings with private connections has been raised from 7½ to 10 per cent. since 1926-27. Holdings not situated within the radius of 1,000 feet from hydrants or stand-pipes have been exempted from water rate since 1920-21. | Tax on holdings | 18,753 | 26,706 |
| | | Latrine tax .. | 8,711 | 11,239 |
| | | Water rate .. | 21,043 | 33,061 |
| 10. Barpeta .. | The rate of 4 per cent. on annual value of holdings levied as latrine tax in 1920-21 has been replaced by the following rates :—<br>(*i*) Holdings without latrine and with the annual value of below Rs. 15 are exempted.<br>(*ii*) Holdings with latrines and with annual value of Rs. 15 and upwards are assessed at 2 per cent.<br>(*iii*) Holdings having latrines and the annual value of which does not exceed Rs. 100 are assessed at Rs. 3 per annum and at Re. 1-8 for every Rs. 50 or a part of it exceeding Rs. 100. But in no case the total latrine tax will exceed Rs. 12 per annum. | Tax on holdings | 8,182 | 9,632 |
| | | Latrine tax .. | 3,812 | 2,944 |

## STATEMENT XII—*contd.*

*Statement of changes of taxation in municipalities and small towns*—contd.

| Name of Municipality. | Changes made in rates of assessment since 1920-21. | Heads. | Income. | |
|---|---|---|---|---|
| | | | 1920-21. | 1926-27. |
| 1 | 2 | 3 | 4 | 5 |
| | | | Rs. | Rs. |
| 11. Palasbari town committee. | In 1920-21 latrine tax was at annas four per month for each latrine. Latrine tax is now levied according to circumstances and property of rate-payers within a minimum of annas eight and maximum of Rs. 6 per annum ; also persons having latrines at Rs. 6 per annum. | Tax on persons | 507 | 1,036 |
| | | Latrine fees .. | 21 | 903 |
| 12. Tezpur .. | Latrine tax has been raised from 5¾ per cent. to 6¼ per cent. on annual value of holdings. The additional water-tax of Rs. 3 per quarter levied on holdings which have got water tap connection with the main passing through a meter has been raised to Rs. 6 per quarter. | Tax on holdings | 8,211 | 9,882 |
| | | Latrine tax .. | 6,074 | 8,378 |
| | | Water rate .. | 12,591 | 18,625 |
| 13. Mangaldai town committee. | The maximum tax on private holdings raised form Rs. 15 to Rs. 20. A latrine tax at annas four to Re. 1 per latrine per month, according to circumstances of rate-payers has been introduced since 1920-1921. | Tax on persons | 945 | 1,103 |
| | | Latrine fees .. | 354 (voluntary taxation. The Union had no power to levy a latrine rate.) | 782 (rate levied by the town committee.) |
| 14. Nowgong .. | Latrine rate reduced from 7½ per cent. to 6¼ per cent. on annual value of holdings both Government and private. | Tax on holdings | 4,938 | 9,717 |
| | | Latrine tax .. | 4,256 | 8,302 |
| 15. Jorhat .. | Since 1920-21 an extra water tax of Rs. 12 per annum is charged for those having private house connections. | Tax on holdings | 8,614 | 9,464 |
| | | Latrine fees .. | 5,614 | 6,035 |
| | | Water tax .. | 8,992 | 10,134 |
| 16. Golaghat .. | In 1920-21 the rate of tax on all holdings was 6 per cent. on annual value. It is now 7½ per cent. in respect of Government buildings. | Tax on holdings | 1,826 | 4,949 |
| | | Latrine fees .. | 423 | 2,425 |
| 17. Nazira town committee. | A latrine tax at the rate of 2½ per cent. on annual value of holdings has been introduced since 1920-1921. | Tax on persons | 1,306 | 2,308 |
| | | Latrine tax .. | .. | 565 |

## STATEMENT XII—*contd.*

*Statement of changes of taxation in municipalities and small towns*—concld.

| Name of Municipality. | Changes made in rates of assessment since 1920-21. | Heads. | Income. | |
|---|---|---|---|---|
| | | | 1920-21. | 1926-27. |
| 1 | 2 | 3 | 4 | 5 |
| | | | Rs. | Rs. |
| 18. North Lakhimpur town committee. | The rate of latrine tax reduced from eight annas to six anns per bucket monthly. | Tax on persons | 835 | 1,098 |
| | | Latrine fees .. | 418 | 756 |
| 19. Doom Dooma town committee. | A lartine tax at a rate not exceeding Rs. 2 per head of population has been introduced since 1920-21 (the rate of assessment of Government buildings is 7½ per cent.). | Tax on persons | 474 | 1,373 |
| | | Latrine tax .. | .. | 751 |
| 20. Tinsukia town committee. | In 1920-21 the rate of tax on persons was according to the circumstances and property of the rate-payers. It is now 5 per cent. per annum on the income of rate-payers. A latrine tax at 2½ per cent. per annum on the income of rate-payers has been introduced since 1920-21. | Tax on persons | 964 | 3,026 |
| | | Latrine tax .. | .. | 1,805 |

**APPENDIX—(Relating to cases referred to in chapter III of the memorandum.)**

1. A chairman of a local board who was a member of the Legislative Council drew travelling allowance in 1923 for the same journey both from Government and from the board. He explained that a clerk of his office had drawn up the travelling allowance bill in error. The Minister proposed to accept his explanation and drop the matter. The Governor held that the chairman be informed that the Government could not consider his explanation to be satisfactory and be asked to exercise more care in future. As a result of this and other abuses the Examiner requested that some control over the travelling allowance bills of non-official chairman be laid down. Some difficulty was felt, since the Commissioner would not have the necessary local knowledge to countersign the bills, and opinions received showed danger of friction if either the Deputy Commissioner or the board were to be made responsible for scrutiny of the bills. It was decided however that the board should sanction such bills.

2. It was reported that certain local board vernacular teachers had worked in the elections as canvassers and had closed their schools for the purpose, the allegation being that they had been intimidated into so doing by one teacher. Another report stated that a conference of school teachers which was admitted to have been called by the chairman of a local board, the object ostensibly being either to verify the attendance lists or to enquire into the working of spinning instruction, it was alleged that speeches were made about the election of a gentleman present. Other reports have been received of school teachers being utilised in elections. The Inspector of Schools, asked to deal with the conference mentioned, decided that only the local boards could deal with such activities on the part of their teachers.

Candidates for Council election are frequently also members or office-bearers of local boards.

3. A local board which had two years before been allowed to elect its chairman, when the latter on a new election refused to stand because, in his opinion, in the present state of progress and public spirit it was impossible for a non-official chairman to do his duty honestly, because of the pressure of private interests and the unpopularity resulting from ignoring them, decided to revert to an official. After an attempt to induce them to reconsider, the Governor and his Minister decided to let them have their own way. The present Minister has repeated the desirability of electing their own representative on the present occasion, and in an inspection note expressed the hope that a non-official will do as well or better than an official.

4. Government having decided after a conference in June 1926 to open leper clinics at the head-quarter dispensaries of districts and subdivisions, the medical staff were instructed accordingly. A question was asked in Council implying that this form of treatment was useless and objectionable, and that it was being forced against its will on a certain local board which maintained a subdivisional dispensary. The board also passed a resolution disapproving the introduction of treatment. It was pointed out that under the law the board could not refuse treatment to a poor person on account of the nature of his complaint, and as it was found that some 50 lepers were there enjoying the treatment, the board have been asked to reconsider their resolution.

5. The bills presented on behalf of a contractor in February 1926 to a local board amounted to Rs. 511 but a cheque was drawn for Rs. 551. The error was only detected in audit in September 1926. The cheque was obviously not compared with the bills.

6. Over Rs. 7,000 had to be written off the demand for house and latrine rates of a municipal board as irrecoverable. There had been serious embezzlements, and the action taken against the collecting officers was considered inadequate by the

Examiner. The failure to collect must have been due in a large measure to negligence. The tax daroga was however allowed to resign.

7. Bills were passed by the chairman of a municipal board (which has been called upon to show cause why it should not be superseded) for 3 works for which there was neither contract nor sanction, nor were there adequate measurements or details.

The stock of bill and receipt forms which is supposed to be verified, was not so verified in this same board. A book of forms was certified by the vice-chairman to have been destroyed. It was however found in stock by the auditor.

8. The Examiner in 1925 ordered the recovery from servants of a municipal board (the accounts of which were unsatisfactory) of amounts overdrawn through ante-dating the true date of increment. The board instead of making the recovery approved the overdrawals. On the Examiner pointing out that overdrawals could not be so approved the board by resolution ante-dated the fixation of pay in the scale. The Examiner objected that such action was *ultra vires* but was told by the chairman that the board were the final autho ity in the matter. The Examiner continued to press the point, and on the election of a new board disciplinary action was taken against the servants who had overdrawn.

9. Materials for the construction of a combined local board and municipal office were indented in excess as follows :—

| Materials. | Excess. |
|---|---|
| 23 *thans* of ceiling cloth. | 15 *thans*. |
| 2,203 galvanized hooks, bolts and nu's. | 1,893 hooks, bolts and nuts. |
| 208 plain galvanized iron sheets. | 151 sheets. |
| 610 corrugated iron sheets. | 148 sheets. |
| 2,015 bolts and nuts. | 1,911 bolts and nuts. |

The excess material was sold off at a loss of some Rs. 600 to the board, no one being made responsible.

10. Double payments had been made by this board in 1925 whose accounts were unsatisfactory for medicines and instruments supplied by private firms, though the letter conveying the firm's bill from the Civil Surgeon on each occasion mentioned the prior intimation on which payment had been made.

11. The Examiner in checking the documents of a local board sub-surveyor in 1926 found that on many occasions it was impossible to reconcile the dates in his measurement books, diaries and travelling allowance bills. His explanation was that the travelling allowance bills were correct, and there must have been errors in the diaries. The board warned the sub-surveyor. The Examiner considered he should have been dismissed.

12. The Commissioner inspecting a municipality in September 1927 found a very unsatisfactory state of affairs. The main faults to which he invited attention were the following :—

(1) The failure of the board to collect its taxes with reasonable promptitude. During the year ending on the 31st March 1927 the total income of the municipality was Rs. 86,040. The two chief general taxes were the holding tax and the latrine tax. The collections under these heads amounted in that year to Rs.41,233. When the Commissioner inspected he found that the arrears of holding tax and latrine tax on the 31st March 1927, in spite of heavy remissi ns, amounted to Rs. 14,670 and Rs. 7,214, respectively. On the 17th August 1927 the total amount awaiting collection, excluding the demand for the current quarter, was Rs. 21,150. The

Commissioner pointed out that for years past the collections had been the worst in the province and mentioned also that most of the members (including the chairman and the vice-chairman) were themselves defaulters. That this was not due to insufficiency of the collecting staff was apparent from the fact that though the number of rate-payers had only increased from 2,747 to 3,045 since 1912-13 (when collections were made practically in full and punctually) the collecting staff had been increased from a total of four officers to seven.

(2) Very free grant of remissions. The total remissions during the five years ending on the 31st March 1927 in this municipality amounted to Rs. 15,048. Of this sum later enquiries showed that a total of Rs. 10,671 was remitted as "irrecoverable." The corresponding figures for all the other municipalities in the province together for the same period were Rs. 36,949 and Rs. 11,685, respectively. The Commissioner had wished to make a house to house enquiry to check some of the more recent cases, but was unable to do so, as the necessary books were not produced at the only time which he could spare for this purpose.

(3) Unsatisfactory, dilatory and evasive action taken by the board on audit reports. The Commissioner quoted the following as an instance:—

"The auditor found in 1925 an overpayment of Rs. 785 on account of the office building. The Audit Committee first held the late chairman responsible but a meeting of the board on 17th August 1926 decided that it 'does not want to take further action in the matter' and the late chairman in a separate note is 'surprised at the attitude taken by the Examiner in carrying forward his objections.'"

He added that the same spirit showed itself in respect of other items similarly objected to, and concluded that "the prospect was not very hopeful"—(The Commissioner however noticed a definite improvement as regards the reduction in the debit balance in the latrine rate subsidiary account. During 1925-26 receipts on account of latrine rate had been only Rs. 1,769 against an expenditure of Rs. 6,345 while up to the date of his inspection in August 1927 receipts had been Rs. 3,426 and expenditure Rs. 4,083. These figures led the Commissioner to anticipate that by the end of the year there would be a fairly large credit balance on this account which would go towards the reduction of the debit balance accumulated in previous years.)

(4) The unsatisfactory state of the town as regards water-supply and drainage. The Commissioner pointed out that for many years the water-supply had been the subject of adverse comment, and that at the time of inspection the town was suffering from a serious epidemic of cholera. It was later held that a proper water works combined with an efficient system of drainage would have reduced the severity of the epidemic, if indeed they had not prevented it altogether. It should be mentioned that this outbreak of cholera cost the municipality nearly 200 lives and the general tax-payer some Rs. 8,000. The Commissioner detailed the vacillating policy of the board extending over several years as regards the relative preference to be given to water-supply and drainage schemes, and concluded by stating his impression that "the municipality had been for years playing with questions of water-supply and drainage without real intention of doing anything in respect of either of them."

(5) Other defects pointed out included numerous instances of laxity of supervision, lack of ordinary business methods, and failure on the part of some members of the board to take any part in the proceedings of the board for which they were responsible. As instances may be mentioned the failure to verify stocks, the absence of as many as seven members of the board from six consecutive meetings, the difficulty experienced in obtaining a quorum for important business, and the formation of numerous sub-committees, which rarely or never functioned.

On receipt of the report by Government the steps which were to be taken were discussed. The Minister considered that the report revealed either a lack of responsibility or incompetence, and suggested that the board should be called on to show cause why Government should not use its powers under section 24 of the Assam Municipal Act (*i.e.*, to include this municipality in the schedule of municipalities of which the chairman should be appointed and not elected) or of section 293 of the Act which provides for supersession. He was however anxious not to hurt the susceptibilities of the members. On the case going to the Governor he noted that he could not imagine a stronger case for supersession, and that he attached more importance to the health and convenience of the tax-payers and residents of the municipality than he did to the feelings of the members of the board. A letter couched in strong terms then issued to the board calling on it to show cause against supersession. The board was given one month's time (subsequently extended by a week) to submit its reply. It actually took nearly two months' time to send the reply. An examination of the reply and other relevant documents convinced Government that the charges related above against the board were fully proved. The Minister was opposed to such strong measures as supersession or dissolution and as the term of office of the members of the board was due to expire within some three months, he considered that the new board should be allowed some six or eight months to show that they were effecting an improvement. The Governor however held that the board was so inefficient, and had, as a result of its inefficiency, brought the administration to such a state of confusion, that no measure short of supersession would be of any use. The case was then circulated on both sides of Government. The two Members of the Executive Council agreed with the Governor, while the Education Minister supported the Minister in charge. The Governor then noted that he recognised that strong action might cost the Minister his seat, and that he was unwilling to force his opinion on the Minister. If, however, there was a further cholera outbreak with loss of life, the responsibility would rest with the Minister alone, and he (the Governor) would be unable to protect him. The Minister then decided that he would make a special tour, lasting about a week, the sole business of which was to inspect the board, after which he would come to a decision. The Minister after his inspection decided that the municipality should be superseded and orders were issued accordingly.

13. The Examiner, Local Fund Accounts, in 1924 thought the action of a municipal board in only reducing the pay of their tax-daroga, who had been found guilty of misappropriation, inadequate and expressed grave doubts as to the wisdom of retaining such a person in employment. The chairman stated that he and the vice-chairman had been of the same opinion, but had been overruled by the board at a meeting, and he was powerless. The Divisional Commissioner considered that Government should require the board to suspend the daroga, and should themselves direct prosecution. It was found, however, that neither Government nor the Commissioner had power to direct suspension of a board's officer. The Minister thought it would look odd to prosecute the man over the head of the municipality, but such lenience must be discouraged in the interests of the honesty of local bodies, and he would call on the board to prosecute, failing which the Deputy Commissioner must do so. The Governor agreed. The board obeyed this direction, and the man was convicted.

14. Section 153 of the Municipal Act enables a board to requisition the magistrate for the removal of encroachments on municipal property. A chairman in 1927 issued such requisitions in respect of encroachments stated by him to have been made by influential persons, one of whom was a municipal commissioner. A body of commissioners requested him to call a meeting to consider his action, and meanwhile to withhold further proceedings. As the chairman did not call a meeting the requisitionists called a meeting themselves under section 33(3) of the Act. At this meeting which was either closed or adjourned to the following day—there was

conflict of opinion as to the facts and the legality of the meeting—resolutions were passed :—

| | |
|---|---|
| First day, chairman present. | (1) Directing that the power given by the section be exercised when necessary by the board at a meeting and not by the chairman.<br>(2) Directing that as the title to the land was in dispute and as in the opinion of the board section 153 could not be invoked in such cases until the question of title had been decided the requisitions should be withdrawn. |
| Second day, chairman absent. | (3) Directing that some river protection works erected in front of a certain portion of the town be altered so as to remove inconvenience to traders.<br>(4) Directing that a road proposed by the chairman be abandoned. |

Resolution (1) was suspended by the Deputy Commissioner on the ground that it was *ultra vires*, (2) on the ground that it was likely to lead to a serious injury to the rate-payers, (3) and (4) on the ground that the second day's meetings were invalid, and (4) on the additional ground that it was *ultra vires*. The Commissioner of the Division on the whole agreed with the Deputy Commissioner.

The legal position was understood to be that (1) was not *ultra vires* ; that whether (2) was likely to lead to serious injury was not strictly speaking a legal question ; that whether the meetings at which (3) and (4) were passed were validly held depended on certain antecedent circumstances as to which there are conflicting versions ; that the road mentioned in (4) had already been constructed but that the Local Government had an absolute and uncontrolled discretion either to rescind, uphold, or modify the Deputy Commissioner's order.

The Minister proposed to cancel all the suspensions except (4) which should be confirmed. He thought it safer not to question the legality of the meetings. The Governor ruled that ordinarily he would support the chairman, and noted that there was much party feeling in this board, so that it was difficult to get anything done. However, while confirming the Deputy Commissioner's action in respect of the last three resolutions he would acknowledge the power of the board involved in the first, but would request them to reconsider the desirability of such action.

15. A municipal board, in whose jurisdiction a reassessment by a loaned Government officer had been proceeding, passed the following resolutions in 1925 :—

(1) That no new scheme should be the subject of orders by the chairman or vice-chairman without the approval of the ward commissioner concerned or his nominee, or the sanction of the board,

(2) That the officers of the board must visit the commissioner whenever visiting his ward on duty, if he were at home,

(3) That the assessing officer must lay his assessment papers before the ward committee, and that committee should bring objections or differences of opinion to the notice of the board.

The resolutions were suspended by the district officer. The Minister was doubtful whether such resolutions were not opposed to the spirit of the law, and considered them vexatious, but after questioning the board he held them to be *intra vires*, and proposed to rescind the distsict officer's order. The Governor thought both (1) and (3) must be *ultra vires*, but considered them anyhow so important, as putting the members of the board in a position not contemplated in the Act, and

constitutionally unsound, that he would overrule them even if legal. The legal position appeared on examination to be that (1) was *ultra vires* but that the others, however impracticable they might be, were *intra vires*, while the Local Government had absolute discretion to maintain or rescind the orders. The Minister then proposed to confirm the suspension of (1) and (2). The Governor noted that the cause of (3) was a desire to defeat the assessment, and he thought this also should be rescinded. The Minister agreed. He directed, however, that the chairman be informed that the resolutions (2) and (3) were legal. The Governor ordered that no reference should be made to this point, as this would entail argument, and as another resolution was coming up concerning the assessment it was better simply to say that after full consideration Government had decided to maintain the suspension permanently. The Minister accepted this.

16. A municipal board during the non-co-operation campaign in 1921 had issued notice of cessation of water-supply to the Assam-Bengal Railway. The term of supply had been extended, but owing to the railway strike the railway had not been able to complete their own arrangements, and on a further application for extension the board refused to agree to it. The Deputy Commissioner suspended their order, and the board complained that as the facts had not been laid before them, this action was insulting and unwarranted. The Minister considered that no emergency had yet arisen, and as it would be possible to intervene if the municipality actually refused supply he rescinded the order. The Governor agreed. (The water-supply of this board had been created at the cost of Government, and was in the charge of the public works department. The board at this time refused to take it over in view of the expected cost of necessary improvements, which were eventually met by Government.)

17. A board passed a resolution at a special meeting in 1925 at which neither chairman nor vice-chairman was present, requiring the removal of the chairman. This was suspended by the Deputy Commissioner as *ultra vires*, the majority necessary not being present. No action was taken by Government, as the elections were meanwhile held.

18. A resolution of a municpal board was suspended in September 1927, which had the effect of prohibiting prostitutes from residing in the three blocks in which they had long been established. A similar attempt by the board had been dropped by them two years before when it was pointed out to them that their action was harsh and of doubtful legality. It was understood that the section under which the board's act proceeded and which had been imported into the Municipal Act of 1923 from the Punjab Act, made the resolution *intra vires*, but that there was some authority for the view that in extreme cases where the provision was used to banish prostitutes entirely from municipal limits by a series of notices covering in the aggregate every part of the municipality, suspension of the resolution would be justifiable and in fact would be the only remedy available to the aggrieved parties.

The Minister pointed out the great importance of protecting public morals, but proposed to ask the district officer to confer with the municipality as to amicable methods for the removal of the prostitutes from the localities in question; while conveying Government's sympathy with the desire displayed to protect public morals. After discussion with him the Governor ordered that the order of suspension must be rescinded, but the municipality should be exhorted to take such steps as possible to get the prostitutes removed to a less objectionable locality in enforcing their order.

19. The Examiner's report on a local board from an audit conducted in January—March, 1926, showed that nearly three quarters of the objections raised at the last audit more than a year before were still unanswered. He noted that there had been one case of double payment, one case of irregular payment of money for

which a court had issued notice of attachment, resulting in the board being made liable, and that the accounts had not improved, and could not be expected to improve until the accountant were replaced by a competent man, and adequate supervision exercised. The attention of Government was called to these remarks. It was decided to await the board's reply. The accounts were next audited in May—July, 1927. It was then reported there were still 113 objections unanswered from previous audits, recoveries ordered were still not made, that in the last three years the board had spent only a little more than half of the special grants made by Government for water-supply, and that while expenditure on communication in those years had been Rs. 50,577, Rs. 63,970, and Rs. 43,918, the Government grants had been Rs. 22,432, Rs. 20,532, and Rs. 43,132, and the board's own expenditure Rs. 32,519, Rs. 48,642, and Rs. 6,803, progressively. Some of the new and old objections were the following :—

(1) No inspection notes of the chairman were kept, the dates of completion certificates being filled up as best might be, and often incorrectly, showing for inspections dates when the chairman was attending the Legislative Council,

(2) (New) Rs. 383-4 had been paid for forms to a local press when they might have been had elsewhere for about Rs. 229. The board had explained that it was not the policy of the board to go outside the district to "foreign" firms,

(3) (New) A surveyor had been appointed without the board securing the proper certificate of efficiency, and the surveyor's clerk was appointed sub-surveyor without the necessary certificate from the Inspector of Works,

(4) (New) Recoveries had been made from school teachers against whom no recoveries had been ordered, though meanwhile recoveries that *had* been ordered were still outstanding.

The Minister ordered that the board's explanation should be awaited, in October 1927. It has since been received, and the Commissioner has been asked to advise how the board's accounts could be brought into a satisfactory condition.

20. In 1914 a grant of Rs. 16,200 was made to enable a municipality to put its conservancy plant in order, and among other improvements 16 bullock-carts were bought. In 1921-22 the municipality replaced these by hand-carts. The Director of Public Health in 1922 objected to the new system as being very ineffective in the removal of night-soil. When called upon to show cause why they should not be compelled to revert to the old system, the municipal board disputed the fact of inefficiency and stated their objection to the night-soil depôts involved in the old system. On the Commissioner's advice the Director of Public Health agreed to let the experiment continue, even if it risked an epidemic. In 1923 and again in August 1924 the Director, after inspection, pointed out that *kala azar* was prevalent in the town and was spread by the ineffective character of the new system. Later in 1924 the municipal board decided to overhaul their system and to construct a trolley line. Nothing, however, was done though in July 1925 the board resolved to reintroduce animal traction at a favourable opportunity. In August 1925 the Director again protested and pointed out the absence of a standing public health committee and the unlikelihood of a trolley line effecting any improvement. The municipal board merely noted his report but they put a provision in the next budget for the construction of a trolley line and the purchase of more hand-carts. They did not accept the Director's advice that a second trenching ground was needed. The Government ordered that the board should work out a drainage scheme and consider taxation for the purpose. The Minister refused to interfere with the proposal for a trolley line for which Government had given a grant of Rs. 6,000 in 1925, to which the Director of Public Health had objected, but the board were informed that Government

considered a second trenching ground necessary. No action has been taken except the construction of the trolley line and a demand for Government grants for drainage.

21. A local board having abandoned a road which was considered of political importance was awarded a special grant of Rs. 8,500 and a maintenance grant of of Rs. 2,990 in 1920 for this road (A-B). In 1923 the district officer noticed that this road was in very bad repair. An enquiry was made, from which it appeared that the Government grants had been practically all spent on the road (A-B) but that the board had spent none of its own money on this road. In 1924 the Inspector of Works objected to the board's method of repairing road (B-C) by putting in boulders and scattering earth on the top. The board stated that they could not adhere to public works department specifications for lack of funds, and that the method had been tried successfully elsewhere. They were upheld by the divisional Commissioner. Disagreement between the Commissioner and the Public Works Department was settled by the orders of the Governor, and the board were informed that such roads should not be classed as metalled.

During 1924 a senior planter was replaced as chairman by an Indian non-official, who had been sent to jail during the non-co-operation campaign under a preventive section of the Penal Code. In May 1925 the local branch of the Indian Tea Association memorialised Government on the bad state of the roads in the planting parts of the subdivision, and asked for an official chairman. They represented that the trouble was due to the bad reputation of the board regarding payment, which discouraged contractors, and general want of competency and honesty, which had led them to cease taking contracts on the roads. They forwarded copies of letters to the chairman, and complained that they got no replies. The report of the chairman was that the trouble was due to shortage of funds and labour and to the abandonment of work by the planters themselves, that replies had been given, as the letters themselves showed, and that no payments were outstanding except for work executed by the planters without sanction. The Inspector reported that the Association's remarks were justified in respect of two roads, and that there was actually no trouble in getting labour. The district officer, after discussion with the chairman, reported that he could not discover if any bills were outstanding or whether labour was available, but that action had been promised. The divisional Commissioner, in forwarding these reports, stated that the charge of neglect would only stand in respect of the road (B-C,) and that he disagreed with the Association's remarks as to incompetency, especially about dispensaries, though there was failure on the part of subordinates and other staff to tour in outlying areas and to keep touch with labour. Government accepted the undertaking to take action.

In November 1926 the Commissioner inspected the board's office, as the result of complaints he had received. The chairman did not attend, though he had received notice and was present in the town. The inspection note, and the chairman's replies, which evoked similar protests in Council, are reproduced :—

| Remarks. | Replies. |
|---|---|
| I visited the local board office in order to inspect it, with the Sub-divisional Officer. The chairman and surveyor were absent, though in ....station, and though they had notice of the inspection. The vice-chairman was ill and away. The head clerk was away on two days' leave to observe the *Kartik Puja*, having gone yesterday. | The chairman is not a paid and whole-time officer, like the Commissioner. He has other duties to attend to. The Commissioner might have sent for him if he really needed him, as was done by the district officer on other occasions. The chairman could ill afford to spend time with the Commissioner for the sake of mere courtesy. The Commissioner should not expect everybody to be in attendance during his inspection. |

| Remarks. | Replies. |
| --- | --- |
| I have received complaints from reliable quarters that the roads are being neglected and are not being inspected properly. | The charge is vague. |
| I want the Subdivisional Officer to examine the touring done by the chairman and to give me a note showing which roads of importance have not been inspected by the chairman personally during the past year. | My tour diary was in the office. The Commissioner would have been well advised to look this up himself. |
| An executive staff that cannot get work executed is frequently better replaced by those who can get work done. | Noted. I wish that the suitable reply could be given at the next election. |
| I notice that the public works committee in charge of the roads contains no representatives of the north-west, north and north-east sections of the subdivision. | The members elected the public works committee. |
| The attention of the chairman is directed to sections 83 and 84 of the Act. Neither the district officer nor I wish to use our powers to make the board carry out work which they omit to do or which they mismanage. I commend the existence of these powers to all concerned. I should be sorry if the necessity for using them should arise. | The chairman is well aware of the powers of the Commissioner under the Act. He hopes that the Commissioner will be pleased to use his powers when ever an occasion arises. The chairman is fully conscious of his duties and trying to perform them to the best of his abilities according to the dictates of his conscience without caring for anyone's frown or favour. |
| There is an estimate for Rs. 600 for the .....dispensary, passed in September. No contract has even yet been arranged, and no tender received. | Surveyor to report. |
| I reserve judgment regarding the cause of this inability. But I suggest to the members of the board that this matter requires their personal attention and investigation. As the present board goes out of office in March they will do well to make their investigation now. | The chairman is the elected representative of the board; his work and conduct are always open to their inspection and investigation. He holds office so long as he enjoys their confidence. The Commissioner's suggestion is superfluous and insulting. The chairman is not a felon and usurper that he should stand immediate trial. He is there by the suffrages of his countrymen and with the approval of the Local Government. If the Commissioner thinks that the chairman is neglecting his duties he may report to the Government for his removal. |

| Remarks. | Replies. |
| --- | --- |
| The chairman is directed to supply a copy of this note to each member of the local board within the next three days and to note having done so. | Office to do the needful. This is really provoking. The Commissioner should remember that the non-official chairman holds an honorary office, and that he is not subordinate to him. |

Before receiving these replies the Commissioner enquired of Government if the Public Works Department could undertake repairs of the (B-C) road, as they were to metal another five miles of it under the programme approved by the Council, in case the board agreed with his proposal that this should be done, or he had to use his discretionary powers. He was informed that this could not be done, the Public Works Department having represented that the department had not the staff for the purpose. The Commissioner, forwarding a copy of his inspection note, and a copy of the Inspector's note, which showed that the (B-C) road was in a disgraceful condition, pot-holes being filled with earth, and a considerable portion earthed over owing to the contractor's failure, so that the new metalling would be a waste of money, asked for a ruling by the Governor. He was informed that the Governor's orders had already been taken, that the power to take a work out of the hands of the board now lay with Government, having been removed by a provision recommended by the legislative committee for revision of the Local Self-Government Act which was accepted by the Minister, and that the district officer's report on the road would be awaited. The latter report showed that many of the roads were in bad condition, and the (B-C) road, the main artery of the planting area in the north of the subdivision, was shocking, the metalled portion needing entire reconstruction, and the unmetalled part being a continuous switchback. With it the Commissioner forwarded a resolution of the board, offering to make over 2½ miles to the public works department for special repairs, provided there were an assurance that the work would be completed within five months (22nd January 1927). They withdrew the offer however by resolution of 30th May 1927 and decided to undertake repairs themselves, as no order had been received from Government.

Meanwhile the chairman had sent his replies, and stated that the adverse criticisms were due to chagrin over his failure to attend the inspection. He stated that the remarks were uncalled for, offensive and supercilious, and were the kind of conduct that made educated people reluctant to co-operate with Government. The Commissioner, in forwarding his letter, merely remarked that it was false to state that his note was due to annoyance. It was due to neglect of the roads by the chairman, despite a previous district officer's remarks that the chairman " took a keen interest in the work of the board " and " had the interests of the board at heart ;" the surveyor was apparently incapable of getting contractors to work for him, and this was a sure sign of incompetence. Eleven members of the board out of 20 (six Europeans and five Indians) next informed Government that they entirely dissociated themselves from the action of the chairman in regard to the Commissioner, and considered him guilty of grave discourtesy. They stated that they considered the board's work dilatory and slipshod, and requested the appointment of an official chairman. The majority was however inadequate under the amended law.

The Subdivisional Officer then reported, as requested by the Commissioner, in his note, as follows :—

(1) The roads were bad in portions ;

(2) Little progress was being made, and the register of works was in some cases incomplete ;

(3) No road committee had been appointed, as suggested by the Commissioner, for the northern part of the subdivision, the chairman not being able to see how such a local sub-committee could work under the constitution;

(4) Six tanks had been completed and 9 tanks and 3 wells begun under the water-supply scheme sanctioned to run from 1925-26, while Rs. 9,334 had lapsed out of Rs. 18,104 allotted for 1925-26;

(5) The chairman had neglected visits to the two important tea garden areas, and had not visited at all some roads in the north and north-west sections.

The district officer noted that a portion of the (A-B) road had been closed to wheeled traffic owing to absence of bridges, and the ferry was impracticable.

The chairman next ruled out of order a resolution in terms of the memorial of the eleven members. He applied for a grant of Rs. 5,000 for special repairs to the (A-B) road, producing figures, which were found substantially correct on check, to show that the Government grants and some of the board's own money had been spent on this road. The district officer however observed that in his opinion the board had not got value for this money, and advised that no further grant should be given.

22. The budget for 1926-27 of a local board being submitted to the Commissioner for sanction, it escaped notice that the budget was framed on an unduly optimistic estimates of receipts. The district officer however inspecting the office at the end of February 1927 reported that the board was bankrupt owing to appallingly optimistic budgeting especially in the receipts from local rates, that expenditure had been greatly increased on certain heads without ascertainment of funds—*e.g.*, the number of schools had been increased in two years from 86 to 101—that many of the board's servants were several months in arrears of their pay, that the revenue collecting *mauzadars* had been induced to aid the board by crediting an undue proportion of their collection to local rates, thus reducing the credit to Government of land revenue, and that grants given by Government for special purposes had been diverted to meet general needs. The chairman explained to him that he had frequently pointed out to the board that there were no funds, but they had taken no action save to pass resolutions sanctioning the works.

After the inspection the board framed a revised budget and applied for a loan (subsequently converted into a request for contribution) of Rs. 25,000 and for permission to overdraw in the current year to the extent of Rs. 37,000. An enquiry by the audit was ordered which disclosed the following facts:—

(1) From 1925-26 receipt from local rates had been over-estimated without verification of the probabilities. There had been a failure to point this out when the budget for 1926-27 was submitted,

(2) That from 1925-26 the estimate of receipt under pounds was similarly over-estimated though there were heavy arrears of several years outstanding,

(3) The special grants for communications and water-supply had been underspent by Rs. 14,000 in 1925-26 and by Rs. 12,000 in 1926-27,

(4) That the deficit at the end of 1926-27 was likely to be Rs. 22,000 and that for 1927-28 (allowing for proper credit of collection between land revenue and local rates) would be Rs. 8,000, and that thus, making additions on account of the diverted special grants, the deficit at the end of 1927-28 would be at least half a lakh, while the board's normal income for expenditure had been about one lakh,

(5) That the board had hypothecated their revenues for some years to come, the chairman considering that the result of resettlement would be to increase the local rates receipt by Rs. 15,000,

(6) The expenditure on general administration, education and medical had increased since 1922-23 as follows :—

| | | | |
|---|---|---|---|
| General Administration | .. | .. | .. Rs. 4, 4, 4, 5, 5. |
| Education | .. | .. | .. „ 33, 37, 36, 35, 39. |
| Medical | .. | .. | .. „ 15, 15, 17, 16, 23. |

The board also applied for grants of Rs. 14,368 and Rs. 10,000, respectively, to enable them to employ assistant teachers in schools and to square income with expenditure on the existing educational establishment, also Rs. 3,620 to cover the cost of two new dispensaries recently opened. The Commissioner stated that he believed these two dispensaries to be doing useful work.

Government considered that it was essential in point of financial propriety that *bona fide* claims on the board's funds should not be postponed and the Governor used the emergency provision of the Government of India Act to sanction provisionally a contribution of Rs. 25,000, enabling the board to overdraw its balances in 1926-27 pending enquiry into the state of its finances.

The audit report for the period up to February 1926 showed—

(1) That works had been executed in advance of the Inspector's professional approval,

(2) That there were serious irregularities in connection with imprest payments. The surveyor being due shortly to retire the board had taken no action against him but had fined the sub-surveyor and stopped his increment for two years. This action had been accepted by Government. In December, 1926, however the board appointed the sub-surveyor, though he was not qualified, to act as surveyor.

The latter fact was reported to the Commissioner. On 28th September 1927 the board postponed action on the Examiner's objection for want of funds. The Examiner therefore suggested that Government should take action, since the man had been fined for dishonesty and there would be now no check on him, while the order stopping his increment had been rendered nugatory.

23. The committee appointed by a resolution of the Council to amend the Local Self-Government Act had proposed to transfer the power of sanctioning the board's budget to Government, since non-official opinion both inside and outside the Council is hostile to interference with the board's affairs by the local administrative officers. The Minister however rejected this proposal. An attack upon the power of inspection and the duty of these officers to see that the board's proceedings are according to law was also not accepted by the Minister. When the question of amending the Local Self-Government Act was before Government, there was considerable discussion as to the relations between local boards and municipalities. It appeared that under the law as it stood the word "subdivision" wherever it occurred in the Act excluded municipal areas. There are several provisions in the Act indicating that expenditure within a municipal area required the sanction of Government. The difficulties were—the manner in which the provisions conveying the local rates realised under the Local Rates Regulation to local boards were made in the Local Self-Government Act of 1915 left the authority for crediting local rates from municipal areas to local boards doubtful, and there was no provision for crediting the rates to municipalities. It was pointed out that residents in municipalities might stand as candidates for local boards but could not vote for local board elections (this was definitely approved by the Minister), and that the local boards' residents are benefited by institutions in municipal areas and do indeed maintain them, *e.g.*, dispensaries and veterinary hospitals, while municipal residents who pay rates to the boards might therefore reasonably expect a *quid pro quo*. A clean-cut separation was suggested

between the two classes of local bodies, which would be materially assisted by the policy of provincialising hospitals at headquarters of districts and subdivisions that the Minister had approved should funds permit. It was however decided at a Government meeting that the boards should continue to get local rates from municipal areas, but that action should be taken to regularise the situation, since even an authorization by Government for a contribution to an institution within the municipal area appeared *ultra vires*. The clause inserted in the Act was, therefore, designed to make such contribution legal, though that there was no intention to give local boards *carte blanche* was shown by the fact that the purpose was stated to be to regularise the "old practice," under which such contributions required Government sanction. A proposal by the committee to the effect that nothing in the jurisdiction section of the Act should debar the board from spending money outside the territory limits had been rejected by the Minister in favour of the alternative mentioned. It has however been ruled that the section as carried has the effect of enabling a board to contribute to any institution it likes in a municipal area, although other sections of the Act give power to Government, *e.g.*, to regulate the classes of school which the board may maintain even in its own jurisdiction.

The position was not understood when a board proposed in 1927 to aid a girls' school and a Muhammadan *madrasa* within a municipal area. The Commissioner and the Director of Public Instruction were not in favour of such aid being given. The Minister considered that any interference in this matter would be unpopular and would be likely to lead to a demand by the Council for the abolition of all restrictions by Government on the kinds of school to be helped by the boards. He, therefore, proposed to sanction the proposal but to warn the board for the future. The Governor pointed out the danger of starting a precedent by way of exception to a rule if the rule itself were approved but he did not propose to overrule the Minister, though he suggested that the Minister for Education should be consulted. The latter gave good reason for making an exception in the case of one school but stated that no such reason existed in the case of the other. The real position, however, as to the powers of the board under the existing law, as stated above, now came to light. The Minister ordered that as the board itself had power to make such contribution and the only requirement of the Act, *viz.*, that the institution should be for the public benefit, was fulfilled, he would not interfere. He thought Government should not interfere too much in petty matters. The local bodies might do inadvisable things, but the matter was one of opinion in each case, and it was advisable to develop responsibility in local self-government, as the boards would soon themselves be able to control the distribution of funds. He thought that the Commissioner's objection *viz.*, that a board which could not afford to fulfil the needs of its own area should not spend money on another area was correct, but he would follow the principle of developing responsibility. The grant was therefore sanctioned, but since the local board had supposed that sanction was necessary the orders issued as a special case.

24. The Examiner, Local Fund Accounts, proposed in 1925 to surcharge two successive chairmen of a municipal board with sums lost amounting to Rs. 1,779-4-0 owing to failure to take agreements from the occupiers of land, despite his objection, repeated in 1920, and failure to take proper steps to realise the amounts before the defaulters became penniless or left the locality. He pointed out that agreements for land with rentals of Rs. 951-12-0 had not yet been executed. Examination of the powers given by the existing law indicated that a suit could be brought against the two chairmen concerned if it could be shown that the loss or waste was the "direct" consequence of "wilful" neglect on their part, and that the question whether the neglect was "wilful" in any particular case was one of fact rather than of law. In this particular instance the question arose whether there was "wilful" neglect within the meaning of the Municipal Act and whether the fact that reapeted warnings had been disregarded would, as it might in some cases,be sufficient to prove such neglect. The

Minister held that in view of the legal position and the facts, as known, no action was necessary. A later certificate showed the amount outstanding between 1920-21 and 1925-26 to be Rs. 5,047, of which Rs. 2,951-8-0 was for 1921-22. The Finance Department were shown the case in the first instance as requested by the Examiner, and asked to see the final orders before issue.

25. The Examiner referred to Government the action of a board which sometimes disputed his rulings and referred them to the Government pleader, or on one occasion to the Comptroller, before taking action, thus entailing delay. He suggested some action to ensure that the board should effect the recoveries ordered by him. The question was noted for investigation by the committee which was to be constituted to amend the Act. This committee dealt only with the revisions of the Act, and was not reconstituted when the rules came to be revised.

26. After a scheme for the municipal water-supply at municipality "A" had been drawn up by an officer of the public works department in 1927 whose honorarium is being met by Government, the estimate being Rs. 2,83,639, the municipality requested a loan of one-half and the grant of one-half. On calculation of the future maintenance charges, the municipality reckoned to meet the maintenance *plus* loan charges from the savings. The divisional Commissioner recommended these terms. Though the scheme which the board had required was on a large scale, a main being provided for almost every road, he thought it would have eventually, even if now reduced, to be expanded. The Minister contemplated first a grant of one-third and a loan of one-third the amount, the remainder being found by the board later, and asked that the offer be made. Before the Finance Department were consulted, however, he modified the terms, proposing a loan of two-thirds and a grant of one-third, also a recurring grant from the amount of the increased stamp duties if the Acts were made permanent (hitherto allocated to rural water-supply) of Rs. 4,000.

The Governor, who had meantime visited this and another municipality noted that the conditions were similar at both, but as the mental hospital at B necessitated an increased supply to a Government institution, B should take preference over A. He thought the "A" taxation could easily be raised, and that the Board should at least find one-third from its own resources from the outset. He could not see where it was proposed to find the amounts proposed for loan and grant, but if the Minister had them he could offer one-third grant and two-thirds loan as proposed. There were, however, at least four other pressing demands of this nature, and there was nothing to prevent the rates being raised at "A" and reassessment made except the fear of losing seats at the next election. On investigation it was found that the total proposed budget for loans would not meet this request, and that the provision for grants in case the Stamp and Court Fee Bills were passed would also not meet it.

27. The Examiner, Local Fund Accounts, in 1925, found the explanations on an audit note submitted by the outgoing chairman of a municipal board unsatisfactory; they had not been placed before the board before signature. The Examiner found transactions had been permitted, and recorded, in a slipshod manner, there were many outstanding bills unpaid for periods running up to five months, for lack of funds, and in particular a work had been badly and incompletely done, not in accordance with the estimate, despite the fact that the completion certificate had been signed by the late chairman. The late chairman gave no explanation of matters to the new chairman, who went into the state of things thoroughly. The board took action against the overseer, and accountant, treating the latter leniently in view of the fact that the late chairman tacitly accepted responsibility for the intentional obscuration of the accounts, found to exist by the new chairman, and the general laxity of administration. In respect of the particular work of which the Examiner complained the board resolved that they were at a loss to make out what action they could take against the late chairman except expressing their regret at his lack of foresight in accepting tenders, making payments, and granting certificates without due scrutiny.

The Finance Department saw the case in its first stages. The Minister agreed with his office that no wilful neglect could be proved against the late chairman, and the Act was useless in cases such as this where loss is due to general slackness and inattention to the interests of the tax-payers. The Finance Department did not then see the case.

28. The Examiner, Local Fund Accounts, proposed to surcharge on the person responsible the excess charges incurred by a municipal board over the sanctioned estimates in respect of two grants given by Government for roads and also some omissions in collection. He also desired the board to enquire into the necessity of certain expenditure on the trial run of a lorry, and considered that the action taken in respect of the defaulting collectors who were not prosecuted for a series of embezzlements was inadequate. He found the collection accounts most depressing; the collecting staff having been proved corrupt, the tax-daroga not supervising their work and the vice-chairman not carrying out the supervision required by the account rules. The accounts department was in fairly good order. When the board applied for sanction to write off the arrears amounting to Rs. 7,321 over five years, the divisional Commissioner raised the question of recovery of the arrears from the municipal commissioners, since these were to a great extent due to their negligence. The Examiner eventually found that the experimental drive was not undertaken in the interests of the board and ruled that the cost should be recovered from the person responsible. He considered the explanation of the vice-chairman that he had no leisure to perform his duties unacceptable, and the permission to the tax-daroga to resign his appointment an inadequate form of action against him. He asked for further consideration as to the prosecution of the collectors, some of whom had only been fined in view, it was stated, of the trivial amounts proved to have been embezzled, and others not punished at all. Under the law, however, the board appeared to have powers to write off arrears of revenue without Government sanction and if it was doubtful if the Act provided power for surcharging the loss on any members. It was also noted that the members responsible had largely been replaced. The Governor agreed with the Minister that the Commissioner's proposal could not be accepted. The Finance Department when shown the papers asked to see the municipal board's final explanations on the particular cases to which the Examiner had drawn attention. The Examiner forwarding the decisions of a sub-committee appointed by the board to report on outstanding matters reported that they had tried to do their work carefully and impartially but it had been rendered nugatory by resolutions of the board. In the opinion of the Local Self-Government Department if the board refused to take action and follow the recommendations of the sub-committee, Government could not compel them, but the amount of the excess payment out of Government grants over the sanctioned estimates should be refunded. The Minister agreed, except that as he thought the amount had been spent on communications of some sort no action was needed. The Finance Department did not press for further action at present as the accounts were being audited. The Minister went into the question of the lorry drive on the spot, and considered that the explanation of the late chairman which had also been accepted by the board was satisfactory. On the Examiner subsequently pointing out that the petrol consumption had been 3 miles to the gallon, he made no objection to this being further enquired into by the Examiner, but wished the question of the experimental drive to be dropped.

29. Certain model rules for the creation and administration of Provident Funds by local boards have been framed. The boards may adopt these *in toto* or if Government approve with modifications, or with similar approval may frame their own rules. In several instances boards have proposed that the board's contribution should equal instead of being half the subscription. In one case this has been approved; in another case it was pointed out that the model rules do not provide for this porportion and the board was asked to reconsider, and to report the rules adopted. The board in this

instance merely resolved not to increase the subscription. In a recent instance the Minister noted that he was averse to interfering with the boards in petty matters such as this.

30. The rules require that schemes to be carried out by local boards with Government money should be advised upon by the health authorities. When however the Council resolved to spend the proceeds of the increased stamp duties on rural water-supply, the Minister, after consultation with the Commissioners, ordered that the boards should be left free to spend the sums allotted without any stipulation, but only exhorted to bear in mind the necessity of avoiding contamination. The public health board were not consulted. At this time, however, the Director of Public Health made certain proposals for improvement of the Assam Valley water-supply, and at a meeting of the public health board the Government letter was discussed and the opinion of the board as to the safeguards necessary set out. The Director's letter and these proceedings, on receipt by Government were communicated to the boards. The letter however proceeded on a misunderstanding of his predecessor's remarks, and was cancelled. When the local boards sent up their proposals, they were remitted to the public health board for advice, but the board was unwilling to offer advice in view of the fact that no conditions had been imposed on the use of the grants.

31. A local board decided by resolution to discharge a sub-surveyor with 25 years' service, not counting breaks, for inefficiency, on the report of the chairman and vice-chairman. The man made several attempts to get the order cancelled, and two years later appealed to the Ministry. It was reported that the board had appointed a committee to investigate his claims, on which the Executive Engineer refused to serve because it was influenced by political motives, the majority of the committee-men, who had procured its appointment, forming part of a party against the vice-chairman. The committee had recommended that the man should be reinstated, being not inefficient, and that the chairman and vice-chairman had no authority to determine his efficiency, which must depend on the report of the surveyor. The board refused to endorse this opinion, but accepted a proposal to forward the papers to the Commissioner, who refused to interfere, as the matter was in the competence of the board. The Minister, after some discussion as to whether the original order was one of mere discharge or of punishment, ordered that definite charges should be framed. The board had however meanwhile confirmed the official chairman's opinion that the matter was *res judicata*, and that the discharge of the man on the usual terms had been within the board's competence, no appeal lying. In the circumstances the Deputy Commissioner (the chairman) and the Commissioner represented that no question of framing charges arose. The Minister, after taking advice from the Finance Member, who had taken part in framing the relevant rules, declined to interfere.

32. In November 1925, a local board resolved to allow their chairman a pony allowance in view of the defective communications of the subdivision. It was decided at a Government meeting that such an increase to the ordinary travelling allowance should not be permitted, and permission was refused on 11th May 1926. In a spceial meeting of 5th June 1926 the board authorised the purshase of a pony and saddle, and the expenditure of Rs. 25 per mensem for maintenance, and thereafter sought the sanction of Government to their act, which sanction was necessary under the rules. Their letter came under consideration of Government early in July 1926 but orders refusing sanction issued only on the 19th December 1926. The board resolved in January 1929 to endeavour to obtain a reconsideration of this decision, but, on the Deputy Commissioner refusing to forward their request, the pony, etc., were sold in March 1927 at a loss of Rs. 85. The board applied for sanction to write-off the loss, and also Rs. 19-14-3 incurred for maintenance. On the Commissioner refusing his sanction, the board appealed in August 1927 to Government, representing that the purchase was made without any intention to defeat the Government order, it having been intended to charge hire rates to the chairman and vice-chairman for use of the

animal. The Minister was inclined to think that the board had intended to override the Government order. After, however, verifying that the amount could be recovered from the members who had voted at the special meeting only by process of suit, he reconsidered the matter, and gave his opinion that the board had a good case for write-off, in view of their anxiety to encourage touring by the board's officers, and the delay that had occurred in the issue of Government orders. The Governor discussed the case with him, and agreed that the case was not a proper one for suit. He thought, however, that the board's object had undoubtedly been to get round the Government orders, since no mention had of charging hire fees been made at the time of purchase, and that such action would raise a question whether powers were not required to enable the audit department to surcharge improper expenditure in local bodies on those responsible. He left the question of censuring the board with the Minister, who ordered that the board should be informed that in the opinion of Government their action had been intended to defeat the explicit orders, that the procedure had not been determined by good faith and the interests of the board, and that those interests would have been equally met by a request for reconsideration without anticipating a favourable answer. The chairman concerned was a member of the Legislative Council.

33. A local board appointed a sub-committee of three to deal with the report of an auditor, to which were attached statements containing not less than 332 objections. The sub-committee commented upon 22 of the objections, and came to the conclusion that the auditor had raised frivolous objections, or at least had added in his final statement objections which had been satisfied on the spot, merely in order to enlarge the bulk of the statement. They considered that his references to the chairman looked like an attempt to belittle his administrative capability as a non-official. The conclusion was endorsed by a resolution of the board. The Examiner, in addressing the Commissioner on this report, pointed out that the carrying forward of the objections which had been satisfied was due to the board's own default in failing to reply to the detailed objection statements during the course of the audit as is prescribed by rule, and that the committee had contented themselves with commenting—in most cases, he thought, unfairly,—on a very small proportion of the items. They had also failed to deal with some 88 general matters requiring attention, which were mentioned in the body of the audit report. The Commissioner inspected the boards' office in December 1927, some ten months after the sub-committee reported, and came to the conclusion that the insinuations against the auditor were irrelevant and unfounded. He doubted if the board's resolution, which was one of 21 passed in one day, could have been the result of examination on the merits.

34. A local board which was suffering from party feeling ordered that the chairman's educational order book should be abolished and all matters dealt with by the educational sub-committee. At that time the Local Self-Government Act required that all proceedings of sub-committees should be confirmed by the board. The sub-committee, realising that if strictly fulfilled this resolution would entail delay, delegated their powers to the chairman in certain kinds of cases. Acting under these powers and also under powers given by the model subsidiary rules adopted, the chairman, some years later, finding that a teacher in a middle English school was idle and attended too much to his private business, ordered his immediate transfer. The latter with the connivance of the deputy inspector of schools evaded the transfer until the matter could be brought up on appeal before a meeting of the board. At this meeting the party antipathetic to the chairman, who were stated to be *Swarajists*, endeavoured to pass a resolution suspending the chairman's order, but considering his order valid he ruled the resolution out of order. The discussion was heated and the chairman used expression injurious to the self-respect of the deputy inspector who thereupon left the meeting and announced his intention of not attending in future. A reconciliation was effected by the Subdivisional Officer, the chairman apologising for the alleged insult to the deputy inspector though he reserved the right to appeal

to higher authorities, and the resignations which had been offered were withdrawn. The orders for the transfer of the teacher were carried out. As the result of prolonged correspondence the Director of Public Instruction, finding the attempt to upset the chairman's orders unconstitutional, censured the deputy inspector for his part in the affair.

35. A local board in 1925, wishing to construct a communication canal, consulted first the subdivisional officer in the Public Works Department, and then the Executive Engineer. Though it was pointed out that such a work might endanger a Public Works Department road, the latter declined to do anything in the matter without orders from Government, pointing out that his duties were defined in the rules, professional advice being limited to cases where estimates had been framed or works undertaken. It was ruled, since under the rules the Executive Engineer "is the professional adviser of the boards in matters relating to public works" that he could not so refuse advice, though he could demand such information as would enable him to give an opinion.

36. In 1912 a proposal was initiated by the Government of India for the improvement of health organisation. The plan approved for Assam, where the towns were too small and unimportant for the appointment of health officers, was the establishment of a service of sub-assistant surgeons as sanitary inspectors for the municipalities. They were to be appointed by the local Government and paid for from funds provided by the Government of India. There was no provision in the Municipal Act of 1884 then in force for the appointment of such officers, but it was not expected that there would be, nor was there, opposition by the municipal bodies, since Government were to pay. It was decided that the inspectors should work under health subcommittees consisting of the chairman, a municipal commissioner and the Civil Surgeon or assistant surgeon in charge of the station, and in routine matters under the Civil Surgeon alone, and that when the Act was revised a provision should be included enabling Government to require a municipality to maintain such health officers, but in order to prevent the employment of unfit persons, requiring that the health officer should either be a Government servant or approved by Government. At the revision of the Act in 1923, such provisions were included, but the constitution of health committees was left to the wishes of the board. In one case a municipality owing to friction with the Civil Surgeon, who had objected to, and cancelled, an order requiring the sanitary inspector (now termed health officer) to call daily for orders upon the chairman (who happened to be a doctor, who was at loggerheads with the Civil Surgeon over a question of permitting him to use beds at the Government hospital) or the vice-chairman, demanded the withdrawal of the Government health officer, but subsequently resiled from this position and merely demanded permission to retain an inspector of their own to control the conservancy staff. The Commissioner objected to such a procedure and, acting *ultra vires*, cut out the provision for the officer to be appointed by the board. The Director of Public Health also objected strongly to the board's proposal, pointing out that the public health department was ultimately responsible for the health of the town, that the board members were usually laymen and that the health officer if a servant of the board would be under the thumb of the towns people and would neglect his duties. It was also pointed out by the Director of Public Health that the trouble in this case was due to the Civil Surgeon not being here—as elsewhere in most cases —a member of the health committee appointed by the board. In the circumstances proposed he saw no way of compelling the board to do its duty from a health point of view. The Commissioner who had now taken charge of the division however held that the position of the board in having to deal with its staff through the Civil Surgeon was awkward, and he saw no reason why they should not be allowed to appoint their own officer.

A resolution was tabled in Council recommending that the boards should be allowed to appoint their own health officers. The Minister saw the disadvantages under which the board laboured in not having control over their health officer except

through the Civil Surgeon who might at any time be absent, but decided to oppose the resolution, as it conflicted in the form, in which it was brought with the Municipal Act, and might entail the sudden throwing out of employ of all the Government health officers. The Governor agreed, but ordered that Government should offer to allow any board, which was willing to pay a proper salary, to entertain their own man, provided he possessed the approved qualifications, but it should be pointed out that this board were offering much too low a pay for efficiency, that the Civil Surgeon would remain responsible for pointing out defects and for epidemics, so that friction could not be entirely avoided, and that the board would be well advised to have a proper health sub-committee. At about this time the Governor inspected the municipality concerned. He found debit balances, which were being financed from general funds, in the water-supply and conservancy services ; he hoped that the board would get the help, half by loan and half by grant from general revenues, which they wanted for a water -supply extension estimated to cost nearly three lakhs, but would point out that the value of property had greatly risen, though the incidence of taxation remained low and the board could reasonably have a reassessment. He was informed that the tax-payer would have none of this. The Minister did not see what action he could take as the tax-payers would not have further taxation.

## CHAPTER IV.

## THE PROVINCIAL GOVERNMENT.

### CONSTITUTION.

1. A system of Council Government was established for the first time on 3rd January 1921.

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The Office of the Governor was held as follows :—

1. His Excellency Sir Nicholas Dodd Beatson Bell, K.C.S.I., K.C.I.E., from 3rd January 1921 to 2nd March 1921.
2. His Excellency Sir William Sinclair Marris, K.C.S.I., K.C.I.E., from 3rd March 1921 to 10th October 1922.
3. His Excellency Sir John Henry Kerr, K.C.S.I., K.C.I.E., from 11th October 1922 to 10th April 1925. (Acting as the Governor of Bengal from 11th April 1925.)
4. His Excellency Sir William James Reid, K.C.I.E., C.S.I., from 11th April 1925 to 5th August 1925 (Offg.).
5. His Excellency Sir John Henry Kerr, K.C.S.I., K.C.I.E., from 6th August 1925 to 11th August 1925. (On leave from August 12, 1925.)
6. His Excellency Sir William James Reid, K.C.I.E., C.S.I., from 12th August 1925 to 8th December 1925 (Offg.).
7. His Excellency Sir John Henry Kerr, K.C.S.I., K.C.I.E., from 9th December 1925 to 27th June 1927.
8. His Excellency Sir Egbert Laurie Lucas Hammond, K.C.S.I., C.B.E., from 28th June 1927.

The following gentlemen held office in the Executive Council :—

1. Finance and Revenue Member :—The Hon'ble Sir William Reid, K.C.I.E., C.S.I., I.C.S., from 3rd January 1921 to 20th April 1924.

The Hon'ble Mr. J. E. Webster, C.S.I., C.I.E., I.C.S. (Temporary), from 21st April 1924 to 14th October 1924.

The Hon'ble Sir William Reid, K.C.I.E., C.S.I., I.C.S., from 15th October 1924 to 10th April 1925 and from 6th August 1925 to 11th August 1925. (Retired from 8th December 1925.)

The Hon'ble Mr. H. C. Barnes, C.I.E., I.C.S., (Temporary), from 11th April 1925 to 5th August 1925 and from 12th August 1925 to 8th December 1925.

The Hon'ble Mr. A. W. Botham, C.S.I., C.I.E., I.C.S., from 8th December 1925.

2. Judicial Member:—The Hon'ble Mr. Abdul Majid, C.I.E., B.A., LL.B., Bar-at-Law, from 3rd January 1921 to 12th April 1923.

The Hon'ble Khan Bahadur Kutubuddin Ahmed from 13th April 1923 to 9th October 1923.

The Hon'ble Mr. Abdul Majid, C.I.E., B.A., LL.B., Bar-at-Law, from 10th October 1923 to 29th February 1924.

The Hon'ble Khan Bahadur Kutubuddin Ahmed from 1st March 1924.

3. The Ministry was constituted as follows:—

Minister for Education:—The Hon'ble Khan Bahadur Syed Abdul Majid, C.I.E. B.L., from 3rd January 1921 to 29th June 1922.

The Hon'ble Rai Bahadur Promode Chandra Datta, B.L., from 7th September 1922 to 9th March 1924. (Re-appointed on 19th December 1923.)

The Hon'ble Maulavi (now Sir) Saiyid Muhammad Saadulla, M.A., B.L., from 10th March 1924. (Re-appointed on 10th December 1926.)

(*N. B.*—The Minister for Local Self-Government was in charge from 1st July 1922 to 6th September 1922.)

Minister for Local Self-Government:—The Hon'ble Rai Bahadur Ghanasyam Barua, B.L., from 3rd January 1921 to 26th March 1923.

The Hon'ble Rai Bahadur Promode Chandra Datta, B.L., from 10th March 1924 to 10th December 1926.

The Hon'ble the Rev. James Joy Mohon Nichols-Roy, B.A., from 15th February 1927.

2. In the first Council there were no parties, and Ministers were chosen by the Governor to represent communities and localities.

The first party in the Council was created in 1924 by the *Swarajists*, who refused to accept office in the Ministry, and it has not been possible to offer office to a dominant party in Council on the constitutional model. That Legislative Council is also so crossed by communal and territorial lines of cleavage, that it has been necessary, while selecting as Ministers members likely to command respect in Council and to lead it, to consider these lines of cleavage. Until 1927 one Minister was drawn from each valley, and one from each of the two major religious communities. For a period in 1923, in anticipation of the fresh elections and the possible entry of the *Swarajist* party, one Minister consented to hold the portfolio of his deceased colleague as well as his own. There were no resignations in consequence of differences in the Government. One Minister at one time considered resignation as the result of the vote reducing Ministers' salary to Rs. 1,500 a month: but he was persuaded to retain office. Since 1927 one Minister has been an Indian Christian from the Khasi Hills.

3. The distribution of business was made by His Excellency the Governor. The only changes in the portfolios of the Executive Council were those necessitated by changes in the subjects reserved for the Governor's own portfolio and the transfer of excise. On the appointment of Maulavi

(now Sir) Saiyid Muhammad Saadulla, the subjects of Local Self-Government and Education were interchanged between the Ministers, the remaining subjects undergoing no alteration; this step was taken in order that Rai Bahadur Promode Chandra Datta might continue in the revision of the local self-government policy which he had undertaken while in sole charge.

4. Though varying with the personality of its members, the Executive Government has generally tended to a unitary form. Important questions have, as a rule, been discussed at meetings of the whole Government,* and there too have been settled the all important questions of the division of funds. The weekly meetings, intended at first to be informal and supplementary to formal meetings under the business rules, have become the ordinary form of joint deliberation. Separate meetings of the Executive Council have not been held save on two or three occasions†, though informal discussions‡ have been common, and a few cases have been circulated only in the Executive Council. Ministers have not always been consulted in all cases affecting the province as a whole or in all stages of a case§. They were not consulted on the private bill to amend the Land Acquisition Act, a measure making revolutionary changes, especially in the direction of subordinating acquisition procedure to the Legislature and the Courts, or on the draft rules governing alienations of land and land revenue, or on resettlements. Sometimes, as in the case of the Lee Commission recommendations, a Government meeting was responsible for decisions upon subjects with a wide range, the cabinet principle, however, being abandoned in the general practice of conveying or recording dissenting opinions. Generally there was no doubt on the Government records as to the side of the Government responsible for a decision, though to the outside world this could only be known in cases where orders issued. The considerable degree of joint consultation, and the close departmental contact maintained, however, resulted in the views of members of Government having effect beyond the bounds of their own departments. In particular, His Excellency the Governor maintained a central

* *Vide* Appendix A, cases 1-3, 6-9, 13, 17-29, 49, 59-60.

† *Vide* Appendix A, cases 6, 38.

‡ *Vide* Appendix A, cases 4, 43, 61.

§ *Vide* Appendix A, cases 5, 6.

position not always merely as arbiter or reviser, but as the final repository of administrative experience. Occasionally he was responsibile for the initiation of measures, and throughout it has not been uncommon for the decision on a matter to be left by the Members and Ministers to his wisdom¶.

¶ *Vide* Appendix A, cases 4, 13, 17, 35, 39, 46, 48, 50-51, 65.

## Working of Dyarchy.

General considerations.

5. Some of the handicaps which have beset the working of the Reforms require mention before the working is described. First, the financial. The situation under the Meston settlement from the first caused dismay, and though natural increase of resources has relieved it and enabled some progress to be made, this progress is still fragmentary, and the future is rendered doubtful by the prospective loss of revenue and growth of expenditure implied by the Excise policy adopted.

Second, the political cleavages not only between the parties sympathetic or anipathetic to the Reforms, but also between the distinct territorial, racial or communal divisions of the province. As a result of the representation of various communities in the Council, the territorial arrangement of constituencies, and the direct influence of the Ministers in the reformed system of government, Government paid more attention to the racial lines of cleavage than had been done in the past. It seems unavoidable that these influences must continue, for many years to come, to increase the difficulties of administration. As an instance of this effect may be stated the case of the Gauhati Law College. This consideration would appear from the proceedings of the Council to have been in part responsible for the controversy over the re-union of Sylhet with Bengal which came to the front in 1924, and has since thrown a shadow of doubt upon many of the questions of policy in hand.

Appendix A, case 9.

Third, there was at the outset the non-co-operation movement. This was evanescent in its outward effects, once the party hostile to the reforms had decided to enter the Council, and it is doubtful how far the memory survives in the minds of the people generally. Rumours current were so wild, extending even to a belief that Government

were in favour of the movement, and the causes helping it so various, from the economic depression following the War and a desire for excitement among the more idle sections of the community, to the stir caused by events in the Near East among earnest Muhammadans, and the nervousness caused among the Assamese by the infiltration of immigrants from Eastern Bengal, that it is probable comparatively very few of the population had a clear picture of the meaning and causes of the outbreak. Undoubtedly it widely increased the number of those aware of the possibilities of change in the system of government, but the extent to which it may have diminished respect for the existing order, or furnished a political impulse to fresh classes, must be doubtful. The main effect of this movement, as also of the immigration from Bengal, appears to have been a weakening of faith in the powers and good intentions of the Executive Government.

At the time the campaign gravely affected the working of the administration in almost every sphere. Resignations among Government servants were only sporadic, except for the village officers in one district. The schools however were dislocated, the excise shops picketed, bazaars boycotted, while the police were powerless in their ordinary duties, and the land revenue in danger. Until the fatal riot at Kanairghat however, which precluded the collapse of the movement owing to the realization of the violence that such a campaign must involve, the most serious danger lay in the agitation of the ignorant labouring classes, resulting in strikes on the railways, and the series of strikes and riots upon tea-gardens. The employment of the Assam Rifles and the arming of the civil police with proper powers reduced the province speedily to a condition of complete peace, and outwardly at least the motives of the campaign remain only with the educated classes in the towns.

Finally, to the difficulties inherent in working a new machine has been added the uncertainty for the future resulting from the manner of its advent. In the picturesque phraseology of a leading *Swarajist* a problem might be "too large to be faced by a bureaucratic Finance Member ordered from England to pack, but does not know how many years hence he will depart."

6. It may be convenient, and will incidentally throw light on the degree of unreality which attaches to constitutional problems in Assam, first to cite the defects of the

reformed Government alleged by its detractors in the Council. It will be observed that the criticism had no relation in many cases to actual facts and admittedly was taken from an extra-provincial source. The defects stated in debates upon motions for reduction of the Ministers' salary or motions of no confidence were :—

(1) *Subservience of the Ministers.*—On the first occasion when a motion of "No confidence" was moved there was a full-dress attempt to show that Ministers, of whom one had only just been appointed, were subservient to Government and had no authority to work the popular will. It confined itself, however, to criticism of the occasions on which the Ministers were alleged to have voted against that will, criticism as to policy being entirely absent, though personal criticism was indulged in. The Minister, who had held office for some time defended himself by defining his reasons for voting with the Government as follows :—

(*a*) He had voted against the resolution for full responsible government because pending the appointment of a Statutory Commission the time was not opportune for this, and the mover had refused to remove the ambiguity in the wording of the resolution, especially whether it was or was not a condemnation of dyarchy.

(*b*) He had supported the bills for increasing stamp and court-fee duties since he saw no good ground for rejecting a measure already permanent in Bengal, which would be in the interests of the transferred departments, since Government had agreed to use a large portion, and subsequently the whole, of the proceeds, for the benefit of those departments.

(*c*) He had opposed the appointment of the Committee to enquire into the conduct of Government during the non-co-operation campaign for reasons shared by all who wished to bury the past, when raking it up could do no good.

(*d*) He had voted against the abolition of the grazing fees as he held it unreasonable for professional graziers to escape taxation altogether, and in this he had the House with him.

(*e*) He had no option except to support the motion for recommitting the Re-assessment Bill to

the Select Committee in view of the entirely new provisions that the committee had incorporated.

(*f*) He had opposed the resolution for opening a new leper asylum for the obvious reason that, until the conclusion of the leper survey in progress, it was premature to decide upon methods of treatment or location of institutions.

(2) *The control even in the transferred sphere exercised by Government through the official and nominated members.*—The effect of the official vote is described elsewhere; here it is sufficient to note that even the votes of "No confidence" were defeated only by means of the official bloc. No attempt, however, was made to analyse or illustrate the effects of the Government vote, and the nominated Members were quick to repeal the charge of being governed by Government's views.

(3) *The power of the Governor acting on his sole responsibility to make laws for reserved subjects.*—The powers of certification, veto, and reservation for consideration by the Governor-General have never been used. Three Government bills [the Assam Landlord and Tenant Procedure (Amendment) Bill, 1922, the Assam Local Rates Bill, 1923, and the Assam Land Revenue Re-assessment Bill, 1926] have been dropped, two owing to hostility, and only one owing to the unwillingness of the Government to accept the will of the Council. Assent was withheld from two bills, one a private, and the other a Government measure, dealing with the control of opium-smoking. The Council had passed both bills, although they were inconsistent. Later another Government bill was drafted to give effect to the Council's wishes and this bill was passed and received assent.

(4) *The power of patronage residing in the fact that the appointment of Ministers vests in the Governor.*—The effects of territorial and racial cleavages have been mentioned, and it need only be said that the refusal of one party to undertake office must make it impossible to determine whether a Ministry obtaining a fair share of confidence from all groups, and not merely representative of a fortuitous majority, could be formed by mutual compact.

(5) *The exemption from the Council's vote of certain expenditure especially that upon the Superior Services, to*

*which objection is taken in the Council both on economic and political grounds.*—There was little criticism of particular items. The Council was anxious, however, on one occasion for an explanation of the term "expenditure of which the amount is prescribed by or under any law," and one legislator questioned several items treated as non-votable.

(6) *The power of the Governor to override his Ministers.*—Here also, though in this case naturally, there was no specific indictment of the authorities in Assam.

(7) *The power of the Governor to authorise expenditure in transferred subjects.*—There was only one authorisation of expenditure in a reserved department, for bungalows which were immediately available at a cheap rate for the residence and office of the Superintendent of railway police, when the purchase could not be postponed for the vote of the Council.

In transferred departments expenditure was authorised for the re-establishment of the credit of a local board, and for extension of *kala-azar* treatment.

Exclusive of token reductions, which were 35, the provision of funds has only been certified by the Governor in 9 out of 32 cases in which the Council reduced or omitted the provision. They were as follows:—

(1) On three occasions the Council has objected to a provision for the re-assessment of land revenue, the chief ostensible ground, apart from the familiar objection to any fresh impositions, being the refusal of the Government to place the principles of re-assessment on a statutory basis. The facts in this respect will be dealt with later. The result of accepting the Council's decision, apart from prospective loss of revenue, would have been the wasting of the money spent on preparation or in preceding operations.

(2) The Council omitted provision for the pay and allowances of the superintendents of grazing. Only so much was restored as would pay these officers for the period of due notice of discharge.

(3) The provision for commission on grazing dues was reduced by half. The Council (by means

of the Government vote) had refused to abolish the grazing fees, and the acceptance of this motion would have meant that the Government were prevented from collecting in full dues in which the Council had concurred.

(4) The Council omitted a provision to purchase a saloon for the Superintendent of the railway police. The saloon was necessitated by the re-organisation of the railway police, itself partly an incidence of the Reforms, and the Government believed that the Council had been misled into thinking that the saloon was a luxury rather than a necessity.

(5) The Council rejected the salary of the deputy superintendents of police. The vote meant the abolition of a whole class of Government servants whose future was under consideration by the Lee Commission, and who must in any case be absorbed elsewhere, especially if, as was generally desired, there were to be any promotion to the All-India Service from the lower ranks.

(6) The Council reduced the provision for excise staff at a time when this was a reserved subject. This was apparently meant as a condemnation of Government excise policy, which was believed to be the obtaining of a maximum revenue without honest efforts to reduce the traffic, but it proceeded on the assumption that excise duties could equally well be performed by the police as by an excise staff. The Government believed that in accepting the reduction they would be seriously endangering the very policy on which the Council insisted.

(7) The Council reduced the provision for the Assam surveys. This was admittedly intended as a protest against the Council's inability to reject the pay of the Director of Surveys, whom they wished to abolish. This indirect attack upon a non-voted head in pursuance of a theory which the Government believed would be uneconomic was not acceptable.

(8) *The power of the Governor to return a bill for reconsideration.*—This power has never been used.

(9) *The power of the Governor to assume the temporary administration of transferred subjects.*—This power was also never used. In 1923 the portfolio of a deceased Minister was administered by his colleague for the remaining period of the Council. No mention was made of this.

(10) *The fact that the Minister holds office at the pleasure of the Governor and not that of the Council.*—In no case has a Minister been defeated on a "No confidence" motion or direct vote of censure.

In the present Assam Legislative Council, out of 39 elected members, 15 had declared their policy to be that of destroying the present constitution, and they included in their efforts towards that end repeated attacks on the Ministers. On the two occasions, however, when a motion of "no-confidence" was moved, it was defeated with the aid of the official vote.

(11) *The power of the Governor to disallow motions for adjournment to discuss matters of urgent public importance.*—This power has never been used.

(12) *The allocation of revenue between the reserved and transferred departments was stated to depend upon the will of the reserved half.*—The Hon'ble Minister for Local Self-Government stated in 1926 "What we generally do is to meet together before the budget is framed and see what is the estimate framed by the Finance Department as to the receipts. Then we consider our respective needs and consider them one by one according to their importance and then we come to an agreement, and that is what is done every year and that is what is being done this year too. It is only fair to say that every Member of the Government is willing to give as much money as possible to the transferred departments but their desire is limited by the finances at their disposal."

Appendix A, case 2.

7. There has been a general tendency to facilitate work by avoidance of technical issues, and no real friction occurred owing to the occasional impinging of departments on one another. Though, for instance, there was disagreement as to the principle of imposing a royalty upon lac, the matter was decided at a Government meeting, and the record does not even name the responsible department to which it decided that the question should be left. A resolution proposing that the Councillors should be reduced in number to one, was lost by a large majority after the Government had explained that the original proposal had been to have

only one Member and one Minister, and that the effect of the proposal would be to prevent the acquisition of experience by Indians.

In respect of deference to the views of the Governor, and readiness to achieve a decision by discussion and compromise, the position of Members was frequently not dissimilar to that of Ministers.

*Vide* Appendix A, cases 30-32, 34-36, 67.

The method of joint consultation applied particularly in matters of legislation, though the business rules prescribing the course of legislation were strictly followed, and the transferred side of Government reserved its freedom in the matter of the vote on several occasions. Among 447 matters placed before the whole Government 100 definitely concerned reserved departments, 104 transferred departments, while 156 were matters affecting both reserved and transferred departments, and 28, though directly concerning one department, involved others indirectly.

The records do not disclose any friction in regard to the working of the business rules governing the power of a Member or Minister to call for papers in another department. It was rare for a Minister to request that any case should be taken before the whole Government, or that his colleague should be consulted. The initiative in regard to bringing matters before the whole Government, or the joint deliberation of Ministers, rested with the Governor.

*Vide* Appendix A, case 60.

Under business rule 8 a Secretary may at any time submit a case to the Governor, but must inform the Member or Minister accordingly. The submission of cases to the Governor was very freely adopted, and cases were sometimes referred direct to the Governor in the absence of the Member or Minister. Acting under paragraph 7(4) of his Instructions in the safeguard of the services the Governor has also preserved the right of Heads of Departments to direct access. In a number of instances the right was used with effect upon policy. To this the Ministers had no objection.

*Vide* Appendix A, case 38.

Appendix A, cases 13, 40, 49, 57.

8. A Financial Adviser was not appointed, in view of the small size of the province, and the little he would have had to do in advising upon transferred schemes.

*Vide* Appendix A, case 61.

9. With the exceptions noted below Standing Committees have not been appointed, and Ministers have not pressed for them, the objections being that—

(1) While one party stands aloof, such a committee could not ensure support in the Council;

(2) There are not members permanently resident at or within easy reach of Shillong, so that contact with the department could not be maintained.

Committees have been appointed however for special purposes, namely—

(1) The Standing Finance Committee, successor of a less formal body, which meets to advise the Finance Department upon new schemes to be presented to the Council. The object has been criticized as much too narrow, and the *Swarajist* party distrusts it as a powerless body meant to secure support for the Finance Department;

(2) The Road Board, consisting of elected Council members and one official, constituted to advise Government on the metalling of roads, which has a *quasi*-permanent status, while funds are allotted for the purpose.

Committees for an ephemeral purpose have been many, and have included a majority of members of Council, who have sometimes been elected, *e.g.*—

(1) Committee on retrenchment, 1921;

(2) Committee on separation of executive and judicial functions, 1924;

(3) Committee on land revenue re-assessment, 1924;

(4) Committee on amendment of the Local Self-Government Act, 1925;

(5) Committee on secondary education, 1925;

(6) Committee on the grazing rules, 1925;

(7) Committee to enquire into grazing, 1927;

(8) Committee to enquire into the encouragement of tea culture by small capitalists, 1927;

(9) Committee to advise on opium and excise policy, 1928.

Of these, only numbers 5, 8 and 9 came near being empowered by the Council to advise on matters of policy, and really representative of Council opinion. The last was appointed at the initiative of the Minister.

10. The following matters of doubt have arisen in interpretation of the statutory rules:—

I.—Under Legislative Council Rule 29(3) the President at 5 o'clock on the last day of discussion of demands must "put every question necessary to dispose of all the outstanding matters in connection with the demands." This has been interpreted to necessitate placing all the demands for reduction on the Order Paper when the time fixed has arrived. In the budget session of 1927 this led to a protest from the Finance Member that members did not know for what they were voting on token reductions (while the opposition raised the question whether a vote could be taken without discussion when the time fixed had actually elapsed). It has been pointed out that in the Legislative Assembly only the demand is placed before the House, while apparently in the House of Commons only all the questions necessary to dispose of the vote under consideration are put on the fall of the guillotine, other votes being moved by totals. In answer to the Finance Member's objection it was pointed out that if deprived of the power of making a token reduction the House might retaliate by throwing out the whole demand.

II.—The apparent intention of the old administration was that Muhammadan constituencies should only be represented by Muhammadans, and non-Muhammadan by non-Muhammadans. Apparently when rule 6 of the Electoral Rules, with its counterparts in other provinces, was under correspondence, the Government of Bihar and Orissa noticed that there was no provision to this effect, but the Government of Assam did not. The Joint Select Committee made the provision required by Bihar and Orissa, but in dealing with the question of electors of *special* constituencies standing for a general seat, assumed that in acquiescing in provision for this the Governments of the United Provinces and Assam did not attach importance to the candidate being of the same community as those whose interests he seeks to voice, though they acknowledged that this is a logical corollary of communal representation. The question has not been raised in the United Provinces, but in Assam in one case it was contemplated

to put up a Muhammadan candidate for a non-Muhammadan seat. This did not actually occur. Though in elections to the Legislative Council no inconvenience has in practice been experienced, the absence of any definite provision limiting candidature on communal lines has been a source of difficulty in the local board elections of 1928. In two instances injunctions have been sought in the civil courts to restrain successful Muhammadan candidates from acting as representatives of non-Muhammadan electors. A temporary injunction was granted in both instances, and in one a permanent injunction has been granted, against which the local board have been advised to prefer an appeal.

III.—The provision of section 72A(2), proviso (*b*), enabling only one instead of two persons (as proposed by the Chief Commissioner) having special knowledge or experience of the subject matter of a bill to be appointed as a supernumerary member of Council for that bill, caused inconvenience in connection with the Goalpara Tenancy Bill, when on two occasions a Secretary had to resign, in order to enable a zemindar of Goalpara to be appointed, as well as the specialist official who was responsible for the Bill.

IV.—A suggestion was made by the Government of India (when an amendment was made to the rules providing for the lapse of all unpassed bills with dissolution) that it might be necessary to alter the law to prevent the return for reconsideration of a bill passed by a previous Council, as otherwise the new Council might be committed against their wishes.

V.—The Government of India ruled *inter alia* that the previous sanction given to a private member's bill was a personal sanction for that member, because this was the practice. It has been questioned whether this was consistent with section 80A, sub-section (3) of the Government of India Act, according to which the sanction appears to be one granted to the local legislature rather than to any particular member, or with the practice, in the case of Government bills, of treating the sanction as available to any member of Government. Actually the Temperance Bill was introduced by a member other than the member who obtained sanction but in the latter's absence and on his behalf.

VI.—A question arose (owing to Government members not voting on a division) whether a division could be claimed on a question to which there were verbal answers of "Aye" only, and as to the consequent effects under parliamentary procedure. The Advocate General, Bengal, ruled that the Indian Councils being statutory, their procedure could not be analogous to parliamentary procedure. The answer was in the affirmative, and a wrong decision on a division might be challenged in the Courts.

### Position and powers of the Governor.

11. It has been said already that the importance of the Governor's position pervaded the regime. The emergency powers, vested in him, the veto, certification or refusal of assent were indeed never used, save in relation to certification of grants refused, authorisation of expenditure and the temporary withholding of assent to a Government bill and a private bill which conflicted, the effect of which last action was only temporary. There was only one occasion on which there was some dissatisfaction as to the time and place at which the Council was summoned to meet; this was in connection with the extraordinary session held in Shillong in January 1926 to decide the future of Sylhet. There was no occasion for dissolution of the Council before its time, or extension beyond the ordinary term. The power of regulating the business of Government by rules under section 49(2) has, however, been important in determining the relations of its parts. In the first instance he kept in his own portfolio:—

(1) Central subjects other than Financial.

(2) Appointment Department (held to include provincial matters of a political nature, such as Indian tribes, succession of headmen, and tribal or village rights in the hill districts).

(3) Public works (including irrigation, inland waterways and motor vehicles).

(4) European education.

(5) Excise.

(6) Factories, labour disputes and other reserved industrial matters.

(7) Assam Rifles.

(8) Elections.

(9) Court of Wards.
(10) Proposals for legislation for the above purposes.
(11) Stores and stationery for the above purposes.

In 1922 he divested himself of Excise, the Court of Wards, Elections, Immigration and Industrial matters except electricity, gas and smoke nuisances. Judicial appeals from the Naga and Lushai Hills and the partially administered portions of the frontier tracts were added to his portfolio in 1924. In 1927 on account of the inconvenience experienced in Council owing to the absence from the House of a member of Government responsible for the policy of the Public Works Department, the Governor divested himself of this subject, and also of electricity, gas, smoke nuisances, and certain central subjects.

The business rules framed by the Governor require, *inter alia*, that all proposed resolutions on administrative reports, all proposed orders embodying a change of policy or practice, all correspondence with the Government of India, the High Court, or any public association recognised by Government (except on routine matters), all proposals involving the creation or abolition of any public office carrying a pay of Rs. 100 per mensem or of any public service, all proposed answers to questions in the Legislative Council, all cases considered by the Members or Ministers in charge to be of major importance, and all orders negativing a proposal or decision of a Commissioner or a Head of a Department (unless the proposals contravene standing orders or accepted principles, or unless it is proposed merely to refer to such orders or principles, or to make a suggestion but not an order), should be laid before the Governor. In practice all cases of any importance were referred to him under these rules.

12. The relations of the Executive Council *inter se* and with the Governor have been free from friction. There have been few cases in which a decision by majority of the Council has been rendered necessary by a distinct reference for the purpose,* and the delicate situation which might arise from the relegation of such a decision to a single Member has been generally avoided, when a difference has arisen between the Governor and a member of the Council, by acceptance of the Governor's ruling. *Per contra*, on only one occasion has the Governor

* *Vide* Appendix A, cases 30-32, 34, 36, 37, 49, 67.

used his power under section 50 of the Act to override his Council, and here the importance of the matter is at least doubtful†. In few cases also has doubt arisen between departments of either nature as to the department which should deal with a case, necessitating a decision by the Governor. The President, in commenting upon an attempt to discuss the action of the Governor in disallowing a motion of no-confidence in the Minister for Local Self-Government in 1928 (on the ground that it trenched upon a subject under correspondence with higher authority) said "I am afraid I cannot ignore it, nor allow any criticism of the action of His Excellency the Governor inside this house. Of course an honourable member may state his opinion.....It is one thing to criticise and another thing to have an academic consideration on the subject."

† *Vide* Appendix A, case 38.

## Position of Ministers in relation to the Governor and Members of the Executive Council.

13. The occasions upon which a Minister has been expressly overruled by the Governor have been few, an examination of the records disclosing only 15 instances* in which this can be stated to have occurred. In few of these was a major question of policy involved, although a principle of administration usually was. In many instances the intentions of the Ministers were altered as a result of written or verbal discussion with the Governor, while on the other hand in many instances the orders of the Ministers were upheld where they might *prima facie* awaken fears, or were passed after the Governor had expressed his personal disagreement, and in some the Governor modified his attitude after further discussion.† The records include a number of instances of a tendency on the part of the Minister or even of the Executive Councillor—to treat himself as merely a half-way house‡ to the Governor, to put a case or to ask for advice. This was particularly evident in questions relating to transferred subjects in the backward tracts. It followed from the relations

**Vide* Appendix A, cases 17, 41-45, 47, 55, 59, 63, 65, 77-78 and under chapter III, cases 14, 15. See also cases 3, 9, 14, 15 and 17 of Appendix A to chapter II.

† *Vide* Appendix A, cases 17, 46, 50, 58, 60, 64, 65.

‡ *Vide* Appendix A, cases 35, 39, 48, 49, 51.

of the Governor with other parts of Government that his experience frequently deflected the course of a case. That the influence of the Council and of the Ministers could entirely change the policy of Government was illustrated by the history of opium control.

RELATIONSHIP OF MINISTERS TO EACH OTHER, AND THE QUESTION OF COLLECTIVE RESPONSIBILITY.

14. Save for part of the year 1923, when a single Minister consented to undertake the duties of his deceased colleague for the remainder of the term, there have, throughout been two Ministers. Until 1927 they were drawn from the two Valleys and were representatives of the two greater communities. Since that year, however, one of the Ministers has been an Indian missionary from a hill district whose temperance programme had received support in the Council. Although the *Swarajist* members made references in 1927 to the issue of the joint responsibility of Ministers, they did not press it. There was little active hostility to the Ministers as such in the Council, which preferred as a whole to identify them with Government. Only one or two of the members exercised themselves to ascertain the position and authority of the Minister. In 1921, 1922 and 1923 unsuccessful attempts were made to reduce the Ministers' salary to Rs. 2,500 or even Rs. 1,500 a month. In April 1924 the *Swarajists* carried such an attack by one vote; an attempt to restore the full amount by supplementary demand was defeated by a similar vote. In March 1925 the Council had changed their feeling, and voted the original figure of Rs. 3,500, which has since continued. The persistent efforts to reduce the figure, even apart from political attacks with the object of destroying dyarchy, have placed Ministers in an awkward and embarrassing position. Though the various debates on the Ministers' salary had a political aspect, the speeches showed that the main ground for reduction made in the salary was economic. Only once was a "No-confidence" resolution moved against both Ministers, and this was defeated by the Government vote. On a second occasion a motion of "no-confidence" was moved against one of the two Ministers, and this was also defeated by the Government vote. The Council was uncritical in the matter of joint responsibility in specific instances, having nothing to say, for instance, when the Minister for Local Self-Government announced that the control of

schools by village authorities would be left to the Minister for Education.

On the following occasions a Minister was unable to support Government or his colleague by vote:—

(1) A resolution proposing the restriction of opium sales.*

(2) A motion for the omission of increased provision for the civil police.

(3) A motion for alteration of the fixed dates for payment of revenue.

(4) A motion for the introduction of hygienic instruction in schools.

(5) A motion for the introduction of a measure to assist zemindars in the collection of rents.

(6) A motion for the improvement of the pay of the subordinate educational service.

(7) A motion for increase in the grant-in-aid to aided high schools.

(8) A motion for the abolition of a Government steam launch.

(9) Two resolutions for the introduction of spinning into schools, etc.

(10) A resolution for the affiliation of a college in science and economics.

(11) A resolution concerning the conveyance at Government cost of students to and from a college.

(12) A motion for reducing the fee rates in secondary schools in a particular subdivision.*

(13) A resolution concerning the metalling of a particular road.

(14) A resolution for the restriction of settlement of waste lands (in the Assam Valley) with immigrants from Eastern Bengal.

(15) A motion censuring Government for improper nominations to local boards.

(16) A motion recommending the declaration of the month of *Ramadhan* as a public holiday.

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* *Vide* Appendix A, cases 1, 64.

On one occasion the single Minister abstained from voting on a motion for the reduction of the provision for the Ministers' salary.

In cases Nos. 1, 3, 5, 6, 10, 12, 13, and 14 the abstention was probably dictated by considerations peculiar to the valley which the Minister represented, while in the other cases it was probably dictated by the strength of feeling amongst elected members generally or an unascertained section.

Both Ministers abstained from support of Government, partly probably in view of the strength of feeling amongst elected members, in the following cases :—

(1) A motion for the omission of allowances for Executive Engineers not appointed by the Secretary of State, and of Assistant Engineers, placed before the Council because similar allowances had been granted to officers appointed by the Secretary of State.

(2) A resolution asking for the postponement of the Lee Commission's recommendations.

(3) A resolution for the grant of franchise to women. One Minister abstained on the second part of the resolution proposing that women should be eligible for the Council.

(4) A resolution, which gave rise to much heat, recommending the appointment of a committee to advise on the settlement of waste land for special cultivation.

(5) A resolution requiring the introduction of elephant catching operations.

(6) A resolution aiming at drastic action to compel rights-of-way over tea gardens to be kept open.

(7) A motion for adjournment to discuss a notification for the reassessment of land revenue; as a protest against non-fulfilment of the recommendation that the principles of resettlement should be brought under statute.

GROWTH OF PARTY SYSTEM IN THE PROVINCIAL COUNCIL.

15. Except for the Congress or *Swaraj* party, which entered the Council in 1924 and maintained a common political programme until communal differences resulted in

1926 in the break-away of Muhammadan members, and the failure of the only Muhammadan candidate who stood as a *Swarajist* at the elections, the only party was the Independent party formed to counteract the *Swarajist*. This was united only upon political questions. It died for lack of a common programme in other matters during the life of the second Council. Party organisation within the Council has been of a very loose character, though nominally a leader, deputy leader and whips have been appointed by the *Swaraj* Party, and, for a brief period, by the Independents. The failure of the stamp and court-fee bills in 1928 illustrates the fact that, saving support of the Congress and opposition to taxation, there is no party in the Council, but only a collection of dissolving groups.

There was no definite organisation of a Government party, nominated members voting in accordance with their personal predilections. The planting members formed a small compact group, similarly not subservient to Government's desires, and frequently voting against Government where the interests of the tea industry were not affected directly or indirectly.

The absence of a party organisation based on any difference of opinon as to administration, with the refusal of the only cohesive group to undertake any responsibility, limited the power of the ministry to frame constructive policy. The main administrative changes of the period may be briefly examined :—

(1) *The democratisation of the local bodies.*—This was not the outcome of the reforms, but the progressive fulfilment of a policy already undertaken. The Minister, however, was responsible for an important new step in rural self-government, for which he received the support of the Council and a considerable measure of support from his colleagues in Government.

(2) *The temperance and anti-opium campaign.*—This was initiated by private members before transfer of the subject, but was carried through by the almost unanimous support of the educated classes.

(3) *The extension of* kala-azar *treatment.*—This was due to the initiative of the Minister, and won full support from Government and all classes.

(4) *The leprosy campaign.*—This again was due to the initiative of the Minister, though the survey has been

recently stopped. It has been decided when funds are available to open a new leper hospital at Jorhat at which early cases which are likely to benefit by medical treatment will be received, and which will serve as a leprosy research institute at which training can be given to doctors in the most recent methods of treatment. Leper clinics are also being established at the headquarters of districts and sub-divisions.

(5) *The amalgamation or co-ordination of curative and preventive methods.*—In this matter the policy of the Minister was frustrated by hostile professional opinion before the stage of approaching higher authority was reached. The co-ordination actually effected roused little interest in the Council, while the separation of medical and public health, and the expansion of public health activities, which have been accepted by the new Minister, were propounded by the department and not by himself. In matters of detail also policy has changed with the Minister, there being no indication that it depends on party principle.

*Vide* Appendix A, cases 9, 13, 46, 48, 64.

While the Ministers have been inevitably divided on such matters as the reunion of Sylhet with Bengal or the status of the Law College, a Minister has sometimes had his policy deflected by the attitude of his colleague.

It has also been deflected on matters of principle, for which no party is particularly responsible, by the attitude of a majority in Council, as in the case of the appointment of a registrar of village authorities, and the constitution of village courts and benches, or by general feeling of the classes represented in the Council. In matters affecting the tax-payer policy was mainly dictated by the hostility of the Council to anything affecting the private purse, coupled with the demand for employment.

*Vide* Appendix A, cases 27, 46, 59, 60, 64.

The Ministry has, however, sought throughout the extension of benefits with great effect upon the work done by the transferred departments. For instance, whereas in 1924 only some Rs. 11,141 was spent upon cholera vaccination, the amount spent in 1927 was Rs. 52,485. It can be said that in certain matters popular Ministers have been compelled by their subservience to the Council to insist upon having more voice in matters of detail and particularly in

matters of appointment, posting, etc., than a purely administrative head finds desirable, and to that extent have superseded the permanent official head.

The Legislative measures passed by the Council were the following:—

(1) Four Salary Acts for the President and the Deputy President. (Three Government and private bills.)

(2) The Assam Court-fees Amendment Act, 1922. (Government.)

(3) The Assam Stamp Amendment Act, 1922. (Ditto.)

(4) The Assam Municipal Act, 1923. (Ditto.)

(5) The Assam Students and Juvenile Smoking Act 1923. (Private.)

(6) The Assam Stamp Amendment Act, 1925. (Government.)

(7) The Assam Court-fees Amendment Act, 1925. (Ditto.)

(8) The Assam Primary Education Act, 1926. (Ditto.)

(9) The Assam Local Rates and Local Self-Government Amendment Act, 1926. (Ditto.)

(10) The Assam Rural Self-Government Act, 1926. (Ditto.)

(11) The Assam Local Self-Government Amendment Act, 1926. ... (Ditto.)

(12) The Assam Water Hyacinth Act, 1926. (Private.)

(13) The Assam Temperance Act, 1926. (Ditto.)

(14) The Assam Opium Smoking Act, 1927. (Two Government and one private bills of which one Government measure became an Act.)

(15) The Assam Local Self-Government Bill, 1928. (Government.)

The Deputy President's salary was first fixed at Rs. 2,500 per annum, but was subsequently reduced to the nominal amount of Re. 1, which was adopted by amendment, the Deputy President having himself offered to work without any salary. The salary of Rs. 500 per mensem for the non-official President was, after two unsuccessful attempts, raised by a private bill to Rs. 1,000 per mensem in

order to recognise the dignity and responsibility of the office, the Ministers voting for the bill and the official members remaining neutral. There were also six Acts of a minor or technical nature. The Municipal, Primary Education, Rural Self-Government, Local Self-Government Amendment, Temperance, Water Hyacinth and Opium Smoking Acts are discussed under other headings. The only taxing enactments were the Stamp and Court-fees Amendment Acts of 1922 and the Local Rates and Local Self-Government Amendment Act. The two former were Government Acts, following the precedent of Bengal in enhancing fees to provide new revenues. They were accepted by the Council by means of the official vote as necessary to meet the serious financial stringency, but the Council insisted on their having a life of three years only. In 1924 the Government endeavoured to make them permanent, as they were already in Bengal, and volunteered to give two lakhs of rupees, if they were passed, for expenditure in the transferred departments. Introduction was refused on the grounds that the increased fees were a severe handicap to the poor litigant, that the province was now solvent, and that if more money were needed, it should be found by retrenchment of highly-paid appointments, by taxation on the tea industry, and other means. In 1925 the Government made another attempt, proposing to introduce the bills for a period of three years only, and to place the entire income from the enhanced fees at the disposal of the Ministers. Meanwhile the Minister of Local Self-Government had impressed upon the Council the urgent need of providing a better and more adequate water-supply in rural areas, and estimated that two crores of rupees were required for this purpose. Despite the continued opposition of the *Swaraj* party the Council passed the bills by decisive majority. The Government in the course of debate had agreed that the Council should decide the purpose upon which the proceeds should be expended, and the Council by a resolution recommended that the entire amount expected of 10 lakhs should be devoted to water-supply in rural areas.

In the budget session of March 1928 two bills were moved to be taken into consideration to make these increases permanent. It was proposed that the proceeds should be used in transferred subjects, and municipal water-supply was to share in the benefit. An Independent amendment aiming, as before, to continue them on a

temporary basis, was disallowed by the President as out of time; the Council then after a brief debate threw the bills out, two nominated non-officials abstaining and two voting against them, the only support received by Government being from the planting and the labour and backward tracts members. Thus a revenue item calculated to amount to upwards of three lakhs has been lost, the stamp revenue having grown under these enactments from 17 lakhs in 1920-21 to 23¼ lakhs (budgetted) in 1927-28.

The deputy *Swarajist* leader said "I will at once admit the tax will touch a section of the people, but may I ask the Government what tax excepting the salt tax touches the toiling millions of this land? But the point for this Council to consider is this—first of all whether this tax will touch a section of the people which is considerably big.....The Finance Member has quoted Mr. Webster that agricultural leases are exempt from this taxation.....As a matter of practice a good number of agricultural leases for some reason or other bear stamps...What right has this Council, with a clean conscience, to ask even a small percentage of the population to bear a tax which is not needed.....Comparing the actual figures for 1926-27 with the budget figures for the coming year I find a clear increase in revenues of Rs. 30 lakhs. I should be glad if he were to make a statement now that he is going successfully and seriously to wipe off his entire revenue of 40 lakhs in excise, and I shall then ask the country to submit to an additional taxation in any form to-morrow." A nominated non-official said "I should have been prepared to have voted with the Hon'ble the Finance Member if he had proposed that the operation of the Act should be extended for a few years more and had given an assurance that the whole of the increase would be utilised for the same purpose as during the last three years." The *Swarajist* leader said "In going out for local board elections, in going out to meet the people these things always come up. They say, 'You have done this, you have done that, and you come here.' An Independent said, "I assured my constituency and my supporters that these Acts would die out at the expiry of their extended life with further improvement in the finance of the province...After the publication of these bills I was taunted by my friends." The Finance Member said "If the House has not had the opportunity of renewing these Acts on a temporary basis the fault lies not with us, but

with those members who objected to the amendment being put. I should like to make that perfectly clear." A *Swarajist* then interjected "We did it deliberately."

A token reduction was later carried to condemn Government for making provision for rural water-supply dependent upon the passing of the Stamp and Court-fee Bills, and for not bringing forward a supplementary demand in reduction of the provincial balance after these were thrown out. The leader of the *Swarajists* said "This is a sort of coercion.....When it is a question of water-supply they bring in all these conditions and coercions. But if it is a question for the road board they are quite prepared to borrow seventy-five lakhs and pay back the sum with eighty-four lakhs as interest in so many years." An Independent said "I support the motion. But I disassociate myself from my friends when they used the word dishonesty. I for myself have not been able to find any dishonesty in the Finance Member."

17. The unsuccessful Local Rates Bill had proposed the increase of local rates on permanently-settled lands, the imposition of rates on mines, bazars, etc., and the increase of the rate on tea lands to eight annas per acre. In April 1924, a planting member moved a resolution recommending the abolition of the export duty on tea, and promised that if this were done, the planting community would voluntarily tax themselves for the benefit of communications, and this was carried. In 1926 a *Swarajist* member got a resolution passed recommending that the local rates on tea lands should be increased to eight annas per acre in view of the corresponding rates in Bengal. The resolution was opposed by the planting members, and the Government members remained neutral, since the proposal singled out a particular industry for enhanced taxation. The planting members then moved a resolution to increase the rates, and to utilize the proceeds towards a loan of Rs. 30 lakhs for improving communications. The Government objected to the raising of the loan, which would entail payment of interest, while the utmost that could immediately be spent could be found from surplus, and proposed an amendment providing 10 lakhs for communications, which was accepted. As a result an Act (The Assam Local Rates and Local self-Government Amendment Act, 1926) was passed with the consent of the planting members, providing that an additional rate should be levied on land used for tea cultivation, so as to make a total rate of annas eight per acre, and the

proceeds utilized for improvement of communications in the districts from which it was raised, and a road board was constituted to advise as to the scheme of improvement which should be financed.

The Juvenile Smoking and Water Hyacinth Acts were private measures and have proved so far infructuous.

There is now only one important bill before the Council, the Goalpara Tenancy Bill. Though a contentious measure, the motion for circulation was not opposed, and it has been committed to Select Committee.

In legislation the powers of the Council were generally reasonable, and the stipulations of Government were to a large extent accepted, as in the Temperance Act, even where they ran counter to the Council's wish. An intransigent attitude was only adopted in relation to taxation bills, for as such the Local Rates, Sylhet Record-of-rights, and Land Revenue Re-assessment Bills were regarded, and to the Opium Smoking Bills.

It is too early yet to say whether the Assam Temperance Act will be fruitful or will be another example of a tendency shown in a good deal of the legislation, *e.g.*, the Juvenile Smoking, and Water Hyacinth Acts, to care more for the establishment of a principle than for assurance of its success in practice. The tendency is illustrated by the speech of the mover on the private Assam Opium Smoking Bill, who said "Only the law that will prohibit opium smoking altogether will reveal the evil as it is..... The question of enforcement is secondary."

There was a tendency also for insistence upon ideas present to the minds of the Council at the expense of the law under consideration. For instance, in the amendments made to the Re-assessment Bill by the Select Committee, in place of a provision requiring the Settlement Officer to consider the pressure of the existing settlement and the economic condition of the people, he was required to consider "the pressure of the existing settlement and existing direct taxes or rates which the people are required to pay," and (subsequently) "the economic condition of the people." Several amendments made to the Assam Local Self-Government Bill after its emergence from the Select Committee were made in similar haste, and amending Acts have had and will still have to be introduced.

Private bills have been drafted but not pressed, aiming to prohibit opium eating under penalty, to abolish the chaukidari tax (the probable explanation of inaction in this case being that the franchise in three districts rests on payment of this tax), and to compel Government to allow the Shillong municipal board to elect their own chairman. A bill has also been received aiming to repeal the Scheduled Districts Act so far as regards the plains districts, the Shillong Cantonment and the British part of the station. Owing to the peculiar position of Shillong in constitutional and legislative matters it has been found that the drafter's intention, if it was to restore the jurisdiction of the High Court in the British part of Shillong, would not be carried out by the passing of this bill, but it would invalidate a number of enactments brought into force in the plains districts under the Act.

Resolutions.

18. While the watchword of the first Council was economy, its chief resolution of a general nature being that for appointment of a retrenchment committee, its successors were concerned with a number of political and constitutional questions. The *Swarajists* and Responsivists had not developed considered programmes which would bring them to a real issue on the resolutions for full responsible Government and provincial autonomy, and the persistence of the habit alluded to in the Governor's prorogation speech of 1921, of drafting resolutions in indefinite and argumentative terms, led to their being passed without the questions at stake being defined, a member even supporting the former because it committed the Council to nothing. A resolution for the removal of disabilities upon political convicts in the Council and local bodies was passed; so far, however, as it directly concerned the provincial Government, that is in regard to local bodies, there was no indication how political offenders could be discriminated from those guilty of other crimes, whom it was not the sense of the House to qualify, and action could not be taken upon it. In the act amending the Local Self-Government Act, however, a proviso excepting crimes "not involving moral turpitude" from those conveying disqualification was inserted with this object during course through the Council. A resolution of 1924 proposed the appointment of a committee to enquire into the actions of the executive during the non-co-operation campaign; feeling that the past should not be disinterred was strong enough to carry a motion for adjournment of the

debate *sine die*, but it was made clear that the object had been to ventilate a sense of grievance rather than to obtain a decision on any clear issue, not only by a motion next day for the adjournment of the House nominally to discuss whether debate was properly disallowed on the previous day's motion, but also by the resolution of 1927 for the dismissal of a sub-inspector concerned in a particular incident. On both occasions much hot language was used, with a cathartic effect.

The second Council also carried in the political field the resolutions for the transfer of Sylhet and Cachar, and subsequently of Sylhet alone, to Bengal, with the recommendation that the status of the province should not suffer in consequence, which have resulted in the relegation of this long-standing problem to the decision of the Commission.

Among constitutional matters the Council carried the following resolutions:—

(1) *For the transfer of Forests, Excise, Public Works, and Fisheries to popular administration.*— Excise has since been transferred.

In the case of fisheries it was necessary to retain as reserved the functions performed by officers of the Land Revenue department (*viz.*, the settlement and collection of the revenue due therefrom) but other matters connected with the subject were transferred. The reasons for which forests have still been kept reserved are that the forests, though one of the principal sources of revenue, are still incompletely demarcated and furnished with working plans, that the forest policy and system of administration have not assumed final shape, so that inexpert interference arising from the popular control which might be exercised by the legislative council would involve risk, that a large area of unclassed forests involves co-ordination with the subject of land revenue, that other areas lie within the backward tracts, and that the administration of the forests is generally neither understood nor regarded with favour. The transfer of public works was not recommended, because the department subserves both reserved and transferred interests in

regard to buildings, the most important communications in direct charge of the department lie in backward tracts, and as an experiment a policy of transfer to popular control through the local bodies was initiated.

(2) *For a statement of the effect given to resolutions to be posted.*—Though these operate only as recommendations, a statement covering the fate of resolutions in the previous Council is regularly posted.

(3) *For the enfranchisement of women, and their qualification for membership of Council.*—There was no case for enfranchisement, other than the theoretical, put forward, but the resolution was mandatory under the Electoral Rules, in its first part, and has been put in force. The second part, though the Council refused to deal with it separately, was even in the opinion of some supporters entirely premature, and Government have not undertaken to uphold it. By the amendment of the Electoral Rules in 1926 a resolution of the Council recommending the removal of the sex disqualification for election has become mandatory, but the Council since that amendment has not revived its recommendation.

(4) *For the creation of a graduates' constituency.*—A proposition for this purpose by the Secretary of State at the institution of the Reforms had not been welcomed by the Chief Commissioner because the constituency would be heterogeneous and a large proportion of the electors would be Government servants. The origin in this case was a feeling that the large majority of the electorate were illiterate, and the educated classes should have a separate and assured voice.

A resolution for the appointment of Council Secretaries was withdrawn on the explanation that the appointment rested with the Governor, and the demand has not been renewed, though a *Swarajist* leader has suggested such appointment as a mode of reconciling Government with the Council in the matter of troublesome interrogation.

The Council's other resolutions are save as in paragraph 25 below dealt with in their administrative bearing under the heading of the department concerned.

19. As a result of the wide and argumentative terms in which they were often drafted, and of the fact that the local Government is not competent to take action fully on many of them, no exact classification is possible according to the fate of those carried. Sometimes, as with the resolutions concerning the cost of the Assam Rifles and the introduction of *mela shikar* operations, Government have fulfilled the desire of the Council so far as was reasonable or lay in their power. Sometimes Government have gone some way to meet grievances, but have found it impossible to submit to the terms dictated by the Council; this was so with resolutions requiring the principles of land revenue reassessment to be brought under legislative enactment, the stoppage of sales of permanently-settled estates for arrear of local rate, or the improvement of the facilities for redemption of such estates when under sale, and measures to compel public foot-paths through tea gardens to be kept open. While, therefore, so far as regards the former class there is no gulf between Government and the Council, and partial fulfilment of the terms of a resolution may be regarded as sufficient, in the latter class there is a definite breach, and the fact that, for instance, Government having no powers themselves, have forwarded a resolution demanding full responsible Government to the Government of India, cannot be taken as a substantial compliance with the Council's wishes. Reckoning on this principle, a rough classification of 117 resolutions carried up to the end of 1927 shows that the Local Government have been able to meet the Council in respect of 57, but are unable to give the effect required in 13 and partly in two others while 14 (including these last) have been partially fulfilled and there is no prospect of such an event in respect of 28. Of the remainder the subject matters are pending, namely, the transfer of Sylhet, a water-works scheme, maintenance of a monument, and the creation of a graduates' constituency. At the budget session of March-April 1928 nine resolutions were carried, including the Government resolution for the appointment of a committee of the Council to co-operate with the Statutory Commission, and two other Government resolutions. Three others were accepted in the House, and the remainder are engaging consideration. Those classified as fulfilled in part include a demand that Government

should provide transport for students to the new buildings of the Murarichand College. This was a controversial matter, owing to the long standing controversy as to the site of this institution. Government declined to fulfil this mandate, and private transport enterprise soon provided a solution to the question, but at first Government were compelled by public agitation to confer some help on the enterprise. A resolution asking for a loan of fifty lakhs to be budgeted for the spread of primary education was not accepted, since primary education can only be satisfactorily financed by funds available for recurring expenditure; in fact a scheme for the promotion of primary education within available funds is proceeding, and this item is included in those fulfilled. Again, the Council demanded the appointment of a committee to deal with unemployment; a committee was in process of formation when it was found that the refusal of members to sit upon it for political reasons would make it a farce. This is classed as unfulfilled.

20. A considerable number of the resolutions had the effect of explicitly recommending particular expenditure by Government, and many of these have been accepted, in reserved as well as transferred departments. The resolutions for additional affiliations of the Government colleges may be mentioned as remarkable examples in the latter, and the resolutions for devoting funds to metalling and improvement of communications, in the former class. Attempts to secure wider power in the disallowance of expenditure on the other hand, may be seen in the refusal of grants on several occasions, such as those for the Commissioner's office and the Assam Surveys, to call attention to the legislature's objection to non-votable grants. In 1926, there was also an abortive attack on the grant for expenditure in England, for the purpose of criticizing the alleged too frequent grant of leave to a senior officer. Resolutions have also been tabled with the design of disallowing the payment of legal expenses of officers, even when they were compelled to go to court by Government.

The following resolutions or cut motions aimed at or recommended expenditure (given so far as at present capable of being stated) :—

| | Rs. |
|---|---|
| (1) General purposes grants to three local boards ... ... ... | 15,000 recurring. |
| (2) Experiment in a municipal water-supply scheme ... ... ... | 8,000 non-recurring. |

| | |
|---|---|
| (3) Affiliation of the Murarichand College in B.Sc. and Economics ... | 34,000 recurring and Rs. 72,000 non-recurring. |
| (4) Affilation of the Cotton College in Persian ... ... ... | 2,000 recurring. |
| (5) Teaching of Botany at the Cotton College ... ... ... | 12,000 recurring and Rs. 30,000 non-recurring. |
| (6) Physical education in secondary schools and training of teachers ... | From 5 to 6 lakhs. |
| (7) Provincialization of high schools ... | 23,884 recurring and Rs. 5,000 non-recurring. |
| (8) Improvement of road communications<br>(9) Metalling of unmetalled roads (when possible) ... ... ... | 10,00,000. |
| (10) Construction of Jorhat Leper Asylum ... ... ... .. | 1,92,000 non-recurring and Rs. 26,500 recurring. |
| (11) Construction of Provincial Museum | 30,000 non-recurring. |
| (12) Opening of Technical School, Jorhat | 2,26,000 (including equipment and maintenance). |
| (13) Weaving Section at Sylhet and second peripatetic weaving party in the Surma Valley ... ... ... | 21,600 recurring and Rs. 8,500 non-recurring. |
| (14) Construction of a Medical School at Sylhet ... ... ... | ..... |

The non-recurring cost for the Sylhet Medical School is likely to be in the neighbourhood of ten lakhs, and the recurring cost between Rs. 50,000 and Rs. 60,000 a year. The expenditure on increase of grants to aided schools, pay of teachers, etc., which is properly a result of resolutions, also cannot be stated but these and many other resolutions, *e.g.*, those regarding elephant catching, settlement of waste land, etc., had a financial bearing. Only one resolution had the effect of increasing revenues, that regarding local rates on tea lands, though several would have shifted a burden to the Central Government. The expenditure which would have resulted from accepting resolutions which were declined, *e.g.*, those for reclamation of land, creation of a provincial survey department, introduction of hand spinning, etc., cannot be certainly stated, but it has been calculated that the separation of judicial and executive functions would cost Rs. 3,30,000 initial and Rs. 2,50,000 annually.

21. Acceptance of the resolutions declined would have had the following important results among others:—

(1) The principle of compulsory education by employers on tea gardens would be introduced, while primary education elsewhere is voluntary and paid for by the State.

(2) The consumption of raw opium would be made a penal offence, and nearly a lakh of persons made criminals.

(3) The dictation of the Council as to the retention of persons in employ who have been censured by a civil court would be established.

(4) Government would have to embark upon reclamation of lands while there are still large areas of waste land available.

(5) A policy of excluding foreign capital, when there are local applicants for waste lands, would be entailed.

(6) The principle of decision by committees of the Council on matters of public civil right would be established.

(7) The power of determining the number and salary of the village watch and ward police would be transferred from Government to the local people (not to the local boards).

22. The most notable tendency of the Council with particular reference to the demand for increased power was in respect of the arrogation of executive functions, admittedly on the ground that in the absence of a truly responsible executive the direct intervention of the legislature was justifiable. Some examples were:—

(1) *The insertion in bills of a clause requiring that rules made should be laid before the Council, and enabling that body to annul or modify them.*—When such a provision was inserted by a committee in the Municipal Bill in 1922, it escaped particular notice both by the provincial Government and by the Government of India. When a similar provision in the Local Self-Government (Amendment) Bill was objected to by the Central Government on the ground that such a usurpation of the functions of the executive in an official measure would make a serious precedent, considerable controversy was evoked. It was pointed out that precedent existed in English law, and in the Government of India Act itself. On the other hand, it was held under the authority of the Governor that the position of the Indian legislatures was not equal to that of Parliament. In actual practice, the existence of the provision in the Municipal Act has been sterile, no action under it having been taken by the Council, and it remains an open question whether the popular insistence upon it as shown by the inclusion of a similar provision in the Temperance Bill and the Resettlements Bill also is due merely to the theoretic objection to bureaucratic law frequently expressed, or to practical dislike of the actions of Government. In a country, however, where the preference for "rule-making" Acts is

traditional, and where the infrequent sessions of the legislature make such a form a matter of convenience, the issue is of considerable importance apart from the constitutional aspect. (*Vide* Appendix A, case 7).

(2) *Control over appointment.*—Debates upon the new office of registrar of village authorities displayed a desire to dictate not only the conditions and policy, but even the nature of the appointment. The attitude of Government having been misinterpreted, a statement had to be made in Council explaining that the appointment would rest with Government, though the views of the Council expressed in the original debate would be considered.

(3) *Attempts to control executive action through committees.*—The series of resolutions upon settlement of land, though due to a resentment at the sight of the diminishing resources in land being absorbed by alien elements which Government recognized to be natural, took the form of endeavouring to fetter the local official to a degree which might prevent the exercise of any discretion, and render his position impossible. Again, a resolution dealing with the rights-of-way over foot-paths through tea gardens disclosed in debate a demonstration that the rights of the public were impeded, and a sense of dignity injured by the alleged tactless action of garden managements which Government felt must call for enquiry; but in insisting upon the appointment of a committee to enquire into the rights-of-way and to obtain freedom of these rights the Council proposed to usurp both executive and judicial functions. The suggestion that such usurpation could be cured by subsequent legislation was, in view of the indefinite nature of the enquiries proposed, rather a debating point than a practical argument.

(4) *Interference in the case of an individual.*—During the non-co-operation campaign a sub-inspector, acting as alleged under the verbal instructions of his superiors, made searches for arms. In the course of one such search, the armed police with him were alleged to have wantonly desecrated copies of the *Quran*, and done other damage. A newspaper was prosecuted for giving currency to these books subsequently sued the sub-inspector in 1924, and after allegations, but was acquitted on appeal. The owner of the damages on the ground that he had exceeded his powers in prolonged hearing the latter was in April 1927 mulcted in making the search, definite proof of his instructions not being now available. On the 23rd July 1927, a motion for

adjournment of the House to discuss the refusal of Government, disclosed in reply to questions, to dismiss the officer, was disallowed by the President as the matter was in no sense urgent, whereupon the whole *Swarajist* party, followed by all the non-official Indian members (of whom few happened to be present) except one, walked out without any such polite explanation as was given when the walk-out ordered by Congress in 1926 occurred, and there was no quorum. Subsequently resolutions were moved and carried recommending that the sub-inspector be dismissed, and the legal expenses incurred on his behalf by Government recovered from him. Government explained that the resolution might have been disallowed, as, being an intolerable usurpation of executive functions, it was not in the public interest (for which reason Government members would not in any circumstances vote upon it), but this course had not been taken since there was no desire to stifle discussion. It was explained that an enquiry or criminal proceedings had been offered at the time but refused, that the Government of the time had decided the matter so far as disciplinary action against the officer was concerned, and informed the Council of their decision, which it would now be improper to review, and that no new facts appeared from the judgment in the civil suit, which merely held that the sub-inspector had exceeded his powers and had failed to control his men. How far the result was due to the manner in which Muhammadan feeling had been worked upon, how far to feelings pent up since the failure of the non-co-operation movement, and how far to some connection between the newspaper management, the scene of the events, and one of the interested members, it is not possible to determine. The debate was, however, unfortunately remarkable for a loss of the urbanity which had distinguished the first, and save at first the second, Council, but has shown a tendency to diminish in the third.

The final stage of these proceedings was of the nature of an anti-climax. When Government announced that they were not prepared to give effect to the Council's resolution, a member gave notice of two motions in the budget session of 1928, one to refuse the whole grant for the pay of sub-inspectors as a protest against Government's refusal to dismiss this officer, and the other to reduce the grant by the amount incurred by Government in defending the civil suit. Better counsels prevailed and the first motion was not moved. The second motion was moved, but no member

spoke on behalf of the motion, and only two members supported the mover in the division. The *Swarajists*, annoyed at the member's dropping of the first motion, would not support him in the second.

Motions for adjournment.

23. Besides the two motions already mentioned, motions to adjourn the House to discuss matters of urgent public importance were brought forward on four occasions. In 1925 a planting member took this step to criticize the remission of the Bengal Government's contribution, and the motion was carried with only one dissentient. In that year also a motion was made for adjournment to discuss the report of the Reforms Enquiry Committee, which was stated to be an urgent matter in view of the Viceroy's visit to England. The Council on this motion passed a resolution recommending steps for the holding of a round-table conference or the appointment of a Royal Commission. Criticism was lacking, and such as was made, beyond expressions of approval for the minority report, appeared to show a lack of familiarity with the problems involved. A leading *Swarajist* is reported as saying "The Minority also, Sir, I submit has not done full justice to the whole case. One vital point is whether the Central Government should retain control over the Political Department and the Army. Both the Majority and the Minority agree that control should remain with the Central Government."

Another motion, which was eventually ruled out of order as not being urgent, was to discuss the speech of a member of Parliament on the book "Mother India," and discussion was admitted on the President's ruling that it was necessary in order to establish the existence or absence of urgency and importance.

A successful motion was carried to protest against the notification of enhancements of revenue despite the fact that the Reassessment Bill had been dropped.

There appears to be some difficulty in adopting a reasonable procedure for the consideration of motions for adjournment, discussion being allowed as to the urgency and the public importance of the subject matter of the motion when ever these are in doubt.

Language.

24. The language question has, in the existing composition of the Council, which is entirely of the educated land-holding or professional classes, not been a serious difficulty.

The first member for the backward tracts could follow proceedings neither in English nor the common vernaculars, and one or two members have pleaded lack of conversance with English as an excuse for speaking in Bengali or Assamese. The *Swarajist* party have on many occasions alluded to the foreign medium as a bar to progress, and in 1927 they extracted a promise from Government on a question that the point would be noted for consideration in dealing with constitutional advance. It was clear, however, on the delivery of vernacular speeches, from the protests from the non-official benches, as well as offiical, that even if the controversy lately revived in Goalpara between Bengali and Assamese as a working vernacular were set at rest, neither would be sufficiently well understood by the other party even in a house of the present size to serve as a legislative medium. In fact a *Swarajist* member who, though well versed in English elected on principle to speak in Assamese during the second Council, reverted to English in the third Council.

25. In the field of administration the Council was greatly pre-occupied with the public services. A *Swarajist* member who urged Government to undertake themselves the collection of Income-tax from firms registered outside the province was not guilty of a solecism when he advocated the step "if not for anything else, but for the fact that some educated young men of this province may be profited by it." The following resolutions were debated:

(1) *A number directed to disapprobation of the expensiveness and unpopular character of the All-India Services.*—Three, which were carried, recommended respectively the stoppage of recruitment, postponement of the grant of the Lee Commission's recommendations pending the grant of full popular control, and the abolition of the Commissionerships. Government were for reasons sufficiently obvious unable to act on any of these.

(2) *Eight miscellaneous resolutions regarding the other services, of which two only were carried.*—One, which did not conflict with the intentions of Government, recommended that employment be found for the excise inspectors retrenched in pursuance of the Council's policy.

The other was that concerning a sub-inspector, to which reference is made in paragraph 22 (4) above. The resolutions concerning particular services under departments are dealt with in detailing the history of the departments.

(3) *Two resolutions concerning the separation of judicial and executive functions, which were carried.*—As a result Government first prepared schemes, and subsequently in 1924 appointed a committee to examine the schemes or to prepare a new one if they thought fit. No further action has been taken in the Council since the committee reported.

26. In prorogation speeches on several occasions the excessive number and length of questions was criticised, it being pointed out that they imposed a heavy burden upon the Secretariat offices. In some cases questions are asked for extracting information to enable the questioner to deal with a particular matter by resolution or in budget discussion; sometimes the object is to obtain a defination of Government's policy on some subject of interest, especially such matters as communal representation in the services; in recent years more often still it is merely to call attention to some matter and to the attitude of Government in regard to it. In questions of the last kind information is given rather than asked, and the right of supplementary questioning is very freely used, the situation and the manner of questioning closely suggesting the atmosphere of the courts. Sometimes a newspaper report or other source of information is used as the basis of a string of questions of an argumentative nature, which would more suitably furnish a subject for a resolution. A question intended merely to satisfy a desire for knowledge appears comparatively rare, though sometimes most detailed and exhaustive statements are demanded, particularly for the satisfaction of communal demands. Government have on occasion had to refuse to reply on the ground that no commensurate advantage would be gained by the great labour involved. The question has been raised whether the admission of interrogatories which *prima facie* offend against the rules and standing orders has not been too generous, and the right abused. To this it has

Questions.

been answered that the practice in the House of Commons as well as the Legislative Assembly is equally generous, every rule being on a perusal of the reported proceedings found to have been infringed by one or other of the questions admitted, while some of the chief tormentors of Government have made it very clear in the Council that their attitude in supplementaries has been rendered necessary by the alleged evasive way in which questions have been answered. It is, therefore, the President's practice to amend member's questions when possible to an admissible form. Presumably the fact that in the Mother of Parliaments the strict control on the right of interrogatory implied by the rules has been in practice relaxed, is a result of the desire of Ministers to humour their critics; failure to arrive, at a similar convention where the Government are not under a similar obligation, and the critics besides their Parliamentary inexperience, feel no responsibility owing to a likelihood of the tables being one day reversed, has perhaps been accentuated in some cases by some obscurity in the rules and standing orders, and some inability on both sides to appreciate the spirit of the restrictions.

The following questions was objected to on the ground that the member in the words of the standing order does not make himself responsible for the statements of fact contained in it:—

"Are the Government aware that the Brahmins of the *Mahishya* community were so long dining with the Brahmins of the *Srotriya* class, but since Rai Sahib Bharat Chandra Chaudhury assumed charge, the *Mahishya* Brahmins have been asked to dine elsewhere?

Are the Government aware that since the assumption of charge by the Rai Sahib, communal tension between Brahmins and non-Brahmin students of the boarding has developed, causing great inconvenience to the boarders and the public?"

On the other side a number of questions asked in the House of Commons on the betting tax, seeking information as to liability and procedure in a stated set of circumstances, have been pointed out as instances of "hypothetical" questions admitted.

The system of starring questions for oral answers was not extensively used save in 1924, when 25 questions were

starred, mainly by the *Swarajists*. By the President's ruling a question for which notice is asked is automatically treated as one to be answered. Questions left unanswered at the end of a session, however, lapse, failing fresh notice.

A set of questions indicating the nature of those commonly asked and the manner adopted in supplementaries is appended (Appendix B). It may be observed that recently the majority of questions have resulted in many supplementaries, with a tendency for the use of the privilege to develop into a regular debate. The questions do not always preserve the decencies of public life, sometimes suggesting facts or inferences which appear to be inspired by private feeling, and aiming rather to communicate that feeling than to extract information.

27. Out of 132 questions which were objected to by departments under a system introduced at the autumn session of 1927 by which they obtain advance copies, and may draw the President's attention to infringements of the rules and standing orders, 26 were disallowed wholly or in part, 46 were admitted without important amendment, and 60 were admitted in a form altered, *e.g.*, so as to convert recommendations to a form of request for information, to remove argumentative expressions, etc. (The figures are not quite complete.) The following questions among others were admitted as a result of this scrutiny :—

(1) Will the Government make enquiries into the matter and take steps to ensure selection of persons of right type in future?

(2) Does the same principle apply when a ferry connects the municipal area with the local board area?

(3) Is it a fact that some Magistrates who were taken from the ranks of Sub-Deputy Collectors have proved themselves worthy of their positions?

(4) Are the Government aware that strong public opinion exists against the opening of title classes?

(5) Is it a fact that the Hon'ble Minister of Education approached His Excellency the Governor to recommend one Maulavi Abdul Aziz of Sylhet Government Madrasa for this title?

(6) Are the Government aware that the said Maulavi induced the late Khan Bahadur to part with large sums of money from time to time in his favour?

(The disallowance of other questions resulted in the name of the "Khan Bahadur" being omitted.)

28. Besides questions, the extent to which resolutions might be amended in the Council office for convenience came under review, since they were as drafted often vague, argumentative or unintelligible. The practice of making verbal amendments or giving the member concerned an opportunity to make his resolution clear continued throughout. It has been decided that the responsibility lies upon the member himself and the administrative department is consulted if doubt arises, but since no formal orders have been laid down, the extent to which drafts have been altered to conform with criteria of admissibility has varied. In one case, which led to the decision mentioned, the draft had been altered to something not even intended by the member. In earlier years decisions on a number (twelve) which dealt with subjects not primarily concerning the Local Government were given by the Governor himself. Though the considerations that should govern acceptance or disallowance have come under review, since no formal criteria have been laid down, the question of admissibility has depended upon the particular circumstances, The most common grounds for disallowance both of questions and of resolutions are inadequacy of notice, lack of concern to the Local Government. and lack of public interest. Many have been disallowed by the President on these grounds. In the last four years resolutions have been disallowed by the Governor—

(1) Recommending, as a matter of public rule, a benefit which in fact would only apply to the member himself. (The President subsequently disallowed a motion for adjournment, brought because the resolution had been previously admitted, before its true effect had been brought to notice by the administrative department.)

(2) On the subject of "oppressive laws," a matter for the central legislature, under which no notifications were locally in force.

(3) Requesting the appointment of an all-India committee, and laying down its procedure at home and abroad.

(4) Recommending that no portfolio should be held by the Governor.

(5) Recommending a change in the statutory rules concerning the division of funds between reserved and transferred departments.

(6) Recommending that inter-provincial migration to Assam (a central subject) should be stopped.

(7) Recommending that the Famine Insurance Fund should be used for the benefit of another province.

(8) Recommending that Government should call for the resignation of the Ministry. It was ruled in this and like cases that a resolution must be a recommendation to Government, and must therefore not seek the use or alteration of the Governor's personal powers.

(9) A resolution tabled in 1928 recommending that the metalled road from Manipur Road Station to Imphal, the capital of the Manipur State, should be a charge on the Central Government.

29. The Council were responsible for evolving no conventions, practice being determined by the rulings of the President. The practice of sending advance copies of resolutions and questions to the departments concerned in order to enable them to bring defects and objections to notice has been introduced at the suggestion of His Excellency the Governor. A demand that an opportunity should be given for discussion of His Excellency's speech arose, but was not pressed by resolution. In general rulings have endeavoured to follow precedents of the Legislative Assembly and the Bengal Council. and the casting vote of the President has been used for preserving the *status quo*. This resulted in the failure of the Reassessment Bill, when the Council considered that the vital alterations, made in the Select Committee, could be faithfully dealt with in the Council without recommittal. In 1928 the President ruled that the casting vote should be used for the reduction of demands, since these could be held to be new each year, and preservation

of the *status quo* therefore meant absence of grant. Two reductions were thus made by means of the casting vote.

30. The following amendments have been made to the standing orders made by the Governor in Council under section 72D(9) of the Act :—

(1) The time allowed for discussion of a motion for adjournment to discuss a matter of urgent public importance has been extended from 2 to 2½ hours.

(2) Members who have given notice of identical motions may agree as to which shall move the motion.

(3) The period of notice for amendments to bills has been extended from 2 to 3 days.

(4) The journal of the Secretary has been abolished (and the *verbatim* report made the official record of the Council's proceedings).

(5) The order regarding the President's orders for regulation of the admission to the Council Chamber of visitors, press and officials has been simplified. (This gave rise to attempts to limit the entry of officials, such as orderlies, to the chamber and to abolish the requirement that these orders should be approved by the Governor.)

## Working of Particular Departments.

31. The working of each department of Government is reviewed below.

## Judicial—POLICE.

Police.

(1) The police force of the province consists of (*a*) the Assam Rifles, (*b*) the Civil Police, armed and unarmed branches, and (*c*) the Village Police.

Assam Rifles.

(2) The Assam Rifles are a force of military police, trained and equipped on the military model. Raised at different times, the force now consists of five battalions which are stationed on the frontier. There is only one battalion of

the regular army in the province, stationed at Shillong, and on the Assam Rifles devolves the duty of defending the frontier. Many of the border tribes are still unruly and, unless held in check, would gladly repeat the raids, of which the past history of Assam contains a long record.

The headquarters of the 1st (Lushai Hills) Battalion are at Aijal in the Lushai Hills. The first British occupation of these hills was as recent as 1889, necessitated by a long series of raids into British territory and murders of European and Indian British subjects. Raids still continued and it was only in 1901, when the district as it is to-day was constituted, that the plains secured immunity from these raids. These events are well within the memory of many living Lushais, and it is only the presence of a battalion in the hills which restrains them from giving rein again to their natural proclivities. An outpost at Tuipang overlooks an area under loose political control, the inhabitants of which, Lushais and Lakhers, were responsible for three murderous raids in 1917.

The 2nd (Lakhimpur) Battalion has its headquarters at Sadiya in the Sadiya Frontier Tract with outposts, temporary and permanent, along the foot of the hills enclosing the north-eastern corner of Assam. These hills are inhabited by Abors, Miris, Mishmis, Khamtis and Singphos. The two latter are decaying offshoots of Shan and Kachin tribes and the Miris have given little or no trouble for several decades. The Abors, however, have a long history of raids on and outrages in British territory, culminating in the murders of Mr. Williamson and Dr. Gregorson in 1911. These murders led to the Abor expedition of 1911-12 when the Abors first learnt the strength of British arms. Sections of some of the Abor clans now live in administered territory in the Sadiya Frontier Tract, formed in 1914 to deal with the particular problem presented by these tribes, but the greater number living further in the hills are independent, and are at the moment engaged in inter-tribel warfare—the alternative to the raids on the plains which the Sadiya Battalion prevents. The Mishmis who have a similar history are now turning their attention more to trade, but at least two of the clans, the Bebejiya and Chulikata Mishmis, are still capable of raids on the plains. Their last raid occured in 1918-19.

The 3rd (Naga Hills) Battalion is stationed at Kohima with outposts at Mokokchung and Kongon in the Naga

Hills. This district was developed of necessity to protect the plains from the incursions of the warlike Naga tribes, and in particular the Angamis, the repression of whom required no less than twelve expeditions. The memory of their exploits in war is still green. There have been various additions to the district since its formation in 1866, and on its boundaries are large areas under very loose political control, whose inhabitants, Sangtam, Konyak, Sema, Chang, Phom and other Nagas, are not interfered with except when their private wars affect their administered neighbours. Apart from the Angamis the main tribes in the administered area are the Semas, Aos and Lhotas, all warlike if not so enterprising as the Angamis.

The 4th Battalion is at Imphal in the Manipur State. This was the original Darrang Battalion and was transferred to Manipur in 1915, on the removal thence of the regular battalion of the Indian Army, which had been stationed there since 1891, the date of the Manipur rebellion and the murder of the Chief Commissioner of Assam. That tragedy, witnessed by many Manipuris still living, fully accounts for the presence of this battalion in the Manipur State, while only 10 years ago most of the Thadu Kuki tribes in Manipur, who number some 60,000 souls, rose in rebellion and were only suppressed after military operations on a large scale. This battalion supplies outposts at the headquarters of the three subdivisions which were formed after the Kuki rebellion for the better administration of the hill tribes. The hill tribes include, besides Kukis, Tangkhuls Kabuis and Kacha Nagas and a large quasi-Angami tribe known as the Imemai or Mao Nagas.

The headquarters of the 5th (Lokra) Battalion are at Lokra in the Balipara Frontier Tract. This battalion was formed on the transfer of the old Darrang Battalion to Manipur, for the protection of the northern boundary of Assam from Bhutan eastwards to the area held by the Sadiya Battalion. This battalion serves to keep in check the independent Aka, Dafla, Apatanang and Hill Miri tribes. All these tribes have long records of raids into the plains of Darrang, and many sections of them to this day receive an annual money payment—*posa*—commuted for collections in kind from the plains dwellers to which they had established a right in the days of the Assam Rajas. Raids have continued in the

Pol., B, Sep. 1927, Nos. 765-795, also Pol., B, Jan. 1919, Nos. 29-121.

present century, the most serious occuring in 1918, when a band of Daflas raided a village in the Darrang district and carried off 59 persons.

(3) The sanctioned strength of each battalion was formerly four British officers, 16 Indian commissioned officers and 800 non-commissioned officers and men. During the years of financial stringency which followed the introduction of the Reforms, the Government of Assam were compelled as a measure of economy to reduce the strength. The strength of the 1st (Lushai Hills) Battalion was reduced permanently by four Indian officers and 200 other Indian ranks, while in each of the other four battalions a reduction of two Indian officers and 100 other Indian ranks was effected. One post of Assistant Commandant was also kept vacant in each battalion. Although the period of financial stringency has passed recruiting difficulties have made it impossible to restore the strength of these battalions. According to the sanctioned class composition, half of strength of each battalion except the 2nd should consist of Gurkhas and half of natives of the province. In the 2nd Battalion the proportion of Gurkhas was fixed at 62½ per cent. The expectation that it would be possible to recruit half the strength from the indigenous peoples of Assam has not been realised. The plainsmen suitable for such service, who are known by the collective name of Jharuas instead of coming forward in greater numbers are yearly showing a greater disinclination to enlist in the Assam Rifles. The causes are two-fold. They mostly now prefer the easier life of cultivators and take less kindly to the disciplined and often arduous life of the Assam Rifles, while those who are still willing to enlist in military police battalions prefer to serve in the Government of Bengal's battalion of the Eastern Frontier Rifles, the reason for their preference being that as plainsmen they find life more congenial in a plains battalion where conditions of service are less strenuous and living is cheaper. Of the hill tribes in Assam only the Lushais and Kukis are at present available for service. They will enlist only in their own district battalion and, even if larger numbers were forthcoming, it would be dangerous to employ them until they have been proved to be reliable in operations against their own people. In time the position may change but for many years to come there is no probability of obtaining recruits from the indigenous peoples of Assam up to the strength provided for in

the class composition and the force must depend on Gurkhas to provide at least 75 per cent. of its strength. Since 1920, however, at the instance of the Government of India, the recruitment of Gurkhas from outside the province has been stopped. Large numbers of Gurkhas migrate to Assam and it was believed that sufficient recruits of a suitable quality would be obtained from the Gurkhas resident within the province. This expectation, however, has not been realised. Experience shows that the Gurkha resident in Assam and free from discipline rapidly deteriorates both physically and morally and, although Commandants have relaxed to some extent the standard required of recruits, it has been impossible not merely to restore the sanctioned strength but even to recruit up to the reduced strength. On the 1st of February 1928 there were 140 vacancies in the reduced strength of the force The insufficiency of recruits and the deterioration in thier quality are disquieting. The Assam Rifles have hitherto maintained a high standard of discipline and efficiency as a frontier defence force, and in the Great War they trained and supplied drafts for the regular army. In 1927 His Excellency the Commander-in-Chief recorded a most favourable opinion on the units he inspected when on tour in this province. It will be a serious loss to the province and to the Empire if the Assam Rifles owing to recruiting difficulties cease to be an effective force for frontier defence.

(4) The Assam Rifles are under the administrative control of the Government of Assam but in recognition of the fact that frontier defence, which is properly a liability of the Central Government, is the primary duty of the force, the Government of India make an assignment for the cost of the force. The assignment was at first fixed at 14 lakhs, representing about seven-tenths of the cost of the force, but subsequently the Government of India agreed to increase the subvention to 16 lakhs, representing four-fifths of the cost. Owing to the economy effected at the time of the financial stringency and the difficulty of restoring the strength of the force when the stringency had passed, the total cost in 1926-27 was slightly less than 18½ lakhs, but provision has been made in the budget for 1928-29 for an expenditure of 19½ lakhs.

(5) As already stated the primary duty of the Assam Rifles is the defence of the frontier, but they are also required for purposes of internal defence, to maintain order

amongst the hill tribes of the directly administered hill districts and frontier areas and to serve as a reserve to be called up in time of any serious trouble in the plains districts of the province. Owing to the inadequacy of the armed branch of the civil police the Government were compelled to employ the Assam Rifles extensively to maintain law and order in the plains on the occasion of the economic riots that occured towards the end of the War and the upheaval which attended the non-co-operation movement on the introduction of the Reforms. The employment of the Assam Rifles on this duty was resented in the press and in the Legislative Council. In moving in 1922 the demand for a grant to meet the cost of an increase in the armed branch of the civil police the Government member stated that the Government had been compelled to use the Assam Rifles for ordinary police duties, for which they were not trained and which had interfered with their proper duties. It was to obviate the necessity of this that Government proposed to increase the strength of the civil police. In the debate which followed one member said "I consider it expedient to increase its strength at least for avoiding the excesses of the Assam Rifles * * * of the two evils the Armed Police is better than the Assam Rifles," while another member referring in the same debate to the activities of the Assam Rifles during the non-co-operation movement said "These Assam Rifles robbed people of their things, looted particular shops, caused injuries to people, snatched their umbrellas and compelled respectable people to abandon the public roads and walk along the drains." Allegations of high handedness and excesses on the part of the Assam Rifles in those days were repeated again in 1924 in the debate on a resolution recommending that a committee be appointed to enquire into the action taken by the executive officers of Government to put down the non-co-operation movement.

*Cf.* Council proceedings, Volume II—No. 3 of 1922, pages 402-427.
Ditto, page 404.
Ditto, page 406.
Ditto, Volume II.—No. 3 of 1922, page 409.
Ditto, page 415.
*Cf.* Council proceedings, Volume IV—No. 4 of 1924 pages 507-523.

(6) On the other hand the necessity of maintaining the Assam Rifles as a force for defending the frontier and for

maintaining peace in the hill districts and frontier tracts has never been questioned. In the first Legislative Council some motions were moved for the reduction of grants to effect economy in the time of financial stringency but otherwise criticism in the Council has been directed not to the amount of the expenditure on the force but to its incidence. From the first the Council has adopted the attitude that the Central Government should undertake either the entire, or at any rate a larger share of the financial burden of this force. In 1921 a resolution, which was subsequently withdrawn, was moved recommending that the entire cost should be borne by the Central Government. In 1922 the Council carried a resolution recommending that the Government of India should undertake the liability for seven-tenths of any increase in the cost of the force which might be incurred thereafter. In 1923 and again in 1924 resolutions recommending that the entire cost should be debited to central revenues were carried, although Government explained that as the force was required also for the maintenance of order within the province and the local Government retained complete administrative control of the force, it would not be fair to ask the Central Government to undertake the entire cost. In 1926 on the same grounds the Council carried a token "cut" in the provision for this force and at the same session reduced a provision of Rs. 2,00,000 in the Civil Works budget for the reconstruction of the barracks of the Naga Hills Battalion, estimated to cost ultimately Rs. 5,56,517. The member who moved both these motions admitted the necessity of the force and of the reconstruction of the lines, but the Council had repeatedly adopted the view that the expenditure was properly a central charge, and he maintained that as a matter of principle the Council must again by adopting his motions protest against any debit on account of this force to provincial revenues. The motions were carried but in the following

*Cf.* Council proceedings, Volume II—No. 3 of 1922, pages 372-385.

*Cf.* Council proceedings, Volume I—No. 1 of 1921, page 105.

*Cf.* Council proceedings, Volume II—No. 4 of 1922, page 575.

*Cf.* Council proceedings, Volume III—No. 4 of 1923, page 348.
Ditto, Volume IV.—No. 10 of 1924, page 1283.

*Cf.* Council proceedings, Volume VI—No. 5 of 1926, page 575.
Ditto, page 602.

year, after the views of the Council had been communicated to the Government of India and the Government of India had declined to accept any further liability, the provision for the re-building of the lines was voted by the Council. In the budget session of 1928 a member of the *Swaraj* party opposed the grant for the Assam Rifles on the same ground, *viz.*, that the expenditure was properly debitable to central revenues. Only the members of his own party however accompanied him into the division lobby and the grant was voted by a substantial majority. The member who had been most active and persistent in the first and second Councils in opposing any expenditure from provincial revenues on the Assam Rifles was not returned to the third Council and this may account for the weakening of the opposition since 1926.

Civil Police.

(7) The sanctioned strength of the civil police consists of 4,305 officers and men to police an area of 53,015 square miles with a population of 7,606,230. This gives one policeman for 12.31 square miles and 1,766 persons or, if constables only are taken into account, one constable for 15.04 square miles and 2,159 persons. The total cost of the force in 1926-27 was in round figures Rs. 23,42,000 or 4 annas 11 pies, per head of population. The force consists of the following branches:—

(*a*) District Executive Force.

(*b*) Criminal Investigation Department.

(*c*) River Police.

(*d*) Railway Police.

Owing to the financial stringency a 15 per cent. reduction in the strength of the police force was made in 1923-24 in response to the urgent call for economy, and it is only in the last three years that the police force has been allowed gradually to recover its full strength.

(8) During the period of the Reforms the civil police have been subjected to much criticism and proposals for additional expenditure have usually been regarded with suspicion although the actual reductions of grants have

been few. In 1921 there were 15 motions of reduction most of which were withdrawn or negatived after a little discussion. One motion however for the refusal of the provision for an increase of the pay of constables was defeated only by the official vote. In the debate one member made the following remarks:—"Perhaps some hon'ble members are thinking 'why are these men so mean and niggardly as to stand in the way of the increase of pay of poor constables who are after all our own countrymen? To this my answar would be 'I am not one of those who will insist on the reduction of salaries of officers who do not belong to this country and in the same breadth plead for the increase of salaries of Indians simply with an eye to the nationality of the party concerned. It must be our look-out to check the growth of unnecessary expenditure.....By asking the poor men to pay more.....you simply aggravate the discontent among the masses and thereby render the political situation more disquieting.....But, Sir, I know the men and the lives they lead.....They care more for perquisites—I beg to be excused for using the word—than for their pay. A Police constable is more dreaded by the people of the villages than the District Magistrate himself...There is a provision in the budget for the revision of pay of the sub-inspectors and inspectors. No one has challenged that and, perhaps, rightly. The sub-inspector is in my opinion the backbone of the Police Administration." In 1922 there were 13 motions of reduction of which 10 were withdrawn or negatived after a little discussion. A demand for Rs. 1,74,000 to increase the strength of the armed branch provoked a long debate which has already been referred to in connection with the employment of the Assam Rifles for the maintenance of law and order in the plains. Some members took the line that as part of the cost of the Assam Rifles was debited to provincial revenues on the ground that the force was required for internal defence, the force should be available for police duties in the plains, and no addition to the armed branch of the civil police was, therefore, required. Other members held the view that it was advisable to increase the armed branch in order to avoid the use of the Assam Rifles, but they questioned the necessity of such a large increase as had been proposed.

Vol. I., No. 1 of 1921, pages 320-325.

Vol. II, No. 3 of 1922, pages 402-427.

Eventually, the demand was reduced by half. The armed branch at that time consisted of 3 inspectors, 7 sub-inspectors, 19 head constables and 244 constables, and the scheme which Government had placed before the Council provided for an addition of 4 inspectors, 5 sub-inspectors, 23 head constables and 347 constables. After the Council had reduced the demand the Government reconsidered the scheme. They reduced the number of inspectors by two but otherwise were not able to make any change in the strength proposed. They reduced the non-recurring expenditure by substituting *kutcha* for *pucca* buildings, and at a subsequent session in the same year they presented a revised demand for Rs. 1,30,000, the delay that had occurred having reduced the recurring charges for that year though not the ultimate recurring cost except for the omission of the posts of the two inspectors. After some discussion this revised demand was voted by the Council. A motion in the budget session of 1922 to omit the provision for the revision of the pay of inspectors was defeated by the official vote and the casting vote of the President. The supporters of the motion did not seriously dispute the merits of the revision but pressed for its postponement until more favourable times. A motion for the reduction of the provision for secret service expenditure was carried. The budget had provided for a larger grant under this head than had been expended in previous years, and the Council was not prepared to vote more than what they regarded as a normal provision. Another motion for the reduction of the provision for sub-inspectors in the Criminal Investigation Department was also justified by the mover on the ground that "having regard to the financial stringency the expenditure under this head should not be allowed to progress beyond what it was in the current year." This motion however was negatived. In the last year of the first Council there were seven motions against grants for the civil police, but all were withdrawn except one which was negatived with little discussion. In the life-time of the first Council opposition to the police had been more actively hostile outside the Council. During the non-co-operation

Vol. II, No. 6 of 1922, pages 768 to 782.

Vol. II, No. 3 of 1922, pages 427 to 432.

Vol. II, No. 3 of 1922, pages 432 to 435.

Vol. III, No. 4 of 1923, pages 444 to 449.

campaign the force was subjected, to use the words of the Inspector General, to "calumny, boycott, intimidation, social ostracism and every difficulty in the way of performance of duty." After the collapse of the non-co-operation movement the situation became easier (but in Assam as elsewhere the police force is regarded with suspicion, obtains little support or co-operation from the public and is often subjected to vilification in the local press. With the entry of *Swarajists* into the second Legislative Council a more active expression of hostility to the police within the Council was to be expected. With a few exceptions, however, the Government have had little difficulty in obtaining supplies, although "cuts" have at times been averted only by the official vote. In 1924 six motions of reduction were moved, of which three were withdrawn. The Council carried a motion for the omission of the provision for a saloon for the Superintendent of Railway Police. Previously this officer had had his headquarters at Chittagong where he had been given the use of a saloon of one of the Railway officers. When his headquarters were moved to Gauhati no such saloon was available. Moreover the Government of India had expressed the view that saloons for the Railway Police officers should be provided at the cost of Government. Although the position was explained to the Council they took the view that this was an unnecessary extravagance and refused the demand. The grant was however restored on the Governor's certificate that the expenditure was essential to the discharge of his responsibilities for the subject. In the same session the Council refused the demand for the pay of deputy superintendents of police who constitute the provincial police service. This service was regarded as an unnecessary cog in the machine. The Retrenchment Committee had advised its abolition holding that the work performed by deputy superintendents could be equally well performed by the inspectors of the subordinate service and it was in this view that the refusal of the grant for their pay was carried by the Council. In the debate, one member said—"The duties of deputy superintendents are neither clerical nor executive but something of both. So far as they are clerical their duty in my opinion would be done better and cheaper

Vol. IV, No. 3 of 1924, pages 369-97.
Ditto, pages 369-74.

Vol IV, No. 3 of 1924, pages 375-379.

by the addition of one or two more clerks, and so far as they are executive their duties are, if not useless, at least superfluous." Another member said—"It was intended as a measure that would secure an increase of Indian representation in the higher ranks of the police. But since nothing has been done towards that end, I think the recommendations of the Bengal Retrenchment Committee as well as of the Assam Retrenchment Committee should be followed in abolishing the entire cadre." The position of the provincial police service was at that time under the review of the Royal Commission on the Public Services and the Government of Assam had already undertaken, in view of the Retrenchment Committee's report not to make any further permanent appointments to the service. Pending the report of the Royal Commission the abolition of the service could not be accepted by Government, and His Excellency the Governor therefore certified that the expenditure provided for by the demand which had been refused by the Council was essential to the discharge of his responsibilities for the subject. The grant was accordingly restored. Since that year the provision for the pay of deputy superintendents has been voted by the Council, the argument which has influenced them to change their attitude being that the provincial service must be retained as a source of promotion to and thereby a means of Indianising the All-India Service.

(9) In 1924 the Criminal Investigation Department was also singled out for attack by the *Swaraj* party when a motion for the refusal of the grant for this department was moved. It was attacked on the ground that it is inefficient and unnecessary and that its real object is to harass the political opponents of Government. In the debate on this motion the mover said, "So we find that the existence of this department is only to be supported on the ground that they are working only for combating political crimes. Shall I be wrong if I say that the people who are engaged in this Criminal Investigation Department generally overdo their part and sometimes manufacture engagements for the purpose of showing work?" Other members of the *Swaraj* party also referred to the surveillance to which they had personally been subjected by the Criminal Investigation Department. On the other hand

Vol. IV, No. 3 of 1924, pages 383 to 395.

a prominent member of the Independent party said—"I hold no brief for the Criminal Investigation Department but I confess that I can hardly imagine a State without any establishment for criminal investigation. Probably the staff may be in excess of what is absolutely necessary; if so, reduce it by all means.....Even when full responsible Government is conceded to us I am afraid we shall not be able to dispense with the services of this agency altogether. I say reduce it to a reasonable amount." Another member said that he could believe that there were individual members in the department who were over-zealous but that was no reason why the whole principle should be upset. The motion was defeated but only with the aid of the official vote. In 1925 the *Swaraj* party was less active in their attacks on the police department than they had been in the previous year. No reductions were carried and the Government had little difficulty in defeating the few motions that were moved. The only motion that was seriously contested was a motion for the reduction of the provision for the District Executive Force by Rs. 25,000 on the ground that the provision made for additional town police for Shillong was not justified. The mover contended that the crime figures showed that crime was on the decrease in Shillong and that the existing force was therefore adequate to cope with the criminals, and, secondly, that as the cost of the village police in the Surma Valley and Goalpara was met by a cess on the villagers, the cost of the police in municipal and town areas should also be met by local taxation.

Vol. V, No. 3 of 1925, pages 496-500.

(10) In 1926 the *Swarajists* did not attend the Council and no motions against the civil police budget were moved. In 1927 there were three motions of reduction. A member of the *Swaraj* party attempted to repeat the success of 1924 by moving the remission of the grant for deputy superintendents but for the reasons which have already been stated the motion was defeated. Some quotations from speeches made during the debate are reproduced. The leader of the *Swaraj* party said—"As a matter of fact this is a very important service for it is the police who actually safeguard our life and property.....Are the men selected men of proved merit and of high intellectual

Vol. VII, No. 3 of 1927, pages 501-507.

attainments or University career? I do not know how the selection is made,.....The question is whether so many appointments are necessary and if they are necessary whether the selection is made on any definite principles. I object only on principle." A member of the Independent party said—"The idea of Indianisation is no doubt a good one. But I cannot support that view at the sacrifice of the real work to be done by the police force. In my opinion what is required is an increase of the police force giving them higher salaries. The constables, I think, are the real workers.....I think that these posts of constables should be made more attractive." Another member of the Independent party said—"If the State is to function it is the duty of every reasonable and responsible man to provide the State with sufficient men and sufficient officers to supervise the work.....In these days of strong communal feeling it would be the most foolish thing for the Council to vote that the police force be decreased....." A Muhammadan member held that the deputy superintendents of police were very useful officers who were "the silver lining in the black clouds," and that it would be doing a disservice to Indianization to abolish them.

(11) The Criminal Investigation Department was again singled out for attack in that year on a motion to reduce the provision of Rs. 49,500. The mover said that he did not grudge the amount spent on the Finger Print Bureau but the amount spent on the other branches of the Criminal Investigation Department was not at all justified by the work they do. The deputy leader of the *Swarai* party in speech during the debate said—"It is a systematic policy on the part of the subordinate officers to magnify things, to make a row, to get up prosecutions in order that they might justify their existence.....I think the Sylhet Note Forgery case would be an eye-opener..... We have a shrewd suspicion that a considerable part of the time of the Criminal Investigation Department is spent in hunting up nightmares of political offences." The motion was eventually defeated only by the official vote. The official vote was also required to defeat a motion to reduce the total provision for the pay of the force under District Executive Force by Rs. 50,000. The mover argued that there was no reason why there should

Volume VII, No. 3 of 1927, pages 507-511.

Volume VII, No. 3 of 1927, pages 512-513.

be any increased expenditure on the police force but he disregarded the fact that the expenditure on the police force had been drastically curtailed in the days of financial stringency and that the additional provision was required merely to restore the force to its normal strength and relieve the men of the undue strain which had been placed upon them in the preceding years. The time limit for the discussion of this demand was reached and the question had to be put before the Government memebr had time properly to explain the position.

In 1928 only two motions for reduction were moved. One was easily defeated. The other motion was for a 'token' cut in the grant for Secret Service expenditure which was defeated with the aid of the official vote.

(12) It is not, however, only by motions of reduction or refusal of grants that the Council has criticised the police. The conduct of particular officers has been the subject of interpellation on several occasions, but the most open attempt on the part of the Council to usurp the functions of the Executive Government in the control of their officers was the carrying of a resolution in the September session of 1927 recommending the dismissal of a sub-inspector of police. During the non-co-operation days this sub-inspector was in charge of a party of police and Assam Rifles who were carrying out house searches for concealed arms. It was alleged at the time that in searching one house unnecessary force had been used, damage to property caused, and copies of the Koran had been torn. At the time when these allegation were made the owner of the house was invited to make a complaint but declined to do so. Subsequently a newspaper published what Government from the information at their disposal held to be an exaggerated and inaccurate account of the occurrence. The Government then published a communique but the newspaper returned to the charge and denied the accuracy of the Government communique. A prosecution was then instituted against the newspaper on the ground that the articles it had published promoted or attempted to promote feelings of enmity between different classes of His Majesty's subjects. On appeal the case ended in acquittal, the Sessions Judge holding that the charges of damaging the property and the tearing of the Koran were true and that the newspaper's comments were *bona fide* and legitimate. Emboldened

Volume VII, No. 8 of 1927, pages 1282 to 1301.
Volume VII, No. 9 of 1927, pages 1322 to 1352.

by the result of this case the owner of the house then proceeded to sue the sub-inspector and others for damages. In the civil suit, which was not decided until 1927, the Subordinate Judge held that the sub-inspector had exceeded his powers in carrying out the house search, that unnecessary force had been used and damage done and that the Koran had been torn. Both the Sessions Judge in the case against the newspaper and the Subordinate Judge held that the tearing of the Koran was an inadvertence and had been done by the sepoys of the Assam Rifles in ignorance that they were handling the Koran. Both courts also held that the sub-inspector himself was not directly responsible for any of the damage, but as he was in charge of the party the Subordinate Judge held that he was civilly liable for the damage done by his men. After an unsuccessful attempt had been made in the Council to move the adjournment of the House to discuss what was described as a matter of urgent public importance, a member of the Swaraj party moved a resolution recommending the immediate dismissal of the sub-inspector. Although the occurrence had taken place six years before and in the interval the sub-inspector had been doing good service for Government and although the courts had held that the sub-inspector had not himself done any damage or authorised any damage to be done, the resolution was carried *nem com.* Government members did not vote. Even allowing for the fact that the tearing of the Koran, although inadvertent, had provoked a strong feeling at any rate amongst the Muhammadan members, the attitude of the Council in this matter illustrates the difficulties which Government officers may have to face and their need for protection.

Volume VII, No. 8 of 1927, pages 1282 to 1301.
Volume VII, No. 9 of 1927, pages 1322 to 1352.

(13) The police force is at present below the margin of safety and considerably below the numbers required for real efficiency in dealing with any outbreak of crime. Inevitably any repressive measures for which the police are employed provoke discussions, if not indeed hostile demonstrations, in the Assam Legislative Council, as elsewhere. This attitude may be ascribed in part to the traditions of the past, when the policeman with his red *pagri* was in the villages of the interior the principal exponent of foreign domination. Many years must pass before any Indian elected to the Legislative Council will risk the un-

popularity of defending those who are paid to defend him. There is reason to apprehend a desire on the part of the Legislative Council to interfere in executive matters, as, for example, whether departmental proceedings should be taken against any officer in the force, or whether Government should contribute to the defence of an officer attacked in the criminal or civil court, or in individual postings and appointments. In troubles arising from communal discussions the position of any police officer, and not infrequently of men serving under him, is particularly difficult.

The discipline of the force is a matter for serious consideration. In the absence of provision for effective training, or of a response by a better class to the call for recruitment, there is reason to apprehend that throughout the province the discipline of the subordinate ranks of the police is not all that could be desired. In this connection reference may be made to the case, mentioned in chapter II of the memorandum of this Government, in which an inspector of police was murdered by one of his constables. Government have hesitated to undertake new commitments on any large scale, but there are important schemes which cannot be longer deferred. The re-opening of the Constables' Training School, the necessity of which has been emphasised by the Government of India, an increase in the ordinary reserve, the opening of new police stations in the mining areas of Margherita and Digboi to control the large and unruly mining population, an increase in the detective staff, the strengthening of the town police and the reconstruction of many buildings are all projects which must shortly be undertaken. The difficulty of obtaining recruits indicates that service in the police is unpopular. The force has to rely largely on recruits from outside the province and the percentage of the local recruits is decreasing. This is a very disquieting feature and the necessity of increasing the pay of the lower ranks in order to make the service more attractive to the native of the province must soon be faced. Although the Council has in recent years voted grants for the opening of new police stations and the increase of the town police, the Government can have little confidence in the attitude which they will adopt towards schemes which are intended to increase the efficiency of the force or to ameliorate the conditions of service.

(14) Mention may be made here of the recommendation that the post of Superintendent of Police should be abolished in the Assam Valley districts and in Cachar. This recommendation was made in 1924 in the report of the committee appointed to advise on the separation of judicial and executive functions. The committee were of opinion that the Deputy Commissioners, when relieved of judicial duties, could undertake the duties of Superintendents of Police. This recommendation Government have regarded as impracticable.

Village Police.

(15) Village police or chaukidars are at present maintained only in the districts of Sylhet, Cachar and Goalpara. To these districts the Bengal Village Chaukidari Act, VI of 1870, as amended and amplified by Bengal Acts, I of 1871, I of 1886 and I of 1892, was extended, and the Bengal chaukidari system is in force, although changes in detail made by amending Acts in Bengal since 1892 have not as yet been introduced in these districts of Assam. Elsewhere the duties of reporting crime, vital statistics, etc., are performed by village headmen who receive a remission of land revenue as remuneration. The reasons for the distinction between these three districts and the remaining plains districts of the province are two-fold. There is in the former no revenue agency like the gaonbura or village headman in the Assam Valley and, even if there were, it would not be adequate to perform the duties entrusted to the chaukidars in these three districts, where the population is more dense and crime is more prevalent than in the Assam Valley. With the flow of immigration into the Assam Valley districts and the consequent increase of crime it is probable that the old system on the Assam Valley will have to give way and be replaced by a village police system on the lines of that existing in the Surma Valley and Goalpara. In fact the Assam Rural Self-Government Act already provides for approved village authorities being vested with the powers of a village *panchayat* under the Bengal Chaukidari Act and performing the duties of the chaukidar. In the three districts where the Chaukidari Act is now in force the number of chaukidars required for each village and the rate of their pay are determined by the District Magistrate. The chaukidars who are appointed by the District Magistrate on the nomination of the village *panchayat* are paid from a local cess which is levied for

the purpose and collected by the village *panchayat*. In 1926 the number of chaukidars employed was 6,525 and the total cost of the force was Rs. 3,73,966. The chaukidar has duties to perform both for the *panchayat* and for the police. He is required to obey the orders of the *panchayat* in regard to keeping watch and ward within his village and to assist in the collection of the chaukidari tax. He is required to arrest all proclaimed offenders and any person who in his presence commits any of certain specified heinous offences. He is required to report to the officer in charge of the local police station the commission of any such offence, the occurrence of any unnatural or suspicious death and the movements of all bad characters within his village and the arrival of any suspicious characters in the neighbourhood. He is also required to report at the local police station the births and deaths which have occurred within his village.

(16) The chaukidari system has been criticised on more than one occasion in the Legislative Council. In 1923 a small grant for the payment of rewards to chaukidari *panchayats* was refused by the Council, Government making no objection to the omission of this grant. In 1924 a similar reduction was made also with the consent of Government. On this occasion in moving the reduction the member criticised both the personnel of the village police and the system, as will be seen from the following extracts from his speech—"The *panchayats*, especially the heads, consider themselves a kind of subordinate police officers whom the simple rustics have to propitiate. They are not unoften ready to help the complainant in drafting the first information report. They help in fomenting needless litigation. They consider themselves the King's officers, not quite free in joining political agitations and as bound to suppress by their influences good or bad any movement which his master the thana officer, according to his idea of sedition, which with some is almost synonymous with patriotism and love of freedom, considers desirable.....My second object is to provoke a discussion of the entire system of village chaukidari taxation. That there should be a link between the village and the thana I admit, but there is no reason why the chaukidari taxation intended for village watch and ward should pay for the link. Nowhere have I seen or heard that any night watch whatsoever is done by the

Volume III, No. 4 of 1923, page 448.
Volume IV, No. 3 of 1924, pages 381-383.

chaukidars.....Let him revise the whole system of local taxation. Amalgamate the two local taxes, chaukidari and local rates, on a new suitable basis." This attack was further developed in 1927 when the same member moved a resolution recommending that the rural population in the districts of Sylhet and Cachar should be relieved of the additional and special contribution for the up-keep of the village chaukidars. The mover again criticised the chaukidars on the ground that they failed to keep any watch and ward in the villages but were practically only "statistics-collectors for the thana officers". His main contention, however, was that the cost of any village police that might be necessary should be borne by provincial revenues and not defrayed from the local cess which should be utilized for purposes of village improvement. To abolish the chaukidari tax would abolish the existing basis of the franchise in the permananently-settled areas of the province. For this reason another member moved an amendment which recommended in effect that the Chaukidari Act and the Rural Self-Government Act should be amended so as to empower the chaukidari *panchayats* and the village authorities to determine the number and salary of the chaukidars and generally to improve the system so that the people might get a better return for the money they pay. The resolution as amended was adopted by the Council and the Government have undertaken to consider an amendment of the law. Although the Council deliberately thereby threw out the recommendation that the chaukidari tax should be abolished on account of the effect it would have on the franchise, a Muhammadan member from the Sylhet district in the following session of the Council again raised the question of the equity of this tax in the following argumentative series of questions:—

Volume VII, No. 5 of 1927, pages 695-704.

(*a*) Is it a fact that the gaonburas in the Assam Valley districts do the work of chaukidars and get remuneration from the Government?

(*b*) If the answer is in the affirmative will the Government please state (*i*) why the people of Sylhet have to pay tax for the pay of the chaukidars and (*ii*) why the expenditure is not met from the provincial revenue?

(*c*) Are the Government aware that the chaukidars do no watch duty and are of practically no help to the villagers?

(*d*) If so, why are the villagers burdened with chaukidari tax?

(*e*) Are the Gorvenment aware that the chaukidars are the village agencies of the Police Department, if so, why are they not paid from the Police budget?

The chaukidari system is admittedly not free from defects. The direct taxation is unpopular: the duties, which include the handling of dead bodies, and reports on villages neighbours, the surveillance of bad characters and the like will not attract persons of any status in village society. As the numbers are not large it is quite possible that the chaukidars do neglect the duty of watch and ward. Another defect which was not mentioned in the Council debates is that in the district of Sylhet at any rate the payment of the chaukidars is most irregular. On the other hand it is difficult to devise a more satisfactory system which is within the limits of practical politics. Some link between the village and the police station is necessary, and although the substitution of Government police for the village chaukidars would produce a more effective control over crime, the cost to provincial revenues which this would entail would be so heavy that the idea is impracticable in the present state of the provincial finances

## JAILS.

Jails.

(17) There is no central jail in Assam. There are eleven district jails with accommodation for 2,871 prisoners, nine sub-jails accommodating 433 prisoners and three magistrates' lock-ups with provision for 52 prisoners. The jails generally are of poor construction and inadequately staffed. In several of the jails the external walls are too low, while one district jail and most of the sub-jails have only bamboo palisades. In many of the jails the barracks, workshops and godowns are of poor construction and fail to conform to modern ideas. The hospital and kitchen arrangements are also in some cases defective. In no jail can adequate arrangements be made for the segregation of habitual offenders or juveniles or under-trial prisoners. Reconstruction of the jails is necessary before some of the most important recommendations of the Indian Jails Committee can be carried out in Assam, but hitherto Assam with its limited resources has been unable to do much towards the structural improvements of the jails, the demands of other

departments on provincial revenues having necessarily been given preference. The necessity of providing increased and improved accommodation was forced upon Government in 1921 when the Government of India proposed to abolish the Andamans as a penal settlement and to send back to their own provinces all the convicts then confined in the settlement. The Government of Assam then took up again the project of constructing a central jail at Jorhat and a demand for a small grant to enable the work to be started was presented to the Council in the budget session of 1922. In the meantime, however, the Government of India had on account of the financial stringency which was then prevailing in most provinces, decided not to proceed with the proposal of sending back at once all the convicts then confined in the Andamans. In view of this and the urgent need for economy at that time the Legislative Council decided not to vote the demand for a new central jail, a decision which the Government accepted. No further attempt has been made to proceed with this project. The fact, however that prisoners sentenced to transportation now serve their sentences in India and the possibility that the convicts still remaining in the Andamans may shortly be sent back have compelled the Government to provide some additional and improved accommodation. The Government have therefore decided, as an alternative to the central jail project, to improve the jails at Tezpur and Sylhet. A start has been made with the Tezpur Jail for which funds have been voted by the Council .

(18) The inadequacy of the existing jail staff has also engaged the attention of the Government. Jail service is unpopular. It is regarded as derogatory, and the pay offered is not sufficient to overcome this objection and attract men of the right type. The absence of proper quarters is another cause for dissatisfaction. The pay of the jailor-staff has been improved with the object of attracting a better class of candidates for this service. It has not yet been found possible to increase the pay of the warders, but with effect from the current year the strength of the warder establishment has been increased so as to provide for a leave and training reserve and new leave rules are under consideration. The absence of any married quarters for warders is another serious defect, and projects to provide for such quarters and to reconstruct some of the other quarters will shortly be prepared.

(19) Although, as stated above, the structural defects of the jails have made it impossible to carry out some of the most important of the recommendations of the Indian Jails Committee, the Government have given effect to such of the committee's proposals as were practicable. The following are the principal reforms which have been introduced at the suggestion of the committee:—

(1) Provision for religious instruction.

(2) Appointment of boards of visitors with a non-official majority.

(3) Revision of the rules regarding employment, and the separation of under-trial prisoners.

(4) Improvement of facilities for prisoners to communicate with their relatives.

(5) Formation of a special division for better class prisoners.

(6) Re-classification of prisoners according to age, and rules for the guidance of magistrates and jail superintendents in dealing with juveniles.

(7) Re-classification of jail offences, leading to a marked fall in major punishments.

(8) Revision and improvement of the remission and gratuity rules.

(20) The Council has vigorously criticised the jail administration, relying mainly on the personal experiences of *ex*-non-co-operators, but no constructive proposals have been initiated. It has been alleged that all reforms are rendered nugatory by the subordinate staff, and that the labours of religious instructors and non-official visitors are mere white-wash. Token reductions have twice been carried on these grounds. The question of Prisoners' Aid Societies has also been mentioned in Council, but Government had early made known the difficulties in the way of an official organisation of such societies. Government have suggested in the Council and in published resolutions that non-official enterprise should promote these societies in order that they might inspire confidence. No response however has been made by the public, and criticism in the Council took no account of this fact.

(21) To begin with, Government have made a small provision in the present year's budget, as a contribution to a Discharged Prisoners' Fund. This small provision has been made with a view to enable the Inspector General of Prisons to make suitable small grants of clothing, tools, etc., to deserving discharged prisoners, pending the formation of a Discharged Prisoners' Aid Society by private enterprise.

## LAND REVENUE.

(1) The land revenue proper amounted to Trs. 92,49 in 1926-27, in which year the total revenues of the province were Trs. 2,58,49, so that the revenue derived from the settlement of land contributes about 35 per cent. of the whole. With the exception of the greater part of Sylhet and Goalpara districts, where the demand was fixed in perpetuity under the Regulation of 1793, the land is temporarily settled, for the most part with the actual cultivator, and the demand is periodically reassessed. The period of settlement has varied from time to time. The current settlements were mostly made for twenty years, but a period of thirty years has now been accepted as the normal term. In the alluvial plains of Assam changes in the course of rivers and the operation of silt result in great variation in the value of land. Between resettlements, also, large areas come under cultivation and settlement, which were imperfectly classified or not classified at all at the previous resettlement. A fresh classification of land and an adjustment of the demand are, therefore, needed in the interests both of Government and of the individual cultivator. The revised assessments are determined by combining the results of a local investigation into the pressure of the existing assessment, with the capacity of the people to bear without hardship a heavier charge. Among the facts to be ascertained are the economic condition of the people, the effect of the development of the country and the improvement of communications, the course of prices, the value of land when sold and the rates of rent paid by tenants where the land is sublet. As the last resettlements of the several districts of the Assam Valley were effected on a 20-year basis between 1905-06 and 1912-13, and began to expire from the year 1924-25, it became necessary early in the period under review to decide whether resettlement operations should be undertaken. The question was complicated by the recommendation of the Joint Select Committee that the

principles of reassessment should be placed on a statutory basis. In view of the serious financial position of the province and the remarkable development which had occurred since the last resettlements, Government decided to commence resettlement operations under the existing rules without waiting for legislation, and meanwhile to take legislation in hand. It was at the time hoped that the principles of reassessment would have been placed on a statutory basis before the time came for the revised assessments to be finally determined, but as will be described later this expectation has not been realised. The resettlements of two districts were commenced in 1923-24 and are now almost complete, the enhancement of revenue in each case being about 20 per cent. The resettlement of a large number of petty temporarily-settled estates scattered amongst the permanently-settled estates of Sylhet has also been completed, the enhancement of revenue being 32 per cent. in the case of ordinary lands and a little higher in the case of tea lands. These three resettlement operations will add nearly eight lakhs a year to the provincial revenues. Resettlement operations are also in progress in two other districts.

The most important feature of the period has been the great expansion in the settlement of waste land, consequent on a rapid increase in immigration by the land-hungry population of Eastern Bengal, and the recovery of the tea industry from the slump of 1920. Of the 20,864,000 acres in the plains some 14,559,851 acres are estimated to be culturable and 3,780,599 acres are reserved forest. If this assumption were correct, there would be still nearly five million acres awaiting development. This estimate, however, must be accepted with reserve, as in a country which is in the progress of alluvial formation it is impossible to say what land is or is not capable of being cultivated by a process of drainage or silting. The areas settled for ordinary (rice, sugarcane, jute, etc.) and special cultivation (*i.e.*, mainly tea) at the end of 1920-21 and of 1926-27 were as follows (in acres) :—

| | 1920-21. | 1926-27. |
|---|---|---|
| Ordinary ... ... | 7,794,202 | 8,210,098 |
| Special ... ... | 1,386,166 | 1,491,371 |
| Total ... | 9,180,368 | 9,701,469 |

It may be noticed that though, as land for "special" (mainly tea) cultivation is usually high land unsuitable to the best cropping of rice, the claims of "ordinary" and "special" cultivation do not generally come seriously into conflict, the contraction of land available for cultivation has given rise to political issues. All tea gardens, for example, desire to obtain "ordinary" land for the settlement of their labour force. There were several important problems before Government. Immigration from Eastern Bengal on a large scale is a comparatively recent innovation, but it had already shown signs of leading to conflict between the interests of the vigorous and forceful pioneers and those of the peace-loving indigenous population. The Eastern Bengal immigrants on the other hand are good cultivators and hard workers and have already contributed materially to the development of the province. The policy adopted by Government, with the object of avoiding friction and of protecting the interests of the Assamese, was one of directing the stream of immigration into specified areas either wholly or mainly unoccupied, and of refusing settlement with immigrants in other areas. On the whole this policy seems very fairly to have attained its object, though it is undoubtedly attended by disadvantages and difficulties. A serious difficulty lies in the fact that under the law as it stands a person holding a 'periodic' lease, *i.e*, a lease for a period of ten years or more, has the right of transfer, and some of the Assamese holding periodic leases in areas from which the immigrants have been excluded, are unable to resist the temptation of selling their holdings to immigrants, who rapidly squeeze the rest of the Assamese out of the village. This difficulty could only be effectively overcome by legislation restricting the power of transfer, and in view of the well-known objection to legislation of this nature Government have consistently refused to undertake it except in response to a definite and general demand, which so far has not been forthcoming. Government are now engaged in a revision of the present system, because it encourages Assamese to take up land as a speculation with the object of disposing of it at a profit to immigrants, and gives opportunities for dishonesty of various sorts to the subordinate land records staff.

Another matter which has engaged the attention of Government has been the need for adequate tenancy legislation for the permanently-settled districts of Sylhet

and Goalpara, where alone land is rented on a considerable scale. The tenancy law at present in force is the Bengal Act, VIII of 1869, which is very inadequate and which has long been replaced in Bengal by the Bengal Tenancy Act of 1885. There has long been a demand for more up-to-date provisions, particularly in Goalpara. It was at one time held that legislation must be preceded by a record-of-rights, in order to ascertain precisely the existing state of affairs before attempting to legislate: but it has more recently been decided—mainly at the instance of the late Governor Sir John Kerr, an acknowledged authority on tenancy matters,—that the process should be reversed, and that a record-of-rights would be of little value until the rights to be recorded had been laid down by statute. A tenancy Bill for Goalpara is accordingly, as will be described later, now on the legislative anvil. In Sylhet the position is rather different, and the need for tenancy legislation is far less urgent, since there are few large landlords and even the permanently-settled estates for the most part are very small and are held by peasant proprietors. In that district the principal need is for a record-of-rights; there is no complete register of estates; with few exceptions no landlord is certain of the boundaries of his estate; and no tenant is certain of the boundaries or the extent of his holding.

(2) There have hitherto been no violent changes in the system of administration, though the Council, which, debated no less than 35 resolutions in connection with the department, would have inaugurated many. The debates covered most aspects of the administration, the topics being district jurisdiction, grazing reserves, grazing fees, *mauzadars* (*i.e.*, land revenue collectors), tenancy legislation, a statutory basis for the executive rules, concessions, land congestion in Shillong, settlement, local rates, fisheries, flood damage, foot-paths over settled land, dates for payment of revenue, protection of fruit plantations from grazing, partition of estates, surveys, sales for arrears, and the reservation of land for a particular tribe.

(3) The history of attempted legislation is as follows :—

(*i*) *The Sylhet Records-of-Rights Bill*, 1921.—This was introduced as a first step to tenancy legislation, but was received with uncompromising hostility from the landlords on the ground that the province could not afford the

expenditure and that legislation should be taken up for the province as a whole. Feeling was largely influenced by the fact that the costs of the preliminary survey necessary would be charged upon the landholders. Government announced that the question would not again be raised until there was a clear pronouncement of opinion in its favour by the people of Sylhet. It would at first have been impossible in any case to undertake the commitment in view of the financial position. It will be noted, however, from various resolutions which are commented on below, that the Council is keenly alive to the inconveniences which arise from the absence of such a record.

(*ii*) *The Local Rates Bill*, 1923.—This was an attempt to raise the income of local boards by enhancing the assessment to local rates of tea land and permanently-settled estates, which was regarded as inadequate under the Assam Local Rates Regulation, 1879, and by making lands held by mines, bazars, etc., liable. Opposition, especially from Sylhet, was strong, and Government announced that so contentious a Bill should be left over to the Council of 1924. It was, however, dropped as the opposition had not died down.

(*iii*) *The Goalpara Tenancy Bill*.—In 1925 a resolution was moved recommending that immediate steps be taken to apply provisions on the lines of the Bengal Tenancy Act to Sylhet and Goalpara. Government opposed the resolution in the view, which was then held, that a record-of-rights should precede legislation. They also pointed out that conditions in Sylhet and Goalpara differed, and that there was no demand for legislation in Sylhet. The Sylhet members also opposed the resolution so far as it applied to Sylhet. The resolution was amended by the omission of reference to Sylhet;

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and was carried in its amended form. The question was then further examined with the result that Government were led to modify their view, and a tenancy bill for Goalpara was framed which has lately been referred to a Select Committee. Opposition lately, from the side of landlords, has been based on the theory that the people of Goalpara being of Bengali affinity, their case cannot be dealt with in a Council controlled by people of an alien race.

(*iv*) *The Assam Land Revenue Reassessment Bill;* 1926.—In view of the recommendation of the Joint Select Committee on the Government of India Bill that the process of revising the land revenue assessment should be brought under closer regulation by statute, and of a resolution passed by the Assam Legislative Council in 1923, asking that effect should be given to this recommendation, a committee of four revenue officers, nine non-officials and the Revenue Member was formed to draw up proposals, and a bill was framed embodying the existing principles of assessment, but providing in addition that the maximum assessment on any group of villages should not exceed 20 per cent. of the gross produce, that enhancements should be limited to 33 per cent. in the case of a district and 50 per cent. in the case of a village which had been of a permanent nature at the last settlement, and that the term of settlement should be generally 30 years. From the first it was evident that the claim of Government to obtain a reasonable share of profits from land was irreconcileable with the obligation of members to their constituents to take every step possible to resist any increased Government demand. When the bill emerged from the Select Committee the maximum percentage of gross produce that could be taken had been reduced from 20 to 10 per cent. in a settlement group; the limit of enhancement had been reduced from 33 per cent. in the case of a village to 16½ per cent. and from 50 per cent. to 25 per cent. for a district, while a new limit

of enhancement of 18¾ per cent. had been applied to individual holdings, though how this last provision was to be reconciled with the 25 per cent. limit proposed for a district was not clear. An appeal was provided against the Settlement Officer's classification of particular land to a tribunal consisting of a special Officer and two non-officials; all rules were made subject to the approval of the Council; and other alterations which Government considered to be hasty and ill-conceived were made in the Bill. Government in particular regarded the reductions made in the limits of enhancement as jeopardising the future revenues of the province, and moved the Council to recommit the bill to the Select Committee in order that experts might be examined and the bill reconsidered. By way of showing that the limits of enhancement originally provided in the bill were not unduly high in the present circumstances of Assam, it was pointed out that the waste lands in the Surma Valley, which might be raised greatly in value by silting, had been assessed at rates as low as one anna per bigha, that enormous areas of land in the Assam Valley had been assessed at low all-round rates when first taken up, and that the old 30-years' leases for special cultivation, of which a large number would expire in 1932, and which had been assessed at 5 or 6 annas per bigha, had been intended to be resettled at the district rate of 10 to 12 annas. It was also observed that the prices of agricultural produce had increased generally by about 80 per cent. since the last reassessment in the Assam Valley, while railway extensions and communications had revolutionised conditions to such an extent that an enhancement of 100 per cent. would mean little increase in terms of agricultural produce. Even now however the bill did not satisfy the Council, which considered the methods of valuation, the lack of criteria as to pitch of assessment, the periods of re-graduation, the exclusion of the Civil Courts, the provisions regarding improvements, and the lack of

provision for recognizing prescriptive rights in lands used for fishery, all unsatisfactory. The proposal for recommittal was lost however by the casting vote of the President, it being argued that these points could be debated in Council. The question of basing the demand on net produce was also raised, the *Swarajist* leader saying "But it was pointed out when the matter was discussed in the Select Committee that at least in the greater part of Assam net produce means almost nothing. It is calculated that if we take all the expenses of cultivation, including the personal labour of the agriculturists, the net produce is entirely *nil*. If the agricultural population cannot get a single pice out of their agriculture then Government has no right whatsoever to levy any land tax on our agriculturists." Hitherto the net produce basis has not been considered feasible for the small *raiyatwari* holdings of Assam, mainly owing to the difficulty of finding a satisfactory basis for calculating the value of the labour expended by the *raiyat* and his family. The hostility to the increase of assessments and the powers left in the hands of Government was shown on this occasion by a *Swarajist* leader who said "But now for the representative of the King is substituted the executive Government, who are our enemies," and by the reduction or total refusal of the resettlement grants in 1923, 1924 and 1927. In 1927 Government pointed out that the effect would be to waste eight lakhs already spent. The settled area in one district had increased from 277,000 to 442,000 acres in 10 years; in another from 352,000 to 490,000 acres; and in both the districts nearly half the area was on an annual settlement. Resettlement operations were therefore urgently called for. The grants, however, were refused and had to be certified. On another occasion the House was adjourned to discuss notifications imposing reassessment and a resolution was passed asking that the notifications should be withdrawn until the principles of assessment had been reduced to

law. The question has been complicated by the recommendation of the Taxation Enquiry Committee that assessments should be based on net produce, a method which as already explained has hitherto not been considered practicable in Assam. Further enquiries are being made into this point, but apart from this the Government at present see little prospect of successfully introducing legislation which will secure to the State a reasonable share of the increasing value of agricultural lands.

The effect involved by the Select Committee's amendments was illustrated recently in a group of villages in the Kamrup district. At the last settlement the area had been disastrously affected by the earthquake of 1897, which had disturbed levels; there were no trade centres, schools, or roads. The rivers have now scoured fresh channels and are able to carry off the water which formerly subjected the country to heavy and prolonged inundation, while the construction of the Eastern Bengal State Railway has developed communications and resulted in the establishment of important trade centres. The population has grown with the attraction of settlers from Eastern Bengal by over 48 in the case of one mauza and by over 86 per cent. in the case of the other two mauzas. The revenue proposed at the present settlement is estimated to be 9·50 per cent. of the gross produce as against 15·6 per cent. at the last settlement, when large areas were unclassed and settled at the rate of five annas per bigha. The changes in classification of particular estates have naturally been very marked, and the enhancement which could fairly be imposed is sometimes very high. In one village, though the unit rate has been raised only from ·65 to ·70, yet the increase in revenue is 119 per cent. In three other villages the unit rate is unchanged yet the increase in revenue is 50 per cent. On the other hand the revenue of one village is being decreased by 30 per cent. The average enhancement for the group was roughly 29 per cent.

> In one village which would presumably be classed as having been of a permanent nature at the last resettlement, it was found on enquiry that owing to transfers in the intervening period it would be a task of impossible intricacy to compare each estate as it stood at the last and at the present resettlement. Moreover, owing to the improvements that had taken place in natural conditions, and the position of the village within the group in regard to the incidence of the revenue, it would be impossible under the rate of enhancement adopted for a village by the Select Committee to take any enhanced revenue at all from the superior lands in such a village, the increase of revenue permissible being entirely swallowed up by changes in classification of the fields.

(4) The trouble arising from immigration has already been mentioned. Government were anxious to obtain the views of the Council, and for this purpose proposed a conference. A tentative measure was drafted providing for restriction on the transfer of periodic leases to immigrants, on the lines of a Bengal Act. The Congress mandate for withdrawal from the legislature in 1926 prevented the attendance of members to discuss this important proposal, and the conference was abandoned. Subsequently a *Swarajist* of the Assam Valley alleged that their abstention was due to a mistake, as his party from the Assam Valley had no intention of avoiding an issue in which they were deeply interested. The fact remains, however, that there was practically no response to the Government's invitations to the proposed conference. In 1927 a resolution was moved in very wide and vague terms, a committee being proposed to frame a list of available lands, to propose restrictions on the settlement of land with immigrants from "foreign lands" as well as "from other provinces," and to make recommendations for the development of land and for the provision of grazing reserves. No decision of policy emerged from the confused debate which followed and the resolution was withdrawn. Communal considerations, cutting across the ordinary party divisions, were largely responsible for the failure of the Council to take a well-defined line in the matter. The Eastern Bengal immigrants are almost entirely Muhammadans, and are

welcomed as such by Muhammadan politicians. On the other hand the Assamese Hindus of all parties would like to see the indigenous population protected against the invaders, who undoubtedly make uncomfortable neighbours for the less strenuous and peace-loving Assamese. It was at any rate clear that Government would not obtain general support for legislation restricting the right of the indigenous cultivator to transfer his lease to an immigrant.

5. In addition to the resolutions which have already been mentioned the following resolutions which were passed by the Council deserve comment :—

(i) *Recommending a change in the dates for payment of land revenue in the Assam Valley* (1921).—No reasons were given for supposing that the existing dates, which have been carefully fixed with the object of enabling the revenue to be paid from the proceeds of the principal harvests, caused hardship which could be cured by the changes proposed. The resolution was carried without discussion save by the mover and the Government Member replying. No action was taken.

Volume I, 853.

(ii) *Recommending the placing of all the executive provisions connected with the land revenue on a statutory basis* (1925).—This recommendation was accepted by Government and various steps were taken, the most important of which was the Land Revenue Reassessment Bill of 1926, which has already been mentioned. A senior officer was also placed on special duty to consider any changes which were required with regard to the registration of land and partition. The changes recommended by him are being given effect so far as is possible by executive order. Various further changes were recommended for which legislation was required, but as these principally concerned Sylhet, action has been deferred until it is definitely decided whether Sylhet will remain in the province of Assam or go to Bengal.

Volume V, 108.

(*iii*) *Recommending the abolition of the post of Director of Surveys and the placing of the local surveys under the Director of Land Records* (1924).—The province of Assam obtains the services of the Director of Surveys in charge of the Eastern Circle under the Government of India, whose headquarters are at Shillong, on payment of a quarter of his salary. A motion to abolish this provision was first moved in 1924 and carried, the opinion of the Council apparently being that his duties as regards Assam were a sinecure, and could be carried out as efficiently by the Director of Land Records. The argument of Government that accurate traverse surveys and other survey work, such as the checking of waste land maps, were essential to the welfare of the people and the avoidance of litigation, was not controverted, but the Council refused to agree that technical knowledge was necessary to conduct the department efficiently. A similar motion was carried in 1925 and the question has been raised from time to time since that date. Government have refused to act on the resolution as they are convinced that the existing arrangement for the control of the provincial survey work is the most economical and advantageous that is possible.

Volume IV, 102.

(*iv*) *Recommending that the sale of permanently-settled estates for arrears of local rates being a violation of the permanent settlement should be stopped, and settlement-holders released from joint responsibility* (1925).—The first point, that the realisation of local rates from permanently-settled land was a violation of the Act of 1793, was put forward and discussed but not seriously pressed. The real object of the mover was to urge that it was unfair to realise the rate jointly from all the recorded proprietors irrespective of the extent of the actual share in the estate and the actual amount of land (if any) actually held by each

Volume V, 1165.

proprietor. It was argued that the procedure under the Bengal Cess Act, by which the cess was levied on the land in possession of a particular landlord and realised from him alone, was much fairer. This was admitted on behalf of Government, but it was pointed out that in the absence of a record-of-rights it was quite impossible to ascertain the individual liability of owners of permanently-settled estates, and that, though the procedure was unsatisfactory, it was the only method by which the rate could be collected. The only alternative which the mover was able to put forward was that a rough enquiry might be made from landholders as to their holdings and their statement accepted. It was not possible to act on this recommendation. The resolution was carried by a narrow margin of 17 votes to 16.

(*v*) *Recommending that landholders whose estates had been sold for arrears of revenue might be permitted to recover them within* 30 *days of sale by paying up the arrears and costs* (1925).— This was a more constructive proposal, and a bill was drafted to give effect to it, but was not proceeded with as the Commissioners considered that it would add to the already serious difficulty of realising the land revenue, particularly in the case of the permanently-settled estates of Sylhet. The difficulty in this case arises from the large number of minute estates, over 20,000 out of the 50,000 permanently-settled estates in Sylhet paying not more than one rupee in revenue annually. The number of defaulters is always very large, and Government considered that they would not be justified in introducing a measure which would be likely to add to the number.

Volume V, 1268.

(*vi*) *Recommending that the local rate on tea lands be raised to eight annas per acre* (1926).—In introducing the Government Local Rates Bill the Finance Member had pointed out that in Bengal the rate on tea lands had been ten annas per acre

Volume VI, 202.

since 1880. In April, 1924, a planting member had moved a resolution recommending representations for the removal of the export duty on tea, and had stated that if this were done, the planting community would voluntarily tax themselves for the benefit of communications. This resolution had been adopted. The present resolution was opposed by the planting members. and Government remained neutral since it singled out a particular industry for enhanced taxation. It is doubtful how far the previous history which was quoted in the debate weighed in the present decision as an unimpeachable mode of increasing the income of the local boards, and how far it was merely designed as an attempt to finance the boards at the expense of the tea industry. It was pointed out that the export duty had not yet been removed, and that the industry had since been made liable to income-tax, but the mover argued that as things stood it was overrepresented on the local boards. Eventually, the planting members came forward in 1926 with a compromise proposing to carry this into effect and to use the proceeds of the increase for the improvement of communications in the districts from which it was raised. The compromise was accepted and in consequence the Assam Local Rates and Local Self-Government Amendment Act of 1926 was passed.

The money realised under this Act has been credited to a separate fund known as the Tea Rate Road Fund of which a separate account is kept. A Board has been formed consisting of the Finance Member, the Chief Engineer and three planting members to administer the fund.

(vii) *The question of an adequate provision of grazing reserves for the free grazing of village cattle has been a constant preoccupation of the Council.*—The system should perhaps be explained as it is believed to be peculiar to Assam. Up to a very recent date there were large areas of waste land in all parts of

the Assam Valley, and people had been accustomed for generations to feed their cattle on the grass of unoccupied areas, and no fodder crops were grown. As land was gradually taken up the tendency was for grazing facilities to disappear. Government attempted to deal with the problem in two ways, first, by the definite reservation of land for free grazing, and secondly, by encouraging the cultivation of fodder crops. As regards the provision of village grazing grounds, an area amounting to 217,305 acres in the Assam Valley and 32,620 acres in the Surma Valley had been reserved up to the 30th June 1927. But in spite of this, there has been a constant demand for additional and more satisfactory grazing grounds. A resolution was moved in the pre-reforms Council in 1919 that a committee should be appointed to reserve sufficient land for grazing in every town and village in the province. The Government's position was clearly stated, *viz.*, that in areas where land was at the disposal of Government, orders had been passed that the requirements of grazing should be constantly borne in mind. But where the land was held under either permanent or periodic settlement, and would have to be acquired by payment of money, the cost thereof must be borne by the people concerned. The resolution was then withdrawn but a similar one was carried in 1927. The debate disclosed widely differing views. A *Swarajist* leader advocated the compulsory provision of grazing land by redistribution of all the village land, deducting from every man's holding a portion for grazing, while a member from the Assam Valley recommended the settlement where land is available of separate plots for each man's grazing, subject to payment of rent, and the mover proposed the acquisition of land by Government and compulsory reservation, the cost to cover this programme being disguised in various forms. With regard to the proposed commit-

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tee it was pointed out that even by visiting all the villages in the province it would not obtain any information which is not at present available, and that, if it was desired to extend the present policy of Government, legislation would be necessary. Government undertook to consider any private bill that might be passed on the subject very carefully, but it was impossible to accept the resolution as passed by the Council.

The Government, however, feel grave doubts regarding the soundness of the policy of providing free grazing which has been partially adopted, and which the Council would like to see extended, and are awaiting with interest the views on the subject of the Royal Commission on Agriculture. The Veterinary Department advises that the village grazing grounds are hotbeds of disease, and if one may judge from results, it must be admitted that the breed of cattle in Assam is probably poorer than anywhere else in India. It was pointed out in the debate that the improvement of the breed of cattle in England by selective breeding took place when the right of free grazing was extinguished by the enclosure of the commons. The alternative method, the introduction of fodder crops and stall feeding, has not made any headway at present.

(*viii*) *The grazing fees levied from professional graziers for grazing their cattle on unsettled Government land have been a source of constant contention between Government and the Council.*—In 1916 steps were taken to control the graziers, mainly Nepali, who ranged throughout the wilds of Assam with herds of buffaloes, by setting aside areas in which they could graze, and increasing the fees charged on their cattle. Officers styled Grazing Superintendents were appointed to administer the system. The collection of these fees has always been very unpopular partly because it was thought to increase the price of *ghee* and milk, partly because some of the middle classes were

financially interested in the grazing business, and partly because it was alleged that cultivators who are not professional graziers were also assessed to the tax. There was some substance in the last complaint, as the line between a person who is professional grazier and a person who is not, is not very clear, and the rule seems to have been differently interpreted in different districts. In 1924 provision for the grazing superintendents was refused, partly in protest and partly on grounds of economy. The resolution was accepted by Government as a measure of economy, and the posts abolished. Two direct proposals for the abolition of the fees were defeated, on the second occasion only by the Government vote. In 1925, the provision for commision on grazing fees collection was reduced by Rs. 100 and in 1927 Rs. 30.000 was refused. Half, however, of the latter was restored by certification. In 1925 also Government drafted revised rules in view of the unsatisfactory working of the existing system. A resolution was carried recommending that a committee be formed to consider these rules. As had been intended, an informal committee was formed and all members of the Council invited to sit upon it. On the reduction motion of 1927, the Council's dissatisfaction with the working was the subject of a prolonged debate. The Government's view, that the occupation of State lands for a profit-making concern without payment to the State was not reasonable, was irreconcilable with the single claim of the opposition that nothing should be done which could possibly make milk more expensive, and the Council declined to accept the Government's contention that the increase in the price of milk in Assam since the War depended on the general rise of prices and on the rise in the price of dairy produce throughout India, and was not due in any way to the grazing fees. The position of the mere cultivator who does not sell milk, and that of the professional grazier, which are entirely antagonistic, were

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ignored in these debates, and there was no evidence of any part played in the propaganda by, for instance, the professional graziers. It was indeed suggested that land should be settled for grazing on rent, but it was not made clear how this would mend matters, or how the settlement could be achieved, nor was any constructive suggestion made. Government appointed a small committee containing members of Council to consider the working of the rules. The committee reported that the abolition of grazing superintendents had been a mistake, since it prevented enquiries into petitions as to alleged wrongful assessment from being properly made, the deficient staff not properly understanding, nor carrying out the intention of, the new rules. It, therefore, recommended that they should be reappointed, but that officers of a higher status than previously should be employed. It also advised that a notice should be restored and that a grant should be final assessment to provide full facility for appeal. Accordingly at the next session of the Council Government proposed that the balance of the provision for commission on grazing fees should be restored and that a grant should be made for the appointment of five grazing superintendents. The Council rejected this proposal on the ground that the Government were flouting the desire of the Council by preparing rules for the continuance of a tax which the Council had condemned, and by attempting to restore the grazing superintendents who had been abolished by the vote of the Council. A *Swarajist* leader said on one of the motions "I say emphatically that it is because the bureaucratic Government are unwilling to part with these powers which they have so long exercised that instead of coming to the Council they have again brought a set of new rules by an executive authority in order to impose a heavier burden of taxation on the people."

At the budget session of 1928 the matter was again placed before the Council and the

Government, while recommending that provision should be made for grazing superintendents, said that the decision of the Council as to the appointment of these officers would be accepted. Government, however, could not afford to sacrifice the grazing fees, amounting to over three lakhs of rupees, and at the same time to continue to reserve enormous areas for the professional graziers. The provision was accepted by the Council, and steps are accordingly being taken to revise the rules in accordance with the recommendations of the committee.

(*ix*) *Recommending the appointment of a Committee to propose methods for improving low and watery lands* (1927).—This was ignored because a committee would not be a suitable instrument for a purpose requiring expert investigation. It is noticeable that many of the Council's proposals in later years took the form of relegating decisions of policy to committees.

Volume VII, 1177.

(*x*) *Recommending that waste lands should ordinarily be settled with the natives of the province for special and ordinary cultivation with a view to encourage agriculture by the small capitalists of the province without hampering the claims of immigrants.*—This, in 1925, inaugurated a series of discussions on the process of settlement. It generated much heat owing to the fact that it was taken to represent, as indeed was made clear by the mover, an allegation of invidious distinction by local officers between Indians and Europeans. It was passed in a form designed to confine settlement of waste lands to the persons described for a period of 5 years, in order to test the capacity of Assamese youth to organise in the opening out of the land. The allegations of discrimination were called by the Government Member in charge "the political equipment of what is rather like a circus party. Unless you make an awful row in going through

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the town, nobody knows you are there." Government, however, have recognised the natural distaste felt by the local population at the sight of the remaining resources in land being rapidly taken up, largely by foreign capital, and have themselves experienced the difficulties arising from demands for concession, and from the dangers of speculation and land jobbery. The practice of giving special concessions for the development of land for tea cultivation was dropped before the beginning of this period, and now only exists in a modified form to enable companies to obtain land for residence of labourers. The question has become rather one of securing for the State a reasonable share of the return from land without discouraging development. In speeches upon the budget Government have noticed with sympathy and approval a growing desire for the investment of Indian capital in the industry under Indian management. The resolution, though clumsily worded, was explained by some of the members as displaying no desire to handicap any particular community provided that the "immigrant" was prepared to make Assam his home. It was opposed by Government, however, as retaining the very principle of discrimination to which objection had been raised, and on account of the loss entailed by the apparent exclusion of European capital. On the other hand, the suggestion implied by the wording that landlordism should be encouraged, was repudiated by all members. As a result of the resolution an arrangement was suggested by which concessions may be granted to small Indian capitalists, and a committee was formed to devise conditions for such concessions. An attempt to reopen the controversy as to racial discrimination in regard to the function of this committee failed, and when the committee's report was received, comment was directed to details of the committee's proposals on the real issue, *i.e.*, the protection of the small capitalist,

the prevention of speculation and the acquisition for the State of a portion of the profit. It was recommended that provision should be made for joint families, that the concessions should be improved, and that during the period of concession there should be no penalty for mortgages with possession. Rules are now being framed by Government to carry out the recommendations of the committee.

(*xi*) *Recommending the framing of a list of available lands for tea cultivation in each district, and grant of preference to* bona fide *Assamese capitalists* (1927).—It was explained that "Assamese" means "natives of the province of Assam." A curious situation developed through the apparent discrimination against Indians of other provinces, but the resolution was carried, some *Swarajists* abstaining from the division. Government were unable to undertake the responsibility of advertising land as suitable for special cultivation, and so encouraging speculation.

Volume VII, 894.

(*xii*) *Recommending that no waste land should be granted to the Railway Companies for other than railway purposes* (1925).—This was accepted as a statement of fact.

Volume V, 1544.

(*xiii*) *Recommending the preparation of a list of old public foot-paths running over tea gardens, and insistence upon their being opened up* (1927).—This resolution was combined with another recommending appointment of a mixed committee of the members and the representatives of the Tea Association to enquire into and frame a list of such paths, to insist upon their being opened up, and to take immediate steps to enforce the provisions requiring reservation of rights-of-way for the public. Government pointed out that a committee could not determine the existence of rights-of-way, but were willing to take up each case of reservation, and to decide the principles upon which they should act as a

Volume VII, 1248.

result of the enquiry. It was explained that enquiries had already been made. The objectors were insistent on the allegation that old roads and the rights-of-way over leased land were being interfered with by tea planters, and that persons endeavouring to assert the rights were subjected to insult and had no hopes of redress in a court of law against powerful companies. It was stated that Government could by enhancement of revenue or other means, put pressure on the planters. The objection that the proposed committee would usurp the functions of a civil court was met only by suggestion that the committee's decision could be validated by legislation. No notice was taken of the planting members' contention that a distinction must be made between rights-of-way, existing or claimed, for foot passage, carts, cattle and motor cars, respectively. The principle, usually jealously guarded in the Council, of non-interference with the prerogative of the civil courts, was in this instance overridden by hostility due to the alleged indignities offered to the public. Government, though not prepared to adopt the extraordinary procedure proposed, were impressed by the specific statements as to the failure to make or maintain the reservation between grants required under the leases, and are making enquiries into the actual position.

Other resolutions, which were generally withdrawn after discussion, were not of importance. One, however, in 1924, concerned the grant of leases and concessions, and proposed to make these subject to the approval of the Council. This gave rise to curiously little discussion and was withdrawn, although indications had been given in the budget discussion that the Council were dissatisfied with various contracts engaged in by Government: Apparently the Government objection, that no firm would engage in negotiations which might be made public without guarantee of fruition, was accepted. No particular notice was taken of the working of the Land Acquisition Act save by a

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question indicating that the new procedure under the Act of 1923 had led to delays inconvenient to the local boards.

## FORESTS.

(1) The total area of the reserved forests in Assam excluding village forests was 6,011 square miles at the end of 1926-27, while the "unclassed State forests" (the term includes all unsettled waste land, which may or may not contain forest) covered an area of nearly 15,000 square miles. Approximately one-fifth of the reserved area is situated in the backward tracts. In all districts the Divisional Forest Officer is the assistant of the Deputy Commissioner as regards forest matters, and all correspondence between him and the Conservator in general and administrative subjects must pass through the Deputy Commissioner. In the hill districts and frontier tracts, to avoid any risk of trouble with the tribes, the Deputy Commissioner or Political Officer exercises a more direct control. In the Lushai Hills and the Khasi and Jaintia Hills districts the Deputy Commissioner or Superintendent is his own forest officer, and in other hill districts the Forest Officer is more directly subordinate to the Deputy Commissioner than in the plains districts.

(2) In her forests Assam possesses most valuable capital. In their management Government have followed the policy of exploiting them for the benefit of the provincial revenues so far as is compatible with their conservation for the needs of the present and future generations of the people. The expansion of the timber trade and the consequent development and successful exploitation of the forests are perhaps the most striking features in the history of the province during the period under review. The total forest revenue which was under 13 lakhs in 1921-22 exceeded 31 lakhs in 1926-27, while the surplus had increased from 3 to nearly 17 lakhs.

These figures leave out of account the capital expenditure on the Goalpara forest tramway, which is not charged to revenue. The total expenditure on this account during the period was 4¼ lakhs, the interest on which is debited to the revenue account. The following statement gives the figures of receipts and expenditure (revenue and capital) for each year.

| Year. | Receipt. | Expenditure chargeable to revenue. | Surplus. | Capital outlay not charged to revenue. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | Rs. | Rs. | Rs. | Rs. |
| 1921-22 actuals ... ... | 13,21,791 | 10,27,130 | 2,94,661 | Nil. |
| 1922-23 actuals ... ... | 17,13,853 | 11,31,225 | 5,82,628 | 1,35,990 |
| 1923-24 actuals ... ... | 19,74,292 | 12,06,765 | 7,67,527 | 1,04,251 |
| 1924-25 actuals ... ... | 24,78,756 | 13,63,983 | 11,14,773 | 1,26,476 |
| 1925-26 actuals ... ... | 30,39,139 | 16,14,203 | 14,24,936 | 27,105 |
| 1926-27 actuals ... ... | 31,67,122 | 14,92,079 | 16,75,043 | 29,287 |
| 1927-28 (Revised estimate) ... | 35,32,000 | 16,90,000 | 18,42,000 | 34,000 |
| 1928-29 (Budget estimate) ... | 40,39,000 | 22,18,000 | 18,21,000 | 11,000 |

At the beginning the prospects were unpromising. Many of the forest divisions showed a loss. The report on the enumeration surveys of the evergreen forests in Upper Assam suggested that they contained little timber of marketable value, and only the *sâl* forests of the province gave any prospect of profitable working. Influenced both by the poor expansion of the forest revenues and the urgent need for economy in a time of financial stringency the Government early in 1922 proposed a drastic reduction in the strength of the Indian Forest Service. The Government of India did not agree to a permanent reduction of the cadre, but allowed certain posts to be held in abeyance pending a re-examination of the position a few years later. The tide began to turn with the demand for railway sleepers and the completion of the Goalpara forest tramway, which opened up the more inaccessible parts of these valuable *sâl* forests. *Sâl*, however, was still the only timber for which there was any effective demand, the rates obtainable from other varieties being so low as to make it essential that working charges should be reduced to a minimum. Consequently even as late as 1925 the Government proposed to retain as major charges only the two divisions in which *sâl* forests of any importance were to be found and to reduce the strength of the Indian Forest Service to ten officers. The Secretary of State, however, was not prepared to go as far as the Government of Assam had recommended. He sanctioned the reduction of the cadre to fourteen officers and agreed to three posts being held in abeyance until 1928, when the position would again be reviewed. This Government had then expressed the view that a time might come when an increased demand and the prospect of an appreciable

revenue would justify the raising of some of the forest divisions which do not produce *sâl* to major charges, but that time seemed far distant. Events, however, soon proved that the view then taken was too pessimistic, and in less than three years since that view was expressed there had been such a remarkable increase in demand and in the expansion of the forest revenues of all divisions, that the Government of Assam were obliged to take up the question of an increase of staff. In 1927-28 the subordinate services were strengthened and proposals were submitted to the Secretary of State recommending that the posts in the Indian Forest Service which had been held in abeyance should be revived and that three more posts should be added to the cadre. Provision has also been made in the current year's budget for an increase of three posts in the provincial forest service.

Goalpara and its *sâl* forests, owing to the successful working of the tramway and the demand for railway sleepers, have still the largest share in the remarkable development of the last three years, but it is no longer the case that the demand for other timber is so small that divisions which do not produce *sâl* cannot be worked at a profit without rigid economy. On the contrary the general prosperity of the timber trade has led to a growing demand for all classes of timber and an expansion of work in all divisions with the result that this Government now propose to have seven instead of two major charges. A discovery of recent date which may have far-reaching effects is that certain species of timber other than *sâl* can with treatment be utilized for railway sleepers. Timbers of the species found suitable exist in considerable quantities in the evergreen forests of Upper Assam and this discovery has greatly enhanced the value of these forests. The Assam-Bengal Railway propose to erect there a creosoting plant for the treatment of sleepers cut from these timbers, and the Government in consultation with the Railway Board have undertaken, when the plant is erected, to supply the railway for a period of five years with two lakhs of sleepers annually.

If Assam is to preserve the capital which she possesses in her forests, the rapid exploitation which the prosperity of the timber trade demands must proceed on systematic lines and regeneration must keep pace with extraction. Working plans must be prepared and kept up to date for all

important reserves, and the staff must devote more time and attention to scientific silviculture.

Elephant catching operations are included in the activities of the Forest Department. The aim of Government in this matter has been to adopt a policy which will meet the demands of science, feed the market, and protect life and property. Excessive exploitation may lead to the extermination of the species. Moreover, as the demand for the elephant for timber dragging and ceremonial purposes is limited, the market can easily be flooded by a very large number of captures in any one year. On the other hand the State's primary duty is to protect life and property, and in the discharge of that duty the State must prevent elephants becoming a serious danger to the lives and crops of the cultivators.

The impossibility of obtaining a reliable estimate of the stock of elephants at any time enhances the difficulty of meeting the legitimate demands of these conflicting interests. Until 1913 the parts of the province where elephants exist were divided into *mahals* which were in turn opened to elephant catching operations for two years, and then closed for two years. In that year a period of rest for eight years was prescribed on a report that the stock of elephants had been so depleted that extermination was likely. In 1919 the system was again altered. The Government were advised that the estimate of 1913 had been unduly pessimistic, but the new system was more wasteful than the old, in that if *mahals* were opened only at long intervals, they would be exhausted by excessive captures in the open season. Acting on this advice the Government then abandoned any system of fixed periods, and decided that a *mahal* should be opened only if and when the local officers were satisfied that the stock of elephants in that locality justified hunting operations. After a few years the policy of the department was again criticized, but this time from the opposite point of view. It was contended that local officers were not ready enough to recommend hunting operations and that in many localities the elephants were so numerous as to be a serious menace. Enquiries showed that there was some justification for this complaint, and in March 1927 it was voiced by the Council which carried a resolution recommending the immediate resumption of hunting operations. The Government in response to this demand opened a large number of *mahals* in 1927-28, but as some safeguard against excessive

exploitation, a limit was fixed to the number of captures which could be made in each *mahal.*

Elephant catching is sometimes carried out by officers of the department, but more often by lessees or permit-holders, who pay a fixed royalty for each elephant captured, and are supervised and controlled in their operations by officers of Government. The revenue derived from elephants, though of course fluctuating, is not inconsiderable, as will be seen from the following statement which gives the receipts on this account since 1921-22:—

| | | | Rs. |
|---|---|---|---|
| 1921-22 | ... | ... | 1,70,374 |
| 1922-23 | ... | ... | 2,79,301 |
| 1923-24 | ... | ... | 2,02,922 |
| 1924-25 | ... | ... | 67,340 |
| 1925-26 | ... | ... | 63,872 |
| 1926-27 | ... | ... | 56,170 |

(3) The profitable working of the Forest Department and the part it has played in the financial recovery of the province have been recognised by the Council, but there has been no open acknowlegment of the importance of a sound forest policy from any point of view other than the financial one. "I think" said a member at a recent debate, apparently willing to give the Government credit for the best of intentions, "by forest reserves Government mean to help and benefit the people and the department concerned by contributing a huge sum to the Government exchequer." The failure to appreciate the larger issues involved is probably partly responsible for the attacks to which the Forest Department has been subjected both inside and outside the Council. The line of attack which secures most support is to contend that the forest rules are too restrictive and cause needless harassment to the people, and that in enforcing the rules the forest subordinates are often guilty of oppression and corruption. To call attention to this a member of the Legislative Council moved a nominal 'cut' in the budget session of March 1925. The mover was strongly supported in the debate which ensued and the motion was adopted. This led Government to institute enquiries but no serious grievance was discovered. Allegations, however, to the same effect have been repeated on several occasions in the Council

and it was presumably with the same idea that a member tabled a resolution recommending that a new forest law should be enacted. That resolution, however, has never been moved, as the member has been persistently unlucky in the ballot. It was also on account of the alleged exactions of forest subordinates and the failure of Government to take any notice of the people's complaints that the grant for the reorganization of the forest subordinate service was opposed in March 1927, when the motion for refusal of the grant was defeated only with the aid of the official vote.

Criticism of this nature is to be expected. A department which is charged with the duties of safeguarding a valuable source of State revenue and of conserving future supplies of forest produce must inevitably incur a certain measure of unpopularity. It is difficult for the *raiyat* to understand the reasons for the various restrictions which it is necessary to impose for the performance of those duties. The Council is inclined to attach greater weight to the more obvious and immediate inconvenience caused to the villagers by forest restrictions and the petty exactions of forest subordinate officials than to the less obvious but most important benefits which the province derives from the conservation of its forests. Both the Council and the *raiyat* have hitherto failed to take a long view or to recognise the interests of future generations.

The Government, in the hope that it might be possible to relax particular restrictions without endangering their general policy, accepted a resolution moved in the last session of the Council recommending the appointment of a committee to enquire into the alleged grievances. It was possibly the acceptance of this resolution which accounted for the little opposition that was offered to the Forest budget for 1928-29. The scheme for the reorganization of the all-India and provincial services was accepted without demur and, apart from some motions for token 'cuts' which have been mentioned elsewhere, the demands for grants were voted without opposition.

Another line of attack is to contend that the extension of cultivation and the convenience of the cultivators are being sacrificed to forest reservation. Petitions have been filed asking for the disforestation of particular areas; questions to the same effect have been put in Council and the general question was raised in a motion for a nominal reduction in the

budget grant at the last session of the Council, the motion being carried by the casting vote of the President. To reconcile the conflicting interests of the expansion of cultivation and the conservation of the forests of the province is a problem the difficulty of which must increase with the growth in population, and the sound solution of which cannot for many years be looked for along lines which will be popular with the electorate. In the Assam Valley, where there is still a considerable area of unsettled waste land available, the problem has not yet reached an acute stage, although even in respect of that valley protests have not been wanting "against the creation of vast forest reserves to the detriment of the *raiyats*." But in the thickly populated district of Sylhet, where the forest reserves are very inadequate, the steps which have been taken of recent years to reserve the small areas of unreserved forest which still remain have aroused considerable local opposition which has frequently been voiced in Council. The mover of the last-mentioned reduction motion, referring to the reservation of these small areas, complained that "this sort of indiscriminate reservation of rural forests has deprived the people of the locality of the benefits that they so long enjoyed by living near the forests."

Another line of attack which was developed in the second Legislative Council was to protest against the extraction of forest produce by departmental agency. It was contended that Government could never be successful in a business enterprise, that in undertaking such work they were improperly interfering with the private trader, and that unless and until the accounts were maintained and presented in a commercial form, the Council could have no guarantee that the undertaking was really profitable. This line of attack was developed in the budget sessions of 1924 and 1925 when motions for a substantial reduction of the grants under the head "Timber removed by Government agency" were moved, and again in 1926 when the refusal of a supplementary demand was moved. These motions were all defeated, but in 1925 it was only the official vote which decided the issue. In the debates on these motions other grievances against the Forest Department were revived and obscured the attitude of the Council on the issues raised by the movers. The doubts thrown on the financial results of the forest operations undertaken by Government agency were easily dis-

proved by the actual figures, and a member representing a planting constituency referred to the working of the forests in Assam by Government agency, as a brilliant exception to the usual results of Government trading. There is however a more real objection to the extraction of forest produce by Government agency, which Government have always recognized. They have not the staff necessary for such work, and to undertake it means that the staff is diverted from its more important duties. Government have in fact undertaken such work only when private enterprise is not forthcoming, and in recent years there has been little extraction by Government agency. There is also some justice in the criticism that the form of accounts maintained does not show clearly the profits on any one enterprise. To maintain a profit and loss account for all the forests of Assam is an impracticable proposition, but Government have recently undertaken to maintain a commercial account of the Goalpara forest tramway and the block of forests which it serves. In criticising the forest operations as encroaching on the domain of the private trader many of the Council members had in view the small local trader rather than the large capitalist capable of undertaking operations on a large scale. The Council not unnaturally has displayed a desire to encourage the small Assamese business man even at the sacrifice of provincial revenues in many spheres of the administration. This attitude was definitely adopted in connection with the administration of the Forest Department when a token 'cut' in the budget grant was moved at the last session of the Council on the ground that Government should in exploiting the forests give more opportunities to the small capitalist and in particular the Assamese trader. The motion was defeated after the member in charge had explained that so far as practicable every chance was given to the small capitalist.

This attitude has also often found expression in the criticism of the management of elephant *mahals*. That the local Assamese are ignored in favour of foreign *mahaldars* has been frequently alleged in questions and in debates in Council, and it was the desire to secure occupation for the Assamese *phandi* class that mainly influenced the Council to carry a resolution in March 1927 recommending that elephant catching operations should in future be carried out

by *mela shikar* (*i.e.*, the chasing and noosing of individual elephants) instead of by *Khedda.*

(4) The Government of Assam have elsewhere recommended that in the new constitution there should be a unitary form of government in which all subjects will be entrusted to a cabinet appointed from the elected members of the Legislative Council. With the transfer of the administration of the forests to popular control, greater pressure will inevitably be brought to bear on the Local Government to relax the rules and restrictions which are necessary for the maintenance of a sound forest policy, and possibly even to deplete the forest capital of the province by excessive disforestation. The Government of Assam recognize the danger, but feel that the risk must be faced, and they can only trust that the Legislative Council of the future will recognize at any rate the financial value of the forests, and refrain from any attempt to damage seriously the forest resources of the province.

## THE PUBLIC WORKS DEPARTMENT.

(1) Besides communications in the hills and frontier tracts, of which the most important are the metalled roads to Imphal, the capital of Manipur State, and through Shillong, the headquarters of the province, to Cherrapunji overlooking Sylhet, which cover 222 miles, the department maintained at the end of 1920-21, 162.25 miles of metalled and 1,317·69 miles of unmetalled road. The local boards maintained 101·59 miles of metalled and 4,700·38 miles of unmetalled road according to their own classification. Beyond retrenchment, which resulted in the post of Superintending Engineer being held in abeyance, and a heavy reduction of staff, the most important event of the period was the transfer of some roads to the boards, which has been described elsewhere. 50·65 miles of metalled road and 294·14 miles of unmetalled roads were handed over (44·62 metalled and 113·98 unmetalled for a period of 5 years only as an experiment) with grants amounting to Rs. 1,67,739. The boards within six years constructed 1,068 miles of road, as against some 2,000 made within the preceding fifteen years. In the result at the end of 1926-27 the boards maintained 159·20 miles of metalled and 5,546·29 miles of unmetalled road, and the department 120·82 metalled and 1,011·61 unmetalled miles of road. The result of this procedure has led to continuous controversy,

especially between the views on the one hand that the transfer, initiated on the resolution of the Government of India in 1921, had nullified the intention of that resolution, namely, education in administration, by enabling the local bodies to reduce expenditure upon the roads below what was essential, and on the other, that these bodies should properly be responsible not only for carrying out work, but also for the policy of local development. Before, however, the experimental period of five years had passed in any instance, and before the issue, raised in the press as well as in the department, whether the local bodies had carried out their responsibilities with reasonable capacity, could come to a head, the rapid growth of motor transport in use and popularity led all parties in the Council to agree that the problems of communication should be re-investigated. The Council first in 1926 accepted a planting member's resolution, as amended by Government, for a grant of ten lakhs for improvement of communications and the creation of a road board to determine the scheme. The problem was, however, found to involve difficulties in obtaining contractors and labour which made execution within a short period impossible, and these were increased by the piecemeal manner in which metalling had been done in the past, and by the large number of extensions, often unsuitable for motor traffic, that the local bodies had made. In 1927 a planting member moved that five lakhs should be set aside annually when possible for metalling unmetalled roads. To this an amendment was moved by the *Swarajist* party that the amount should be devoted to improvement, not metalling. The amendment was opposed by Government merely because it appeared that the intention was to spend money upon village, not motorable, roads, and was defeated by the official vote. Another *Swarajist* amendment, that the amount should be administered by Government on the advice of a road board, the non-official members of which should be elected by the Council, was carried. The road board appointed in consequence accepted, subject to further discussion in Council, the department's view that improvement cannot in the existing condition of provincial finances be confined to metalling, but must take the form of the systematic development of a provincial road network, to be carried out by a single agency, and that it should be financed by a loan. The loan was approved by a large majority in the Council. An opponent said "I think common sense says that from every

idea of safety and security the proposal to incur a loan of a hundred lakhs for the province with such a small income and with so many claims on its revenues will be very unwise..... Throughout the (Assam) Valley there have been demonstrations and meetings strongly protesting against taking up this loan."

(2) The proposal that has now been accepted by the Council, as approved by the board, consisting of three *Swarajists*, two Moderates, two planting members, the Finance Member, the Minister, Local Self-Government, and the Chief Engineer, provides that 66 miles of metalled and 495 miles of unmetalled road should be taken over by Government from the local bodies, which will in return receive 144 miles of old unmetalled road, which have hitherto been maintained by the department, and further transfers of roads within the system will cease. The only attack by the *Swarajists* was upon the proposal that the scheme should be financed from loan instead of revenue, though they curiously asked and obtained an amendment that the roads concerned should be taken over and maintained by *Government*, instead of the *Public Works Department*, the reason not appearing. At the initiative of the Governor, further transfers had been meanwhile postponed.

(3) The department will thus be called upon to undertake a heavy programme with a staff deliberately depleted in accordance with a policy initiated as an intimate part of constitutional reform. There has been no recruitment to the Indian Service of Engineers by promotion since the introduction of the reforms. Meanwhile public works officers, through their deprivation under recent enactments of a vote on the local bodies and their position as merely advisory inspectors of local work (save in so far as they possess powers of technical sanction), have been more affected than those of other departments in the replacement, foreseen in the Joint Report, of administrative by advisory functions. This matter has been mentioned in the memorandum under Chapter III—the relations of Government officials with the local self-governing bodies.

(4) The Council tabled 38 motions of reduction. It once carried a token reduction in criticism of the department, mainly on the allegation that insufficient money was spent on communications. The department was however

frequently criticised as being too expensive, and allowances to certain officers were refused, though they had been granted by the Secretary of State to officers appointed by him. Government accepted the view that the allowances were not needed. Criticism on budget motions resulted in the sale of three launches. The Council was however chiefly hostile to the Government on the subject of protective embankments. It had been decided by the first Chief Commissioner, and endorsed by a conference in 1915, that the double embankment of a river in the alluvial districts of Assam is dangerous, since it leads to gradual raising of the bed, and consequent inundations of the surrounding country when an exceptional flood breaches the bank. Local interest, which naturally gains, at least initially, by confinement of the river, on many occasions sought expression in the Council, and once only failed to carry a resolution for the maintenance of a double embankment where such a procedure would in departmental opinion endanger a district headquarters, by the official vote. It was however only in this respect that technical opinion was seriously challenged. At one time the question of legislation to provide for the protection of one-sided embankments, which are still maintained, and to impose the duty of supplying labour upon the local inhabitants, was raised in the department, but was dropped owing to the hostility it would arouse. Labour in earth-work in the Assam Valley is mainly supplied by foreigners, such work being very unpopular with the indigenous inhabitants, after the abolition of forced labour on the British occupation. The problem of maintaining or creating single protective embankments, which local interest in the Council frequently demands (though no resolution has yet been carried), is, therefore, difficult. A resolution for reclamation by embankment was passed in one instance, but the preliminary enquiries proved that this would be impracticable. There were in all 21 resolutions discussed.

In April 1928 two token reductions were carried to criticise the embankment policy of Government, and discussion covered a number of places where erosion or flooding has taken place. One member said "I rise to support the motion in order to enter my protest against the light-heartedness shown by the Government regarding the repairing of the bund (embankment) that lies to the north of the Dihing river.....Government have not shown its

seriousness to consider their grievances. Sir, the theoretical objections raised by the Government are very well-known to this house.....Therefore the objection of the marginal bunds also does not apply in the case of the Dihing. In many cases the distance from the stream to the bund is from one to two miles..... I had been to many of these villages and I find that these breaches were caused ten or twelve years ago owing to disrepair and owing to some act of men, for instance, to catch fish they used to cut the bunds open to lay the fishing traps."

The question of constructing new embankments is closely connected with the general question of prevention of floods in this province, which matter was recently referred to the Governemnt of India. The Government of India have just advised this Government to await the result of the Orissa Flood Enquiry Committee as the problem in Assam appears to be akin to that in Orissa. The Consulting Engineer to the Government of India is a member of the above committee and the Government of Assam hope to obtain the advice of the Consulting Engineer on the whole question of embankments.

The Council passed three resolutions regarding railways. Two were for the opening of branch lines, and one for the institution of an advisory board to protect the interest of the public. Local advisory committees have been created. The mover raised the issue of employment of Assamese on the railways, which was, like the interest of the travelling public, also a topic for questions; when told that the Railway Board would not allow advisory boards to deal with employment questions, he stated that he was concerned not with the Railway Board, but with the Assam Legislative Council. A large proportion of the 294 questions asked relating to this department concerned railways.

A Government resolution for a guarantee to the Eastern Bengal State Railway to finance an extension on the north bank of the Brahmaputra was carried in 1928 with little opposition. The Assam Government welcome the policy of railway extension as directly tending to increase the land-revenue of the province. They desire that the Eastern Bengal Railway should be extended to North Lakhimpur, where lage areas of waste land are available, as early as possible. Similarly on the south bank of the Brahmaputra,

they have recently strongly supported a proposal for the extension of the Assam-Bengal Railway from the Mymensingh district to Pandu in the Kamrup district.

## EXCISE.

Transferred—Excise.

(1) No department, reserved or transferred, was so affected by the reformed system as Excise. Up to 1926 it was a reserved subject and met with considerable hostile criticism in the Legislative Council. As noted below the administration of the department was attacked, with some success, during the non-co-operation movement in 1921. In 1926 the subject was transferred to the control of the Minister. The Council from the first have regarded with suspicion the policy of a maximum revenue from a minimum consumption, and have neglected no opportunity to inculcate the adoption of more drastic remedies to compel abstinence from intoxicants. Opium, and to a less extent excise generally, was in the words of a member "the politics of the Council." This view appears to have been shared by some of the municipal bodies which annually sought the closure of all shops within the municipal area.

(2) Both before and after the introduction of the reforms, Government have pursued a policy of discouraging the use of intoxicants, their only point of difference with the Council concerning the methods to be adopted for the purpose. From the 1st April 1921, and subsequently on various occasions, the prices of excisable commodities were raised. A vend fee system in place of the fixed license fee was also introduced early in the new regime to discourage speculation and to control consumption. Other contrivances to procure better management were the abolition of the restricted auction system in the interests of the Assamese bidders, which led to subletting and loss of revenue, the settlement of shops by tender on the advice of local committees, and the issue, to counteract growing consumption, of instructions enabling district officers to close the shops for short periods and to limit the possession of the stronger liquor. Opium was rationed against the shops for the first time in 1921.

(3) The non-co-operation agitation owing to picketing, sometimes leading to intimidation and in one or two instances to the destruction of shops, seriously affected

management. The licit consumption of opium, *ganja* and liquor fell in one year by about 35, 28 and 50 per cent., respectively, with a fall of nine and a half lakhs in revenue, and it was noticed that the cultivation of the poppy recommenced at this time. The movement also affected the first attempt to register opium consumers. A further change was due to financial stringency, *viz.*, the suspension of certain posts, and the relegation of excise supervision in two districts to the police, an experiment which was found to be futile. The combined post of Commissioner of Excise and Inspector General of Registration was abolished, two posts of Superintendent of Excise were held vacant from 1923, and six inspectors, five patrol parties consisting of 25 persons, and ten peons were retrenched. The saving, which was partly set off by the creation of twenty posts in the Police Department, was estimated to be seventy-six thousand rupees. The Council in 1924 vented its displeasure on the failure of Government to check consumption by heavily reducing the excise grant, nominally on the ground that the measures taken by the department were ineffective, and that the duties could as well be done by the police. The original motion would have meant the total abolition of the preventive force, but the reduction was halved by an amendment, which was carried. The grant was restored by the Governor under his power of certification, because the result of a reduction would have been a setback to the temperance policy of Government, which the Council desired to see pressed more vigorously. The Minister decided in 1926 to revive the special staff, and the Council voted the necessary grants, with provision for a special staff to deal with opium. As a necessary corollary to the limitation of the issue of opium from the Government treasuries, the Council in 1928 agreed to a further increase in the preventive staff, and the renewal as a temporary measure of the appointment of the post of Commissioner, and the two suspended posts of superintendent, an addition of one more such post, and the addition of thirteen inspectors, two extra officers, nine sub-inspectors, and six patrol parties, or nearly ninety posts in all. The estimated increased cost for 1927-28 was Trs. 36, and for 1928-29 Trs. 71 more. The additional police staff has been abolished.

(4) (*a*) *Opium.*—Sir Edward Gait in his history of Assam (1906, page 327) describes the former immoderate

consumption in the Assam Valley, and the success of the policy whereby "while home cultivation should be prohibited, opium should be issued to all treasuries in Assam, for sale to persons who might require it, at a price which, though not prohibitive, should be sufficiently high to act as a deterrent on its excessive consumption." The Government of India, during the period under review, after correspondence following the campaign of the League of Nations, announced their view that the policy should be one of non-interference with the moderate use of raw opium, and stated that they were not inclined to modify it where consumption (as in Assam) was decreasing. They referred to the conflict of opinion as to the medical value of the drug, and stated that it was an anodyne of special importance to persons placed, as many in India, were, beyond the reach of medical aid, and they would regard any attempt to suppress an age-long habit, the use of which had been pronounced by the highest medical authorities to be free from injurious effects, as indefensible and doomed to failure. The Government of Assam, though sharing the Central Government's apprehension that drastic measures would result in an alarming increase in illicit traffic, since attempts at cultivation within the province had already been discovered on a commercial scale, and trade with areas as far afield as the central States, Afghanistan, Nepal, China and Burma had been shown to exist, were committed by now to an attempt to confine consumption to existing opium-eaters, and to the gradual reduction of the figure of consumption. In 1925, however, the Government of India were not prepared to refuse previous sanction to the introduction of a private bill which provided for the ultimate abolition of opium-eating. At the same time the Government of India mentioned that the grant of previous sanction implied no approval of the bill on its merits and in no way prejudiced the question of assent in the event of the bill being passed. The bill was, however, not pressed.

(*b*) One of the earliest resolutions carried proposed the rationing and registration of consumers with a view to stamping out the use of the drug within ten years. The experimental census undertaken in consequence, the fate of which has been mentioned, was followed by a further effort, and as a result the registration system already in force in certain backward tracts was introduced into Goalpara

at the recommendation of the Commissioner, though doubts were entertained whether it could be made a success. The system was gradually introduced into all districts. A resolution proposing to reduce the indent by three lakhs was negatived with the assistance of the Government vote. Criticism of the rations allowed for districts and shops was, however, constant in the Council, and was on one occasion justified by misunderstandings that occurred as to the instructions. Despite fears that the actual consumption had been only nominally reduced, owing to the non-co-operation movement, Government steadily reduced the rations and in 1927 a budget reduction of one lakh was accepted. A resolution recommending the fixation of an all-India price for opium, which the excise authorities consider a *sine qua non* if smuggling is to be stopped, but which the Central Government have found impracticable was accepted. Finally, the Council in July 1927 renewed the demand for the abolition of opium-eating within ten years by the progressive reduction of rations. The Minister, himself responsible for the first resolution on the subject, relegated the matter among others to the advice of a committee of members, and, as a result, as the Council has voted the necessary additional staff already mentioned, it has been decided to make an earnest endeavour to meet the wishes of the Council. Meanwhile evidence had convinced Government before the transfer of the subject that drastic action to prevent consumers (some of whom have concealed facts) and new-comers from obtaining their requirements licitly would encourage the growth of an army of smugglers, a fact which was already apparent. Enquiries show in some districts a slight increase in the use of *ganja* at present. In this matter the Governor, though personally entertaining grave doubts as to the practicability of the proposals, accepted the advice of the Minister. The success of any measures directed to abolish the use of opium must depend chiefly on the activity of the preventive staff and the suppression of the supply of illicit opium. This again must largely depend on the assistance of the public. At present there has been no sign that this will be given.

(c) Another resolution of 1921 recommended legislation for the purpose of stopping opium-smoking, a measure approved, so far as regarded real smoking assemblies which might cause initiation in its use, by a committee formed

in 1914, but not carried out. This was withdrawn after Government had undertaken to consider the matter, and another resolution was withdrawn on an engagement to circulate the results of the enquiries. In 1925 a resolution for immediate legislation was carried, and a Government bill to prohibit opium-smoking assemblies was passed, and in the same session of the Council a private bill to prohibit individual smoking was taken into consideration and passed, the President waiving the standing orders so as to make reference to a Select Committee unnecessary, on the sense of the House that the matter had been discussed so long that action, not further discussion, was imperative. This measure contained a curious provision that the Government bill should stand repealed *if* it became law. It was pointed out that apart from other defects there was no known precedent for such a clause, and in view of the fact that the drastic new provisions had not been published in the vernacular for the information of the 50,000 people, mainly ignorant who would at a stroke be made criminals, it was decided that assent should be withheld from both bills, and Government legislation introduced to carry out the intentions of the Council, if these were adhered to after public opinion had been duly consulted. The Government measure subsequently introduced provided for penalties for smoking in company and lesser penalties for individual smoking When proposed to be circulated, the Council, still impatient of delay, sent it to select committee. The Governor ordered that the sitting of the committee should be delayed, and the bill published in translation meanwhile, in accordance with a promise made by the Governor when on tour. There was in fact a good deal of adverse comment. In the Council, however, the measure was carried, the only important changes being the addition of Excise and Police officers and *mauzadars* as persons competent to initiate a presecution.

(*d*) A token reduction was made in 1928 in order to criticise the settlement of excise shops. The *Swarajist* leader said "Government who are the real sellers of opium and *ganja*, the real vendors of these obnoxious drugs, are putting a premium on dishonesty because they know that by selling opium honestly they cannot make a profit." A Sylhetti member said "The honourable member made an additional complaint that these *mahals* are given to Bengalis and that Assamese were thereby deprived of the

*mahals.* I think that the case of Sham Kishore is bad enough on its merits, but unnecessary prejudices ought not to have been imported into the case." An Assamese *Swarajist* said "We do not want to shut out Bengalis merely because they happen to be Bengalis. But at the same time the tendency now is that all things being equal, when there are two candidates, one a Bengali or a domiciled Bengali, and one, an Assamese, the general tendency is to prefer the domiciled Bengali." In this debate the growth of sales of intoxicating hemp (*ganja*) was severely criticised.

(*e*) Another reduction was made to draw attention to the "inefficiency, corruption, and vagaries of excise officials all over the province."

(5) *Country liquor.*—Distillation from rice is an easy matter, and the prevention of illicit manufacture in out-of-the-way places has always been a difficult problem. Increase of consumption, however, has been a cause of anxiety to Government and of dissatisfaction to the Council. Some measures for its reduction have been mentioned; an attempt was also made to popularise a weaker grade of spirit, at various times, but in view of the fact that *pachwai*, a brew from rice, is everywhere allowed within limits. such attempts generally failed. The constant agitation of municipalities to have the shops, particularly liquor shops. closed within municipal limits, has also been mentioned. Since, however, the cost of a preventive service, capable of stopping the lower classes in the towns from obtaining their own supply, would be prohibitive, the towns generally being little more than overgrown villages, it has never been possible to meet this desire. The Assam Temperance Act. IV of 1926, was a private measure. In the original bill it was proposed to parcel out the province into areas served by liquor shops. (These areas would necessarily have varied greatly in size). It then provided that an electorate of the whole male population should be created *ad hoc* for each such area. A majority of the votes polled in any such area would secure that that area should go dry. Further provisions introduced a system resembling a 'snowball method' by which, if, for instance, three-fourths of the areas in a subdivision carried 'no license' resolutions, then all liquor shops in the subdivision were to be closed. The ultimate object of the bill was to enforce prohibition throughout the province. The bill also contained provi-

sions by which under a 'limiting resolution" the number of shops in an area containing more than one shop should be reduced by half, and in an area containing only one shop, the amount of liquor sold should be reduced by half. Government decided that the only course was to strive for recommittal to the Select Committee. Recommittal was in any case necessitated by the inclusion of foreign liquor to which the Government of India objected. With some reluctance the Council agreed that the committee might consider other amendments, and the bill was altered, and passed in a form whereby it would apply in the first instance only to municipalities, though Government might extend it to defined areas, consisting of groups of census villages. The "snowball" provisions have thus been deleted. The Act provides *inter alia* that in an area to which the Act applies *suo motu*, or to which it has been extended, a poll is valid if not less than one-twelfth of the total population of the area have recorded their votes, and further that if not less than fifty-five per cent., of the votes recorded are in favour of a no-license or of a limiting resolution, such resolution shall be deemed to be carried. It does remain technically possible in a town of 12,000 inhabitants for 550 of those inhabitants who are in favour of the closure of all shops, or of their limitation by one, to carry a resolution to this effect. Under another provision of the Act in the event of a sparsely populated area, to which the Act has been extended, becoming later a thickly populated or industrial area, it would be impossible for Government without fresh legislation to open a new shop in that area. No action has been taken under the Act hitherto, as the rules were only published late in 1927. It will apply to foreign liquor, if and when the Central and Local Government so desire, and it enables the manufacture of *pachwai* to be regulated by rule. No rules regarding *pachwai* have, however, been framed.

(6) The bill was strongly opposed by the planting members, as affecting garden coolies. Some towns where coolies congregate might be affected. The leader of the *Swaraj* party said, "The main people of the drinking class consist of tea garden coolies, for whom the bill is mainly intended. If we look into the figures we will find that the consumption of country liquor is very large in Upper Assam, where there is a very large tea population." On a planting member's question "He has just told us very plainly that

the bill is intended to hit the tea garden cooly. Am I right or am I wrong?" he replied "Mainly, not to hit, but to help."

(7) *Ganja.*—The Council has, until recently, taken no particular interest in this drug. A variety grows wild all over Assam, and can be rendered fit for smoking. A reduction in the retail price, following reports that the drug was being extensively smuggled, led to a sudden rise in consumption of Government *ganja.*

(8) *Cocaine.*—The only other legislation passed concerned this drug, which is not yet in use in Assam. Legislation was introduced to fulfil international obligations, and forbade cultivation of the cocoa-producing plant. The Council in debate were only interested to know if a name could not be found in the vernacular.

(9) The advisory committee which has been mentioned (on which *Swarajists* refused to serve) also made recommendations (besides those for reduction of rations and increase of staff) for the settlement of shops with the help of advisory committees, conjoint settlement of opium and *ganja* shops with a larger allowance of profit in order to encourage educated people to bid, and the trial of issuing opium in pill form, and of liquor in sealed bottles.

(10) Though other resolutions were moved for the regulation of excise management, none were actually carried.

(11) A resolution was, however, carried recommending the introduction of a syllabus in schools for the teaching of hygiene and temperance. A committee appointed to advise on the subject made recommendations the cost of which was considered prohibitive. Oral teaching is, however, given in the vernacular, and text-books are prescribed for Anglo-vernacular schools.

(12) The statistics of offences in the annual reports show a considerable increase in cases of illicit trade during the period under review.

(13) The Juvenile Smoking Act may be mentioned under this head, as it was a temperance measure. The act has, so far been a dead letter, nor has any prosecution yet been initiated under the Opium Smoking Act.

VARIATIONS IN CONSUMPTION, REVENUE AND RETAIL PRICES.

(14) In the year 1920-21 the consumption of country spirit (which had shown very considerable fluctuations during the previous decade) reached the maximum figure (304,500 L. P. gallons) recorded both before and since. The maximum consumption of hemp drugs was reached in 1913-14 with a figure of just 36,000 seers. There was then a heavy progressive decrease till 1917-18 (23,000 seers) followed by a gradual rise. The figure in 1920-21 was 25,500 seers. The consumption of opium remained comparatively stationary for many years before the reforms, the average annual figure being some 62,500 seers. The year 1921-22 was marked by a very heavy fall under all the three main heads. The consumption of country spirit dropped by exactly half, of hemp drugs by 28 per cent., and of opium by 35 per cent. This was very largely due to the non-co-operation movement, accompanied as it was by a wave of temperance reform. Since that year there has been a progressive annual increase in the case of country liquor. The comsumption of hemp drugs continued however to decline, reaching the lowest level in 1923-24 (14,000 seers). Since then it has again been steadily rising. The sales of opium (due mainly to the various restrictive measures) have shown a progressive decrease (with the exception of a small rise in 1924-25) during the whole of the reforms period, and the figure now stands at less than half of the average of the pre-reforms period. In the case of country spirit and hemp drugs it is difficult to estimate what the real decrease in consumption in the early years of the reforms actually was, because there can be no doubt that during and shortly after the non-co-operation movement there was a very widespread increase of illicit practices, rendered easy by the fact that country spirit can be readily distilled, and that *ganja* grows wild in many parts of the province.

(15) Revenue (excluding in each case the cost price of opium) shows a continuous progressive increase from Rs. 32,58,000 in 1905-06 to Rs. 75,17,000 in 1920-21. As might be anticipated from what has been said regarding consumption, there was a heavy fall in 1921-22, the total nett revenue being Rs. 59,58,000, and a further fall the following year to Rs. 54,13,000. There was then an increase to Rs. 65,96,000 in 1924-25, followed by a fall of four lakhs in 1925-26. There was a rise of one lakh in 1926-27.

(16) Retail prices of all the principal excisable articles have risen considerably during the Reforms period. In 1920-21 the minimum and maximum prices of a bottle of 30 U. P. liquor were respectively twelve annas and Re. 1-2-0. In 1926-27 the corresponding prices were Rs. 1-1-0 and Re. 1-5-0. The retail price of *ganja* in 1910-11 varied between Rs. 15 and Rs. 40 per seer, the average being probably about Rs. 25 per seer. This average had risen to about Rs. 50 in 1920-21, and to Rs. 60 in 1926-27. The average price of opium in all the principal opium consuming districts of the province was about eleven annas per *tola* in 1910-11. This had risen to Re. 1-3-0 in 1920-21 and Re. 1-12-0 in 1926-27.

(17) Comparative statements showing revenue, consumption and number of shops in 1920-21 and 1926-27 for each of the provincial heads of excise, together with some miscellaneous statistics are appended:—

STATEMENT I.

**Distillery and Contract Liquor.**

| Year. | Revenue. | | | Consumption. | Number of shops. |
|---|---|---|---|---|---|
| | License fees. | Duty. | Total. | | |
| | Rs. | Rs. | Rs. | L. P. gallons. | |
| 1920-21 .. | 7,62,000 | 13,41,000 | 21,03,000 | 3,05,000 | 180 |
| 1926-27 .. | 8,03,000 | 12,92,000 | 20,95,000 | 2,62,000 | 179 |

STATEMENT II.

**Outstills.**

| Year. | Still fees. | Number of licenses. | Remarks. |
|---|---|---|---|
| | Rs. | | |
| 1920-21 .. | 64,000 | 10 | Particulars of outturn of outstills are not available. |
| 1926-27 .. | 98,000 | 11 | |

## STATEMENT III.

### Imported Liquor.

| Year. | License fees. | Number of licenses. | Remarks. |
|---|---|---|---|
| | Rs. | | |
| 1920-21 .. | 15,000 | 122 | Particulars of consumption are not given, as they would be fallacious since a large proportion of the imported liquor consumed in the province is imported direct from Calcutta in small quantities. |
| 1926-27 .. | 20,000 | 156 | |

## STATEMENT IV.

### Hemp Drugs.

| Year. | Revenue. | | | Consumption. | Number of shops. |
|---|---|---|---|---|---|
| | License fees. | Duty. | Total. | | |
| | Rs. | Rs. | Rs. | Seers. | |
| 1920-21 .. | 4,31,000 | 5,04,000 | 9,35,000 | 25,485 | 233 |
| 1926-27 .. | 5,61,000 | 4,16,000 | 9,77,000 | 20,892 | 232 |

## STATEMENT V.

### Opium.

| Year. | Revenue. | | | Consumption. | Number of shops. |
|---|---|---|---|---|---|
| | License fees | Duty. | Total. | | |
| | Rs. | Rs. | Rs. | Seers. | |
| 1920-21 .. | 15,92,000 | 28,19,000 | 44,11,000 | 64,595 | 315 |
| 1926-27 .. | 17,47,000 | 13,50,000 | 30,97,000 | 29,984 | 296 |

## STATEMENT VI.

### Miscellaneous Statistics.

| | 1920-21. | 1926-27. |
|---|---|---|
| Expenditure on Excise—(excluding cost price of opium and share of cost of controlling office). | Rs. 1,54,246 | Rs. 2,03,163 |
| Shops per 1,00,000 of population— | | |
| Distillery, urban .. .. | 24 | 24 |
| Ditto, rural .. .. .. | 2 | 2 |
| Outstill .. .. .. | 1 | 2 |
| Opium, urban .. .. .. | 27 | 25 |
| Ditto rural .. .. .. | 4 | 4 |
| Hemp drugs, urban .. .. | 27 | 26 |
| Ditto. rural .. .. | 3 | 3 |
| Consumption per annum for each 100 of the population— | | |
| Country spirit (distillery) .. L. P. Gallons | 4 | 3·5 |
| Opium .. .. .. seers | 0·85 | 0·39 |
| Hemp drugs .. .. „ | 0·33 | 0·28 |
| Offences— | | |
| Illicit possession or sale of contraband opium.. | *Nil.* | 22 |
| Ditto of excise opium .. | 78 | 79 |
| Illicit cultivation of poppy .. .. | *Nil.* | 12 |
| Illicit manufacture, possession or sale of country spirit | 143 | 242 |
| Illicit cultivation, possession, sale or smuggling of *ganja* .. .. .. | 91 | 110 |
| Cases of drunkenness .. .. .. | 159 | 158 |

## MEDICAL AND PUBLIC HEALTH.

(1) In Assam it has not been possible to maintain a complete separate cadre for the two departments, and it is therefore, convenient to deal with them together. Except for the Pasteur Institute, a research institution with accommodation for poor European and Indian patients, the province has no medical institutions of modern type and equipment on a large scale. Since 1891 the policy has been to hand over medical relief to the local boards. At the present time local boards control all the hospitals and dispensaries in all the plains districts except in the towns of Dibrugarh and Sylhet. Generally it may be said that the hospitals in the province of Assam compare unfavourably with those in other major provinces. The Gauhati hospital has also been provin-

Institutions.

cialised from the 1st April 1928. The only institutions maintained by Government now and at the beginning of this period are therefore—

(1) The Pasteur Institute, established from subscribed funds, maintained by the Local Government, and nominally controlled by a committee including Council representatives, which met twice in the year 1925 and recently on 12th and 13th April 1928. Arrangements have been made at the last meeting that in future the committee will meet regularly twice a year.

(2) The Provincial Laboratory, for routine analyses.

(3) The Provincial Vaccine Depôt.

(4) Government hospitals and dispensaries in the areas not under local boards, and at the headquarters of Lakhimpur and Sylhet districts :— These have in-patient wards on a modest scale sufficient for the population requiring treatment. There is little demand for hospital treatment by the better classes, as paying wards only exist at Jorhat and Sylhet, the latter being in poor condition. These hospitals have also operating rooms, but generally no provision for trained nursing, and no up-to-date laboratories or operating theatres except at Dibrugarh.

(5) A medical school at Dibrugarh for the training of doctors with subordinate qualifications and of compounders, with a laboratory and a hospital somewhat better equipped and staffed than those at other district headquarters.

(6) Two leper institutions accommodating lepers of the poorer class, *i.e.*, a hospital at Sylhet with about 70 inmates, and a small asylum at Kohima in the Naga Hills, accommodating about 20.

(7) A mental hospital, now undergoing reconstruction and expansion, but so far unable to take in better-class patients.

(8) Travelling dispensaries.

(9) Temporary hospitals and dispensaries for the treatment of *kala-azar*, under the Public Health Department.

(10) Immigration hospitals for the fioating population of tea-garden coolies.

Apart from some more or less temporary isolation wards, there were, and are, no regular segregation hospitals for epidemic diseases, except those for *kala-azar*.

Medical staff.

(2) The medical staff consists of a Civil Surgeon for each district headquarters, one assistant surgeon for the headquarters subdivision, one assistant surgeon in charge of each subdivision (except in one or two hill subdivisions), and sub-assistant surgeons attached to hospitals and dispensaries. Civil Surgeons belong either to the Indian Medical Service, the Indian Medical Department or the Assam Medical Service (senior). Officers of the Indian Medical Service must possess qualifications registrable in the United Kingdom. In Assam the number of Indian Medical Service officers on the list at the present time is 13. Of the thirteen, three hold administrative posts, namely, the Inspector General of Prisons and Civil Hospitals, the Director of Public Health and the Director of the Pasteur Institute. Three others are Indian officers, and two are European officers on leave, one preparatory to retirement. This leaves five European officers of the Indian Medical Service supplemented by European officers of the Indian Medical Department to fill the eight centres of groups into which, in accordance with the recommendations of the Lee Commission, the districts are divided for attendance upon officials of non-Asiatic domicile and their families. Two of the eight stations are regularly allotted to officers of the Indian Medical Department, and three are at present held by this service. The shortage of European Indian Medical Service officers, owing to officers going on leave, has led to difficulty in operating the group system mentioned; but the Government of India have hitherto been unable to spare more officers.

Military assistant surgeons of the Indian Medical Department, who must belong to the domiciled community, undergo a special training in India, and thus need not necessarily possess a medical degree or qualifications registrable in the United Kingdom. The province has for some

time employed seven officers of this department, but there is one vacancy among these owing to death. These officers are peculiarly suited for service with expeditions of the Assam Rifles and for service in hill districts. At present two posts of Civil Surgeon and four other posts are ordinarily filled by officers belonging to this service; and three civil surgeoncies are actually held by them at present. Of the six officers of the Indian Medical Department at present employed none possess qualifications registrable in the United Kingdom.

Civil assistant surgeons belong to the Assam Medical Service (senior), which now numbers 34. They must possess the medical degree of a recognised university, in India or the United Kingdom, and thus generally possess, as matters stand, qualifications registrable in the United Kingdom. Two civil surgeoncies are at present reserved for this service, and three are at present actually held by this class of officer.

Sub-assistant surgeons must have passed the final examination of a recognised medical school. There is no medical college in Assam, but there is one medical school, which now provides a sufficient number of sub-assistant surgeons for the requirements of Government.

The teaching posts at the medical school are held by members of the Assam Medical Service (senior).

The separate staff of the Public Health Department includes 10 municipal health officers (whose pay is borne by Government), an Assistant Director of Public Health, a large temporary staff of assistant surgeons and sub-assistant surgeons for dealing with the *kala azar* epidemic, and a staff for dealing with vaccination work. A large scheme for greatly strengthening the staff, including provision for rural health officers and for the revival of the post of Sanitary Engineer, has been generally accepted by Government but has been held up for want of funds. Provision for the appointment of a second Assistant Director of Public Health has been made in the budget for 1928-29, and has been accepted by the Council.

Private practitioners.

(3) Private practitioners are few, and though there are many practitioners of the indigenous systems, they are not organized. Health arrangements in such matters as water-supply are dealt with elsewhere.

(4) The local bodies have been given freedom to entertain their own staff, but in many cases employ Government officers, and usually receive Government grants to cover the payments of average salary made on that account.

Staff of local bodies.

(5) There has hitherto been little change in the organisation of the public services. In view of economy the Minister proposed at one time to abolish the Public Health Department as a separate department, or to amalgamate it with the Medical Department. This proposal was, however, severely criticised and was finally dropped. To secure greater co-ordination between the two departments in the campaign against *kala-azar* a small board consisting of the heads of the two departments was formed in 1923. A scheme for the reorganisation of the Public Health Department has been mentioned above. During the lean years after the War, as a measure of economy, five municipal health officers, four rural health officers and the Sanitary Engineer were abolished. There has, however, been a considerable temporary increase in the ordinary cadres for the later years of the period under review in connection with *kala-azar* and leprosy survey work. The latter has now been discontinued.

Changes in organisation of the public services.

(6) Public health propaganda was started in the province in 1925, with a view to diffusing an elementary knowledge of hygiene and public health amongst the masses. It consists of two parts, *viz* :—

Propaganda.

(*a*) General.

This consists in giving magic lantern lectures and demonstrations to the general public. The work is undertaken by the *kala-azar* assistant surgeons during the course of their tours of inspection in villages.

(*b*) Propaganda in schools.

The Director of Public Instruction is supplied every year with a large quantity of public health literature written in a simple style for distribution in primary schools throughout the province. To ensure an interest being taken on the subject, prizes varying from Rs. 2 to Rs. 5 for pupils, and Rs. 5 to Rs. 9 for teachers have been introduced.

(7) There has been no change in the relations of the Government staff with the local bodies which owing to the transfer of medical relief to the latter without close defination of spheres of duties have led to some friction, the opportunities for which tend to increase with the relaxation of control and the loss of the official vote on these bodies. These bodies are free to maintain their own staff, subject to regulation as to qualifications. They can, however, be called upon to maintain health officers appointed by Government, or to appoint health officers subject to the approval of Government. In point of fact, the health officers employed have hitherto all been appointed and paid for by Government. They also employ sub-assistant surgeons of the Government department for the most part, and, though they pay for these at the average rate of salary, often receive a compensatory grant. As a result of the grants made by Government the freedom of the boards to entertain their own staff, subject to qualification, has not been extensively used. In 1927 friction between the civil surgeon, the health officer and a municipality led to a demand by the municipal board, which was repeated in a resolution tabled in the Council, that the municipal boards should be permitted to appoint their own health officers. Government decided that this should be permitted, if the qualifications and salary proposed were adequate (*vide* Appendix to Chapter III, case 36).

The local bodies.

The gradual extension of medical aid by the boards is exhibited in statements I and II.

(8) Powers in public health matters have been greatly increased by legislation in the field of local self-government, and are indeed much in advance of the use made of them in such matters as adulteration of food and the sanitation of premises. The Assam Municipal Act, I of 1923, makes it compulsory for medical practitioners to notify cases of epidemic or contagious diseases. Powers had been taken under the Epidemic Diseases Act in regard to *kala-azar* by the former administration; the mode of use was changed in the period under review, but a more important step was taken in the introduction of compulsory vaccination in certain small-pox infected areas.

Legislative changes.

Changes in respect of institutions.

(9) The following changes took place in respect of institutions:—

(*a*) The travelling dispensaries for the carriage of medical aid to areas not served by regular dispensaries were abolished for economy's sake and because they were found ineffective; they have been reinstated in certain special areas, but the employment of epidemic units, proposed by the Public Health Department, has proved a more useful mode of applying growing funds, and has found favour with the Council. There are now three such units, and it is proposed to have two more.

(*b*) The provincialization of the remaining headquarter dispensaries was taken up mainly because of difficulties with the local bodies but was abandoned largely because of financial considerations. It was considered important, however, to provincialise one such hospital on account of its being situated at Gauhati, the gateway of the whole of Assam Valley (*vide* Appendix to Chapter IV, case 46).

(*c*) The Pasteur Institute has remained unchanged, but the opening of an Institute in Calcutta, in which the patients from Bengal and Bihar and Orissa are now treated, and the consequent discontinuance by these provinces of their contributions has involved increased charges upon Assam revenues.

(*d*) The Council displayed early a desire for a medical school in the Surma Valley in order to provide facilities for cheap medical education for the inhabitants of that valley. A resolution was carried for the purpose. The delay in meeting this demand has been a frequent subject of criticism in discussions upon the budget and motions for reduction. The demand, which was supported on the theory that widespread facilities for medical aid are needed rather than the improvement of those existing, has been throughout accepted in principle, but financial difficulties have stood in the way. A site has, however, now been selected and work on the project of the medical school has commenced.

(*e*) The Minister early came to the conclusion that a second leper hospital in the Assam Valley was needed. The question was left pending the results of the leper survey. In March 1926, however, the Council carried a resolution demanding immediate provision in the budget

for this purpose, and at a departmental conference in June it was decided to proceed with it. The purpose of the institution and the question of providing powers to enable full use to be made of it were left to the advice of the Medical Department and to experience. Meanwhile the All-India Leprosy Committee had recommended that no attempt should be made to segregate lepers. The Medical Department's proposal that the new hospital should provide for research and the treatment of curable cases, while the old should be used as an asylum for incurables, has been accepted, with the modification, suggested by the Governor after local investigation, that the establishment of a colony to provide for the thousand odd incurables for whom the policy accepted by the Minister would apparently (from the up-to-date results of the survey) have to provide, should be considered. A scheme was prepared and accepted by Government for the new hospital. Owing to want of funds it did not find a place in this year's budget and no further step has been taken yet as to the old asylum.

*Kala-azar.*

(10) The disease commonly known as *kala-azar*—a name given to it by the Garos among whom it first appeared which has not been supplemented by any scientific term—though recognized as early as 1869, first came into prominence in Goalpara in 1882. It subsequently spread into all the districts of Lower Assam and later into most parts of the province. Its chief ravages took place in the latter part of the last century, but it continued to take heavy toll of life in the present century, and threatened to assume increased virulence, especially in Kamrup and Nowgong, in the period immediately preceding and following the introduction of the reforms.

The following extract from Surgeon Captain (now Sir) Leonard Rogers' report (1897) on *kala-azar* in Assam describes the ravages done by *kala-azar* in Assam in past years:—

"Much could be written on this heading, and many quotations could be given, showing how the epidemic has depopulated whole tracts of the Terai portions of Goalpara, Kamrup and Nowgong districts, and has so greatly reduced the population of other parts as to make it impossible for some of the tea gardens of Kamrup to get more than a very small part of the labour they want from local sources,

although, before the epidemic affected the district, they had more applicants than they could find employment for; how certain tracts of the Nowgong district, which a few years ago were covered by fields of mustard and populous villages, now only support a few Nepalese people who graze their cattle on the once-cultivated land; how the very name *kala-azar* strikes such terror into the heart of natives of the affected parts that whole villages have deserted their homes in order to escape from the disease, and have even migrated to a different district, and wretched sufferers from the fever have been turned out of the villages in which they lived and bandied about from one to another, no one being willing to admit them for fear of catching the fever themselves, while parts of villages have cut off all communication with their relations in a neighbouring portion of the same village for fear of infection; how the Garos were commonly credited in former days with taking affected persons out into the jungle, and after making them unconscious with drink, setting fire to the temporary huts in which they were placed, and so burning them to death, while, even in the present day, I have myself seen a patient placed in a grass hut in the middle of the dried up rice-fields, a little way outside the village, as the people would not allow her to come inside it, even to the house of her own father; but still more eloquent in testifying to the fearful results of the epidemic in any district over which it passes like a fell scourge, are the following figures showing the actual decrease in the inhabitants of the affected parts between one census and another, and the area of land that has fallen out of cultivation directly owing to this decrease of the population."

In the intercensal period 1881-1891 the population of Nowgong fell by nearly one-fourth, and it was calculated that the indigenous population of the district, upon whom the incidence was heaviest, had decreased by over 30 per cent., while the population of Goalpara fell by 18 per cent. In 1891-1901 the population of Kamrup fell by seven per cent., of Mangaldai subdivision by 9 per cent., of Nowgong district by 25 per cent. and of North Sylhet subdivision by 4 per cent. It was considered certain that this excessive mortality was at any rate in the Assam Valley, chiefly due to this disease, and it was calculated that the Kamrup population in 1891 was 75,000 less than it would have been but for *kala-azar*.

For all this time not only was no treatment known for *kala-azar*, but its causes were uncertain, and it was commonly, but mistakenly, believed to be only an acute form of malarial poisoning. In the decade 1901-1911 there was a marked improvement in the apparent mortality from the disease, and the census report of 1911 even announced that it had ceased to be active. There was, however, shortly afterwards a recrudescence which was feared to indicate an extension into the subdivision of Golaghat and towards Upper Assam. The malarial origin of the disease was now assailed with more vigour than before by medical opinion. and a small staff was for the first time appointed by the Government in 1911-12 to deal specially with it. In order to ascertain the extent of infection a general *kala-azar* survey throughout the province was undertaken in 1912-13. This and subsequent surveys revealed the fact that the disease was much more widely distributed than was imagined at first. Eventually, in 1917, a conference was held in Shillong to frame regulations for dealing with the disease. The chief of these was the provision of statutory powers (1) to prevent the spread of the disease by the migration of persons from infected areas, and (2) giving authority to remove families from infected sites. At first these measures gave promise of success, but it was soon found that the cost was prohibitive, especially when it was realized that the disease was much more widely distributed than had been thought. Later, it was also found that the second of these provisions was useless for general application, as it meant that new houses had to be provided for infected families at Government expense, when the old ones had to be destroyed by burning. Family provisions had also sometimes to be destroyed, and for these Government was obliged to pay compensation. It was found about this time that the disease was epidemic in greater or less degree in almost every district in the province. In Bengal in 1918, the treatment of the disease by tartar emetic gained some reputation. The Government of Assam decided to adopt this form of treatment along with the segregation measures already in force. To give effect to this decision an assistant surgeon was sent to Kalna and Calcutta to study the technique of treatment under Sir Leonard Rogers, I.M.S., and Dr. Muir. The assistant surgeon on his return to the province in 1919 opened a *kala-azar* hospital at Nazira in the Sibsagar district where treatment was begun with tartar emetic. Treatment with

this drug was later replaced by sodium antimony tartarate and the results achieved surpassed all expectations.

In 1920, the regulations were modified, so as to provide for compulsory treatment, and the expensive segregation measures were gradually abolished. The regulations, which are still in force under the Epidemic Diseases Act, enable a magistrate on the application of the medical authorities to require patients, under pain of imprisonment or fine, to undergo treatment. In practice, however, legal proceedings are only rarely taken in selected cases, and treatment is mainly enforced by moral suasion. Treatment with sodium antimony tartarate was gradually extended and brought into almost exclusive use throughout the province. The introduction in 1926 of treatment with an organic aromatic compound of antimony (urea stibamine), which was extended to all patients throughout the province in 1927 at considerable expense to provincial funds, has been markedly successful in popularizing treatment, owing to the considerable shortening of the treatment period which this drug makes possible.

Research undertaken by the Indian Research Fund Association from the middle of 1924 onwards was successful in tracing the transmission of the disease with little doubt to certain species of sandfly, and has given hope that epidemiological measures for the prevention of infection will eventually become possible. The cost of research operations in 1927-28 was Rs. 1,33,911, towards which the local Government gave Rs. 15,000 as its annual contribution.

Meanwhile the campaign was conducted by the reformed Government over an ever-widening area and with a rapidly increasing staff. Statement IV shows the progressive increase in special staff and in expenditure from provincial funds, the maximum effort occurring in 1926-27, when there was a total staff of 319 persons, as compared with none in 1910 and 68 in 1920-21, and a total expenditure of over four lakhs, as compared with less than a lakh in 1920-21. During the period of financial stringency Government decided that whatever other retrenchments might become necessary, no fears even of provincial bankruptcy must interfere with the vigorous prosecution of this campaign. The Minister in 1923 was particularly active in pressing for energetic action. He insisted on a thorough *kala-azar* survey being carried out in Sylhet, although the authorities in charge did not believe that the disease was a serious

menace in the Surma Valley. The result of the survey showed that he was right. He also pressed for extension of close surveys in the Assam Valley and his desires were met. Further, he urged the co-ordination of the Medical and Public Health departments to which reference has already been made, and which brought the Civil Surgeons and assistant surgeons in charge of subdivisions into active collaboration in the pursuit of the campaign.

Statement III shows the facilities afforded for treatment, the number of patients treated and the number cured during the reformed period. The number treated rose from 7,188 in 1920 to a maximum of 60,940 in 1925 and in 1927 was still as high as 33,415. The number shown as cured was 2,223 in 1920, 24,621 in 1925, and 19,198 in 1927.

Statement V shows the progress in mortality from *kala-azar*. There was a steady increase in mortality from 1919, when treatment was first started, till 1925 in which year the largest number of patients was treated. The explanation for this is that before treatment was started there were no means by which *kala-azar* could be diagnosed even by medical men. The effect of this was that deaths from *kala-azar* were recorded under fever, dysentery and other causes. With the introduction of treatment, even laymen began to diagnose the disease with a certain amount of precision, especially the typical and later cases of *kala-azar*, and consequently the death rate showed an increase. With the decline of *kala-azar* from the year 1926, the moratality is showing a real decrease. This indicates that the disease is being brought more and more under control. Since the treatment of *kala-azar* began the mortality under the general head of "fevers" has dropped from about 112,000 per annum to 89,000 in 1927. The large difference between the number treated and the combined numbers of cures and deaths is mainly accounted for by stoppage of treatment by patients before they are medically judged to be free from the disease. A large proportion of such patients are no doubt in reality cured.

Anti-malarial measures.

(11) Little advance has been made in the prevention of malaria, another disease which takes heavy toll from many parts of the province, as distinct from curative measures. The annual total of deaths from malaria is calculated not to be less than 25,000. It has long been recognised that

malaria is to a great extent preventable, but funds have not been available to meet the heavy expenditure which a campaign over Assam as a whole would entail. Some beginnings have been made by Government in certain areas more or less under its own control, and with considerable success. The sick rate among the Assam Rifles at Pasighat in the Sadiya Frontier Tract was greatly reduced after the first effect in this direction, a thorough examination being made and Rs. 8,000 spent in jungle clearing and draining during the years 1918-1921. Work was begun in Shillong in 1922; with the collaboration of the municipal board the breeding grounds of the mosquito were discovered, the important grounds drained at a cost of about Rs. 2,000, and private owners called upon to drain their swampy ground. Clearing and draining, was also done at about the same time in Haflong in the North Cachar Hills, at a cost of Rs. 14,000 odd. In 1925, similar work was done in Kohima in the Naga Hills at a cost of about Rs. 4,000. These operations are being continued by the Shillong municipality, and elsewhere by operations which cost provincial funds some Rs. 5,000 per annum. The most considerable operation is that now to be undertaken at the Forest Department station of Kachugaon, where the sick rate from malaria had become alarming and engaged the notice of the Legislative Council. Rupees 35,080 have been voted for sanitary improvements there in the budget for 1928-29.

Private employers also have engaged in anti-malarial measures. The opening of the Assam-Bengal Railway through the Nambar Forest had in the earlier years of the century been attended by much loss of life from malaria. Subsequently the high incidence of the disease at the important junction of Lumding in that neighbourhood in 1914 made intensive operations necessary as an alternative to the abandonment of the station. The Director of Public Health was requested to assist the railway medical officers in working out a scheme and one was prepared, estimated to cost over one and a half lakhs, which has since been carried out by the railway. A steady reduction in the incidence of malaria at the station has followed. Anti-malarial measures have also been undertaken on a number of the tea gardens, of which details are not known.

(12) The Minister in 1922 announced his opinion that leprosy was a serious menace to the province, and desired a survey to be made and improved methods of treatment to be introduced. The census of 1921 reported the known existence of some 4,000 lepers, and the probable existence of twice that number. The survey was postponed with Minister's consent until the completion of the *kala-azar* survey, in view of the opinion of the department that the Government and local staffs could not undertake both simultaneously with efficiency. The leper survey was, however, begun in 1925, and, as was expected, has revealed much larger numbers than those shewn in the census figures. In two subdivisions alone 2,760 cases were traced. In 1926 the campaign initiated by His Excellency the Viceroy came to a head. It was then decided to take advantage of the facilities for special training inaugurated, and also to press on the scheme for the hospital demanded by the Council, and the proposals for the creation of colonies. The view of the department was that the survey would take a long time, and that it would be better to concentrate on the clinics recommended by the Central Committee, and the asylums or colonies contemplated by the Minister. The Governor was of opinion derived from his experiences on tour that remedial measures were most required. The Minister was, however, anxious that the survey should be completed. It was decided at a conference to expedite the survey by creation of fresh parties, and to open three clinics with the eventual purpose of opening clinics at all district and subdivisional headquarters; and these latter are now complete. As stated above, the conference decided to postpone the question, which the Minister raised, of measures for compulsion. The survey has, however, cost a large amount of money, slightly over one lakh of rupees. While the *kala-azar* campaign is being pursued the local Government considered that it would not be possible financially to start special leprosy treatment centres. It would be more practical and economical to carry on the survey at the same time when the patients could be treated. The survey has, therefore, been stopped for the present as it served no other purpose, and funds could be used more profitably in other directions. Arrangements have, however, been made to treat lepers in every dispensary as out-door patients, a policy which has not met with universal approval,

The leper survey.

Management of dispensaries.

(13) The direct management of dispensaries has continued to be entrusted to nominated committees. These have proved to be very slipshod in account matters. In one district the committees have endeavoured to force popular contribution to medical aid by the levy of treatment fees; generally, however, the realisation of local subscriptions, apart from the special donations of the wealthy, which have tended to increase, has remained poor, and Government found it necessary to issue instructions that committee-men themselves in arrear of subscriptions for more than six months should be compelled to resign. Reluctance to pay for medical aid is very common. The question of charging fees for medical or surgical attendance from patients who can afford them, when admitted to Government hospitals, has recently been very fully considered. The opposition to levy of such fees even on condition of division between Government and the doctor is, however, so strong that Government are not in favour of permitting such fees to be levied. [*Vide* Appendix to Chapter IV, case 10.]

(14) The registration of vital statistics and epidemic reporting have slightly improved as the result of departmental action, but are still very imperfect.

Medical education.

(15) Except for the proposed provision of a pathological laboratory at the medical school at a cost of about Rs. 50,000 (the revised estimate), some reduction in medical seats at Calcutta for the sake of retrenchment, the proposed new medical school, and the regulation of scholarships, stipends, and reservation of seats on communal lines, at the instance of the Council, there have been no changes in respect of medical education. A proposal to raise the fees at the medical school was raised in 1923, but was opposed by the Minister on the ground that the move would be unpopular in the Council. The question has been reconsidered nearly every year since that date, but final decision has been postponed from time to time on the same ground. Government have now accepted the proposal of the Minister that the question should be decided when the new medical school will be opened in Sylhet in two or three years' time. The number of private practitioners has considerably increased. The Minister in connection with the Rural Self-Government Bill outlined a system for the encouragement of private practitioners in supersession of the policy of free

medical aid by the boards and Government. The subsidizing of private practitioners has, however, only been tentatively tried by one board. Encouragement of the indigenous systems has at no time been a prominent matter in or out of the Council. At the initiative of the Government of India two stipends were given to youths of the families practising *kabiraji* and *unani* methods, but these took the form of free training in the western methods.

Public health and the local bodies.

(16) The work of the local bodies in regard to sanitation generally is reviewed elsewhere. No anti-malarial or other similar measures were attempted by these bodies. They have generally been content to endure the somewhat anomalous conditions under which they labour in regard to their own staff and the administrative staff of Government. Friction between the local bodies and the Government staff culminated in a resolution tabled in the Council which recommended that the municipal boards should be allowed to appoint their own health officers. Such friction inevitably follows from the fact that legislation has done away with the previous system by which medical and public health arrangements were co-ordinated by sub-committees headed by Government officers, who were then full members of the boards, but it does not seem to have been foreseen when the legislation was introduced. The orders passed have sought a *via media* by granting the boards liberty to make their own arrangements with their own funds, but asserting the authority of the Civil Surgeons.

Child welfare.

(17) Departmental propaganda has developed some interests in child welfare, and a centre has been opened in Shillong at the cost of Government. The Assam Red Cross Society, and the Central Committee of Lady Chelmsford's League for maternity and child welfare have contributed Rs. 5,000, Rs. 8,212 and Rs. 5,000, respectively. In Sylhet the Social Service League and the Rural Co-operative Organization Society, which aim, the one at the development of interest in matters of health generally, and the other at rural development in water-supply among other things, are evidences of a growing desire for progress, and have received financial or other encouragement from the Minister.

The Council.

(18) The spirit of the Council has already received mention in regard to the resolutions concerning the medical school and the leper hospital. The Council did not devote much time to other matters concerning these departments, being chiefly occupied with cheap medical education and the employment in the services, about which many questions were asked. It regarded the progress of the treatment of *kala-azar* and leprosy, however, with favour.

STATEMENT I.
(MEDICAL.)

| Class. | Head. | 1st January 1921. | 1st January 1928. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| I .. | Government dispensaries .. .. | 51 | 43 |
| II .. | Police " .. .. | 32 | 33 |
| | Forest and Survey " .. .. | 2 | 2 |
| | Other " .. .. | 6 | 5 |
| III .. | Local bodies " .. .. | 126 | 144 |
| IV .. | Private aided " .. .. | 2 | 2 |
| V .. | Private unaided " .. .. | 8 | 6 |
| VI .. | Railways " .. .. | 11 | 18 |
| | Beds .. .. .. | 901 | 1,041 |
| | Treated during the past year— | | |
| | In-door .. .. .. | 9,388 | 12,369 |
| | Out-door .. .. .. | 1,621,779 | 1,607,643* |
| | Personally .. .. .. | 1,030,596 | 993,548 |
| | By friends .. .. .. | 591,183 | 614,095 |
| | Operations .. .. .. | 26,727 | 19,158† |

Notes.—*Reduction due to reduction of travelling dispensaries from 27 to 4.
† Reduction due to revised classification.

**Income—Classes I, III and IV (Dispensaries).**

| | 1921 | 1927 | Increase. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | Rs. | Rs. | |
| From Government .. .. | 2,53,863 | 4,25,819 | 68 per cent. |
| From local funds .. .. | 1,79,361 | 2,47,698 | 38 ditto. |
| Subscriptions .. .. | 33,660 | 43,095 | 28 ditto. |
| Miscellaneous .. .. | 26,940 | 24,156 | .. |
| Total .. | 4,93,824 | 7,40,768 | .. |

**Expenditure—Classes I, III and IV (Dispensaries).**

| | 1921 | 1927 |
|---|---|---|
| | Rs. | Rs. |
| Salaries .. .. .. | 2,61,519 | 3,90,078 |
| Medicines .. .. | 92,085 | 1,22,794 |
| Diet .. .. .. | 41,094 | 51,325 |
| Buildings .. .. | 57,983 | 95,497 |
| Miscellaneous .. .. | 43,883 | 77,601 |
| Total .. | 4,96,564 | 7,37,285 |

## STATEMENT II.

*Medical staff.*

| | 1921. | 1927. |
|---|---|---|
| Assistant surgeons employed on medical .. | 30 | 31 |
| Ditto ditto on public health | 1 | 1 (Emigration.) |
| Ditto ditto on *kala-azar* | 8 | 6 |
| Sub-assistant surgeons employed on medical | 141 | 115 |
| Ditto ditto on public health. | 4 | 2 (Emigration.) |
| Sub-assistant surgeons employed on *kala-azar* and epidemic unit duty. | 36 | 122 |
| Sub-assistant surgeons employed as health officers. | 8* | 10 |
| Assistant surgeons employed by local bodies | *Nil.* | 1 |
| Sub-assistant surgeons of the Government staff employed by local bodies in dispensaries. | 104 | 96 |

*The number of health officers in 1922 included rural health officers, but now includes only municipal health officers, rural health officers having been abolished.

STATEMENT III.

| — | 1919 | 1920 | 1921 | 1922 | 1923 | 1924 | 1925 | 1926 | 1927 |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Government *kala azar* hospitals. | 1 | 7 | 12 | 13 | 13 | 11 | 9 | 7 | 6 |
| Do. beds | 28 | 146 | 226 | 284 | 302 | 252 | 214 | 372 | 342 |
| Zemindari *kala azar* hospitals. | .. | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 |
| Do. beds .. | .. | 42 | 42 | 42 | 14 | 14 | 14 | 14 | 14 |
| *Kala azar* wards .. | 1 | 8 | 8 | 6 | 6 | 4 | 5 | 7 | 9 |
| Do. beds .. | 12 | 156 | 146 | 88 | 66 | 92 | 118 | 132 | 182 |
| Government *kala azar* dispensaries. | .. | 17 | 23 | 26 | 51 | 63 | 85 | 90 | 87 |
| Do. centres .. | .. | 28 | 33 | 38 | 63 | 75 | 99 | 128 | 126 |
| Cases treated | Not available. The forms were not introduced and so no records kept. | 7,188 | 15,880 | 19,659 | 35,071 | 48,770 | 60,940 | 49,385 | 33,415 |
| Cases cured | | 2,223 | 4,789 | 5,579 | 10,121 | 10,091 | 24,621 | 21,778 | 19,198 |

STATEMENT IV.

| Year. | Expenditure on *kala azar* operations. | Staff entertained. | | | | Remarks. |
|---|---|---|---|---|---|---|
| | | Assistant Surgeon. | Sub-Assistant Surgeon. | Compounder. | Peons. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1910-11 .. .. | .. | .. | .. | .. | .. | |
| 1911-12 .. .. | 3,404 | 1 | 1 | .. | .. | |
| 1912-13 .. .. | 11,525 | 1 | 6 | .. | .. | |
| 1913-14 .. .. | 22,124 | 2 | 14 | .. | 16 | |
| 1914-15 .. .. | 17,315 | 1 | 6 | | 7 | |
| 1915-16 .. .. | 10,736 | 1 | 6 | .. | 13 | |
| 1916-17 .. .. | 13,278 | 1 | 6 | .. | 13 | |
| 1917-18 .. .. | 25,664 | 1 | 4 | .. | 9 | |
| 1918-19 .. .. | 87,096 | 3 | 9 | .. | 19 | |
| 1919-20 .. .. | 75,074 | 8 | 28 | .. | 19 | |
| 1920-21 .. .. | 94,508 | 8 | 35 | 1 | 24 | |
| 1921-22 .. .. | 104,642 | 7 | 54 | 1 | 79 | |
| 1922-23 .. .. | 183,432 | 6 | 79 | 12 | 166 | |
| 1923-24 .. .. | 225,639 | 6 | 90 | 12 | 129 | |
| 1924-25 .. .. | 266,063 | 6 | 110 | 15 | 168 | |
| 1925-26 .. .. | 336,230 | 6 | 113 | 12 | 162 | |
| 1926-27 .. .. | 406,158 | 6 | 113 | 12 | 188 | |
| 1927-28 .. .. | 334,149* | 6 | 113 | 11 | 174 | |

* Represents the amount of March preliminary accounts.

## STATEMENT V.

*Deaths from* kala-azar *by districts in Assam.*

| Districts. | 1893 | 1894 | 1895 | 1896 | 1897 | 1898 | 1899 | 1900 | 1901 | 1902 | 1903 | 1904 | 1905 | 1906 | 1907 | 1908 | 1909 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| Cachar .. .. | 2 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 3 | .. | 22 | 5 | 6 |
| Sylhet .. .. | 30 | 2 | 9 | 4 | .. | 3 | .. | 3 | 147 | 168 | 721 | 1,020 | 955 | 743 | 576 | 561 | 454 |
| Goalpara .. .. | 623 | 384 | 265 | 298 | 232 | 134 | 161 | 110 | 62 | 49 | 44 | 64 | 86 | 90 | 49 | 32 | 81 |
| Kamrup .. .. | 2,490 | 2,149 | 2,059 | 2,244 | 2,756 | 1,693 | 1,745 | 1,262 | 830 | 1,014 | 651 | 458 | 499 | 438 | 516 | 386 | 378 |
| Darrang .. .. | 1,620 | 1,992 | 2,477 | 2,471 | 3,597 | 4,113 | 4,101 | 2,979 | 2,446 | 3,391 | 2,657 | 1,611 | 1,106 | 898 | 845 | 649 | 643 |
| Nowgong .. .. | 5,407 | 8,585 | 11,037 | 10,588 | 12,012 | 10,515 | 8,192 | 4,661 | 2,346 | 1,697 | 960 | 595 | 379 | 215 | 208 | 146 | 140 |
| Sibsagar .. .. | 1 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 6 | 11 | 2 | 1 |
| Lakhimpur .. .. | 50 | 36 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 2 | 17 | .. | 5 | .. |
| Garo Hills .. .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 15 | 7 | 11 | 15 |
| Khasi and Jaintia Hills .. | 24 | 13 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Lushai Hills .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Naga Hills .. .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Sadiya Frontier Tract .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Manipur State .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Total .. | 10,247 | 13,164 | 15,847 | 15,605 | 18,597 | 16,458 | 14,199 | 9,015 | 5,831 | 6,319 | 5,033 | 3,748 | 3,030 | 2,422 | 2,234 | 1,797 | 1,718 |

STATEMENT V—*concld.*

*Deaths from* kala-azar *by districts in Assam.*

| Districts. | 1910 | 1911 | 1912 | 1913 | 1914 | 1915 | 1916 | 1917 | 1918 | 1919 | 1920 | 1921 | 1922 | 1923 | 1924 | 1925 | 1926 | 1927 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |
| Cachar .. .. | 2 | 3 | 2 | 8 | .. | 2 | .. | 1 | 4 | 3 | 5 | 1 | .. | 4 | 2 | 3 | 9 | 12 |
| Sylhet .. .. | 866 | 549 | 394 | 444 | 203 | 159 | 63 | 31 | 34 | 7 | 26 | 183 | 275 | 841 | 1,874 | 2,109 | 1,320 | 798 |
| Goalpara .. .. | 87 | 135 | 192 | 206 | 138 | 55 | 106 | 153 | 313 | 311 | 602 | 557 | 253 | 442 | 309 | 453 | 297 | 226 |
| Kamrup .. .. | 450 | 354 | 385 | 294 | 215 | 283 | 277 | 287 | 564 | 423 | 931 | 755 | 450 | 976 | 1,152 | 1,120 | 714 | 475 |
| Darrang .. .. | 627 | 679 | 563 | 399 | 317 | 310 | 320 | 245 | 263 | 171 | 256 | 169 | 202 | 289 | 448 | 478 | 474 | 318 |
| Nowgong .. .. | 221 | 286 | 308 | 417 | 393 | 419 | 451 | 591 | 565 | 559 | 846 | 1,172 | 933 | 1,291 | 1,479 | 1,445 | 839 | 528 |
| Sibsagar .. .. | .. | 34 | 31 | 29 | 24 | 7 | 28 | 181 | 235 | 168 | 114 | 121 | 128 | 289 | 235 | 200 | 170 | 143 |
| Lakhimpur .. .. | 50 | 11 | .. | 1 | 8 | .. | 3 | 1 | 3 | 5 | .. | 3 | 4 | 13 | 13 | 8 | 1 | 5 |
| Garo Hills .. .. | 23 | 15 | 16 | 15 | 10 | 12 | 6 | 18 | 22 | 20 | 18 | 26 | 47 | 54 | 69 | 435 | 346 | 350 |
| Khasi and Jaintia Hills .. | .. | .. | .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 8 | 4 | 3 |
| Lushai Hills .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 1 | .. |
| Naga Hills .. .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 1 | .. | .. |
| Sadiya Frontier Tract .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 2 | 4 | 3 | 1 | 1 |
| Manipur State .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 2 | .. | .. |
| Total .. | 2,326 | 2,066 | 1,891 | 1,814 | 1,308 | 1,247 | 1,254 | 1,508 | 2,003 | 1,667 | 2,798 | 2,987 | 2,292 | 4,131 | 5,585 | 6,365 | 4,176 | 2,859 |

## AGRICULTURE.

(1) There was since 1882 a department which in 1886 received the name of the Department of Land Records and Agriculture, but until 1897-98 its agricultural activities were practically confined to crop cutting experiments. In the latter year an expert was appointed as Assistant Director for Agriculture, and an experimental farm was established in Upper Shillong. A department of agriculture was established in 1907 under the Government of Eastern Bengal and Assam with a Director in charge, and in 1916 there were under the Director two deputy directors, one fibre expert, one agricultural chemist, one economic botanist, three superintendents of agriculture, one entomological collector and one mycological collector. Upon the annulment of the partition of Bengal in 1912 the department was again amalgamated with that of land records, and a number of appointments were lost. The combined departments were placed in the charge of an officer belonging to the Indian Civil Service.

(2) At the institution of the reforms, the department had four experts (the two deputy directors, the agricultural chemist and the economic botanist). There were two superintendents, and sixty subordinate officers, such as inspectors, farm managers, demonstrators, etc. In 1927-28 the department had lost two of its experts by retrenchment, *viz.*, one deputy director, and the agricultural chemist. The inferior staff had, however, considerably increased. There were three superintendents, and ninety-seven subordinate officers. The actual cost of the department proper in 1920-21 as shown in the accounts was Rs. 1,93,868. The corresponding actuals for 1926-27 (excluding cost of the combined office of the Director, which was also excluded from this head in 1920-21) were Rs. 2,85,256. The revised estimate under the same heads for 1927-28 amounts to Rs. 2,91,000.

The appointment of a whole-time Director has now become a matter for serious consideration. There is still only one deputy director and no agricultural chemist, but there are three superintendents, sixteen inspectors, two assistants for the botanist and sixty-two demonstrators. There is also an entomological assistant, and a mycological assistant has recently been appointed. The three seed depôts, a rice farm in the Upper

Assam Valley, and a cattle breeding farm have been established. The general purposes farm in the Lower Assam Valley, the deep water rice farms in the Surma Valley, and the seed and demonstration farms have not yet matured. The expenditure on the farms for 1927-28 is estimated at Rs. 62,000, and the net expenditure on the seed depôts at Rs. 10,700, the gross being Rs. 77,700. The expenditure on cattle breeding for the year 1928-29 (including a supplementary demand voted at the budget session of 1928) is estimated at Rs. 32,815.

(3) The Council early displayed a feeling that the department was not doing sufficient to justify its existence, and it fastened upon the activity of least likelihood to benefit the ordinary cultivator by compelling Government to abandon the fruit farm at Shillong to private enterprise. This has been justified by results. Otherwise, however, the Council gave little assistance in the formation of policy.

The only resolution carried was one recommending legislation for the destruction of water-hyacinth, a weed which has spread rapidly over the greater part of the plains, choking water-ways, destroying fish and impeding cultivation. The Government declined to undertake legislation compelling individuals to destroy the weed until some methods of achieving this desirable end were forthcoming. The mover, undaunted, himself brought in a bill for the purpose which, as it emerged from the Select Committee, did not hesitate to make penal failure to destroy a weed which has defeated the efforts of experts and of Governments. On Government pointing out the danger and unfairness of giving the local boards power to compel cultivators to destroy a pest which no one knows how to destroy, the bill was recommitted to the Select Committee, and has been passed as a permissive measure, *viz.*, the Assam Water Hyacinth Act, III of 1926, enabling the boards to require materials and assistance in dealing with the weed, and to submit to Government schemes for sanction and financial assistance from Government. Hitherto the Act has been a dead letter.

Other resolutions dealing with the formation of agricultural schools and, under the inspiration of extra-provincial thought, the All-India Cattle Committee, were not carried. A more practical proposal, for the compulsory registration of cattle sales, was also defeated,—for what

reasons it is difficult to determine, since powerful religious interests were behind it—after Government had pointed out that there was nothing to show cattle theft to be a common crime calling for serious measures, and that a procedure for voluntary registration existed, but that advantage was not fully taken of it.

The present Council, which in 1927 adopted a series of token cuts in the budget to express its dissatisfaction with almost every aspect of Government's activity, carried a reduction of Re. 1 in condemnation of the policy of this department. Criticisms generally amounted only to complaint that the department is too expensive and does not reach the cultivator, the only definite suggestion being that not enough is done to deal with cattle breeding, improvement of fodder, insect pests, and the introduction of fresh crops; while the only constructive suggestion was the creation of a number of small model farms with the stated purpose, not of improving agricultural methods, but of "providing openings for the unemployed youth of the country." The Minister in reply referred to the appointment of a mycological assistant and to another motion for reduction which intended the abolition of the existing farms. The Advisory Board of Developments, which was recently created, recommended the appointment of a mycological assistant and the establishment of seed and demonstration farms. The latter recommendation, which requires funds, and is not universally approved, is under consideration.

(4) Meanwhile during this period a rice farm in the Assam Valley, a sericulture station at Shillong, a third seed depôt and the development of a cattle farm in the Assam Valley have been carried into practice. A scheme for a cattle farm in the plains had been worked out in 1921, but not financed for lack of funds. On the proposal of the Director of Agriculture in 1924, in order to fulfil a recommendation of the Bangalore Cattle Breeding Conference, the Minister, though considering that cattle breeding would be a waste of money unless proper feeding, housing and castration of inferior bulls were adopted in the villages, directed an enquiry in expectation of a visit by an expert of the Government of India. As a result of the consequent proceedings a cattle farm has been inaugurated in the Assam Valley, costing at present some Rs. 66,000. A sum of Rs. 15,000 has

also been sanctioned recently for the purchase of some Sindhi and Tarparkar cattle. The inferior staff has been considerably increased, and while the scheme of 1921 has been generally accepted, the appointments of a whole-time Director and a mycological assistant have been definitely approved, the remaining items awaiting the recommendations of the Agricultural Commission.

(5) The advance of the department has been retarded throughout by financial stringency, and the permature retirement of a deputy director and agricultural chemist, out of the few experts of the department, in 1921. In 1922 the Governor on a visit to the Jorhat farm expressed the opinion that the department's activities were in many cases luxuries, and at his instance a conference of departmental officers was held to discusss retrenchment. The Bengal retrenchment committee had recently recommended the amalgamation of the department with those of co-operative societies and industries, as had been suggested by the Commission on co-operation in India in 1915, and a resolution on this subject had been moved in the Council but withdrawn. The conference also mentioned this amalgamation as indicating possibilities of retrenchment. The Minister took up the proposal in earnest, through the departmental heads concerned, while not denying the obvious gain in co-ordination and unification of agency, saw difficulties and no prospect of economy in it. He elaborated proposals for amalgamation and re-distribution of the departments which were effectively carried out, resulting in immediate retrenchments by the abolition of one post of assistant farm manager and the suspension of apprenticeships. In the result the three departments are united under a single head and a single Minister, while the veterinary department has obtained a separate head. The co-operative societies have been made use of in the distribution of seeds and implements, and some stimulus has been given to their development. For agricultural finance it was decided to restrict activities to work likely to bring immediate benefit to the cultivator.

(6) The visible benefit to the cultivator, as measured by the distribution of seeds and implements through the seed depôts, shows comparatively little advance, the increase in tonnage of seeds and in implements sold being due to the development of the second rice farm. A small

change has been the distribution of vegetable seeds, which has proved popular. At first the sale of seeds through co-operative societies produced no expansion, as it apparently led to relaxation of efforts by the ordinary staff, but latterly sales through this agency have increased. One result of the campaign for distribution through all available agencies, and of the shortage of superior officers for supervision was a relaxation of control leading to serious irregularities mentioned in the first audit reports of seed depôts, which have been mentioned in the appendix (case 79).

(7) No attempt has yet been made in agricultural education though pressure has been put upon the department to make this venture from various quarters. It is now, however, proposed to enable agricultural subjects to be taught in the middle and possibly the high school course. Since the teachers usually have no practical knowledge or experience of agriculture, the experiment will be difficult and of doubtful value. Scholarships are given at a cost of between Rs. 3,000 to Rs. 4,000 for the training of students for departmental work at colleges in other provinces, and the apprenticeships which stood at 18 in 1921 and were later suspended have been revived and raised to 26.

(8) There appears to have been a fair advancement of interest in scientific agriculture among the educated middle class, a number of small farms having been started mostly for poultry, sugarcane or fruit. The Director states the reasons for the popularity of fruit farming to be that once established prospects of a steady income without recourse to commitment and heavy labour in the future are expected to be assured from it. Some landholders have, moreover, taken motor tractors into use. A beginning has also been made with co-operative marketing, a society for co-operative sale of jute having been formed with assistance from Government granted at the desire of the Minister. It is too early to guess whether this venture in a form of institution which when tried on previous occasions, has been defeated by the Marwari merchants, is likely to be successful enough to attract any imitators. If it were, it would alter the agricultural outlook.

## VETERINARY.

(1) There have been no changes in the constitution of this department, save that the post of Deputy Superintendent in the provincial service has been held in abeyance,

and the Superintendent has been made its head immediately under Government. Government still maintain three hospitals, and three dispensaries in the hill districts. Three inspectors were employed in 1926-27, and a fourth was added in the following year. The work in the plains is in the hands of the local boards, which contribute two-thirds of the average cost of assistants employed. Of the 57 assistants employed in 1926-27, 20 were employed by Government and 37 by local boards. On the latest count which has taken place in each of the local board areas, there were altogether 6,636,523 animals of which 5,704,013 were bovines. Each assistant working in the field is therefore responsible on the average for 835 square miles of country and 154,162 bovines. There is therefore much room for expansion. Few boards have in this period found it possible to entertain more assistants; and they generally displayed little interest in the dispensary work in such matters as inspection. The suggestion of Government that veterinary sub-committees should be formed, and committees to manage the dispensaries, has not been followed by many boards, and where sub-committees have been formed they have in some cases held no meetings. The expenditure of Government has risen from Rs. 41,586 to Rs. 1,11,777; that of the boards from Rs. 50,873 to Rs. 66,265 since 1920. Two boards maintain only one assistant, the remainder maintain two. The difficulty felt about the maintenance of local board institutions in municipal areas applied to veterinary dispensaries also.

(2) The Council's interest was confined to the following matters:—

(1) A resolution concerning the improvement of the status of inspectors, which was withdrawn.

(2) A resolution concerning the pay of veterinary assistants, also withdrawn.

(3) A resolution recommending legislation for the compulsory burial of infected carcasses, withdrawn after Government, on the advice of the Director of Agriculture, had explained that the staff was too sparse and scattered to make such legislation practical.

(4) A considerable number of questions asked by several members drawing attention to epidemics amongst cattle and the shortage of staff for adequately dealing with such epidemics.

(5) The payment of the training charges of students sent by local boards to the Bengal Veterinary College. Prior to the reforms, the Government of Assam paid a fixed contribution of Rs. 10,000; now the average cost is charged per student, under the system of inter-provincial adjustments. When the change was made a supplementary demand was asked on account of the charges made for their private students against local boards, which represented that they had no means to pay this novel imposition. The *Swarajist* party resented this innovation, and doubted the value of the expenditure; but the grant was given. Government accepted the liability for the existing scholars, and left the boards to pay for their own scholars in future, or to send none. So far, the boards have chosen the latter alternative. In order to increase the number of persons in the province who have training in veterinary science, Government have since 1926 adopted the policy of sending at least six stipendiaries to the Bengal Veterinary College. During 1928-29 there will be fifteen such students reading in the college.

(3) No advance has been made in improvement of methods to deal with cattle-disease, and the department is still without a research laboratory.

VETERINARY.

| | 1919-20. | 1926-27. |
|---|---|---|
| Superintendent ... ... | 1 | 1 |
| Inspectors ... ... | 3 | 3 |
| Assistants ... ... | 46 | 57 |
| Treated in Government hospitals ... | 4,100 | 4,696 |
| Treated outside Government hospitals | 59,182 | 79,648 |
| Inoculations ... ... | 32,172 | 42,413 |

## INDUSTRIES.

Initial programme.

(1) The Department of Industries was created only in the year 1918. In an address to the Council on 14th September 1922 the Minister outlined the objects and needs of the department. He described the equipment at the outset, namely, two industrial schools conveying a rough training in carpentry, masonry and smithy to boys in hill districts, and the grant of 16 stipends held in railway workshops. The pre-reform administration had added two weaving schools, of which one was in the hills, one industrial school in the hills, two peripatetic weaving parties, an emporium for the marketing of the products and the assistance of cottage industry, and a sericultural station. The object of most of these efforts was the expansion of the indigenous silk industry, and the inculcation of improved methods in weaving. The main industries of the province, tea, coal, mineral oil and saw-milling, were well organized, and stood in no need of help from Government, which indeed possessed no experts in the department except the weaving and sericultural superintendents. The aims of the department were therefore the development of the cottage industries and of those minor industries which might be undertaken by small capitalists. Among possibilities for these last, the Minister named the natural resources of the province for oil and rice mills, and for the manufacture of lac, cement, soap, oils, glass, silk, and tan-stuffs, and he postulated as the minimum required for development, the appointment of a Mechanical Engineer, an Industrial Chemist, and an Intelligence Officer. An Advisory Development Board was also required. Meantime the existing institutions for development of cottage industries required much money for their success. At least one handicraft school in the Surma Valley and one technical school in the Assam Valley were wanted, and more scholarships, some of which must be held outside the province, were needed.

(2) A set of rules for the grant of industrial loans was framed in 1921, though not published in the gazette. The total loans hitherto granted amount to Rs. 33,700. The realisation of instalments has been on the whole satisfactory. The purposes for which the loans were granted were

usually rice mills, small farms requiring machinery or equipment, and the outfit of small operatives in leather work, jewellery work and weaving, etc.

Developments in industrial education.

The Government and local board expenditure on technical education has considerably increased and the number of scholars under training quintupled.

The following schemes have been undertaken :—

(*i*) *The Surma Valley Technical School.*—The school opened from the 1st June 1923 with two courses of training each for three years, *viz.*, wood-working (carpentry and cabinet-making) and metal-working (black-smithy, turning, moulding, fitting and engine driving). Drawing instruction is given in both classes. The school started with twelve boys in the wood-working class and thirteen in the metal-working class. There were 70 students in the school on the 31st March 1927, *viz.*, 36 in the wood-working and 34 in the metal-working classes. Ten stipends were sanctioned to be granted for three years only to attract pupils to the school. Though the grant of stipends has been discontinued there is now no shortage of applicants for admission to the school. Hostel accommodation is free. The cost of this school was Rs. 70,000 for buildings and Rs. 27,000 for equipment. Maintenance charges are Rs. 18,000.

(*ii*) *The Jorhat Technical School.*—This had been in contemplation for some time, but during the years of financial stringency could not be financed owing to the allocation by the Council of the proceeds of increased stamp duties to rural water-supply. Adverse comment was frequent in the Council, especially after a private donation of one lakh for the purpose had been promised. The Minister was anxious, in view of prevalent unemployment among the middle classes, to have an amalgamated school for weaving, agricultural and technical education, to which training in the theory of architecture and surveying might be added later,

in order to provide surveyors for the local bodies, as the first step towards a network of vocational schools. His idea was that the school should be started as a technical school to create an indigenous class of blacksmiths, carpenters, etc., for the Assam Valley and to add a weaving section with the labour of the students. He was, however, bound by the will of the private donor, which required that there should be both an artisan, and a foreman mechanic class aiming to provide tea factories with indigenous mechanics in place of the Chinese, Nepalese, etc., now employed. The Public Works Department were of opinion that the training of foreman mechanics at such a central institution rather than, as with the existing apprentices, at workshops, would be of doubtful value, and in view of the shortage of funds recommended that the school should be confined at first to an artisan class. Because of the terms of the donation the school has been started as an artisan or handicrafts school, the mechanic class to be developed later in 1930-31. The Director had proposed to admit 15 pupils annually to the artisan class, and to give 10 stipends of Rs. 12 each. The Finance Department asked for a declaration of policy as to free teaching and stipends, and have accepted a decision that the stipends shall be temporary for three years only, and that free education, granted for the present, should be reconsidered when vocational training is sufficiently appreciated for fees to be charged. When the final scheme was carried into practice, it was decided to admit 60 pupils. Four hundred applications were however received, and 90 were admitted. The cost of buildings was Rs. 1,45,000 (sanctioned) and of equipment Rs. 53,000, while maintenance charges are Rs. 28,000. The courses are (1) mechanical apprentice, (2) wood-working, each for 3 years, and (3) motor mechanic, for 2 years.

(*iii*) Buildings have been provided for the Gauhati weaving institute, including free hostel

accommodation, at a cost of Rs. 87,000 (estimated). (This provides a two-year course for 10 pupils and a one-year class for 30, and there are 15 stipends.)

There have been the following other developments :—

(*i*) A third peripatetic weaving party (1 weaving assistant and 6 demonstrators) was allotted to the Assam Valley in 1925.

(*ii*) An industrial school in the hills was abolished (the Governor having found it to be of little practical value) after an abortive attempt to turn it into a girls' weaving school.

(*iii*) Besides the station already mentioned, which is at Titabar in the Assam Valley, a second sericultural station, with the intention of breeding a more resistant type of silk-worm, was founded in the hills. The two stations now employ between them 2 farm overseers and 10 rearers. An enquiry made in 1915 went to show that the silk fabrics produced in Assam during the year were worth thirty-one lakhs of rupees. The silk weaving industry has, however, passed through a period of depression in recent years. The demand for eggs from the Government stations has been encouraging, and hopes are entertained of a possible revival.

(*iv*) Aid was given to two technical schools started with the encouragement of local boards.

(*v*) Funds have also been provided in the budget for 1928-29 to aid another small industrial school under the ægis of a local board (cost Rs. 3,000), to make an assistant to the sericultural superintendent permanent, and to employ six demonstrators in the rearing of silk-worms. (Cost Rs. 5,000 recurring.) The opening of a weaving section in the Sylhet school at a cost of Rs. 12,000 with maintenance charges Rs. 5,000, the development of that school to provide more accommodation at a cost of Rs. 8,500 and Rs. 2,000 recurring, and the creation of a fourth peripatetic weaving party

costing Rs. 7,600, are also being sanctioned in accordance with the demands of the Council.

(*vi*) In 1926 at the instance of the Minister an advisory board of development was created for the amalgamated Departments of Agriculture, Industries and Co-operative Societies. In the field of Industry it has contented itself so far with recommending the revival of the collection of trade statistics (abandoned with the relegation of the subject to provincial Governments because the figures were unreliable and of little value) and the extension of facilities for aided marketing. The former question awaits the recommendations of the Agricultural Commission; the latter has been accepted in principle. The only facilities at present afforded are at the Gauhati emporium, the turnover of which is only some Rs. 20,000.

History of other departmental activities.

(3) Specific proposals have been made for—

(*i*) *Development of the lac industry.*—The first suggestion fell through, owing to the unwillingness of either the Forest, Agricultural, or Industries Department to undertake measures for expansion, in view of the way in which lac is usually propagated in this province, on field crops in unclassed State forest by hill tribes; while it was generally understood that local manufacture was not hopeful. Experiments in cultivation are, however, now being made by the Forest Department at the instance of the Governor, and suggestions for marketing facilities have been made outside the department.

(*ii*) A proposal for an enquiry into the possibility of tan-staff industry was abandoned as the Forest Department considered that the occurrence of the best varieties was too sporadic for commercial success.

(*iii*) Enquiries are being made into the possibilities of cinchona cultivation at the instance of the Minister.

The department has been unable to direct industrial movements for lack of expert advice.

(4) The Council carried the following resolutions in regard to this department:—

The Council and industry.

(*i*) *Recommending the creation of technical and industrial schools.*—The policy of Government has turned to acceptance of this demand, though at first it was demurred that industries to absorb the talent trained do not exist, and that education would not breed them. The effect of the belief that such education will remove the pressure on the employment market and of the proposals initiated by the Calcutta University was apparent in this among other debates.

(*ii*) *Recommending the expansion of the handicraft school at Sylhet and the addition of a fourth peripatetic weaving party.*—The acceptance of this has been mentioned. This programme has also been advocated as offering avenues for employment, though doubts as to its value have been expressed as well by the Governor as by a leading *Swarajist*, who said "I find that hundreds of boys have been taught the handloom industry at Gauhati, although I have not seen any of these young boys in the Assam Valley starting a factory of their own.....They took to other professions." Enquiries which were made showed that this was an exaggeration, since eighty per cent. of the students traced were found to be following weaving as a trade.

(*iii*) *Recommending provision for teaching hand-spinning and* charka *throughout the province.*—The words "as far as possible in chosen centres" were later added to make this more digestible. This conveyed the view of those irreconciliable to western methods. It was pointed out that a large part of the department's expenditure was upon peripatetic weaving parties, and that hand-spinning could never compete economically with mill-spun yarn, but the resolution was carried. Government consulted the local boards, and went so

far as to advertise for masters. The boards were unenthusiastic but willing to engage in this activity if financed by Government. The resolution was not, however, obeyed for lack of funds. In the Council of 1924 a member who had voted against it before, moved the resolution afresh without the amendment, apparently in order to draw out the *Swaraj* party, and proposed that the cost should be met from a reduction in the Ministers' salaries. It was suggested in debate that the political insistence on the spread of hand-spinning was intended to use economic distress as a weapon to foment discontent. A statement was extracted from the *Swaraj* party to indicate that economically the proposal was unsound, but the division ended with a tie. The President was exhorted to establish a precedent that the casting vote should not be used to maintain the *status quo*, but, announcing his extreme personal regret, voted against the resolution.

(*iv*) *Recommending the institution of scholarships in Commerce.*—Enquiries were made as to suitable institutions, but the recommendation was ignored for lack of funds, and has not recently been reiterated.

(*v*) *Recommending the creation of an industrial school in a particular place.*—This was treated with sympathy as one to be accepted in the fulness of time.

The rejection of the demand was moved in 1927 as an expression of objection that the department did nothing for industrial re-generation, and spent money wastefully on education in the hills, but was not discussed for lack of time. No constructive suggestions for industrial expansion have therefore been made, except for the expansion of the weaving industry.

**Provincial industries.**

(5) There has been slight extension in the use of power or machinery; a few rice and oil mills, and small printing presses have been established. Several considerable enterprises

begun in this period, including a cotton mill and a paper mill, have expired in infancy, and the saw milling business has seriously lost ground. The proposed protection of tea boxes manufactured in India may prove of great benefit to the last-named industry. The only large new business, a match factory, is under foreign management, though it employs local capital. A number of motor repair shops have, however, sprung up to meet the demand of the increasing motor traffic. Hopes of indigo manufacture have been killed by synthetic dyes.

## INDUSTRIAL AND TECHNICAL SCHOOLS.

| | 1920-21. | 1926-27. |
|---|---|---|
| Government schools ... ... | 5 | 7 |
| Scholars in ,, ... ... | 80 | 140 |
| Local fund schools ... ... | 3 | 4 |
| Scholars in ,, ... ... | 43 | 71 |
| Private aided schools ... ... | 2 | 3 |
| Scholars in ,, ... ... | 18 | 281 |
| Private unaided schools ... ... | ... | 1 |
| Scholars in ,, ... ... | ... | 20 |
| Staff—weaving superintendent ... | 1 | 1 |
| Sericultural superintendent ... | 1 | 1 |
| Teaching ... ... | 13 | 23 |
| Weaving assistants ... ... | ... | 3 |
| Demonstrators, weaving ... | ... | 18 |
| Others ... ... | 20 | 44 |

## CO-OPERATIVE SOCIETIES.

(1) The co-operative movement was of small dimensions in Assam till 1919, since which year the staff has been gradually strengthened. In the year 1919-20 it consisted of one assistant registrar, two inspectors and one auditor, while at present the staff comprises one assistant registrar, eleven inspectors and one auditor. The post of a second assistant registrar has been sanctioned but has not yet been filled. Despite set backs due to retrenchment and attacks in some places by the non-co-operators the number of societies has trebled and the membership and capital quadrupled. The loans held by individuals increased from 9 lakhs in 1921 to 24 lakhs in 1927. The movement is however still relatively on a small scale. It is calculated that if the average debt of an agricultural family is Rs. 50, the

benefit of co-operation has only been extended to some 2 per cent. of them.

There are central banks at the district and at some of the subdivisional headquarters. These have not increased during the period, but a provincial bank has been formed. The bulk of the societies are agricultural credit societies of the Raiffeissen type; the number of non-agricultural societies has increased little in comparison. Non-credit societies were few at the outset, and have made little progress, stores societies having in particular been unsuccessful through unbusinesslike habits and the failure to encourage cash payment by rebate, owing to anxiety for high dividends. The agricultural societies realize interest quarterly instead of seasonally. This practice was examined during the period under review, but it was decided that it did not inconvenience debtors. No progress was made with the problem of financing long term loans for improvements or amortisation of debt. Two land mortgage banks have, however, been established and one of these has banks have, however, been established and one of these has also applied to Government for a loan, as the grant of such a loan will strengthen the confidence of the public in the Bank. This application is now under consideration. The departmental reports notice that the proportion of members joining Assam societies for the purpose of deposit only is higher than in Bengal.

(2) In August 1923 the department was placed under the same Minister and Head of Department as the departments of Agriculture and Industries. This has enabled the use of the agricultural societies for the dissemination of seeds and implements, and the employment of the agricultural inspectors in encouraging the growth of rural societies. The staff has been augmented by a second assistant registrar (not yet appointed) and 7 inspectors, the total of the latter being now 11 (in addition to the provincial auditor) while 3 district auditors appointed in 1921-22 have been abolished. A co-operative marketing society has recently been formed for the sale in the first instance of jute, with help from Government obtained at the desire of the Minister. The promoters applied in the first instance for a large Government grant while the society was still in process of formation. The demand was, however, later reduced to a request for aid in paying the storage

charges in the first year, and for the deputation of an officer to advise on the venture, on the ground that it was novel and needed expert assistance. Two previous ventures in marketing societies had collapsed almost at birth, owing to the opposition of the Marwari traders.

In Sylhet a co-operative organization society was established in 1925, with the purpose of carrying the spirit of co-operation into other fields, such as public health, as well as the financial. It received a small Government grant and permission to receive similar aid from the local boards, and has been responsible for some propaganda.

The Advisory Development Board for the three departments has confined itself so far to recommending aid for the formation of marketing societies. A bill has been drafted in the department to remedy defects in the existing system, which is awaiting opinions. Annually a large number of societies—in one year 24—have had to be struck off for incapacity; and the realisation of societies' dues has been unsatisfactory.

Experience in the past indicates need for providing for a surcharge on defaulting office-bearers, and the power to use the process for recovery of arrears of land revenue in liquidation proceedings.

(3) The Council has taken little active interest in the movement. The resolutions debated were only three. Of these, one recommending the abolition of audit fees was withdrawn after discussion, and another, recommending State aid to the Co-operative Organization Society, was withdrawn without discussion. The third, in 1924, recommended that the entire cost of management of the central banks should be borne by Government, till they were in a position to declare a dividend of at least ten per cent. This was opposed by the Minister on various grounds, and on a suggestion made by another member of Council, an amendment was moved, asking Government to bear a fair proportion of the cost of management of the central banks till they were in a position to declare a dividend of at least ten per cent. (It should be mentioned that the Govern-

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ment policy was to contribute a share of the cost of maintaining supervision to those central banks which paid a dividend of 8½ per cent. or less.) A further amendment was then moved to the amended resolution, to the effect that the figure 'ten' should be replaced by the figure 'six.' This was also opposed by the Minister as being less generous than the Government policy and also as being to the detriment of the central banks and to the co-operative movement generally. When this last amendment was put to the vote, it was defeated by 20 votes to 16. The resolution, as originally amended, was then put to the vote and carried by 23 votes to 17. Of these 23 votes, 9 came from members who had voted for the second amendment. Why these nine members who had originally supported a dividing line of six per cent., should have subsequently voted for a dividing line of ten per cent., (the Government line being 8½ per cent.) is not clear, but possibly the intention may have been merely to urge larger grants, and the apportionment of them according to need.

| | 1919-20. | | 1926-27. | |
|---|---|---|---|---|
| *I.—Central Banks.* | | Rs. | | Rs. |
| Number of Banks .. .. | 15 | .. | 16* | .. |
| Number of member societies .. | 201 | .. | 818 | .. |
| Number of individual members .. | 1,027 | .. | 413 | .. |
| Number of societies holding shares— | | | | |
| Agricultural .. .. | 193 | .. | 778 | .. |
| Non-agricultural .. .. | 8 | .. | 21 | .. |
| Working capital .. .. | .. | 4,80,403 | .. | 13,06,208 |
| Paid-up share capital .. .. | .. | 74,008 | .. | 1,57,113 |
| Uncalled share capital .. .. | .. | 64,840 | .. | 1,57,048 |
| Loans made in year .. .. | .. | 1,76,951† | .. | 5,03,581 |
| Loans received in year .. .. | .. | 1,27,933 | .. | 4,91,043 |
| Reserve and other funds .. .. | .. | 30,246 | .. | 36,566 |

*Includes provincial bank, with 31 individual and 32 societies as members, 17 of which hold shares; share capital Rs. 49,950 paid up and Rs. 49,950 uncalled; loans made Rs. 77,700, received Rs. 72,394, reserve Rs. 5,370. Three banking unions closed in the period are ignored.

† Includes Rs. 1,01,704 granted to individuals.

| *II.—Agricultural Societies.* | 1919-20. | Rs. | 1926-27. | Rs. |
|---|---|---|---|---|
| Number of societies .. .. | 412 | .. | 998 | .. |
| Share capital .. .. .. | .. | 2,649 | .. | 78,754 |
| Number of members .. .. | 18,520 | .. | 42,478 | .. |
| Working capital .. .. | .. | 5,15,469 | .. | 18,31,145 |
| Loans made in year .. .. | .. | 1,37,688* | .. | 6,78,745† |
| Loans received in year .. .. | .. | 96,374 | .. | 5,13,922 |
| Reserve fund .. .. .. | .. | 1,48,517 | .. | 3,73,367 |
| Profit or Loss .. .. .. | .. | 29,479 | .. | 80,135 |

*Includes Rs. 1,34,314 granted to individuals.
†Includes Rs. 6,55,216 granted to individuals.

| *III.—Non-Agricultural Societies.* | 1919-20. | Rs. | 1926-27. | Rs. |
|---|---|---|---|---|
| Number of Societies .. .. | 45 | .. | 51 | .. |
| Number of Members .. .. | 5,517 | .. | 9,499 | .. |
| Share Capital paid-up .. .. | .. | 1,22,766 | .. | 2,71,128 |
| Working capital .. .. | .. | 4,20,900 | .. | 13,42,214 |
| Loans made in year .. .. | .. | 1,84,460* | .. | 5,23,263† |
| Loans received in year .. .. | .. | 1,85,865 | .. | 3,71,060 |
| Reserve Fund .. .. .. | .. | 26,457 | .. | 1,43,331 |
| Profit or Loss .. .. .. | .. | 21,490 | .. | 40,833 |

*Includes Rs. 1,50,583 granted to individuals.
†Includes Rs. 5,06,032 granted to individuals.

## REGISTRATION.

(1) Except for interest in the pay of the registration staff and the voicing of demands for increased facilities, the Council has paid little direct attention to this department. A demand that the receipts should not exceed the expenditure was met in March 1925 by the statement, after enquiry, that reckoning indirect charges there was little or

no profit from the department: the claim has not been renewed, though the gap between receipts and expenditure has widened.

(2) The fees for registration were raised from 1st January 1923 as a concomitant of the increase of stamp duties by the Stamp Amendment Act. A fall in the registrations beyond the fall due to non-co-operation was widely attributed to this increase. The Minister after enquiry, however, reduced the rates in certain cases only. The figures of registration have since recovered, while the value of documents registered has increased by 65 per cent., with the value of money, in the case of immovable property.

(3) In the budget session of 1928 a resolution was adopted recommending that the fee for registration by commission at the house of the person desiring to register should be reduced from ten to four rupees after it had been pointed out by Government that such a reduction might result in the applications for commissions becoming of unmanageable number.

| | 1920. | | 1926. | |
|---|---|---|---|---|
| | | Rs. | | Rs. |
| Number of officers .. .. | 41 | .. | 46 | .. |
| Total registrations .. .. | 117,059 | .. | 113,896 | .. |
| Number of registrations affecting immovable property—Compulsory .. | 101,794 | .. | 99,590 | .. |
| Optional .. .. .. | 7,675 | .. | 8,007 | .. |
| Total .. .. | 109,469 | .. | 107,597 | .. |
| Value of immovable property concerned | .. | 1,89,55,906 | .. | 3,07,63,094 |
| Registration affecting movables .. | 7,416 | .. | 6,105 | .. |
| Value of movables concerned .. | ... | 25,08,514 | .. | 19,86,609 |
| Sales of immovable property .. | 62,209 | .. | 54,797 | .. |
| Mortgages of immovable property .. | 24,737 | .. | 29,254 | .. |
| Wills .. .. .. | 174 | .. | 194 | .. |
| Income of department .. .. | .. | 1,37,764 | .. | 2,26,205 |
| Expenditure of department .. | .. | 85,723 | .. | 1,14,145 |

### Desirability of Second Chambers.

32. The defects of a single chamber have been demonstrated by—

(1) The alteration of the Local Self-Government Amendment Bill in a hasty manner after it emerged from the Select Committee, leaving the term of office of supernumerary members doubtful, and technical defects such as reference to the Local Government as "he";

(2) The passage of the private Opium Smoking Bill hastily, so that it purported to repeal the official bill before the latter had become law;

(3) The necessity in the case of the Temperance Bill of recourse to the hazardous expedient of recommital to Select Committee;

(4) The same necessity in the case of the Re-Assessment Bill.

(5) The refusal of the Council to proceed at all with two measures, the Sylhet Record-of-Rights and the Local Rates Bills, which in theory must have commanded a large measure of support.

### Question of Provincial autonomy.

33. The question of provincial autonomy has never been considered. A resolution recommending that Assam should have provincial autonomy, on which the mover suggested that even after Sylhet were transferred to Bengal there would be no difficulty if the Central Government undertook defence, and administered the hills through the Governor as an agent, was passed in 1925, but it was clear from the fact that these considerations and the defects of dyarchy were alone urged, that responsible government and not provincial autonomy was the question in hand. In fact, neither the Council nor Government have had occasion to chafe under dependence upon an Imperial Government. The sympathies of the Sylhet people have been with Bengal, and though a considerable element in the Assam Valley would resent domination by influences from outside the valley, it is clear that, as matters stand, neither party has seriously contemplated independence of the central legislature. When the mover of the resolution for provincial autonomy stated this could be easily achieved even if

Sylhet went to Bengal he may or may not have meant to hint that with Sylhet gone the province would obtain a highly desired independence. The Sylhet members, however, voted for his resolution, and did not discuss the position of Bengali immigrants to the Assam Valley which would result from such independence.

### THE FINANCES OF THE PROVINCIAL GOVERNMENT.

34. *The following table shows the revenue, Imperial and Provincial, accruing in Assam in the years* 1912-13 *(the first year of the existence of the reconstituted province of Assam after the dismemberment of the province of Eastern Bengal and Assam) and* 1920-21 *(the last pre-reform year).*

| Head of Revenue. | 1912-13. | | | 1920-21. | | |
|---|---|---|---|---|---|---|
| | Imperial. | Provincial. | Total. | Imperial. | Provincial. | Total. |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Land Revenue .. .. | 38,82,638 | 39,07,650 | 77,90,288 | 41,83,826 | 42,01,396 | 83,85,222 |
| Opium .. .. .. | 5,27,297 | .. | 5,27,297 | 8,34,993 | .. | 8,34,993 |
| Salt .. .. .. | 1,246 | .. | 1,246 | 770 | .. | 770 |
| Stamps .. .. .. | 6,51,106 | 6,51,106 | 13,02,212 | 8,64,311 | 8,64,311 | 17,28,622 |
| Excise .. .. .. | .. | 48,52,038 | 48,52,038 | .. | 75,34,580 | 75,34,580 |
| Provincial Rates .. .. | .. | 9,300 | 9,300 | .. | 44,282 | 44,282 |
| Assessed taxes .. | 200,928<br>194 | 2,00,928 | 4,01,856<br>194 | .. | .. | .. |
| Customs .. .. | .. | .. | .. | 1,74,722 | .. | 1,74,722 |
| Income-tax .. .. | .. | .. | .. | 5,86,266 | 4,90,202 | 10,76,468 |
| Forest .. .. | .. | 11,42,091 | 11,42,091 | .. | 15,31,945 | 15,31,945 |
| Registration .. .. | .. | 93,275 | 93,275 | .. | 1,39,075 | 1,39,075 |
| Tributes from Native States .. | 50,100 | .. | 50,100 | 5,100 | .. | 5,100 |
| Interest .. .. .. | .. | 13,336 | 13,336 | .. | 1,45,646 | 1,45,646 |
| Law and Justice—Courts of Law | .. | 1,15,132 | 1,15,132 | .. | 1,48,880 | 1,48,880 |
| Law and Justice—Jails .. | .. | 80,424 | 80,424 | .. | 1,39,916 | 1,39,916 |
| Police .. .. .. | .. | 1,08,099 | 1,08,099 | .. | 1,11,943 | 1,11,943 |
| Port and Pilotage .. .. | .. | 84 | 84 | .. | .. | .. |
| Education .. .. | .. | 1,14,026 | 1,14,026 | .. | 2,17,225 | 2,17,225 |
| Medical .. .. | .. | 18,709 | 18,709 | .. | 8,814 | 8,814 |
| Sanitation .. .. | .. | .. | .. | .. | 77,089 | 77,089 |
| Agriculture .. .. | .. | .. | .. | .. | 19,477 | 19,477 |
| Scientific and other minor departments. | .. | 20,770 | 20,770 | .. | 24,237 | 24,237 |
| Receipts in aid of superannuation. | 24,914 | 3,414 | 28,328 | 25,470 | 14,721 | 40,191 |
| Stationery and Printing .. | 372 | 10,490 | 10,862 | 382 | 7,587 | 7,969 |
| Miscellaneous .. .. | 6,689 | 67,549 | 74,238 | 8,683 | 56,305 | 64,988 |
| Civil Works .. .. | 1,940 | 1,40,764 | 1,42,704 | 938 | 2,05,814 | 2,06,752 |
| Receipts from Railways .. | .. | 38,043 | 38,043 | .. | 1,30,822 | 1,30,822 |
| Assignment from Imperial to Provincial. Recurring .. | −17,12,418 | +17,12,418 | .. | −28,11,691 | +2811,691 | .. |
| Assignment from Imperial to Provincial. Non-recurring. | −45,07,573 | +45,07,573 | .. | −1,39,870 | +1,39,870 | .. |
| Total .. .. | −8,72,567 | 1,78,07,219 | 1,69,34,652 | 37,33,900 | 1,90,65,828 | 2,27,99,728 |

With the introduction of the Reforms the old system of divided heads of revenues and assignments from imperial revenues to make up provincial deficits came to an end with a few exceptions which will be noticed in another part of this memorandum. The provinces were given control over their own revenues and were required to contribute to the Central Government to clear off the deficit in central revenues which resulted from the new arrangements until such time as the deficit was wiped out by the expansion of the sources of revenue retained by the Central Government. A conference was held at Simla in 1919 to ascertain the exact financial position of each province after determining their normal revenue and expenditure. Enquiries were made in great detail and the results arrived at were probably as accurate as it was then possible to obtain. The estimate was based on the 1919-20 budget, adjusted so as to exclude abnormal items of revenue and expenditure, and to include new expenditure due to the introduction of the Reforms. But in 1919-20 the war had just ended, expenditure had been held up for five years (this possibly affected an undeveloped province like Assam more than the older provinces), the budget of 1919-20 itself was like previous budgets a starvation budget, and Government was faced not only with many pressing schemes of development but with a great increase in prices. This meant that the salaries of its officers had to be raised, and that its general scale of expenditure was bound to increase even if no new commitments were undertaken. Where everything was abnormal it was impossible to estimate normality. Even in the case of the Government of India an estimated normal deficit of twelve crores was found to have risen to 41 crores in the budget of 1921-22. In the case of Assam the normal revenue was fixed at Trs. 1,78,85 and the expenditure at Trs. 1,62,42. The Chief Commissioner sounded a note of warning that the estimate of expenditure was far too low. He pointed out that the following items were omitted though they had already been sanctioned :—

| | Trs. |
|---|---|
| Revision of pay of ministerial and other subordinate establishments ... | ... 5,00 |
| Second Member and second Minister | ... 1,25 |

He also pointed out that a minimum of additional recurring expenditure was necessary under various heads as noted below in order to provide for schemes which had been postponed during the war years :—

| | | | | TRS. |
|---|---|---|---|---|
| Education | ... | ... | ... | 5,00 |
| Medical | ... | ... | ... | 1,50 |
| Sanitation | ... | ... | ... | 2,44 |
| Agriculture | ... | ... | ... | 30 |
| Scientific | ... | ... | ... | 50 |
| Civil Works—communications | | | ... | 8,00 |
| | | | ... | 17,74 |

Various other items of obligatory expenditure which had not been taken into account soon came to light :—

(1) The cost of leave salaries and of pensions sanctioned after 1921. The cost of these in 1921-22 amounted to TRS. 5,00.

(2) The provincial contribution to central revenues, amounting to TRS. 15,00.

(3) The increased pay services other than ministerial. The Simla conference had allowed an addition of TRS. 5,19 on this account. The actual increase was however TRS. 27,40, *i.e.*, an addition of TRS. 22,21.

(4) A sum of TRS. 4,52, was required for inter-provincial adjustments, principally for the provincial share of the cost of the Calcutta High Court and for police charges on the Assam-Bengal Railway.

In the result, therefore, the figure of normal expenditure, by which term should be understood the recurring expenditure to which the province was committed, should have been increased by TRS. 52.98, if the additional obligatory charges were admitted, and by a further TRS. 17.24 if charges, which in the opinion of the Chief Commissioner were necessary for the administration of the province, were admitted. It would, therefore, have been reasonable to fix the normal expenditure of the province at the figure of TRS. 2,29,18.

35. In addition to the above the province soon had to face other items of expenditure which were practically obligatory. A hydro-electric survey in the Khasi and Jaintia Hills had been initiated by the Central Government, and with the coming of the Reforms this scheme was transferred to the province. The actual cost of this amounted to Rs. 1,83,883. The closure to new entrants of the penal settlement at the Andamans made it necessary that the province should have a central jail, while the recommendations of the Jail Committee, which were published in 1921, called urgently for further expenditure on jails. Unfortunately it has been possible to do very little in this respect for want of funds. Then it was necessary to construct a Council Chamber as the pre-Reforms councils met in the Durbar Hall at Government House. The campaign against *kala-azar* called for ever-increasing funds, and finally Government were pledged to the construction of the Murarichand College in the Surma Valley.

36. In 1920 the committee on financial relations which was presided over by Lord Meston came to India with instructions to fix the scales at which the provinces should contribute to the Imperial Government. The committee was unfortunately unable to visit Assam, and examined the Chief Commissioner and other officers in Calcutta. It was estimated that on account of the separation of revenues which had taken place at the Reforms Assam now had an increased spending power of TRS. 41,00 and it was proposed that the province should contribute a sum of TRS. 15,00, rising in six years to TRS. 25,00 towards the deficit of the Central Government. The Joint Select Committee however in recommending the scheme to Parliament advised that the initial contribution should not be increased and this was accepted. From an arithmetical point of view Assam was not unfairly treated. Its revenue (according to the calculation of the normal standard referred to above) amounted to 2·4 per cent. of the total income of all provinces, while its contribution to the deficit amounted to 1·5 per cent. of the whole, but the Chief Commissioner urged then, and the Assam Government has always maintained the same view, that further consideration should have been shown to Assam as an undeveloped province. The population increased from 5,842,480 in 1901 to 6,714,299 in 1911 and to 7,606,230 in 1921. Since that time there is

every reason to believe that the increase in the number of immigrants has been on a far more extensive scale than hitherto and that when the next census is taken in 1931 the rate of increase in the population will be found to be considerably greater than in the previous decade. The settled area increased for 8,314,112 acres in 1910 to 9,162,701 acres in 1920 and 9,772,823 acres in 1927. This expansion of course meant a gradual and eventually permanent increase in revenue, but it also meant that a very much larger initial expenditure was required for the development of areas opened up. Assam yielded nearly 40 per cent. of its "increased spending power" to the Central Government, and it was not understood why this province was so much less generously treated than Bihar and Orissa, which with "increased spending power" of Trs. 51,00 made no contribution at all, or Burma, which with "increased spending power" of Trs. 2,46,00 paid Trs. 64,00 or 26 per cent. only. Subsequently also the request of Bengal for remission of the contribution for a period of three years was granted while a similar request from Assam was refused. The Chief Commissioner ventured the comment that had the Commission been able to visit Assam, they would have recognised that its claim for special treatment was no less strong than the claims of Burma, and Bihar and Orissa.

37. The first budget prepared under the Reforms scheme was that for 1921-22. The province started with an estimated opening balance of Trs. 58,28 which was partially due to large excise receipts in the previous year. The budget provided for an expenditure in excess of receipts amounting to Trs. 16,11 and a closing balance of Trs. 42,17. The apparent deficit was mainly due to the provision of a sum of Trs. 14,11 for repayment to the Government of India of the outstanding balance of the provincial advance and loan account (the actual amount was subsequently found to be Trs. 16,67). A sum of Trs. 2,45 was also placed in reserve to meet, with the leave of the Council, unforeseen contingencies. The budget therefore was not really a deficit one.

In the debate which followed several suggestions for retrenchment were made and a resolution for the appointment of a retrenchment committee was carried. A committee was accordingly appointed to examine the desirability of a number of specific retrenchments which had

been suggested in the debate. It met in September of the same year and after detailed enquiries suggested the abolition of certain posts—notably of two Commissionerships. The recommendations were taken into consideration by Government and effect was given to some of them.

38. In spite however of the confidence with which the first Reforms budget was introduced it became clear as the year proceeded that receipts would be considerably less than had been estimated. Excise and Stamps fell heavily, largely as a result of the non-co-operation movement (Excise actuals in that year were Trs. 20,32 below the estimate and Stamps Trs. 3,02) while there was increased expenditure owing to floods. In consequence the closing balance at the end of 1921-22 was estimated to be Trs. 8,08 only in place of Trs. 42,17 as provided in the budget. The situation was explained to the Council in September, and an unsuccessful application was made to the Government of India for remission of the provincial contribution. It was explained that expenditure had been cut to the bone, the only large items of new expenditure being the construction of Murarichand College to which Government were pledged, and of the new Council Chamber.

39. For the year 1922-23 the Council agreed to a measure enhancing the court fees and stamp duties. The Act generally followed the lines of an Act recently passed in Bengal, but whilst the Bengal Act was on a permanent basis the Assam measure was for three years only. This produced about three lakhs a year. The fees for the registration of documents were also raised by half a lakh. A large number of further economies were made, some posts being abolished and several items of expenditure omitted. The grant for the Murarichand College was reduced by Trs. 1,50, for the Council Chamber by Trs. 50, and the grant to the Public Works Department for the maintenance of existing roads and bridges by Trs. 1,00. The grant to local boards for communications was cut down by Trs. 1,50, and the grant for water-supply entirely omitted. Yet the estimated expenditure exceeded the estimated receipts by slightly over Trs. 12,00. In the end it was necessary to overdraw on the Government of India to the extent of Trs. 12,67. The Finance Member in his budget speech expressed the hope that if the coming year was peaceful and not marred by disturbances arising out of the non-co-operation movement, an improvement in the finances of the province

might confidently be expected. At the end of the year the province retained a balance (including the amount of the overdraft among the receipts) of Trs. 20 only.

It has already been noted that current expenditure in all departments was cut down to a minimum during these years. It may be of interest to detail definite reductions of establishments which were made in the all-India services :—

1. The following posts were held in abeyance :—
   - One Conservator of Forests.
   - The Superintending Engineer.
   - The Inspectress of Schools.
   - One Deputy Director of Agriculture.
   - The Agricultural Chemist.
2. The following posts were abolished :—
   - The Commissioner of Excise.
   - The Sanitary Engineer.
   - One Executive Engineer.

There were also reductions in the provincial services and ministerial staff. The majority of these posts have since been restored.

40. In 1923-24 therefore the year opened with a deficit if the overdraft be taken into account, and the Finance Member in spite of all economies (including a reduction of 5 per cent. in the expenditure of nearly all departments) presented a budget which showed a further excess of expenditure over revenue amounting to Trs. 72. He was able however to advise the Council that in his opinion the tide had turned, receipts were increasing and expenditure diminishing, and another year of stern economy should see the province solvent.

This anticipation was realised. The year closed with an actual balance of Trs. 23,28 (the overdraft from the Central Government being converted into a loan). It was proposed therefore in 1924-25 to pay off Trs. 300 of the loan and to end the year with a small surplus. In actual fact, however, the whole of the loan was repaid and the year ended with a closing balance of Trs. 44,03. From the next year 1925-26 the province was free from debt and was able to begin cautiously a modest programme of much needed improvement. The Council were again asked to place the Stamp and Court Fees Bills on a permanent basis as in the neighbouring province of Bengal. It refused to do this, but

finally agreed to renew them for three years, on the promise of Government to devote the proceeds to rural water-supply.

In this way the crisis was surmounted, but the arrested development of war years and of the years of economy which followed have left the province with arrears of expenditure in all departments. Rigid economy was unavoidable, but the response which the Forest Department has recently made to prudent expenditure is an indication that in an undeveloped province rigid economy is a policy which is apt to defeat itself.

The budgets of each succeeding year have shown a small surplus of revenue over expenditure, and the finances of the province have been much benefited by the gradual abolition of the provincial contribution. Six lakhs were remitted in 1925-26, and the whole in 1927-28 (Trs. 7,83 permanently and Trs. 7,17 temporarily) while the contribution was finally extinguished with effect from the current year 1928-29. There are however still many pressing schemes for expenditure some of which have been noticed in the paragraphs dealing with the different departments.

A statement is given below of the actual receipts and expenditure under the main heads since 1921.

GENERAL ABSTRACT OF RECEIPTS AND EXPENDITURE.

1921-22 to 1928-29.

| — | 1921-22 | 1922-23. | 1923-24. | 1924-25. | 1925-26. | 1926-27. | 1927-28. Revised. | 1928-29. Budget. |
|---|---|---|---|---|---|---|---|---|
| | Trs. | Trs. | Trs. | Trs. | Trs. | Trs. | Trs. | Trs. |
| Opening balance .. | 48,23 | 652 | 20 | 23,28 | 44,03 | 65,32 | 63,66 | 68,05 |
| RECEIPTS. | | | | | | | | |
| Land Revenue .. | 96,17 | 92,02 | 1,03,29 | 1,05,14 | 1,07,11 | 1,06,72 | 1,12,39 | 1,19,00(*d*) |
| Stamps .. .. | 15,23 | 18,08 | 19,84 | 20,65 | 22,22 | 23,56 | 23,65 | 20,75 |
| Excise .. .. | 59,58 | 54,13 | 60,50 | 65,96 | 61,82 | 62,98 | 64,69 | 62,48 |
| Forest .. .. | 13,22 | 17,14 | 19,74 | 24,79 | 30,39 | 31,67 | 35,32 | 34,89(*d*) |
| Registration .. | 1,25 | 1,33 | 1,78 | 1,87 | 2,13 | 2,28 | 2,30 | 2,35 |
| Taxes on Income .. | 2 | 1,15 | 4,16 | 5,54 | 5,30 | 4,92 | 5,80 | 6,00. |
| Other heads .. | 11,19 | 28,25(*a*) | 16,57 | 21,55 | 18,15 | 17,41 | 18,53 | 18,02(*d*) |
| Total receipts from Revenue Heads .. | 1,96,66 | 2,12,10(*a*) | 2,25,88 | 2,45,50 | 2,47,12 | 2,49,54 | 2,62,68 | 2,63,49 |
| Receipts from other sources. .. | 2,30 | 4,30 | 4,32 | 5,26 | 1,26 | 1,45 | 1,70 | 1,95 |
| Grand total .. | 2,47,19 | 2,22,92 | 2,30,40 | 2,74,04 | 2,92,241 | 3,16,31 | 3,28,04 | 3,33,49 |

(*a*) Includes Trs. 12,67 on account of overdraft.

# GENERAL ABSTRACT OF RECEIPTS AND EXPENDITURE.

## 1921-22 to 1928-29.

| — | 1921-22. | 1922-23. | 1923-24. | 1924-25. | 1925-26. | 1926-27. | 1927-28. Revised. | 1928-29 Budget. |
|---|---|---|---|---|---|---|---|---|
| EXPENDITURE CHARGED TO REVENUE. | TRS. | TRS. | TRS. | TRS. | TRS. | TRS. | TRS. | TRS. |
| *Reserved subjects.* | | | | | | | | |
| Land Revenue .. | 14,63 | 14,72 | 15,71 | 16,31 | 17,35 | 18,16 | 19,28 | 20,16(*d*) |
| Forest .. .. | 10,27 | 11,31 | 12,08 | 13,64 | 16,14 | 14,92 | 16,90 | 16,68(*d*) |
| General Administration .. | 25,46 | 25,81 | 27,73 | 25,17 | 26,31 | 26,56 | 27,43 | 28,69 |
| Administration of Justice .. | 7,41 | 9,31 | 8,24 | 9,27 | 9,15 | 9,20 | 9,91 | 10,60 |
| Jails .. .. | 4,68 | 4,98 | 4,70 | 4,28 | 4,46 | 4,72 | 4,81 | 4,90 |
| Police .. .. | 28,75 | 24,89 | 21,28 | 21,06 | 22,14 | 23,42 | 23,52 | 25,18 |
| Assam Rifles .. .. | .. | 6,13 | —2,77 | 84 | 1,95 | 2,69 | 3,38 | 3,88 |
| Education (Reserved) .. | 65 | 71 | 74 | 72 | 71 | 75 | 71 | 77 |
| Pensions .. .. | 6,94 | 6,76 | 7,02 | 10,73 | 10,87 | 11,96 | 8,77 | 9,55 |
| Stationery and Printing .. | 3,11 | 3,78 | 2,20 | 1,79 | 2,72 | 4,21 | 3,58 | 3,45 |
| Civil Works (Reserved) .. | 36,54 | 36,26 | 33,12 | 31,93 | 33,23 | 41,32 | 54,35 | 63,76 |
| Other heads .. .. | 38,48(*a*) | 19,50 | 21,39 | 35,51(*b*) | 13,55(*c*) | 18,48 | 3,66(*c*) | 11,13(*c*) |
| Total .. | 1,76,92 | 1,64,16 | 1,51,44 | 1,71,25 | 1,58,58 | 1,76,39 | 1,76,30 | 1,91,58 |
| *Transferred subjects.* | | | | | | | | |
| Excise .. .. | 2,32 | 2,27 | 1,88 | 1,75 | 1,88 | 2,04 | 2,38 | 2,98 |
| Registration .. .. | 1,13 | 1,17 | 1,31 | 1,32 | 1,33 | 1,41 | 1,47 | 1,59 |
| General Administration .. | 1,13 | 1,06 | 71 | 60 | 1,14 | 1,09 | 1,17 | 1,18 |
| Scientific Departments .. | .. | .. | .. | .. | .. | .. | 1 | 1 |
| Education (Transferred) .. | 22,92 | 22,43 | 22,16 | 23,52 | 24,89 | 26,20 | 27,55 | 30,19 |
| Medical .. .. | 10,03 | 9,85 | 9,65 | 9,56 | 11,08 | 11,60 | 11,62 | 11,51(*d*) |
| Public Health .. .. | 6,51 | 5,49 | 4,59 | 5,74 | 9,60 | 10,25 | 12,03 | 8,17 |
| Agriculture .. .. | 4,77 | 4,18 | 4,13 | 4,14 | 4,69 | 5,23 | 5,35 | 6,04 |
| Industries .. .. | 89 | 89 | 84 | 95 | 1,42 | 1,52 | 1,87 | 2,13 |
| Stationery and Printing .. | 70 | 1,06 | 35 | 18 | 60 | 1,21 | 93 | 84 |
| Civil Works (Transferred) .. | 6,17 | 4,71 | 4,87 | 5,88 | 7,06 | 8,92 | 8,21 | 8,06 |
| Other heads .. .. | 3,32 | 3,18 | 3,08 | 3,08 | 3,01 | 3,39 | 3,00 | 3,22 |
| Total .. | 59,89 | 56,29 | 53,57 | 56,72 | 66,70 | 72,86 | 75,59 | 75,92 |
| Total expenditure charged to revenue. | 2,36,81 | 2,20,45 | 2,05,01 | 2,27,97 | 2,25,28 | 2,49,25 | 2,51,89 | 2,67,50 |
| Expenditure not charged to revenue. | 3,86 | 2,27 | 2,11 | 2,04 | 1,81 | 3,40 | 8,10 | 8.51 |
| Total disbursements .. | 2,40,67 | 2,22,72 | 2,07,12 | 2,30,01 | 2,27,09 | 2,52,65 | 2,59,99 | 2,76,01 |
| Closing balance .. | 6,52 | 20 | 23,28 | 44,03 | 65,32 | 63,66 | 68,05 | 57,48 |
| Grand total .. | 2,47,19 | 2,22,92 | 2,30,40 | 2,74,04 | 2,92,41 | 3,16,31 | 3,28,04 | 3,33,49 |

(*a*) Includes TRS. 16,67 paid to the Government of India on account of the outstanding balance of the Provincial Loan Account.

(*b*) Includes TRS. 12,67 on account of repayment of the loan taken from the Central Government to meet the overdraft in 1922-23.

(*c*) This figure excludes the provincial contribution of TRS. 7,17 which was provided in the budget, and subsequently remitted.

(*d*) These figures differ from those in the budget, since recoveries have been taken in reduction of expenditure as in previous years, to facilitate comparison.

41. The future prospects of the principal heads of revenue are briefly examined below. The land revenue, which is the principal source of revenue, has risen from Trs. 81,23 in 1917-18 to an estimated figure of Trs. 1,19,01 in 1928-29. The increase is due mainly to the large settlements of waste lands which have occurred, and partly to the reassessment operations which have been undertaken. Both these factors will continue to operate for the next five or six years, by the end of which the reassessments will be completed, and a similar rate of increase may be expected during this period. By the end of ten years at the outside there is likely to be little further waste land available for settlement; and thereafter land revenue proper will depend for its expansion on the reassessments at intervals of 30 years. In the two districts of which reassessment operations are on the point of completion the enhancement of revenue will probably work out at about 20 per cent. When the vacant areas have been occupied, therefore, an average rate of increase in the land revenue of the temporarily-settled districts amounting to about two-thirds of one per cent. per annum can be looked for. The tendency in Assam as elsewhere is not to enhance but to modify the proportion of the cultivator's crop which is taken in land revenue. It is clear therefore that the present elasticity of the land revenue must be regarded as a temporary condition; and that in the future the rate of expansion will be greatly reduced.

Considerable expansion however is to be looked for in the case of—

(1) *Town lands used for trade purposes.*—Rules were framed in 1914 for the assessment of town lands with reference to their site value either for sale or for lease, and these rules have since been extended to the principal trading centres in temporarily-settled areas. In the permanently-settled areas of Sylhet and Goalpara land is not at the disposal of Government, and the question does not arise. Assessments under these rules are being made in the resettlements which are now in progress.

(2) *Land used for non-agricultural purposes outside the towns* (i.e., *for trade or for business, the houses of cultivators not being included*).—Rules for this purpose have recently been framed following the recommendations of the Indian Taxation Enquiry Committee.

(3) *Reassessment of grants for tea cultivation.*—A considerable amount of land for this purpose was originally leased out at a concession rate but is now gradually being reassessed as the original leases fall in at the ordinary rates prevalent in the district. New rules are also in contemplation providing for a premium to be paid on land newly taken up for tea.

These provisions will ensure that the industries of the province make some further contribution to its revenue though, as will be explained later, the major part of the taxation they can fairly be called on to bear goes on to the Central Government.

42. The excise revenue in the first years of the Reforms showed a very heavy fall, which, as has been noted, seriously disorganised the budget estimates of the province. In so far as this was due to a real temperance movement it was welcomed by Government. But unfortunately the movement was largely promoted for political reasons during the non-co-operation agitation, and was accompanied by intimidation and improper interference with would-be purchasers and would-be vendors. With the genuine desire for temperance which undoubtedly exists Government have nothing but sympathy, and have accepted the policy which had been urged upon them by the Council of aiming at the reduction of the consumption of opium by 10 per cent. annually. The revenue at present derived from opium is about 32 lakhs, or approximately half the total revenue from excise. An Act has also been passed giving municipalties local option as regards the sale of liquor within their boundaries. These steps are bound, if successful, to bring about within a short period a very large decrease in the revenue under the excise heads affected.

43. The next most important head is the Forest Department. This is capable of considerable further expansion provided it is wisely developed and the necessary expenditure provided. The rise in forest receipts has been 209 per cent. since 1917-18 and 180 per cent. since 1920-21.

44. The remaining sources are negligible except stamps. The revenue from this is of slow growth. Some one-third of the increase, 46 per cent. since 1917-18 and 25 per cent. since 1920-21, is attributed to the enhancement of the duties in 1922. This will now disappear as the Acts have lapsed and the Council have refused to renew them.

45. There appears to be little prospect of any additional source of taxation. It is frequently asserted in Council and outside that the limit of taxation has been reached in the case of the rural and even the urban population, and while it is easy to question this statement and to point out that the cultivator and persons belonging to the lower middle class really contribute extremely little to the provincial revenues, except in so far as they use excisable articles (the land revenue which they pay representing in the greater part of the province a rent for the use of the land), it is none the less most unlikely that under the present political conditions the provincial Council will ever agree to any imposition that will hit the middle or lower classes. A tax on tobacco has been suggested, since tobacco is a luxury which is taxed in most countries of the world, and the yield of such a tax would probably be considerable. It is also arguable that the province ought to get a larger return from its industries. The great tea industry only contributes some 12 lakhs to the province in the form of land revenue, and the oil wells and coal mines together some 2½ lakhs. This matter is dealt with subsequently, but is mentioned here because the existence of these industries means considerable additional expenditure to the province, and it is felt that the province can fairly claim a larger proportion of the receipts from taxes now credited to Central Revenues.

It is true that the revenues of the province have shown a welcome increase (larger possibly than in the case of the older provinces) since 1919-20, the year on which the calculation for the *post*-Reforms budgets were based. But this is largely due to the circumstance that a series of resettlements coincided with this period. It must again be emphasised that Assam is a backward and undeveloped province. It has boundless possibilities indeed, but is at present lamentably behind its older neighbours in the amenities which an Indian Government is expected to provide. As already stated, it has during the last few years been filling up at probably a higher rate than ever before (no exact figures are available) on account of the immigration from Eastern Bengal. New thanas, new roads, new schools, some provision for water-supply are all wanted in the areas opened up by immigrants, while in the more settled parts of the province there are demands for water-supply in rural and urban areas, for district

health officers, for various industrial and agricultural schemes, and finally, with the acceptance by Government of the Council's two most important declarations of policy, the expansion of primary education and the improvement of roads to meet the needs of motor traffic, the requirements of the future have become almost indefinite.

46. The percentage of the total expenditure on each department in 1921-22 (actuals) and 1928-29 (budget) is as follows:—

| | 1921-22. | 1928-29. |
|---|---|---|
| Land Revenue ... | 6.17 | 7.16 |
| Forest ... ... | 4.33 | 7.87 |
| General Administration | 11.34 | 10.55 |
| Administration of Justice | 3.12 | 3.78 |
| Jails ... ... | 1.96 | 1.73 |
| Police and Assam Rifles | 12.13 | 10.26 |
| Public Works in charge of the department ... | 15.42 | 22.52 |
| Excise ... ... | .98 | 1.05 |
| Education ... ... | 9.94 | 10.93 |
| Medical ... ... | 4.23 | 4.72 |
| Public Health ... | 2.74 | 2.88 |
| Agriculture ... ... | 2.01 | 2.48 |
| Industries ... ... | .38 | .76 |
| Public Works in charge of local bodies ... | 2.60 | 2.84 |
| Other heads ... | 22.65 | 10.47 |
| Total ... | 100 | 100 |

No account is here taken of the division of public works expenditure between departments. The statement indicates the small proportion spent on productive purposes, *e.g.*, agriculture and industries, except in forests. It also indicates the heavy programme in buildings and communications.

47. Increased expenditure immediately due to the reforms is as follows:—

| | | Rs. |
|---|---|---|
| 1. | Head of the Province ... | +6,000 |
| 2. | Salaries of Members and Ministers ... ... | 1,68.000 |
| | Fraction, say ¾, of the cost of staff added *i.e.*, one Secretary, one Assistant Secretary, three Head Assistants, thirty-three assistants and clerks in the Civil Secretariat, and thirty-five menials, costing about one lakh ... | 75,000 |
| 3. | Salary of additions to the staff of the Head of the Province ... | 8,760<br>5.000 |
| 4. | Salaries of the Council Office, increased ... ... | 15,000 |
| 5. | Average increase in the cost of the household ... | 5,000 |
| 6. | Average contingent expenditure of Members and Ministers ... | 21,000 |
| 7. | Average increased expenditure of the Legislative Council ... ... | 40,000 |
| 8. | Share of High Commissioner's Office ... | 8,000 |
| 9. | One-third cost of the last elections to Government | 14,000 |
| 10. | Stationery and Printing ⅔rds of increase ... | 1,00,000 |
| | Say ... | 4,65,000 |

No account is here taken of such increase in the staff and expenditure of other offices as might be attributed to the reforms. The cost to the country is however swelled by the cost of elections to candidates, which in 1926 was reported to be nearly a lakh.

The cost of committees and boards, which have been more frequently formed during this period, *e.g.*, the Assam Development Board, the Railway Advisory Boards, the Road Board and special committees such as the Secondary Education and Opium Advisory Committees—cannot be estimated, as no separate accounts have been kept, but it must be considerable.

### FINANCIAL CONTROL.

48. *The Council.*—The Council exercised little direct control over the budget, except by means of budget reductions. General discussion took the form of large criticisms directed against the alleged starvation of the transferred departments, and no request, for instance, was ever made that demands should be split up or re-arranged. Only one critic raised questions of classification. On complaints, however, that the budgetary documents were hard to understand, the Finance Member undertook in 1927 that members of Government would explain their demands in future years before the general discussion took place. Reductions, of which a large number were moved annually, were, save in rare instances (*vide* item 9 below), directed towards arbitrary curtailment of expenditure on services or activities of which members disapproved, or in which they took no interest, rather than towards the reasoned apportionment of funds to needs. A perusal of the Council proceedings justifies the impression that the members found the rather elaborate form of the budget estimates lengthy and difficult, and could not always discover with exactitude particular items to which they might have wished to take exception. Thus the reduction in provision for collegiate scholarships in 1923-24, which in some quarters is believed to have caused the ultimate fall of the Minister, passed unnoticed at the time.

The first Council had to face a period of great financial stringency, and passed a number of resolutions for genuine retrenchments which were accepted by Government. Subsequent Councils have contained a strong *Swarajist* element and have been less ready to co-operate with Government, and it is doubtful whether many of the retrenchments which they passed were really intended for economy, or were designed to embarrass Government. The

following important reductions which were accepted by Government may be mentioned :—

(1) A reduction of Rs. 40,000 in the provision for the Governor's perquisites.

(2) Reductions on two occasions of the grants for official steam boats which were subsequently disposed of.

(3) Reductions on two occasions of some of the provisions for recruitment to the Assam Rifles.

(4) Omission of the provision for a provincial museum at Gauhati.

(5) A reduction of the provision for a fruit garden at Shillong, which was disposed of.

(6) Omission of the provision for a central jail.

(7) A reduction of the provision for increasing the Armed Police Reserve, a measure of pressing importance over which an agreement was eventually reached with the first Council, and for secret service expenditure.

(8) On four occasions omission or reductions of emoluments which Government considered to be due to certain services or officers.

(9) Omission of the provision for rewards to the village police.

(10) A Reduction in the grant for Commissioners' establishments.

(11) Reduction of provision for the Secretariat office by Rs. 2,000.

(12) Omission of a contribution to the Shillong municipal board.

(13) The reduction, amounting to omission, of the provision for reconstruction of the Assam Rifles lines at Kohima, as a protest against expenditure on the Assam Rifles in hill districts falling upon the province, though the reconstruction had become a pressing need.

(14) The omission of the provision of the discretionary grants of Ministers in 1927. This was made as a protest against the alleged obscurity of the principles upon which these grants were used, but the Council overbore a challenge offering to place statements of the expenditure from the grant on the table.

(15) A large reduction in the provision for cost of opium, in order to enforce a policy of restriction upon Government.

There were also two omissions of a technical nature, and 25 token reductions, which were accepted.

In the face of such a measure of acquiescence on the part of Government it is doubtful how far the reductions in the excise grants and the grants for resettlements were due to strength of feeling on the subject, or to a feeling that the power of restoration negatived the value of the vote.

49. In the budget session of 1928 there was a long discussion of the powers and duties of the Council in regard to supply. After the main budget had been passed a number of supplementary demands were presented by the Government to provide for additional expenditure which the Government proposed to incur from the funds recently set free by the remission of the provincial contribution to the Central Government. The Finance Committee recommended that a further sum of 2½ lakhs should be provided for rural water-supply. Government declined to accept this recommendation on the ground that the expenditure already proposed involved the reduction of the provincial balances from 68 to 42 lakhs, and they thought further reduction of the balances unadvisable. Thereupon an attempt was made to refuse the whole batch of supplementary demands by way of compelling Government to make the provision suggested for rural water-supply. The supplementary demands were only carried by the official vote. In proposing the refusal of the first of the supplementary demands, the deputy leader of the *Swarajists* said "Redress of grievances before supplies is the cardinal principle of all parliamentary institutions, and we in this House all profess to imbibe these principles as far as possible within the limitations of the constitution given to

us.....There may be some members in this House who are loyal to the executive side, but if that loyalty means that they consider that according to their doctrine they cannot join with us in throwing out this budget, I say, and say deliberately, that they are traitors to the constitution under which they profess to serve." A prominent Independent said "They are thoroughly conversant with the constitution and they are convinced that it is not going against their doctrine to overthrow a budget like this.....we expected the supplementary budget to contain a figure of about three lakhs of rupees for rural water-supply. But to our surprise no such figure is there." Another *Swarajist* said "Now if we throw out this supplementary budget shall we not wield a constitutional right to compel the Government to adopt a course of action which will be consistent with a sense of responsibility?"

50. In one instance only the first Council exercised direct control over the budget. In 1921 a scheme for the re-organization of the Forest Department was put forward, and a sum of Rs. 50,000 was included in the budget. The Council did not consider that the re-organization had been justified, though the Secretary of State had been addressed, and only permitted the amount to remain on condition that no expenditure from it took place without explicit discussion. Actually only Rs. 10,000 was so spent, with the consent of the Council, since it was shortly afterwards found necessary in the then state of the timber market to contract operations.

Resolutions on financial matters were:—

(1) Two demanding that the export duty on tea should be abolished.

(2) A series of resolutions demanding that the expenditure on the Assam Rifles should be borne by the Central Government, on the ground that the force is entirely required for the central subject of defence, or that the Central Government should bear the cost of any growth in it. A reduction of the provision for one battalion's lines, which were badly in need of reconstruction, from 2 lakhs to Trs. 25 was made in order that representations might again be put forward for the purpose, the balance being

allowed for repairs. The demand has, however, since been voted. The attitude of Government was that they could not go behind the agreement, which allowed for the provincial control of the force considered necessary.

(3) A resolution asking that the Central Government should bear two-thirds of the cost of the hill districts. This resulted in an addition of two lakhs in the subvention for the Assam Rifles, after conversations at Simla.

(4) A resolution demanding that the provincial contribution should be remitted.

(5) A resolution demanding that an interest in the expansion of the income-tax should be given to the province.

(6) A resolution deciding that the proceeds of the increase under the Court-fees and Stamp Acts should be devoted to rural water-supply.

(This was not a matter of financial control, but a compromise under which the Council on their side passed the bills for a period of three years.)

51. *The Standing Finance Committee.*—At first an informal committee was summoned annually by the Finance Member to discuss new items in the budget, as a result of a resolution in 1921. In 1927 this was made a standing committee for the life of the Council. Objection was taken in debate that the restriction of the committee's functions to criticism of new expenditure rendered it merely an instrument for carrying out the intentions of the Finance Department, and gave Government an opportunity to influence the non-official members of the committee. It was therefore decided that the complete list of new schemes which the various departments desired to finance in the budget should be placed before the committee and that the committee's recommendations should be considered before the final selection of new schemes for inclusion in the budget was made.

52. *The Audit Department.*—The manner in which the powers and responsibilities of the audit have been strengthened in accordance with the proposal in paragraph 77 of the Government of India's fifth despatch has affected

the administration of the Forest Department and the Government Press in the partial commercialization of accounts, and Government servants generally in their greater liability to be called to account as to the propriety of expenditure. The process of placing audit upon a basis of greater refinement than the former system of regulation by code has entailed a great deal of work and much misunderstanding. The Local Government have, however, maintained the close touch with the Audit Department which proximity of situation makes possible, and difficulties have been removed by co-operation. Government have had to complain on occasion* of a tendency on the part of the Audit Department to challenge a discretion that Government must assert. The expansion of the powers of audit and the legislature, and the constriction of executive discretion beyond the provisions of the existing law, are illustrated by present proposals to make remissions of revenue subject to review by these authorities, and to require budget grants for the purpose of covering such losses and over-payments as the audit may determine.

* *Vide* Appendix A, case 80.

The alteration of the character of audit, which in the Government of India's first despatch was expected to give the audit officer more time for looking into the manner in which the executive officers undertake their more important financial responsibilities, by absolving him from mere mechanical industry, has in practice imposed the burden of such industry upon the executive officers in so far as conscience compels them to perform the many checks for which they must certify.

53. *The Finance Department.*—As in other respects the work of Government has not been done in water-tight departments, so the fact that, the Government being small, the Finance Member and the Finance Secretary are responsible for other departments also, has led to a considerable degree of departmental interaction; the marked extent, however, to which the authority of the Finance Department has been accepted and treated as final, is due more to the stern necessity of avoiding fresh expenditure.* The records do not disclose the adoption by the Finance Department generally of an attitude unauthorised by statutory rule, but during the years when lack of funds

* *Vide* Appendix A, cases 53, 73.

prevented all but imperative demands from being considered, it mattered little whether its advice was interpretable, or was accepted, as a scrutiny based on accepted financial principles, or as a blank refusal. Since the exchequer has become more elastic, the correct relations between the department and spending departments have acquired more importance. Devolution Rule 44 empowers the Finance Department to require that advice given by it in the exercise of its function of criticising new schemes, or proposals for expenditure for which provision does not exist in the budget, shall be submitted to the Governor. The Government's business rules, framed under section 49(2) of the Act, go rather furher than this, since they require any case with regard to which two departments differ to be submitted to the Governor. The result has been that any proposal with which the administrative department has desired to proceed against the advice of the Fiance Department has had to be submitted to the Governor. Generally speaking the rules have worked satisfactorily, and, no modification in them is desired. A scrutiny of the records reveals that sometimes* even the most obvious examination is not made in the spending department, and in general examination of the propriety of proposals is left to the Finance Department as its proper work. In such circumstances the question whether the proposal is referred to that department before or after the view of the Member or Minister is taken† becomes of importance, but no uniformity in this respect has been observed. This tendency to leave the Finance Department to suggest the objections, and then to find the answers, has resulted frequently in a species of "delaying action" sometimes leading to the postponment by a year or more of ameliorations for the public services which were accepted as necessary.‡

* *Vide* Appendix A, cases 52, 55, 57, 65, 67, 70, 71, 72, 75—77.

† *Vide* Appendix A, cases 72, 79.

‡ *Vide* Appendix A, case 66.

No embarrassment has occurred in the relations of the department with other departments in respect of its other functions. In particular the difficulties of the Local Self-Government Department in dealing with the financial control of local bodies have been recognized, and the role of mentor has been combined with the general support of the

administrative departments. So also in connection with irregularities occurring in the Agricultural Department* the Finance Department contented itself with requiring the framing and observance of adequate rules.

* *Vide* Appendix A, case 79.

The amendment of Devolution Rule 31 to require that the division of windfalls during the year shall also be a matter for agreement between the parts of Government introduced no change of practice save that proposals for additional non-voted appropriations had henceforward, like additional voted grants, to be considered by Government as a whole. The actual non-voted additions thus made, though in some cases they did to a limited extent affect the division of funds in a future year, were unimportant, while the re-appropriation of voted funds for non-voted expenditure, which was at first permitted, was stopped at the instance of the Auditor General. It still, however, remains possible for re-appropriations, both voted and non-voted, which have received the approval of the Finance Department, but have not been discussed by both sides of Government, to affect to a limited extent the future division of funds. At the same time, the policy of the Audit Department has widened the scope of popular control by requiring the exhibition to the legislature of new appropriations for non-voted expenditure.

During the financial depression it was ordered that administrative approval should not be given to works unless the department concerned were satisfied that funds would be available. This led, when funds became more free, to the hasty examination of schemes, and to bad budgetting. The power conveyed by Devolution Rule 37 (*g*) (*iii*) has now been used to lay down that no new scheme, save for reasons of exceptional urgency, can be considered in relation to the budget, unless fully scrutinised in the Finance Department and administratively approved before the 1st November. The Finance Department requires to examine schemes in detail; both the question whether a particular item is a new scheme and the degree of detail in which it is necessary to present it for advice have been on occasion matters of controversy between the Finance and the administrative departments. The final decision, however, in such instances rests with the Governor. No instances have occurred of disagreement on the former point with the Audit Department

*Vide* Appendix A, cases 54, 56, 68, 74, 77.

and the Council, both which authorities might apparently claim a voice in the matter.

It may be noted that a practice has been established of requiring the concurrence of the Finance Department to the writing off of losses. This is not required by the rules, but all departments appear to have agreed to it as a measure of practical utility. The practice by which the department is also responsible for dealing *ab initio* with revisions of ministerial staff pay, except in the Public Works Department and Press, the staff of which is not entirely ministerial, has also been maintained after some discussion.

*Vide* Appendix A, case 28.

THE PUBLIC ACCOUNTS COMMITTEE.

54. The duties of the Public Accounts Committee are laid down in the rules of the Assam Legislative Council as follows:—

(1) To satisfy itself in scrutinising the audit and appropriation accounts of the province that the money voted by the Council has been spent within the scope of the demand granted by the Council—

(2) To bring to the notice of the Council—

(*i*) every re-appropriation from one grant to another grant,

(*ii*) every re-appropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Council; and

(*iii*) all expenditure which the Finance Department has requested should be brought to the notice of the Council.

The first committee was constituted in 1921-22 but had little to discuss as the accounts presented to it related to the pre-reforms period. In 1922-23 the committee met twice and in 1923-24 once. The audit and appropriation reports of the years for which accounts were ready were laid before

these committees together with a memorandum prepared by the Finance Department showing the action taken by Government on the objections raised. The committee on each occasion made a few suggestions, which were considered by Government, but generally agreed that the action taken was adequate. They also discussed supplementary demands for grants before they were placed before the Council. This duty has subsequently been transferred to the Finance Committee.

55. In 1923-24 the Auditor General expressed the opinion that the report of the Public Accounts Committee was inadequate, and it was arranged to hold the next meeting at a date when the Auditor General would be in Shillong, so that he would be able to attend and advise. Accordingly in 1924-25 the committee sat on four days, on the first of which the Auditor General was present.

It discussed the appropriation report for 1922-23 with special reference to excess expenditure over sanctioned grants, and made various suggestions of which the most important are as follows:—

(1) They considered that a better estimate should have been made of the charges incurred for stationery and printing and that the present arrangements were not economical.

Government have done what is possible to improve the arrangements for printing, and are still considering the matter.

(2) They asked that the tour diaries of a certain officer should be examined with a view to seeing whether his tour charges had not been excessive.

(3) They considered that in the case of a loss of Government money by embezzlement which was made possible by lack of supervision on the part of a certain officer, that officer should have been surcharged to the extent of the whole of the loss and not of a part only. Government were, however, unable to reconsider their decision.

(4) They advised that a limit of permissible outlay on residential buildings should be fixed in consideration of the emoluments of the officers

expected to occupy them. This recommendation was, however, reconsidered in the following year, as the loss then reported was not considerable. The point has recently been taken up again by Government.

(5) They advised that the accounts of the Jorhat Provincial Railway should be carefully scrutinised so that the loss on its working could be avoided.

In 1925-26 the committee met twice to discuss the accounts of 1923-24 with the help of the Finance Department's memorandum and examined the Superintending Engineer in connection with the expenditure on civil works.

56. In 1926-27 the constitution of the committee was slightly altered and the members instead of being elected annually were chosen for a period of three years, one-third retiring annually. There was also an important change of procedure. In place of the memorandum prepared by the Finance Department the Heads of Departments were called before the committee and examined on points raised by members, whether such points appeared in the audit and appropriation report or not.

Each department was held responsible for presenting and defending its case and the role of the Finance Department, except where it was directly concerned, was advisory only.

The committee sat rather longer than on previous occasions and paid particular attention to cases where there had been under-spending and where there was in consequence suspicion of over-budgetting.

In 1927-28 the same principle was followed of calling the Heads of Departments before the committee for examination.

The scope of the committee was somewhat widened by the acceptance by the Local Government of the view of the Auditor General that the Public Accounts Committee was competent to review and criticise non-voted as well as voted expenditure. The committee sat on three successive days, and after scrutinising in considerable detail the audit and appropriation reports for 1925-26 made several important criticisms which have been taken into consideration by Government. The following may be mentioned:—

(1) They considered that a defaulting *mauzadar* or collector of land revenue should have been prosecuted, and disciplinary action taken against the Subdivisional Officer for his failure to take steps in time.

Government considered that the error of judgment, if any, of the Subdivisional Officer, must be considered in the light of the fact that he was new to the subdivision and that he had done well in recovering all the dues except Rs. 261, and that the *mauzadar* had in fact been heavily punished, as he had been removed from his post and both he and his brother, who had been his surety, had been ruined. No further action was therefore taken.

(2) In the case of a jail official, who had been allowed to retire after a considerable loss had been incurred in brick making owing to his slackness or dishonesty, they advised that the amount of the loss should be recovered from his pension.

It was ascertained, however, that the official's pension had been sanctioned before his conduct in connection with the brick making came to light, and Government were advised that after the pension had been granted no deduction from it could be made.

(3) They recommended that the question of raising the fee rates in the Pine Mount European school should be considered. When it was suggested that it was unfair to select this particular school, they agreed that the question should be considered with regard to all schools.

However when the report was presented to the Council exception was taken to this point, and the report was adopted after excluding this item.

In addition to the above it has been found useful to explain various financial conventions to the Public Accounts Committee, and these after having been accepted by the committee have been adopted by the Council without further comment. The following may be mentioned:—

(1) In certain circumstances the unspent balance for a work in progress may be utilised on that work in the following year in anticipation of allotment.

(2) Where a token reduction only has been made by the Council under a particular head, re-appropriation can be made to that head unless it has been indicated in the course of the debate that the intention of the Council was definitely to reduce the amount to be spent.

(3) Petty excesses may be disregarded and re-appropriation is not necessary to cover them.

The committee has done useful work both in its scrutiny of the public accounts and by the opportunity for training afforded to non-official members of the Council in financial matters. The Auditor General looks forward to its further extension, and has suggested that information on further points as noted below shall be reported to the Audit Department and through that department to the Public Accounts Committee—

(1) All losses of Government money whether by relinquishment of claim, by overpayment, by damage to buildings, stores, etc., or by actual embezzlement.

(2) Cases where expenditure has been incurred, although either the Finance Committee have advised against it, or the Council has expressed direct disapproval of such expenditure.

These suggestions are under consideration.

### Financial relations between the reserved and transferred sides of Government.

57. The allocation of revenues to transferred and reserved subjects has been effected without friction by agreement under Devolution Rule 31, and recourse to Devolution Rule 32 has never been necessary.

Complaints have been made in Council from time to time that the reserved side has had the lion's share of the provincial revenues, and that the transferred departments have been starved. It may be useful therefore to analyse the figures of expenditure which have already been given. The repayment of loans and the provincial contribution may fairly be excluded from expenditure on the reserved side: so also may the expenditure on forests, which has been in-

curred solely with a view to an increased return from the Government estates, and the expenditure on civil works, which affects both sides of Government and is dealt with separately later. Excluding these the figures of expenditure on both sides are as follows:—

| | Reserved. | Transferred. |
|---|---|---|
| | TRS. | TRS. |
| 1921-22 ... ... | 94,35 | 59,89 |
| 1922-23 ... ... | 1,01,59 | 56,29 |
| 1923-24 ... ... | 91,24 | 53,57 |
| 1924-25 ... ... | 98,01 | 56,72 |
| 1925-26 ... ... | 99,91 | 66,70 |
| 1926-27 ... ... | 1,05,15 | 72,86 |
| 1927-28 (revised) ... | 1,05,05 | 75,59 |
| 1928-29 (budget) ... | 1,11,14 | 75,92 |

The heavy expenditure on the reserved side in 1922-23 was due to a charge of TRS. 6,13 which fell on the province on account of the Assam Rifles. The total increase during the eight years has been TRS. 16,79. Of this figure TRS. 12,06 is accounted for as follows:—the cost of the settlement operations, which are only temporary, is estimated to amount to TRS. 3,03 in 1928-29: there is an estimated increase of TRS. 3,23 under General Administration, due mainly to the gradual operation of the higher rates of pay, of TRS. 3,19 under Administration of Justice, which is due largely to the recommendation of the High Court for additional Judges, and of TRS. 2,61 under Pensions, which is an unavoidable charge. On the transferred side it will be seen that there has been a steady increase in all departments since the lean years of 1922-25, though it is not so large as Government could desire.

Civil works, as has been noted, are a reserved subject in Assam, but require separate treatment since so far as buildings are concerned the expenditure benefits all departments. During the last two years when funds have been freer, there has been heavy expenditure in constructing buildings in pursuance of new schemes which have been sanctioned in the education and other transferred departments, and this process is likely to continue. The expenditure on communications has also largely increased in consequence of the policy which has been adopted by the Council.

## RECOMMENDATIONS OF THE ASSAM GOVERNMENT.

58. It now remains for the Government of Assam to state the conclusions at which they have arrived as to the form of the Provincial Government under the new constitution.

(1) It is unnecessary to enter into a discussion of the inherent defects of dyarchy. They were admitted by the authors of the present system of government, who relied on a spirit of compromise to overcome the difficulties. In Assam that expectation has been realised, at any rate within the Executive Government, and on the whole the machine of government has worked smoothly during the transitional period. Such success, however, as has been obtained in Assam has been achieved not so much on account of dyarchy as in spite of it. Dyarchy has not really operated in Assam, the system which has been adopted from the outset approximating more to a form of cabinet government. To the free consultation between the two sides of the government on all important questions, and the readiness of each to co-operate with the other, must be attributed the freedom from actual friction in the method of Government created by the reforms scheme. The Legislative Council, however, and the general public, not being behind the scenes, have often attributed the absence of friction within the Government to the subservience of the Ministers. It has been alleged that they have always deferred to the opinions of what is described as the bureaucratic half of the Government. The Ministers have been charged with forsaking their principles as soon as they take office, and with failing to secure for the "nation building" departments their proper share of the provincial revenues. Instead of the Ministers obtaining credit for their share in the successful working of the Government machine, this success has, most unfairly, been made a count in their indictment. But little credit has been publicly paid to the tact and forbearance of both sides of Government during a period of extreme financial stringency.

However necessary dyarchy may have been as a stage in the political development of India, and whatever success may have been attained in Assam under the present system, the Government of Assam are definitely of opinion that dyarchy should no longer continue. Too much depends

on the personal equation in the working of the system; it satisfies nobody and is logically indefensible. The underlying presumption that it would in certain departments of Government at least supply a useful experiment in responsible government has not been fulfilled.

The Government of Assam therefore recommend that it should now be abandoned in favour of a unitary government, in which there should be no distinction of subjects as reserved or transferred. The Government should be a Cabinet consisting of the Governor and four Members of Government, the latter being chosen from the elected members of the Legislative Council. The term "Members of Government" is preferred to the name "Ministers" now in use. One of the four Members will be Chief Member. In the absence of any proper party organisation in Assam, the Members of the Government must be chosen by the Governor. The Governor will nominate them with due regard to their commanding a possible majority in the Legislative Council, and will also consult the Chief Member before nominating his colleagues. The Chief Member should be Vice-President of the Cabinet, and preside in the absence of the Governor. The Members should be nominated for the life time of the Legislative Council, which it has already been suggested, should be five years. They should be entitled to resign, but otherwise should be removable only by the Governor, or by a vote of no-confidence carried by the Council. In order to give the Members greater security, an important matter when, as at present, they cannot depend on any strong party organisation, the Government of Assam would make a majority of two-thirds of the total membership of the Legislative Council, including the nominated members, necessary for a vote of no-confidence. As, excluding the President, the total strength of the Legislative Council will, it is proposed, be 69, 46 votes would be required to carry a vote of no-confidence. There should be joint responsibility in the Cabinet. The President of the Council should be elected by the members of that body, including the nominated members. His salary should, together with that of the Deputy President, be fixed by statue.

Outside the Cabinet there should be a Financial Adviser, who should be an experienced civil servant of the class and standing now appointed to the Executive Council. He would exercise the powers now vested in the Finance

Department, and act also as adviser to the Governor and to the Cabinet. He should not be a member of the Legislative Council nor of the Cabinet.

The Government of Assam would fix the pay of the Members of Government by statute, and not make it subject to the annual vote of the Legislative Council. It is unfair to the Members to subject them to the indignity of meeting constant attempts to reduce their salary, attempts which may possibly be actuated by a desire for economy, but may be, and have been, intended as a means of turning them out of office. For the same reason the Government of Assam would prefer that the pay of the President of the Legislative Council should be fixed by statute. The pay of a Member of Government should be sufficient to attract the best men, and in addition a pension of Rs. 100 a month for each completed year of service should be attached to the post. His Excellency the Governor and the Finance Member consider that the pay should be fixed at Rs. 2,500 a month. The Indian Members of the Government consider it essential that the pay should be more than the pay, excluding overseas pay, of any civil servant in the province, except the Financial Advisor. The Finance Member agrees with this view of the Indian Members of the Government, but would meet it by an adjustment of the pay of the services, a larger share of the pay of European officers being treated as overseas pay than is now the case. The pay of the Financial Advisor should be the same as that of a Member of the Government, *plus* overseas pay if he is entitled to it

Powers of the Governor.

(2) In the present stage of the political development of the province it is necessary to reserve some power of intervention for the Governor and the Governor-General. In the detailed recommendations which the Government of Assam make under this head they have attempted, firstly, to give as much responsibility to the Local Government as is compatible with the paramount necessity of maintaining the safety of the province and of the rest of India, and, secondly, as far as possible to vest such control as is required in an outside authority, in order to minimise the risk of friction within the province. This latter principle is a denial of provincial autonomy, but the interests of the provinces are inter-dependent. Assam in particular is so

dependent on and affected by Bengal that provincial autonomy is not a practical proposition. The Government of Assam base their recommendations on the assumption that there will be a strong Central Government, and that the power to make regulations and ordinances now given to the Governor-General-in-Council and the Governor-General by sections 71 and 72 of the Government of India Act will be retained. On these assumptions they are able to recommend a reduction of the Governor's power of intervention.

(*a*) It will be necessary to provide for the temporary administration of the province in the event of a breakdown owing to obstruction, or other causes which make the formation of a Cabinet impossible. The Governor should be vested with the power to take over the administration temporarily, as he is now empowered to do in the case of the transferred subjects by the Transferred Subjects (Temporary Administration) Rules. Similarly some provision on the lines of section 91 (1) of the Government of India Act will be necessary.

(*b*) The power to frame business rules for the Executive Government and to distribute portfolios should remain with the Governor.

(*c*) The Government of Assam have already recommended that the Governor should be able to dismiss, or accept the resignation of, the Cabinet or any member thereof. They do not recommend that he should be given the power to override a decision of the majority of the Cabinet, but he should be empowered to refer to the Governor-General, if he differs from the Cabinet on any question which is now included in the Reservation of Bills Rules issued under Notification No. 313-S., dated the 16th December 1920. This will require as a corollary the grant to the Governor-General of a power of control in such matters, which would be binding on the Local Government.

The Ministers would prefer that the reference should be to the Governor-General-in-Council instead of to the Governor-General, but His Excellency and the Members of the Executive Council consider that the control should be vested in the Governor-General personally.

(*d*) The necessity of obtaining the Governor's concurrence in certain orders regarding an officer of an All-India Service, which is now required by Devolution Rule 10, should be retained,

(*e*) In relation to the Legislative Council it will be necessary to give the Governor power to authorise expenditure in certain circumstances, but in view of the changes proposed in the constitution, the proviso to sub-section (2) of section 72D of the Government of India Act will require revision. The Government of Assam recommend the omission of clause (*a*) of that proviso and the retention of clause (*b*) omitting the words "in cases of emergency." So revised, the law would empower the Governor to authorise such expenditure as may be necessary for the safety or tranquillity of the province or for the carrying on of any department. This would apply both to restoration of grants and the authorisation of expenditure in advance of a grant. The reservation of such power to the Governor is essential to guard against any attempt to cause a complete breakdown of the administration. The power now given to the Governor by clause (*c*) of the proviso to sub-section (2) of section 72D, whereby his recommendation is required before any proposal can be made for the appropriation of funds for any purpose, can be transferred from the Governor to the Governor in Council.

(*f*) It will be necessary to retain as "non-voted" certain classes of obligatory expenditure or expenditure required by statute, and the power of deciding whether any expenditure fulfils the conditions should remain with the Governor.

(*g*) The Governor should have power to reserve any bill for the consideration of the Governor-General, or to return it to the Legislative Council for reconsideration, but he should not have power to refuse assent to a bill himself.

Here also the Ministers, dissenting from His Excellency and the Members of the Executive Council, would place the control with the Governor-General-in-Council, instead of the Governor-General personally.

(*h*) The previous sanction of the Governor is now required by section 80C of the Government of India Act before any member of the Legislative Council can introduce any measure affecting the public revenues of the province or imposing any charge on those revenues.

The Minister for Education would substitute the sanction of the Governor in Council for the sanction of the Governor, but His Excellency and the Executive Council and the Minister for Local Self-Government would leave the

section of the Act unchanged. They prefer to relieve the Cabinet of the odium of refusing assent in such matters and they consider that in the interests of the stability of the provincial finances the control should be vested in the Governor personally.

(*i*) The Governor should retain the power to summon, prorogue or dissolve the Legislative Council, but the allotment of business in the Legislative Council, and the power to appoint the Secretary to the Council and his assistants, and to order publication of bills should be transferred from the Governor to the Governor-in-Council.

(*j*) The Governor's power to nominate additional members to the Legislative Council should be retained, but a convention should be established that before doing so he should consult the members who are to form the Cabinet.

(*k*) The provisions requiring the approval or concurrence of the Governor to the appointment or removal of the President or Deputy President of the Legislative Council should be retained.

(*l*) The powers to appoint Election Commissioners, and to decide questions of interpretation of the electoral rules, should remain with the Governor.

(*m*) The period of notice to be given in the case of all private bills should be one month. The present power contained in rule 19 of the Legislative Council Rules to extend the period to two months should be retained by the Governor.

(*n*) The Governor should not have power to refuse assent to any alterations of the standing orders of the Legislative Council, but he should have power to refer them for the orders of the Governor-General-in-Council.

(*o*) In one matter the Government of Assam recommend the grant to the Governor of new powers. The right of interpellation in the Legislative Council has undoubtedly been abused, and the rules and standing orders have not been strictly interpreted. The President of the Legislative Council has not as yet acquired either the recognition of his authority or the security of his post and emoluments which obtain in other countries. The failure to enforce the rules and standing orders in this matter may perhaps be attributed to the delicacy of his position.

The admissibility of questions is regulated partly by statutory rule and partly by standing order. Rule 7 of the Assam Legislative Council Rules prohibits questions on certain matters such as any matter affecting the relations with a foreign State or with any Prince or Chief under the suzeranity of His Majesty and any matter which is under adjudication by a Court of Law. If any doubt arises as to whether any question is or is not within the restrictions imposed by this rule, the decision is left to the Governor. On the other hand the power of interpreting Standing Order 14, which prescribes other conditions for the admissibility of a question, is left entirely to the President under Standing Order 15. It is within his discretion to disallow a question on the ground that it infringes any standing order. The Government of Assam would make Standing Order 14 a statutory rule and would add, as in rule 8, a sub-clause whereby, if any doubt arises whether any question does or does not fulfil the conditions of this rule, the Governor shall decide the point and his decision shall be final.

Similarly as regards resolutions, Standing Order 61 should be made a rule and a clause added giving the Governor the power of deciding whether a resolution complies with the conditions of the rule.

Second Chamber.

(3) The Government of Assam are agreed that there is at present no suitable material in Assam to constitute a Second Chamber. The Minister for Education would not in any case have approved the creation of a Second Chamber, but His Excellency and the other members of the Government would have welcomed a Second Chamber as the best check on hasty, predatory or communal legislation.

Provincial autonomy.

(4) The Government of Assam have already expressed the view that complete provincial autonomy is impracticable, on account of the interdependence of the provinces. Moreover, the Central Government must retain complete control over certain subjects, *e.g.*, posts and telegraphs, defence of India, foreign relations, etc. Even in other matters absolute autonomy is out of the question for Assam, and some power of supervision and control must be left to the Central Government. This will be discussed in more detail under Chapter V of the memoranda. The Minister for Education, while recognizing that some powers must be retained by the

Central Government, would prefer the theory that the Central Government is given powers only in certain subjects, the residuary powers being with the local Government, whereas the other members of Government would prefer that the ultimate authority should remain with the Central Government, powers in certain subjects being vested in local Governments.

Financial control.

(5) The Government of Assam do not desire to recommend any change in the system of financial control, except in so far as they have already recommended that a Financial Advisor should be appointed in whom the powers now exercised by the Finance Departemnt shall be vested. The Financial Advisor should have the power of requiring that any report of his should be laid by the Government before the Public Accounts Committee.

## APPENDIX A—

(Cases referred to in Chapter IV of the Memorandum.)

1. As the result of a resolution recommending that the rations of opium consumers should be gradually reduced so as to destroy the habit in 10 years, the Minister, who had not accepted the resolution on the ground of the danger of smuggling, reviewed the whole situation, the policy of Government, the demands of the Council and their power to refuse grants in a Transferred Department, and the policy of the League of Nations, and decided that the recommendation (which was subsequently endorsed by an advisory committee he appointed) should be fulfilled, a vigorous preventive policy being adopted at the same time. The Governor called his attention to the dangers of smuggling, and stated that he felt so strongly against a policy of forcible reduction of rations that he would rather require the retransference of the subject unless an adequate preventive staff were provided. The case was circulated. The Finance Member pointed out that the seizures of illicit opium, according to the last Excise report from Burma, amounted to no less than ¼ of the licit rations (which were in some cases much higher than any allowed in Assam). The Excise Minister was not prepared to recede. The matter was discussed at a meeting of the whole Government, and it was decided to carry out the recommendation if the Council voted the increase of preventive staff which the Minister had decided upon, including the revival of the post of Excise Commissioner.

2. There had been a royalty on lac at varying rates in the districts, sanctioned in 1907. Lac is mostly grown on land used for temporary cultivation and then abandoned in the unclassed forests, or, in some cases, on leased lands. It is not found wild to any extent. The duty was removed in 1914 as a temporary measure in order to encourage development of the industry and in view of low prices. In 1921 the Deputy Commissioner, Nowgong, pointed out that prices had risen and a large amount of lac was exported by people who paid practically nothing in revenue and nothing for the land. There was some delay in considering how such royalty could be collected, the Conservators of Forests though willing to collect it, if no exceptions were made in favour of leased lands, etc., thinking it should be realized by the Revenue officers, since lac was propagated on field crops. At the same time a proposal for the development of the lac industry and establishing a lac factory had to be dropped in view of the discouraging opinions held, and the unwillingness of each department to make the question its own. The royalty had not been withdrawn by notification, but by executive orders. The proposal to place a flat rate on lac all over the province however now required a new notification, and it was observed that technically this could be issued because lac, though propagated on field crops, was defined as " forest produce " in the Regulation " whether found in, or brought from, a forest or not."

The Minister for Agriculture and his colleague objected on several grounds, first that the proposal went outside the intention of the Regulation, second that it would discourage cultivation, and third that the duty, as had been found when previously in force, would fall on the cultivator and not on the consumer in Calcutta or the middleman, who knew how to protect themselves.

The Finance Member however was unwilling to drop a promising source of revenue. The case was considered in a Government meeting, and the Judicial Member agreeing to the imposition provided leased lands were exempted, the royalty was imposed. On the initiative of the Governor the Forest Department have lately introduced experimentally an improved brood of lac and are trying local lac on hard barked trees. A question of development by means of Government arrangements for collection and sale is under consideration. Government have introduced a sliding scale royalty varying according to the Calcutta price.

3. When in 1922 the reduction of the post of one Conservator and the reduction of major charges from 9 to 5 were proposed owing to the need for economy and the poor expansion of revenue from forests, only the *sâl* forests giving prospect of profitble working, the Government of India approved only the holding in abeyance of one Conservator and four Deputy Conservators' posts pending the retirement of the Conservator concerned. Some years later the position had improved, but *sâl* was still the only timber for which there was an effective demand, and the revised proposals were that one Conservator and 2 Deputy Conservatorships should be held in abeyance till 1928. The expansion of revenue since then has falsified pessimism owing to the heavy demand for railway sleepers, the growing timber market, and the discovery of methods for making soft woods fit for use as sleepers. Besides a Forest Engineer to relieve the regular departmental officers of increasing work connected with mechanical exploitation, and the retention of a sylviculturist, the necessity of framing and revising working plans and supervising the new important divisions hitherto classed as minor, necessitated increase of the cadre of the service, and revival, to deal with the problems now confronting the Forest staff, of the post of second Conservator which the retrenchment committee in 1922 had recommended to be abolished only so long as Government did not intend to adopt a forward policy. The work had now become too heavy for one Conservator. Proposals were therefore to be made to the Government of India.

The Finance Department and the Governor accepted the proposals of the Revenue Department. Owing to a standing order passed by the Finance Member in 1926, that all additional appropriations and funds for non-voted expenditure should be laid before a meeting of the whole Government in the same way as supplementary demands for voted expenditure, the case was circulated to Ministers. The Education Minister objected that the policy of exploitation adopted meant loss of capital which the Department was doing little to restore, and he particularly objected to the reappointment of a second Conservator. At a meeting of the whole Government the only point of difference was the appointment of the second Conservator, which the Education Minister considered should not be proceeded with at present. The remaining members of Government approved the proposals in entirety.

4. A co-operative sale society, the first of its kind, applied for a recurring grant of Rs. 10,000 for five years from Government in order to assist the society in its initial stage. The Registrar forwarding the application recommended a grant of Rs. 4,500 for one year; this was supported by the Minister. The Finance Department queried the propriety of giving such a grant while the constitution and direction of the society were still nebulous and as the proposal was not in accordance with the present policy of Government as regards financial aid to co-operative societies. The case was submitted to the Governor, who discussed it with the Minister and Finance Member, and passed orders that Government would meet the pay of the agricultural inspector while deputed to aid in forming the society, but as required by the Finance Department the usual leave and pension contributions would have to be met from its subscribed capital. The Minister referred the case back to the Governor enquiring whether the hire charges of the jute godown would be met by Government for one year as he had suggested and understood to be accepted. The Governor passed orders in the affirmative.

5. When a resolution was tabled asking for the appointment of judicial officers as munsiffs in the plains stations of Cachar, the Ministers agreed that the resolution should be opposed, there not being enough work for a munsiff, particularly at Hailakandi, and the proposal entailing increased cost. They were not consulted when the question of the action to be taken came up after the resolution had been carried.

6. When the first resolution for the separation of judicial and executive functions was tabled, the Judicial Member proposed to agree as to the soundness of the

principle involved, but to state that it was impossible for financial reasons to carry it into effect at once; and to agree to the constitution of a committee to frame a workable scheme for consideration. The Revenue and Finance Member held that the hill districts should not even be mentioned, and thought any scheme should refer to Sylhet only in the first instance, and that the Commissioner and Judge should prepare it. The Governor directed the case to be dealt with in the Executive Council, and this was done. In the Legislative Council the theoretic desirability of the separation was admitted, but it was given as the opinion of Government that the existing system had on the whole worked well. It was suggested that the Commissioners and Judges should do the spade work and their report be laid before the Council. The Council adopted an amendment requiring separation to be introduced as soon and to such extent as possible. The reports obtained were laid before the Council. In 1924 a resolution was tabled asking that a committee be appointed of officials and non-officials to consider the question and report. It was decided with the approval of the sole Minister to oppose, if this was a new scheme, but to offer to lay the schemes already prepared before a committee as had been forecast in 1922. The mover, being consulted as proposed by the Minister, stated he wished the committee to proceed *de novo*, and it was decided to oppose without referring again to the Minister. The Council accepted an amendment proposing a committee to consider the previous schemes, and to frame a new one if necessary. The Judicial Member proposed a committee which was largely increased at the instance of the Governor, and the members were selected after consulting the Ministers (now two). The committee reported affirming the principle of separation and proposing to meet the increased cost by abolishing Superintendents of Police and the Superintendents of Excise. The report was presented to the Council, and as decided at a meeting of the whole Government, the action of the Council was awaited, since which no step has been taken in the Council except that a question has been put, asking when Government propose to give effect to the scheme. The Members of the Executive Council recorded their opinion that the proposed abolition of Superintendents of Police was impracticable. Further consideration has been postponed pending a decision of the Secretary of State on the general question.

7. In the Assam Municipal Bill, 1922, as originally drafted, the local Government had been given power to make rules under the Act subject only to the condition of previous publication. In Select Committee, in spite of arguments and remonstrance by the official members, a further condition was inserted that the rules must be laid before the Legislative Council, and it was also provided that after the rules have been so laid the Council may annul or modify them though without prejudice to the validity of anything previously done thereunder. The Government members reluctantly accepted the decision of the majority of the committee as a compromise and the bill was ultimately passed with the clause in this form. In 1926 a similar clause was proposed to be inserted in the Assam Local Self-Government Amendment Bill. But when the bill was submitted to the Government of India for the Governor General's previous sanction they replied that the clause in question involved an exceedingly objectionable trespass by the Legislature on the province of the Executive, and suggested that it should be omitted or modified, as a Government bill containing such a provision would create an unfortunate precedent. The Minister responsible for the measure pointed out that the analogous provision in the Assam Municipal Act had not been objected to by the Government of India and that a similar provision exists in section 129 (A) (3) of the Government of India Act. He also stated that he could not understand how the proposed clause involved any trespass on the province of the Executive, seeing that the rule-making power is one given to the Executive by the Legislature. The Governor however considered that the objection taken by the Government of India was based on sound constitutional grounds, inasmuch as the clause in effect gave the Council uncontrolled and final authority in the matter of rule-making, and deliberately invited deadlocks.

The constitutional aspect being examined, as a result of the Governor's orders, it was represented that the Minister's view, *viz.*, that the clause was not unconstitutional althouh it might be open to practical objections, was correct, and it was suggested that if these objections were considered serious, the Governor could withhold his assent from the bill unless the Council was prepared to reconsider the clause under section 81 A of the Government of India Act. It was also pointed out that the very object of separating rules from the substantive law is to secure more freedom and elasticity in matters deemed to be of minor importance, and that it cannot be made an objection to this form of procedure, that it does secure for the rules freedom from certain checks to which ordinary legislation is subject. The Governor dissented on the constitutional issue, and thought that from the practical point of view an easy way out of the difficulty would be to invite the Governor General to refuse previous sanction to a bill containing a clause of this form under section 80A of the Government of India Act. This would make it impossible for the clause to be inserted in the bill not only at the time of introduction, but even subsequently by way of an amendment, and would thus obviate the necessity for the use of the Governor's veto. The subject was considered at a Government meeting and a letter setting forth in detail the views of the Governor in Council, which agreed with those of the Governor, and also the dissenting views of the Ministers, was addressed to the Government of India, in which it was suggested that the Governor General should be moved to consider the propriety of refusing previous sanction to the Legislative Council to take the objectionable clause into consideration. The Government of India replied that the clause in question did not require the Governor General's previous sanction, so that the question of refusing sanction did not arise. The bill however contained certain other clauses which did require previous sanction, and the Government of India indicated in their reply that they would move the Governor General to give his sanction to the introduction of the bill only when the clause conferring rule-making powers had been suitably modified. They also noted that in the event of the Council seeking by amendment to replace the objectionable provision the attempt should be opposed, and if necessary the Governor should be moved to return the bill for reconsideration under section 81A of the Government of India Act as an alternative to refusing assent. The Government of Assam conconsidered this attitude illogical and the Minister in charge pointed out that he could introduce this clause by a separate bill, thereby getting over the difficulty about sanction. He however consented to drop the clause and the Council passed the bill without making any attempt to reinsert it. Subsequently notices were received for two successive sessions of the Council of a resolution recommending that the Act should be amended so as to require all rules made thereunder to be placed before the Legislative Council. It was decided at a government meeting that the resolution should be opposed, but the necessity did not arise as the resolution was not moved during either session.

8. When the views of the Government of Assam were invited on the recommendations of the Lee Commission on the Superior Civil services, the many questions involved were considered at meetings of the whole Government. The replies conveyed the views of the whole Government or, where they differed, of individual Members. The Ministers disagreed from the Executive Council in wishing to stop European recruitment in the Indian Civil Service and the Police Service for five years, or if this were not accepted in desiring to recruit to a ratio of 40 Europeans to 60 Indians, this ratio to be attained in 10 years in the case of the Indian Civil Service as against a ratio of 50 : : 50 proposed by the Executive Council, without a time limit; and to a ratio of 50 : : 50 to be attained in 15 years in the case of the Indian Police Service, as against the same ratio without time limit proposed by the Executive Council. The Ministers differed from each other on the question of competitive examination and on the pay of Indian recruits to the All-India Services. There were other lesser points of disagreement.

9. In 1922 the Governor, on a visit to the law college, enquired as to the status of the college and the careers of the students. It had been started on a proposal made in 1912 in order to provide Assamese students with facilities for legal studies within the province. In 1914 there were 76 pleaders practising in the Assam Valley and 158 in the Surma Valley, while in 1921 there were respectively 142 and 257. Even after establishment of the college many students from the Surma Valley still continued to go to Calcutta for training in law, and few now read at Gauhati. The cost of the college was some Rs. 20,000 per annum during the years 1925-26 to 1927-28 with Rs. 4,800 for interest on capital, while the receipts from fees during the same period averaged about Rs. 9,000.

The Education Minister admitted the store set upon the school by inhabitants of the Assam Valley but considered the legal profession overcrowded and the school a white elephant. He therefore proposed its abolition as a measure of retrenchment. The Governor requested the opinion of the Judicial Member who, laying stress on feeling in the Assam Valley, and pointing out that legal education was regarded as a good training in itself even if not followed up by a legal career, pressed for retention, with restrictions, if necessary, on admission. A Government meeting deferred a final decision pending examination by the Finance Department, the Education Minister recording a desire to sanction a continuance on a temporary basis, in view of the Judicial Member's opinion, subject to examination of the possibility of effecting retrenchments and raising fees. The Finance Department regarded the college as a luxury but saw no objection to raising fees. After consideration of possible economies the Education Minister proposed the continuance of the college for the present unless the financial situation got worse. He noted that on his last tour in the Assam Valley he had found leading non-official gentlemen including pleaders almost unanimous in favour of continuance, having it appeared, a sort of sentimental attachment to the college. He would raise the fees from Rs. 6 to the Calcutta rate of Rs. 7-8. The Governor thought it ridiculous to pay Rs. 15,000 a year in training candidates for an already overcrowded profession, but agreed to continuance for another year subject to the fees being raised. He considered that if at the end of that time further retrenchments were necessary, the college should be abolished. In 1924 the financial position being slightly better, the Minister thought of issuing a communique and taking the Council's opinion as to the future of the college. It was, however, decided at a Government meeting to extend the life of the institution for another year. In 1925 the Minister had definitely made up his mind that the province must have its own institution, and, if it were abolished, would have to pay still more by way of scholarships and maintenance charges for Assam students in the Bengal colleges. The Finance Member disagreed on most points. The Member for Local Self-Government, previously Education Minister, stated as before he did not agree with his colleague, but if the college were abolished, the strong feeling entertained would no doubt make his colleague's position in the Assam Valley untenable. So much money was wasted in placating the Council, *e.g.*, in the number of Council sessions, that he did not think that this particular extravagance mattered much in the cause of peace. It was decided at a Government meeting to extend the life of the college for three years more. The college received another lease of life for three years in 1928.

10-11.—Not printed.

12. The Government of India asked the advice of the local Government on the question of uniformity in permitting fees to be charged in Government hospitals for operations, whether in paying wards or public wards, and allowing Government doctors to take the whole or part of the fees, beyond those fixed for hospital services, in view particularly of the Secretary of State's responsibility for the Indian Medical Service. The Inspector General was in favour of well-to-do patients, if they were to be admitted at all to charitable hospitals, being charged, and the fees given to the

doctors. The Governor and the Finance Member were in favour of well-to-do persons being charged, if admitted to special wards. The other member and the two Ministers were not in favour of fees being charged at all, except for hospital services in paying wards, as the practice would lay the public opened to hardship and abuse, it being difficult to discriminate the well-to-do from the poor ; they held that well-to-do persons rarely entered hospitals, and only did so to escape payment of doctor's fees. The matter was considered at a Government meeting, which decided that fees should not be levied either in paying wards or public wards. It was, however, subsequently pointed out that it was doubtful whether the Local Government had power to issue such orders with reference to officers of the Indian Medical Service. Government were reluctant to issue orders which would prohibit medical officers not belonging to that service from charging fees, while leaving it open to Indian Medical Service officers to do so. In order to obtain a clear ruling on the point the question has been referred to the Government of India for decision.

13. The continuance of the leper survey, and the expedition of it by the creation of two extra survey parties were accepted when the conference discussed leprosy policy in June 1926, at the request of the Minister. No further action in the matter of leprosy was taken, except the progress of the scheme for the Leper Hospital at Jorhat (which was made ready in time for the budget of 1928-29) until August 1927 when the Governor, after an interview with the Inspector General, again raised the question whether the survey served any purpose. The Minister reviewed the purpose, *i.e.*, to obtain accurate statistics, in order to start hospitals and clinics, and enquired how the survey was progressing. The Inspector General reported that five districts were nearly complete. The Minister referred the file to the Governor without giving an opinion. The Governor again repeated his doubts especially seeing the bad condition of a dispensary which could not be improved for lack of funds, whether so much money should be spent simply upon obtaining statistics, and enquired the cost to date. The Minister observed that 8,072 lepers had been discovered in 5 districts (against 4,000 in the census for all Assam), and also expressing doubts as to the value, enquired as to methods of treatment. The Inspector General stated that a colony was the only real solution. The Minister then observed that the survey might be stopped, and the money spent on colonies or dispensaries. The Governor observed that a lakh had been spent on obtaining statistics at a time when other services were in low water, and the matter must have assumed great importance with Government's predecessors, but he would like to know what was to be done when and if a further two lakhs had been spent in completion. At his direction the file was circulated, and all members of Government agreed at a meeting to close the survey from 31st December 1927. Subsequently however the Governor after discussion with the Inspector General agreed to continue it till the end of February 1928 ; he observed that in view of financial difficulties it seemed impossible to do more than proceed with the Jorhat hospital. There was some difficulty in disposing of the staff, in view of the Minister's proposals for increasing the cadre of assistant surgeons, which were only partially approved in the Finance Department, but notice of discharge was served on the subordinate and menial staff some four months after the date of the Government meeting.

14.—Not printed.

15. The views of Government were invited on the proposal on the bill in the Legislative Assembly for the creation of a single medical Council to control medical education on both Eastern and Western methods. Government, as the result of a meeting, opposed the proposal. The Minister in charge of Medical had supported the proposal.

16. The views of Government being invited on the question of making the offences of criminal breach of trust, trespass, and house-trespass non-cognizable, the Judicial Member recorded his views that trespass should be cognizable and the

Minister in charge of transferred departments that breach of trust should be cognizable. The Governor recorded his opinion that all the offences should be non-cognizable. At a Government meeting it was decided that house-trespass should be made cognizable if the police had or were given sufficient power to arrest loiterers, the Finance Member disagreeing. It was agreed that breach of trust should be cognizable.

17. The Director of Public Instruction proposed in 1922 the provincialisation of a high school and the Minister supported the proposal. The Finance Department, however, informed him that money would not be available. The school was shortly afterwards inspected by the Minister, who stated that although much Government money had been spent on the school, it was in a bad way on account of troubles arising from Mr. Gandhi's visit, and he asked for provision for certain improvements. The Governor thought that if the Director of Public Instruction could not find funds for the school by other curtailments in his budget, nothing should be done, and he directed that the case should go before a Government meeting. The Government meeting approved the Governor's proposal. The Director of Public Instruction was consulted on the question of funds ; he regretted that he had not been consulted on the proposal for improving the school, but only on the question of finding funds.

18. On a resolution recommending that the Government of India should be requested to pay the whole cost of the hill districts in September 1924, one Member and the Ministers proposed that the Government should offer to forward the debates to the Government of India. The Governor considered that since the incidence of cost of the Assam Rifles and the hill districts had been frequently brought before the Central Government, to approach them again would result in a snub. At a Government meeting it was decided to forward the debates.

19. On the question of abolishing the posts of Commissioners one Minister held, as he had before the Assam retrenchment committee, that this should be done. The other Minister agreed with the Governor that Commissioners were necessary since the province is not homogeneous nor every portion reachable by Members of Government, and problems arise which require local knowledge. The Governor pointed out that the non co-operation movement had demonstrated the desirability of continuity and expedition in administration. One Minister considered in relation to this question that it would be better to reduce the Ministers to one than to do away with the Indian Executive Councillor. The other Minister considered that the case of the Commissioners was arguable but disagreed on the subject of the Executive Councillor.

20. The recommendations of the Lee Commission as to grouping of stations for the purpose of treatment of the Government servants with European domicile were considered at a Government meeting to be impracticable for Assam in view of the poor quality of commuications but suggestions were made, if this was considered essential. When the Government of India's proposals were received they were considered at another meeting. The Minister in charge of Medical considered that they met the terms which had been agreed upon. The Minister for Education considered that the proposals were unfavourable to Indian officers and particularly Indian officers of the Indian Medical Service but did not wish to record a separate opinion.

21. The request of the Government of India that the proposals to provide for the recommendations of the Lee Commission and to meet the needs of the Military authorities by reserving appointments for the Indian Medical Service and grouping the districts accordingly should be brought into force was considered at a Government meeting. The Minister in charge recorded his opinion that the fact that Indian Medical Service officers would be debarred from some important stations was a serious

drawback. He accepted the decision of the meeting, however, his wishes being met to the extent that the group station was made alternative, and the three hill stations allocated to the Indian Medical Department were not definitely reserved for Indian Medical Department officers, at the proposal of the Governor.

22. The question of the recruitment of natives of provinces to the All-India Services evoked wide differences of opinion on the question whether recruitment should be made by competition for all vacancies or for a percentage of vacancies, and whether there should be a permanent preference or a preference limited by time for candidates from the provinces, who should be required to pass a qualifying test. Finally it was decided at a Government meeting that for an experimental period of 5 years a portion should be recruited by competition and another portion on a qualifying test only. One Minister considered that there should be no time limit.

23. The views of Government being invited on the principle of recruitment to the Indian Civil Service, there was general agreement as to the methods of examination of the Indian Civil Service and as to the *viva voce* examination. One Member's views as to the possibility of separate recruitment for Europeans in London and one Minister's views to the effect that there should be simultaneous competition and no restriction by reservation of vacancies, were reported.

24. When resolutions were tabled at the Council recommending the dismissal of a sub-inspector who had been successfully sued in a civil court for damages on account of a house search carried out by him in 1922, the Ministers considered that Government should undertake further to consider the matter. In the opinion of one the trouble was due to the fact that the officer had not been transferred from the police station concerned, though the Judicial Member had engaged to enquire into the question of his transfer. The Members of the Executive Council held, apart from the fact that the question had been decided by their predecessors, that there was nothing to show that the sub-inspector had acted otherwise than *bona fide* or that malice had been proved against him, and therefore there was nothing for the present Government further to consider. They thought that to allow the Council to move Government to make an enquiry, which could have no outcome, would put Government in a false position. It was decided to oppose. The facts of this case have been stated in the memoranda.

25. In 1926 the views of Government were invited on the formula proposed by the Government of India for determining the seniority of officers promoted from the provincial service to the Indian Civil Service, viz., that seniority as between such officers and officers of the Indian Civil service promoted after them should be determined by length of service in the Provincial Civil Service and Indian Civil Service respectively provided that no service rendered by a Provincial Civil Service officer before he had attained the age of 26 should be reckoned for this purpose. The Government of Assam concurred. The Assam Indian Civil service Association subsequently requested that the formula be amplified by a provision that an Indian Civil Service officer holding a superior post should rank senior to any holder of a listed post who had obtained it after the former had completed 11 years' service, provided, that the Indian Civil Service officer had then crossed the efficiency bar. The Members of Council considered that the Association might reasonably have claimed that all officers recruited before the recruitment for listed posts was stopped, should rank on the superior scale above promoted members of the provincial service, and that, to prevent such an officer who might be promoted late from being doubly penalised when the time came for promotion to a selection post, the proposal of the Association should be adopted. They did not consider that the same considerations applied to new entrants, for whom the criteria of length of service would be sufficient. The Ministers considered that the Government of India's proposals were sufficient for both new and old members of the services. The views of Executive Councillors were accepted as those of Government, and the Ministers' views reported. The

Governor had been inclined to think that for new entrants also, a criterion other than length of service was required.

26. The Indian Police Service Association protested against the existence of a special rule, applicable to themselves only, disallowing travelling allowance for journeys of less than 20 miles in a day except in the course of a tour which must extend to two nights and cover visits to two or more police stations. Government at a meeting refused to cancel the rule, which was of long standing and was intended to prevent short unprofitable journeys. The Inspector General of Police in this connection had proposed that the rule should be extended to the provincial service, as in Bengal, and this was approved. The Ministers objected to such an extension, but recorded no reasons.

27. When the local Government were consulted as to the transfer of land acquisition, government presses and provincial law reports, the Governor in Council held that, as the subject of land acquisition is intimately connected with land revenue administration, and proceedings are carried out by the Land Revenue staff, it should not be transferred. The Ministers were consulted. One held that this was his personal opinion also, but since the Council had requested the transfer of all subjects he must support their request. The other Minister saw no reason why land acquisition should be reserved because land revenue was reserved. The same argument had not, he noted, been applied to fisheries.

A similar position was taken by the Ministers and the Governor in Council when the subjects of boilers, gas and housing were proposed for transference. One Minister held that since boilers and housing of labour were closely connected with immigration, they should go with that subject; the other that transfer of any subject should be welcomed. The matter was considered at a Government meeting. The Governor in Council replied that they were not willing to transfer these subjects and expressed no opinion concerning gas; but the Ministers' views were reported.

28. It has been the practice for propositions concerning the pay of ministerial officers to be examined *ab initio* in the Finance Department, and in view of the fact that ministerial duties are similar in all offices the practice continued under the reformed Government. In a case where memorials of clerks in a transferred department office had been rejected with the concurrence of the Governor without the Minister being consulted the latter objected that the procedure, besides being unfair to his responsibility, was not observed in certain "reserved" offices. The Governor agreed with the Finance Member, that the offices mentioned were not entirely concerned with ministerial work, and that the procedure of examining all ministerial cases in one department was convenient; he considered however that the Minister should be consulted before issue of orders. The Ministers disputed the statement that the Finance Department was capable of examining the nature of the work because ministerial, without the advice of the administrative department. At a Government meeting it was decided to retain the practice, but that the Ministers should be consulted before issue of orders.

29. It was proposed in 1922 to provincialise two high schools in order to complete the policy of maintaining Government high schools at all district and subdivisional headquarters. The Finance Department stated that funds would not be forthcoming. The Minister after inspecting one school requested that proposals for giving an increased grant to meet certain teaching needs should be considered by the Governor, in view of the bad condition into which the teaching had fallen. He noted the requests of the school committee headed by a prominent member of Council. The Governor observed that provincial finances were bad, and asked whether the increased grant could be met by curtailment of expenditure elsewhere. The head of the department stated that this was not possible, and suggested that he might have been consulted upon the particular proposals of the Minister. It

was decided at a Government meeting, the Education Minister dissenting, that provincialization should stand over and any increase in grant be met by re-appropriation.

30. The Government of India brought to the attention of the local Government the questions raised by the Indian Jails Committee regarding the constitution of advisory boards to review long-term sentences. In common with other provinces the Government of Assam were not financially or otherwise in a position to provide for a proper probationary system, and the question therefore resolved itself, as at Bombay, into one of creating committees to review short-term sentences. The matter had become of importance during the days of non-co-operation because of the overcrowding of the jails. When consulted, the Inspector General of Prisons placed proposals to carry this into effect before Government, and the Judicial Member accepted them. The Inspector General subsequently however pointed out the objections to any such scheme, the wirepulling, discontent, expense and undermining of the authority of the judiciary to which it might give rise, and the matter dropped. The Inspector General of Prisons was shortly after relieved and his successor put up a case for reconsideration of the orders. The Judicial Member asked for a discussion with the Governor. The Governor then wrote a note emphasising the new character of the present Inspector General's proposals which amounted to a scheme for prevention of the undermining in jails of the character of long-term prisoners, and the difficulties involved, especially in finding for the proposed board any material enabling them to come to a conclusion, and in supervising released prisoners. He requested the Member, if he were not prepared to drop the proposal, to have it taken to Executive Council. The Member dropped the proposal, and the Inspector General of Prisons was shown his order.

31. A Political Officer in 1921 represented that his pay should be fixed according to the orders in the case of his predecessor. His request was rejected, as his predecessor's pay had been fixed at a rate personal to himself.

The Government of India were however asked to sanction a charge allowance of Rs. 150, which they refused to do, on the ground that the Political Officer received a compensatory allowance of Rs. 250. The Political Officer again represented against the decision regarding his salary without effect, on which he filed a memorial to the Secretary of State in 1925. The Government of Assam forwarded this, stating they would only recommend the charge allowance of Rs. 150. The Secretary of State however observed that, as pointed out by the Government of India, the compensatory allowance had now been made "special pay," and he considered retrospective effect might be given to their decision, while the local Government could themselves sanction any necessary compensatory allowance. It was accordingly proposed to give the Political Officers, Sadiya and Balipara, and the Assistant Political Officers, certain compensatory allowances. The Finance Member objected on grounds that Deputy Commissioners holding certain analogous appointments got no such allowances. The Governor ordered the case to be taken to Executive Council, but later in view of the fact that the Judicial Member agreed with himself ordered the case to be seen by the Finance Member before orders issued, noting that there was really nothing to be discussed in Council. The Finance Member requested that his notes should be recorded and steps were then taken to issue orders.

32. In September 1925 a resolution was moved recommending to Government the settlement of all available waste land with Indians, giving preference to Assamese and the encouragement of ordinary cultivation on a large scale.

The Revenue Member, replying, referred to a former speech of the mover and challenged him to produce evidence outside the Council of unfair discrimination in favour of Europeans. The debate then went against Government and there was a great deal of recrimination and accusation as to unfair discrimination; in the division the whole Indian element voted against Government, the Ministers abstaining.

The Revenue Member subsequently proposed to call upon one member who had quoted an instance of discrimination to state the objectional cases openly outside the Council on some suitable occasion, and to tell him that failing this no notice would be taken of them. He thought that Government servants had a legitimate grievance that such accusations could be made in Council without sufficient attempt at their defence.

The Governor, His Excellency Sir John Kerr, thought the discussions in Council had taken an unfortunate line; the speeches at first were moderate and he sympathised and knew the Hon'ble Member's sympathy with the feeling of the Assamese and their desire to encourage the development of the land by small Assamese capitalists. The matter was in fact not a party one, and the resolution though badly worded was an attempt to get the sympathy of Government recorded. A reply on these lines would have led to it being withdrawn. He preferred to take no notice of the accusations made after battle had been joined. His own conscience was clear at least as to the absence of any reasonable complaint that officers in the plains had been thrown to the wolves.

The Revenue Member disagreed. He was compelled to take up the challenge on behalf of Government and the Deputy Commissioners who had been accused of invidiously favouring Europeans. The division was on racial lines.

The Governor decided that no notice should be taken of the speeches. The case was not discussed in Council.

33.—Not printed.

34. At about the same time there was disagreement about allowing a central co-operative bank to be built in the precincts of a district office. Orders issued after the opinion of the Revenue Member had been recorded as a minute of dissent.

35. In several cases of fixing maximum prices for excisable articles, prior to the transfer of Excise, the Member in charge objected to such maximum, but left the decision to the Governor who decided against the Member.

36. A sub-inspector of police was charged among other offences with the improper detention of an accused person who had taken over a package containing a gun from the railway station, but subsequently returned it, with being hopelessly drunk on a steamer flat, and with insubordination. He was dismissed on the findings in these three cases by the Inspector General. The Judicial Member held that since the detention of an accused person must be a matter for the discretion of the investigating officer, since the maximum period provided by the law was not exceeded, and since there was no charge alleging improper motives for the detention of the man, the first charge must fail. As to the charge of drunkenness there were irregularities in the proceedings and some of the witnesses during the proceedings had retracted their statements made before the charge was framed, even the principal witness modifying his evidence. This charge therefore was also not proved. The finding as to the disobedience of orders was upheld but this offence was in his opinion not so serious as to justify dismissal. The sub-inspector should be degraded for one year.

The Governor was unable to agree. The sub-inspector must either be a fool or a knave, since there was the showing of respectable witnesses, one of whom offered bail, that the accusation against a respectable trader in this case could not stand the slightest investigation. The sub-inspector was in any case quite unfitted to exercise the powers of a police officer. There was ample evidence that he was grossly intemperate of habits and on at least one occasion had been dead drunk on the refreshment room flat, and it had not even been suggested that the refreshment room manager had any reason for giving false evidence. The sub-inspector was unfit for retention and should be dismissed. The Governor directed that if the Judicial

Member adhered to his views, the case should be circulated to the third member of Council. The Judicial Member ordered that orders should issue in the sense of the Governor's finding.

37. A sub-inspector of police who was suffering from a chronic ailment was ordered leave by the Civil Surgeon of his own district in the following cold weather for treatment in Calcutta. Wishing immediate leave, he went to another civil station, and there obtained the written advice of the Civil Surgeon that he should have leave; and this he presented to his Superintendent. Leave was refused till September, and meanwhile he was called upon to explain his action; whereupon he submitted a petition to the Inspector General of Civil Hospitals couched in language very disrespectful to his Superintendent. He had been recently reduced for a term of years for other misconduct.

The Judicial Member accepted the advice of his office that the obtaining of the second Civil Surgeon's certificate was insubordinate, but that in view of his ailment an extension of the period of reduction would suffice for punishment. As this order overruled the Inspector General of Police's sentence of dismissal the case was submitted to the Governor, who disagreed, holding that such evasive expedients must be adequately punished in the interests of discipline and the order of dismissal upheld. The case was circulated to the Revenue Member, who agreed with the Governor.

38. In 1921 when excise was a reserved subject the tea planters of a group of gardens represented that there was a good deal of drunkenness on the gardens, and requested the closure of a shop. A conference was held, at which they proposed that over an area served by several excise shops—

(1) Only the weaker liquor should be sold;

(2) Only one bottle might be taken by a man in one day;

(3) The hours of sale should be restricted to four;

(4) The maximum sale price should be fixed as the compulsory price.

They were divided as to whether a ration should be fixed.

The Governor desired to carry these recommendations out (observing that the existence of grave abuses was very obvious from the figures), and also to impose a ration. He ordered the case to be dealt with in Council, his colleagues being opposed to the fixation of a ration, on the grounds that the consumers had not been consulted, and there was danger of trouble if the coolies failed to get their liquor; for the same reason they were doubtful as to the wisdom of the restriction as to possession. After a meeting of the Executive Council the Governor ordered, under section 50 (2) of the Government of India Act, that the ration and the other restrictions should be imposed, and issued a series of directions to ensure the working of the new system over a group of four shops without risk of trouble. Minutes were recorded under section 50 (3) of the Act. The Governor however recorded on the file the reasons for his action. He noted that these four shops out of 177 in the province consumed 14 per cent. of the stronger liquor, and that consumption had been vicious.

The system, which provided for the settlement of all four shops as one, was only slightly altered in 1922 as the result of the small raising of the strength of the weaker liquor. In 1926 a resolution was moved in the Council recommending that the system should be applied all over that valley, but was withdrawn on Government engaging to take a report on its working. The report showed that, while opinion was divided as to whether drunkenness had increased or decreased, the figures of illicit distillation and illicit sale cases were 2 in 1918-19, 5 in 1919-20, 8 in 1920-21, 4 in 1921-22, 12 in 1922-23, 27 in 1923-24, 16 in 1924-25, and 9 in 10 months of 1925-26, pointing to an increase. It was decided not to extend the practice generally, especially as District officers had recently been given power to impose certain restrictions, but to consider any particular proposals for prohibition of the stronger liquor.

In 1928 the Deputy Commissioner, after consultation with the advisory committee which had been set up under the Governor's orders, applied for permission to settle the shops separately, as the previous lessee was unsatisfactory, and no other person could be trusted to make the group system work satisfactorily. The proposal was approved by the Governor in the absence of the Minister, as the matter was urgent.

39. The adoption of opium registration throughout Assam, though it had been recommended by the Council, was immediately due to the recommendation of a Commissioner. The introduction of this system was decided on only after hesitation and with some misgivings, by Government, which had hitherto only accepted the gradual diminution of issues. It was ordered that ineffecting registration attention should first be paid to areas where the educated classes who were anxious for diminution could best see what was being done. A question arose about new comers to the province, the Commissioner holding that it would be unfair to allow them passes while refusing new passes to old residents. The member in charge though doubtful about smuggling, was prepared to accept this view, and proposed orders accordingly. The Governor did not consider there was anything unfair in giving *bona fide* consumers who arrived newly in the province a ration, and suggested consultation with employers of labour, noticing that newly imported coolies might be consumers. The Member in charge, after consulting the employers, decided that it may well happen that coolies imported in the future might include amongst their number confirmed opium-eaters, and, agreeing that there would be no unfairness involved arranged for new arrivals to be granted passes under proper safeguards.

40. The Minister for Registration raised early in 1924, the question of decreases in the number of registrations. He queried whether they were due to the increase in rates of fees, and whether, since the policy of Government of India was not to make registration a source of revenue, there should not be a reduction in fees. A rough calculation shewed that the cost of the Registration Department in 1923-24 were Rs. 1,63,733 while receipts were Rs. 1,78,288. The matter dropped. It was then raised in Council, in July 1924, a *Swarajist* member asking what profit the Registration Department brought in, what had been the increase of receipts of recent years, and whether this was not mainly due to the enhancement of the rate of fees. The Minister replied giving the most recent information, pointing out also that owing to the overhead charges, the profit, if any, of the department was very small. In answer to the last part of the question he stated that the increase was entirely due to the increase in fees. The same member intervened in the budget debate in March 1925, and enquired whether registration fees should be regarded as fees or as a tax and if the former, he suggested that they should be adjusted at such a rate as would exactly cover the cost of the department. He also suggested that any surplus should be handed over to the Education Department. The Minister declined to be drawn into a discussion as to whether the fees were to be regarded as fees or as a tax, or to give any assurance as to the disposal of the surplus if any. Since that date the surplus has increased.

On 24th January 1924, the Minister raised the question of commissions in particular. After enquiry he accepted the proposals of the Inspector General of Registration that the old rate for commission should be reverted to, and ordered submission to the Governor. The Governor queried the non-application of the suggested rate to visits and called for the Inspector General of Registration's opinion whether the decrease did not merely mean that people who used willingly to pay the old rates now attended personally. The Inspector General of Registration replied that the same fee must be charged for commissions and visits, and he did not think the falling off of commission meant that documents went unregistered, but it did mean that people such as women, who might be deprived of consultation in transactions among their shares of land, were put to some hardship. The Governor thought that the Inspector

General of Registration had made out a good case, and directed the case to go to the Finance Department.

41. In early 1923 an appeal to the Governor was received from a sub-assistant surgeon who had been dismissed from the service for callousness or indifference in neglecting a woman suffering from cholera, and obstructed birth, whom he met on the road near his dispensary, which he was leaving at the time. His excuse for failing to attend the woman, who was taken elsewhere, was that he had to attend his compounder who had fever, and that there was not great delay in returning. He pleaded that there was no question of his being afraid of cholera, and that he had had 20 years' good service. Admitting his good service the Inspector General of Civil Hospitals said this aggravated his professional misconduct. The Minister requested the new Inspector General of Civil Hospitals to reconsider, and on his refusing said he could not agree to the full penalty of dismissal, but would accept any lesser punishment. The Governor overruled the Minister, noting that the appeal was addressed to himself.

42. The Economic Botanist memorialized the Secretary of State for the concession in his own case which was allowed to overage officers of the Indian Educational Service in regard to the stage of the time scale on which they should enter the service. The office pointed out that this was not provided in his contract. The Minister however ordered that the memorial should be forwarded without recommendation or comment. The Governor observed that the local Government were bound under the memorial rules to give their opinion and ordered that as proposed by the office it should be stated, in forwarding, that there appeared no ground for going outside the contract.

43. In dealing with the carde of Indian Medical Service officers and Indian Medical Department officers in connection with retrenchment, the Minister for Local Self-Government reviewed their history and considered particularly the desirability of retaining any Indian Medical Department officers, whom under the reforms it was no longer incumbent upon the local Government to employ. He pointed out that Indian Medical Department officers who were in qualifications inferior to civil assistant surgeons had received an undue number of Civil Surgeoencies. He thought that the civil assistant surgeons were equally capable of the work in hill districts and, if they were not, it was desirable that they should learn such work especially as the hill districts must eventually come within the scope of the reforms. He also wished the military assistant surgeon at the Pasteur Institute replaced by a civil assistant surgeon. At the request of the Political Department the administrative officers concerned with posts usually held by Indian Medical Department officers were consulted, and there was a strong body in favour of not reducing the number entertained. The Minister was not convinced by the arguments used, but he was willing to meet them by reserving 2 Civil Surgeoncies in the Naga and Lushai Hills. He would not keep the military assistant surgeon in the subdivisions or at the Pasteur Institute. Subsequently the Inspector-General of Civil Hospitals adduced strong arguments for having a military assistant surgeon at the Institute ; after discussion with the Minister the Governor decided that the number of posts proposed to be reserved for Indian Medical Service officers pending the report of the Lee Commission should be reduced by one ; he was unwilling for the present to reduce the number of Indian Medical Department officers, particularly because of the Inspector General of Civil Hospitals' strong arguments concerning the post at the Institute, and the necessity of having military assistant surgeons for service with the Assam Rifles in case of expeditions into the hills. The Minister pointed out that under the business rules any proposals concerning the backward tracts could only be advised on by him, the orders resting with the Governor in the interests of these districts. In view of the strong oppoisition he would withdraw his proposal except that the Garo Hills should be reserved for a civil assistant surgeon. It was decided by the Governor however

to make no change, and to reserve the Lushai, Naga and Garo Hills as districts where military assistant surgeons should ordinarily be posted. The Minister objected that the word "ordinarily" should be deleted but was overruled as it was not desirable to bind Government in case of emergency.

44. A sub-assistant surgeon tried to avoid a transfer by seeking leave, which was refused. On the second refusal of leave he asked to be allowed to resign if leave were not granted. Though given several opportunities to reconsider, he would not do so and was allowed to resign. He then asked for reinstatement and on refusal of this appealed. It was observed that the sub-assistant surgeon had been generally lucky in his postings. The Minister thought that the sub-assistant surgeon must have had serious worry to act as he did, and as he had a good record he should be treated with mercy and reinstated with a warning that he could not choose his station. The Governor observed that the practice of endeavouring to avoid a transfer in this way was too common in all departments, the sub-assistant surgeon had been treated with great consideration and it would have an unfortunate effect on discipline if he were now reinstated. He therefore could not accept the Minister's view, and as the petition was addressed to himself must decline to interfere.

45. After the appointment (with the advice of a selection board) of superintendents of excise to posts sanctioned with the approval of the Council (the appointments being made by the Minister and approved by the Governor) the question of selecting a special superintendent (whose main work was to control illicit opium traffic) came up. The Minister noted that there seemed to be some feeling in the Legislative Council against this appointment, and a resolution had been tabled recommending the postponement of the appointment. It was pointed out by the Minister's office that this would cause inconvenience. The Governor ruled that the appointment should be filled, and the Minister agreed.

46. The permission granted to a private practitioner to take charge of two beds in a district headquarters dispensary, which was approved by one departmental head, but disapproved by his successor, led to trouble owing to the objections of the Government Medical officers, who considered that the practice led to friction and deprived them of their privileges. The Minister observed that the position of such dispensaries, dependent for control and expert supervision on the Government staff, largely financed by Government grants, maintained within municipal limits, yet managed by committees under the local boards, was anomalous throughout. He saw no way out but completely to provincialize dispensaries at district and subdivisional headquarters, or alternatively to leave them to the entire control of the boards. After considering the further views of the Inspector General, who agreed that district dispensaries at least should be provincialized, the Minister adhered to his opinion, considering that the additional expense would be small. The Governor thought that in the small towns of Assam there would be little room for private as well as Government surgical work, and that the unfortunate experiment in this case need not compel a policy of provincialization ; but as this was not the only instance of friction with local boards over these institutions, the cost might be enquired into. The result showed that the cost of provincializing three dispensaries would be some Rs. 40,000 non-recurring and Rs. 26,090 recurring, and it was pointed out that, medical relief being a function of the boards, the step might be considered retrograde. The new Minister decided against the step, considering it would be costly, and available funds would be more usefully spent in extending relief than in improving the existing institutions. Owing to the tabling of a resolution in Council, however, the Minister decided to provincialize the hospital first mentioned. The dispensary has been provincialized from the 1st April 1928.

47. In 1921 the Inspector General of Civil Hospitals proposed the abolition of travelling dispensaries save for one in each district, on the ground that their work was of little real value. The Minister objected to the number allowed for Sylhet, as

the subdivisions there were the size of other districts. His view was accepted by the Governor, and it was decided to act accordingly. Subsequently, the question of retrenchment in the medical and public health departments came up, and each department mainly recommended retrenchments in the other. The Minister considered the abolition of the Public Health Department, or amalgamation and finally its co-ordination with the Medical. While amalgamation was under consideration the Director of Public Health requested that the remaining travelling dispensaries, which the Inspector General now proposed for abolition, should be made over to his department. The new Minister, who had come to the conclusion that the statistics showing *kala-azar* not to be a serious matter in Sylhet were not sufficiently reliable and that facilities for treatment were inadequate, supported the Director's proposal. The Governor invited the Minister to consider that the agency of these dispensaries was not favourably reported on by the medical experts, and that if the Inspector General were made responsible for public health, an agency of which he disapproved should not be forced upon him. While agreeing to the necessity of grappling with *kala-azar* he thought these dispensaries should be abolished, and separate proposals made for *kala-azar* improvements. He asked the Minister to reconsider, and the latter agreed to withdraw his proposal. The dispensaries maintained from the provincial budget were therefore abolished.

48. In 1927 the Director of Public Health came up with a proposal for entirely reorganising the Public Health Department, placing it completely under the control of the Director of Public Health, appointing an additional Assistant Director, relieving Civil Surgeons of their immediate health duties, which they had neither time nor opportunity to fulfil, by the appointment of district health officers, training the vaccination inspection staff in curative work, increasing the number of epidemic units by three, and appointing a public health engineer and a publicity officer. The public health board, which had been appointed in 1923 to co-ordinate the work of the departments for *kala-azar*, approved, stating that the board had been constituted for a particular purpose only, and that the time had arrived, for a thorough reorganization of the Public Health Department on independent lines as in other provinces. The Minister approved the scheme *in toto*, and thought the staff should be independent, though it might co-operate with the Medical on emergent occasions. The Governor observed that the scheme had not been seen by the Finance Department though the budget was under preparation, that no mention was made of malaria, and that he disagreed *in toto* with the proposal to divest Civil Surgeons of their responsibility in public health matters. The cost was great—a lakh and a half—and he considered the order of urgency should be the appointment of an Engineer, that of a second Assistant Director, the creation of five appointments of district health officer and *two* epidemic units, the training of the inspectors, and increase in their number. He considered a publicity officer unnecessary. The Finance Department allowed the scheme to be included in the schedule, though the question of contribution to the cost by local boards had not been settled, but wished this examined before consideration in the final budget. Funds have however only been found for the post of a second Assistant Director, and the rest of the scheme is pending.

49. Proposals for development of quinine production—to a limited extent, *i.e.*, as regards stocks and prices, a Central subject—have long been under consideration in order to break the high prices due to the Java monopoly. A committee was appointed in 1925 to examine the subject, and reported that the possibilities of successful cultivation in Assam, though suitable areas existed, were doubtful owing to the arrangements which would have to be made for *interim* supply, involving the Central Government and the Java planters, the speculative character of the undertaking, and the possibilities of prices falling owing to action by other parties. The Minister in charge of Medical thought that it was essential to cheapen the remedy and that the large profits made by the supplying Governments should if possible be eliminated, so rendering money free for medical aid. He therefore wanted to

approach the Central Government for inclusion of the province in their development scheme. The Governor referred the case to the Finance Department, who advised that independent action by the province would be waste of money, but experimental plantations might be made. The decision of a Government meeting was that the Forest Department should make small experimental plantations and an area was selected on the advice of a Bengal expert. The Deputy Commissioner reported that this area was needed for *jhuming* by the Mikir tribe, and he recommended that an equal area should be disforested for *jhuming* if this were lost to them. The Revenue Member proposed to discuss the case with the Conservator of Forests, and meanwhile directed it to be shown to the Governor. The Governor observed that if anything was to be done in the cold weather early action was necessary. He discussed the matter with the Conservator, and ordered that if the Member agreed orders should issue reserving the necessary area from *jhuming* and for the experimental plots to be planted within it. He could not think that *jhuming* should be permitted in perpetuity, and thought the aboriginal tribes must soon be persuaded, or if need be forced, to adopt some other system in view of the pressure on the soil. The Member agreed to this action, and the Deputy Commissioner was informed that Government could not agree to disforest any area.

50. A local board, whose candidate had been trained at Government expense because he was sent to the veterinary college before the decision to make the boards liable for the maintenance charges passed on by the Government of Bengal, but failed in the examination, applied for provision to maintain him for another year. To avoid loss of the money spent on his training Government undertook to pay for the additional year's training recommended. Next year another board whose candidate had been similarly paid for by Government also failed, and a similar application was made. The Minister considered that exceptions should not be made to the rule and that such a concession would be merely throwing good money after bad. He fancied this candidate had already received some exceptional treatment. The Governor, when the case was submitted to him, thought that the precedent of the first board ought to be followed, since no further cases would arise, but did not feel strongly on the matter, which he left to the Minister. As it was found that the case was on all fours with that in which the concession of another year had been allowed, and it was recommended by the Head of the Department, the Minister sanctioned the extra year. It was found that, as a Government stipendiary had failed to join the school, no supplementary grant would be needed for the purpose.

51. The many recommendations of the secondary education committee, appointed at the request of the Council, were reviewed in August, 1927, by the Director of Public Instruction, who showed that, if they were brought down to a practical plane, they would cost Rs. 6 lakhs recurring and 25 lakhs capital expenditure. He suggested that it should be laid down that the full programme of extension of primary education possible should first be financed, and that surplus funds should then go to the improvement of secondary education, which the committee seemed to regard, as he did himself, as of most urgent importance, though they had complicated the matter by also urging increased aid to non-Government schools and the improvement of pay in such schools. The Minister thought the recommendations all of so much value as representing the result of general deliberation (including that of the *Swarajists*, though they had not participated), that with few exceptions they should be approved, and accepted as a programme to be financed gradually and economically. He thought religious instruction should be a matter for private enterprise, he was not eager to have a training college in the province, and was opposed to a brick and mortar programme, preferring "education, even under a banian tree." He thought vocational education was necessary, in order to correlate the system with the employment market. Physical education and medical inspection went together; the former was being provided for on a modest scale by a scheme approved for the

training of teachers ; the latter was a necessity, and the first step should be taken by having a special staff for the purpose in populous centres.

The Governor observed that under the Director's classification the only obligatory recommendation was that for institution of a course of manual instruction. He observed that the recommendations were based on a theory that the Government purse was inexhaustible, and that no one else but Government need be called upon to pay for improvements. He thought that the matter should be dealt with by a comprehensive resolution of Government, of which he left the nature and details to be laid down by the Minister, but suggested that it should be made clear that—

(1) Primary education should come first, so far as the Government purse was concerned ;

(2) The programme for secondary education should be generally approved, but the commitment as regards vocational training should be limited to subjects which could be taught without increased expenditure ;

(3) Science teaching was outside practical politics, unless paid for ;

(4) Technical teaching in the long list of subjects named by the committee must be taught in teachnical and industrial schools, which Government would endeavour to increase ;

(5) Other matters would be desirable if money were available in unlimited quantities. Of these recreation grounds were the most needed, then the promotion of sports, then medical inspection, which might reasonably be paid for. The same consideration applied to the proposed training college.

The Minister ordered in February, 1928, that a resolution should issue on the lines of his own and of the Governor's views, the financial side of the question being dealt with separately, and it being made clear that effect to the recommendations must depend upon the development of fresh resources. In the result the budget provides for—

(1) Improvements to buildings ;

(2) Increased grants and fresh grants to non-Government schools ;

(3) Provision of several playgrounds ;

(4) Training of teachers in physical education ;

(5) Grant for development of the boy scout movement.

52. The Finance Department objected in 1925 to the proposal to take a supplementary grant for leprosy survey in Sylhet above that provided in the budget until it was clear that it could not be met by reappropriation and the staff could be entertained, as the extra grants for *kala-azar* survey in 1923-24 had not been spent. The Finance Member, however, agreed to work proceeding.

53. The Council having passed a resolution in 1921 recommending the introduction of education in spinning by the employment of masters and mistresses as far as possible in chosen centres, the local boards were consulted, and also the Director of Industries and the Director of Public Instruction. Official opinion was unanimous against the proposal, as economically unsound, and the Minister himself thought it impractical to attempt to revive a lost industry which could not compete with mill-spun yarn. He thought however the Council's behest must be obeyed, and a letter was accordingly issued stating that Government were prepared to make contribution to such boards as were willing to entertain spinning masters and mistresses. The Finance Department was however not consulted before the letter was issued and when the boards began to apply for grants the Finance Member objected that he was unable to provide for increased recurring expenditure in the present condition of the

provincial finances. A small amount was provided in the budget for the Minister to spend as he pleased, but he decided to inform the enquirers that there was no provision for teaching spinning.

54. The Minister for Industries accepted the advice of the Director that a wood workers' shed and certain other improvements were required in the Sylhet school of handicrafts, and proposed to ask for a supplementary grant. The Finance Department proposed to treat this as a new scheme, and were unwilling to apply for a supplementary demand for the purpose. The Minister pointed out the awkwardness of refusing admission, and submitted the case to the Governor, who upheld the Finance Department's ruling. Subsequently however the Finance Department allowed it to be provided for by re-appropriation. Other developments needed were to be financed by provision in the following years' budget. The provision was however insufficient for the proposals, which were put up piecemeal, but the Finance Department agreed to take a supplementary grant from the Council, and that the buildings should be handed over by the Public Works Department for departmental extension and maintenance.

55. When the amount becoming available owing to the reduction in the provincial contribution to the Government of India was distributed in 1925, the Finance Department objected to a number of items in the Agriculture and Industries Departments' list because they had not been examined and appeared to have been thought of hastily in order to expend the money. The Governor agreed generally with the Finance Department.

56. A former Minister had desired to have a weaving school in the Surma Valley as well as in the Assam Valley. But since weaving was not of such importance in the former (there being for one thing no silk culture), he proposed simply a weaving section in the existing school of handicrafts. An estimate was framed for a one-year class but could not be financed for some years because of the question of the transfer of Sylhet. In 1927 the Sylhet members moved a resolution for a weaving section and an additional peripatetic weaving party in the Surma Valley. (Two parties were now working in the Assam, and one in the Surma Valley.) The Minister for Industries proposed to carry out these schemes, and to allot half the extra party to the Surma Valley. The Governor noted that the cost was small, and though he thought the school and parties of not much practical value, he would let the people have them if they were so much appreciated. The resolution was carried, and estimates were called for. These were very much larger than those previously submitted, because it was proposed to make a permanent type building and to extend the classes to two years. The Finance Department queried whether a temporary building should not be tried first in case the section might not be appreciated, and whether Surma Valley boys might not be accommodated at Gauhati. The Minister accepted the Director's arguments that the Sylhet people were very eager for a school and a temporary building would therefore be waste of money. The Finance Department accepted the scheme for the schedule.

57. At the initiative of the Minister a leprosy survey of the province was begun in 1925. In 1926 the All-India Leprosy Committee laid down the plan of action against this disease, advising first, improved research, second, training of doctors in treatment and finally, treatment in new or existing dispensaries. The committee had no desire to minimise the usefulness of homes and asylums for lepers, but stated that the provision of such homes must be a matter for local enterprise and charity, and would probably best be left to local authorities to carry out. In March 1926 resolution was carried in the Council for a provision in the budget to construct a leper hospital in the Assam Valley, and a token reduction was also carried as a protest against the failure of Government to proceed with this project, which the Minister had considered for some time. The attitude of Government had been that the decision must depend upon the result of the survey which would not be finished till 1929. It was

now decided to take up the hospital. The Finance Department were consulted on the first rough outline, but were unwilling to consider it until there were a definite scheme for examination. They wished to know what needs the hospital was to serve, and whether local bodies were to contribute as in the case of the hospital in the Surma Valley. The matter had therefore to be left out of the 1927-28 budget. The Inspector General of Civil Hospitals put forward a scheme by which the new hospital would serve early cases in which improvement might be expected from medical treatment, and would also serve as a leprosy research institute at which sub-assistant surgeons would be trained, while the old asylum would be utilised for incurable cases for the whole province. The Minister approved. The Governor stated he wished to discuss the proposal with the Inspector General. After discussion he agreed that plans and estimates should be called for. At his suggestion he discussed the future of the Surma Valley Institution with the Minister, and it was decided to look about for a site for a leper colony to accommodate 1,000 incurable cases, a number too large for the existing institution in the Surma Valley. The Finance Department again wished to know about contributions by local bodies, and also whether expert authority had not condemned the policy of treating curable cases at central hospitals; they were unwilling to accept the scheme until the plans and estimates had been examined. An answer having been given that local bodies could not be compelled to contribute and that besides treatment at civil dispensaries the province must have its own hospital for research and treatnent of special cases as advised by the Inspector General, the Finance Department consented to accept the scheme provisionally for the 1928-29 budget.

58. When the appointment of Assistant Director of Public Health fell vacant, the President, Public Health Board, noted that the pay hitherto drawn was on a scale fixed by the Government of India—namely, Rs. 500—500 (confirmation)—600 for 3 years and thereafter by increments of Rs. 100 every five years to Rs. 900, and Rs. 1,000 after twenty years' service, and that this scale had since been increased by one-third in all stages. He proposed that this rate be maintained. The Minister desired to have an Indian and considered that the old scale before increase was sufficient. Failing a man from the province a man from Bengal would be preferable. The Governor wished to know the type of man recommended. The Director of Public Health, though not wishing to restrict the appointment to any particular province thought that one or other of the United Provinces Municipal Health Officers whom he knew, would be a likely candidate, and that the pay should be fixed accordingly. The Minister was convinced that a suitable man could be got from Bengal. The Governor agreed that the best course would be to advertise, and directed the pay to be fixed from Rs. 500 to Rs. 1,200 to avoid a reference to the Secretary of State, which would cause delay. The Minister agreed to the scale proposed by his office, Rs. 500—(confirmation)—600—$\frac{100}{3}$—1,200 while the Public Health Board considered this was too unsatisfactory in the lower stages. The Minister did not accept this opinion and the Governor agreed with him. The candidate (from Bengal) approved by the Public Health Board was accepted by the Governor and the Minister, and the appointment was sanctioned. The Finance Department were consulted only when the fact that their concurrence was absent was pointed out by the Comptroller. They then agreed.

59. The transfer of excise work from the regular excise staff to the police was made as an experimental measure in two districts for the sake of economy, and received the support of the Council, which wished the system to be extended to all districts. In 1926 a report on the working was obtained, which showed a diversity of opinion as to the success of the experiment. The Minister in charge recorded his view that though the police could do the work with some strengthening, the system should either be applied to the whole province, or abandoned, and that the transfer of the subject made the latter course desirable. This view was endorsed

by all members of Government except the other Minister, and the decision to carry it out was announced. The Minister appointed to administer the subject in 1927 however undertook, on discussion of a motion for reduction of the provision for the excise staff thus rendered necessary, to look further into the matter and to see if a time could be allotted for its discussion. The Governor, after discussion with him observed that he could not undertake to allot time for the discussion of a particular matter which might be otherwise raised, unless it were of special importance, but as the point was one of principle, the question should be considered at a Government meeting. At the meeting it was decided that as a rule it would be unjustifiable to allot Government time for discussion of private member's resolutions and that this was not such a case as would justify the course; action should therfore be taken at once to carry out the agreed policy.

60. A proposal to raise the fees at the medical school was made by the medical authorities, and the Governor ordered its examination in June 1923. The Minister considered such a move would be highly unpopular in the Council, and he wished to consult that body. The Governor referred to the fact that only 7 per cent. of the cost was met from fees, and, considering that, if the Council made objection, there was an excellent case, asked the Minister to reconsider. The Minister, advised by non-official opinion consulted informally, proposed to move a resolution in the Council, which he felt sure would be bitterly hostile. The Governor considered such action would be not only infructuous but also unconstitutional, and did not see that the Council had any right to be consulted. He again asked the Minister to reconsider, in April 1924. The Minister postponed the matter from time to time, and finally in March 1926 asked that the matter should be considered at a Government meeting, which decided that the time was not opportune for increase. It was raised again in 1927, when the new Minister again represented that it would make his position impossible. The Governor and the Finance Department thought it desirable to make the step then, so that the question of granting practically free professional education could be avoided when the new medical school in Sylhet should become a practical matter, but the proposal of the Minister to await the actual time to inaugurating the latter school was accepted, in view of the danger that the Council reckoning free professional education a proper charge on the general tax-payer, would bring their resentment to bear upon the Minister.

61. When the Devolution Rules were amended to enable the Ministers to require the appointment of a Financial Adviser, to whom powers might be delegated by the Finance Department, one Minister wished to leave the matter till after the elections; the other wished the appointment to be made. The Finance Member considered that it would not be possible to delegate power of *agreeing* to recurring expenditure, except on an inconsiderable scale, though it might be possible to go further in respect of non-recurring expenditure. The Governor directed that the Ministers should discuss with him, but wished to point out that the alteration in the rules did not create a separate purse, but only required the apportionment of funds becoming available during the year, as well as at the budget, to be decided by the whole Government. He did not think supplementary demands had as a matter of fact been referred formally to the whole Government, though they had usually been the outcome of discussions in such meetings, but this would be done in future. Since the existence of any considerable funds for apportionment between the reserved and transferred departments depended at present entirely on remissions from the provincial contribution, he did not think a Financial Adviser would have much to do. After discussion with the Minister who wished the appointment, the latter agreed to let it stand over until after the elections. As he was defeated at the elections, the Governor decided to await any repetition of the demand.

62. When the recommendation of the Reforms Enquiry Committee that the Finance Member should not be in charge of any considerable spending department

was brought to the attention of Government, the Finance Member held that, with the transference of Excise, this recommendation was already fulfilled as far as possible. The Governor agreed, but asked for the views of Members and Ministers. One Minister held that it was not fulfilled so long as Land Revenue and Forests were with the Finance Member, and his colleague agreed. The Governor pointed out that the bulk of expenditure on land revenue consisted of fixed charges, and that "Forests" was much in the same position, except for capital expenditure, which was infrequent and relatively small. It would be impossible in a province with only two Members of Council to give one of them only Finance and a few trifles to administer, and it would be much more objectionable to the purpose in view to give him Police, Jails and Judicial, the other main spending departments, than Land Revenue and Forests. He did not think there was any practical ground that could be alleged in this province against the departments actually held, and he proposed therefore to make no change.

63. A sum of money was drawn for petty construction on a sericultural farm. As the contractor left work incomplete, the Superintendent was told by a memorandum signed by the head clerk to the Director of Industries on the 2nd March that payment should be withheld till the work was done. On the 25th March the Director informed the superintendent that the work and payment must be completed before March 31st as the money could not be carried forward to the next financial year. The superintendent however only refunded the balance in June, having meanwhile tried to get the contractor to act. When the Comptroller brought the case to notice of Government the Minister proposed to reprimand the superintendent. The Finance Department, noting that this officer had previously been guilty of serious irregularities, considered he should be deprived of increments until he proved himself reliable in accounts. The Minister noted that, in view of the fact that the Director had apparently ordered him to do the impossible, it would be sufficient to reprimand the superintendent. The Comptroller, consulted by the Finance Department considered this proposal inadequate. The Finance Department, observing that the superintendent had on a previous occasion been guilty of temporarily passing Government money into his own account, agreed. The Minister could not see the reason for persistence, but was prepared either to order the officer to lose his increment if he failed to pass at the next examination in accounts, from which he had been exempt, or to forfeit increment for three months. The Finance Department considered the best way to teach this officer a financial lesson would be to withhold his increment until he passed, and, if he did, to consider retrospective grant of increment. The Minister did not think this proposal proper, but would be willing to forefeit increment *after* failure to pass the examination. The case was submitted to the Governor, who ruled that something more than a reprimand was needed, that the superintendent should lose increment for three months, and would again lose the next increment if he failed to pass the examination by the following year.

64. Before the Reforms the excess of demand for education above the midle standard over provision of schools in Habiganj subdivision led to private secondary schools springing up, which pretended to teach the matriculation course though they were inadequately equipped, the pay of the headmaster in one so-called high school being Rs. 35 and the total salaries Rs. 145. They avoided the difficulty that they could not secure recognition on these terms by transferring their pupils in the highest class to recognised high schools or by arranging for private coaches. Steps were taken to prevent such evasions and on the Director's proposal for the increase of fees (it being pointed out that gradation of fees according to the class was not justifiable and that private schools would follow Government schools' rates), the increase of rates was approved for Habiganj, and the increase in all schools in the rest of the province was to be considered by the new Government. In 1921 however owing to the peculiar conditions due to non-co-operation the Minister decided that the time was inopportune for a general change.

In August 1922 the Director raised the question again, owing to the sorry state of private schools. The Minister, admitting the difficulties, stated that in view of the storm of protest that would arise on a proposal to go above the Bengal rates he could not consider the raising of fees all round. It was for private enterprise to foster secondary education, and Government had taken a heavy financial burden on its shoulders by undertaking to provincialise headquarters high schools. He agreed however to consult the managing committees. The fees in the Earle Law College and common room and games, fees in the Cotton College were however raised.

The Bengal retrenchment committee recommended the increase of all fees by 50 per cent. and deprovincialisation of all the colleges except the Presidency College. The Minister took up only the question of equalising the fees of the Murarichand College in Sylhet with those of the Cotton College, and the fees were raised to the Bengal rate. A resolution was tabled in Council for the withdrawal of the notification making this change. It was decided at a Government meeting to oppose the resolution but, if it were carried, to restrict the enhancement to new entrants and to consider the use of the increased income in securing affiliation of the Murarichand College in economics, which the Council had demanded. The resolution was however defeated. The increase of fees in schools was postponed by the Minister owing to the hostility obvious in the Council, though an enquiry showed that the new rates fixed by Bengal and the rates in Bihar and Orissa were much higher than those prevailing in Assam. The Minister recorded that he found opinion all over the province strongly against an increase and he considered that in view of the fall in enrolment which would follow increase, and of the lack of technical schools in Assam, no attempt should be made to raise fees until expenditure on primary education began to exceed bounds. The Governor concurred. In regard to the fees in Habiganj the Minister considered that the increase should be rescinded for purposes of uniformity. When a resolution was tabled for this purpose however by the new Council of 1924, the portfolios had changed hands. The Director opposed the proposals strongly, pointing out that enrolment had not been affected that schools with which Government schools did not compete had raised their rates without diaster, and that somebody must pay. He thought the time ripe for a clear declaration of Government's policy; even the increase proposed would not guarantee proper pay of teachers in aided schools. The Minister decided to oppose the resolution, while his colleague was unable to see the logic of opposition. The resolution was carried against Government, the *ex*-Education Minister remaining neutral. The Director then recorded his opinion that if rates were not increased all round, the Habiganj rates should be reduced to the general level, but that the promoters of the schools which had been inaugurated on the basis of these rates, should be consulted. He suggested that either they should be consulted before reducing the rates, or Government might order reduction in the Government schools, and make it clear that if aided schools followed suit, they would get no help from Government. The Minister accepted the former alternative, and the majority of the schools, when consulted, decided against reduction, the minority demanding Government aid. The Council's recommendation was therefore not accepted.

65. The Minister early in 1927 took up the question (which had been raised in the Council) of three boards receiving no general purposes grants, because their income at the time when the grants had been distributed sufficed for their requirements. The Minister considered this was not a good argument, as it might be used by a Board as a justification for increasing expenditure without provision. The grants had been fixed some 30 years before and now showed no connection with local income or needs. The Governor suggested a conference of Council Members interested to consider the whole question of grants to local bodies, and observed that the Taxation Enquiry Committee had recommended the restriction of subsidies to objects of national importance, where Government must ensure efficiency. He considered that

the general purposes grants ought to be gradually abolished, and grants given on some uniform and comprehensive plan. He suggested that there might be a periodic, not an annual, revision and that the attention of the conference should be drawn to the necssity of adhering to the special purposes for which certain grants had been given. Meanwhile a resolution had been tabled for the increase of the total grants to local boards by 50 per cent. It was noted that the recommendation was very vague but would amount to an increased commitment of over 10 lakhs, while the boards could not economically spend such a sudden windfall. The Minister decided to oppose. The resolution was not then moved but came up again in July. The Minister had wished, since the objects on which the grants would be spent were all highly desirable, that in the improved condition of the provincial balances the resolution should not be opposed. The Finance Department, however, pointed out that the resolution drafted was not clear on the point whether the increase should be recurring. If this were intended the improved condition of the balances would by no means justify the Minister's proposal, and in any case the Finance Depatment could not accept the principle of doles in advance of the preparation of schemes. It was pointed out that the boards were gaining handsomely, grants having been nearly doubled since 1923-24, and more money was to be spent on metalling local boards' roads, while the resettlements were producing large increases in rates. The Finance Department suggested that Government might undertake to treat considered schemes sympathetically, but pointed out that there would be inevitable demands under the Rural Self-Government and Compulsory Education Acts. The Minister agreed to oppose on these terms but intended to offer to sympathise with any special requests.

The Commissioners, when asked to advise, did not show ground for special treatment of the three boards mentioned. One board was reported to compare not unfavourably with others as to resources, while in regard to the other two the Commissioners recommended that they should get grants of Rs. 10,000 and Rs. 5,000 respectively if funds were forthcoming. The Minister suggested to the conference called by him the reditsribution of the grants by reducing by 10 per cent. the grants of some boards which had received more than was justifiable if the grants were proportioned to average local income. The conference unanimously accepted this proposal, and decided on the new or increased grants which should be given to boards which received no, or an inadequate, grant. The Minister, however, on account of the resolution described which had meanwhile been carried requested that the whole amount of Rs. 30,000 should be borne by Government without deduction from any board. The Finance Department objected that though this proposal would get over the obvious difficulty that boards with poor resources would lose part of the income they had a right to expect under redistribution, it would not get over the difficulty that Government would be spending money on boards which were not proved to need it. The Minister stated that all boards needed more money. The Governor pointed out the heavy calls on the province, some of which would relieve the local boards, and ordered that the proposal to give grants to the two boards recommended for the purpose by the Commissioners should be treated as an ordinary new scheme and the needs of the particular boards carefully considered. The amount suggested by the Commissioners has been included in the schedule.

66. In November 1926 the Inspector General of Police submitted that the pay of sub-inspectors had been fixed according to the Bengal scales, to prevent marked differences between the two provinces ; but that the rate of increment in Bengal had now been improved. The Finance Department ruled that the scheme should be justified on the merits, instead of Bengal being slavishly followed. The Inspector General of Police then pointed out that tha present incremental rate was a cause of hardship. The Judicial Department's modification of his proposal was accepted as reasonable, by the Finance Department, who however held the proposal to be a new scheme requiring the vote of the Council, and as the Council regarded with suspicion supplementary demands for the Police Department, the proposal was held over for the

budget of 1928-29. Provision has been included in the current year's budget and voted by the Council.

67. A plan for an inspector's quarter was put up for administrative approval by the Inspector General of Police in 1925. It was to cost Rs. 11,358, later reduced to Rs. 10,001, though the cost of a type plan building in 1923 was only some Rs. 4 to 5 thousand. The Finance Department objected that if the Public Works Department could not reduce the cost, then the type plan should be revised. The matter was eventually referred to the Governor who considered that the Public Works Department should be able to put up a serviceable building for Rs. 6,000 or so.

68. In a case where a tour clerk memorialized Government upon orders refusing him improved pay which had been passed in consultation with the Finance Department, the Minister, when it was proposed again to consult that Department, stated that the Minister had no power in the matter and it would therefore be better for the Head of Department concerned to settle matters direct with the Finance Department. The Governor after referring the case to the Finance Department who agreed to the Head of Department's proposal wished the Minister to consider that the business of the Finance Department in regard to pay of staff was to ensure that all classes of public servants were treated on like principles ; and in this respect the rules and condition applied were the same for all departments, reserved and transferred. The Minister wished to point out that though constitutionally the responsibility for transferred subjects rested with the Governor acting with his Minister, in the public eye the Minister was responsible, and he should be given a free hand or it should be made generally known that the Finance Department had the final voice, thus saving the Minister from unmerited attack. He thought the difficulties were inherent in dyarchy and would only be remedied by having a Finance Minister responsible to the Council.

69. The Finance Department objected to the Minister's proposal for grant of extended daily allowance to an officer touring in Bengal on a malaria class, as daily allowance was fixed for Assam ; but *would agree* to a compensatory allowance equivalent to that of the Bengal officers.

70. A Sylhet local board chairman addressed the Minister for Local Self-Government in 1925 requesting the free services of a sub-assistant surgeon for a new dispensary, referring to verbal applications made to him, and stating that the Commissioner had rejected the formal request. The Minister proposed to include this in the schedule of new schemes. It was pointed out that the grant of the free services of sub-assistant surgeons or of compensatory payments in lieu thereof were no longer made to the boards, but the Finance Department objected to the creation of a precedent particularly in view of the possibility that Sylhet would be transferred to Bengal; and Suggested the deletion of the provision from the schedule of new schemes. The Minister accepted the ruling.

71. A special allowance was proposed for the head compounder in the Shillong dispensary because he occupid (free of rent) the only set of quarters available and was therefore compelled to hold himself in readiness for all night work. This was approved by the Minister. The Finance Member pointed out that there were two other compounders drawing an allowance in lieu of free quarters and surmised that the allowance was to enable them to live near the hospital and take their turn at night work. This proved to be correct and they were accordingly ordered to do their share of night work, and the question of a special allowance to the head compounder was dropped with the consent of the Minister.

72. A proposal for revising the pay of loaders and vaccinators at the vaccine depôt owing to a rise in pay of compounders was submitted in 1926 for the advice of the Finance Department before orders were taken from the Minister for Local

Self-Government. The Finance Department,after certain enquiries had been made, thought that no case had been made out, the status of compounders being *prima facie* higher than that of loaders, and the vaccinators being on the same level as ordinary hill vaccinators. The case was submitted to the Minister for Local Self-Government, who accepted the Finance Department's opinion.

73. The Minister for Local Self-Government in 1922 approved a proposal for a 50 per cent. increase in the grants to local dispensaries for European medicines, owing to the rise in prices. The Finance Member said that Government could not at the time agree to any increase in recurring expenditure. The Governor and Minister for Local Self-Government accepted the position as stated by him.

74. In 1925 a proposal was made for the grant of an allowance to an Indian Medical Service Civil Surgeon in charge of Government and State medical work in Manipur. The Finance Department held that as no officer gets a compensatory allowance on the ground of the peculiar cost of living in Manipur, the allowance would not be justified save on the ground of loss of private practice, and that it would therefore need the sanction of the Secretary of State. Even on this ground the Finance Member held there was no case. The Governor agreed. In 1927 a fresh claim was made. The Minister held that the ground of cost of living was good enough to justify even a higher allowance than that asked. The Governor was inclined to agree that Manipur was expensive, but asked for advice of the Finance Department, which held that it was necessary to determine whether the allowance was to be justified on grounds apart from the loss of private practice. The Governor agreeing with the Minister ordered that the allowance asked should be given on the ground of cost of living. When asked for concurrence in issuing the orders the Finance Member objected that as found before, no allowance had ever been given in Manipur on the sole ground that living there is expensive. The Minister continued however to press for the allowance, and the Governor after discussion with the Finance Member decided to apply for it on the ground of expensiveness, loss of private practice, and the political importance of the posts.

75. In 1926 a scheme for a cattle farm in Kamrup was mooted, but there was delay in preparing the project, and no reliable estimates were ready when the budget was prepared. The Finance Member agreed to a lump sum provision of Rs. 30,000 being included in the budget on condition that no expenditure should be incurred therefrom without the consent of the Finance Department.

76. The Inspector General of Jails submitted for urgent consideration a project for rebuilding the quarters of a jailer and assistant jailer which had been burnt down. They provided for larger plinth areas than the police quarters which he admitted had been accepted as the model for jail quarters and were slightly more expensive; but he considered the rooms in the police type plans too small, and the conditions of his departmental officers' life were different; so he proposed to ask for approval later to his plans as type plans. The Finance Member objected to more expensive quarters than those provided for the Police, and the Judicial Member accepted the objection and asked the Inspector General to revise his project.

77. A union which was converted into a municipality in 1925, its income being less than Rs. 15,000, applied in June 1927 for a grant to enable an office to be built at a cost of Rs. 5,000. The municipality was then occupying a room in the local board office. On the Finance Department requesting that the proposal should be placed on the schedule of new works, the Minister, Local Self-Government, requested that a supplementary demand be considered by the Finance Member. The latter ruled that the matter was not urgent and therefore a supplementary demand would be out of order. The Minister stated that in his opinion the matter was urgent, as the board had no building of their own. The Finance Member still thought the

necessary degree of urgency lacking, and felt the Finance Committee would take the same view. The Governor agreed with the Finance Member and stated that after his recent visit to the municipality he could testify to there being not the least urgency.

78. The Director of Public Instruction in inspecting the accounts of a college had observed serious irregularities, and he warned the Principal that his control must be imperfect. After the retirement of the Principal it was discovered that the head clerk had been systematically embezzling funds, withholding sums due to the college staff, borrowing money from the members of the staff, and assisting them out of various funds kept in the office. The Director, in dealing with the loss of Government money involved, recommended that in view of the implicit trust that had been placed in the head clerk, the Principal despite his proved negligence should not be held responsible except for sums aggregating Rs. 251-6-0, especially in view of his esteemed services to Government. The Minister agreed and proposed orders accordingly. The case was referred to the Finance Department, who advised that the trust placed in the clerk was no ground for excuse, but in view of the Principal's services and conduct, the recovery should be limited to Rs. 1,000. They pointed out that the Public Accounts Committee had recorded the principle that where a loss to Government is due to the fault of a Government officer, the entire sum involved should be recovered from him. The Governor stated he would have recovered the entire amount, but was willing to accept the view of the Finance Department.

79. The first audit of agricultural seed depots revealed serious financial laxity. At "A" depot there had been cases in connection with the sale of sugarcane mills on the instalment system, in which money realised had been kept in hand or actually utilised temporarily for the benefit of Government servants,in building their quarters for instance. A superintendent and a demonstrator were involved. The superintendent had retained such money in hand and had told his office to deduct the amount due from his travelling allowance bill, while he allowed the demonstrator to utilize the sale-proceeds in hand for erecting and repairing his quarters. It was proposed to warn the superintendent, who was only officiating, and to stop the demonstrator's increments and transfer him from the district. The Finance Department observed that there were two cases of misuse of Government money against the demonstrator, and that he was also mixed up with the loss of a mill on a previous occasion, and these punishments were therefore inadequate. The Finance Department considered that stronger action was needed against the superintendent and that the grounds for leniency in the case of the demonstrator—*viz.*, that there were only two Muhammadan demonstrators in the division—were irrelevant. The Minister observed that he had already verbally warned the superintendent who had also been now made superintendent of sericulture and had nothing to do with agriculture. He ordered the issue of a general order for strict observance of the rules.

At "B" depot there were a very large number of serious instances of irregularity which the Comptroller considered to be due to lack of supervision. The Minister observed that certain actions had already been taken. He considered that a general warning that Government would take serious notice of such irregularities in future would meet the case. The Finance Department requested that the Comptroller's views should be obtained. The latter thought the action proposed inadequate in the following cases :—

(*a*) There were many instances in which the cash book had not been written up regularly and there were mistakes and omissions. The explanation given was that there had been frequent changes of staff, and that the superintendent should have paid closer attention to the accounts, and that a clerk who was found negligent had been removed from the service.

(*b*) An amount of Rs. 26-14-0 purporting to have been remitted to the "A" depot in October 1924 was never actually sent, the biils of "A" depot having been otherwise met, but was credited into the treasury in December and entered into the cash book 5 days later by false entry. The explanation was that the superintendent kept the amount in the cash chest as he had been unaware of the rules and doubtful how to dispose of it. The Comptroller considered that the Deputy Director should have seen that the rules were understood.

(*c*) Other amounts had been similarly held back by the clerk removed from the service.

(*d*) Part of the sale-proceeds of seeds, etc., was retained in hand. The explanation was that the objection was noted for future guidance.

(*e*) Though rules provided for cash sale only, there had been so many sales by credit or instalment, and so little regularity in realisation that it was impossible to discover whether the price of articles sold prior to the period of audit had been realised. The explanation was that sometimes credit sales were necessary in order to popularise departmental goods, though they were being reduced as far as possible, and that it was proposed to revise the rules and to realise outstanding balances. The Comptroller thought it unsatisfactory that the Deputy Director and the superintendent had allowed a practice against the rules. The Minister's inspection notes were adduced as an authority for credit sales.

(*f*) The requirement in the rules of a deposit in orders for mills and potatoes was entirely ignored. The explanation was that the mills and potatoes were stocked by the inspectors, who disposed of them on cash or on short-term loan. The Director of Agriculture proposed to alter the rules. Again the Comptroller saw no justification for ignoring the rules while they existed.

(*g*) The rules requiring that sales should not be made through inspectors and demonstrators, save for small quantities of vegetable seeds, were ignored. There were outstandings against several of these officers, and in some cases they had financial relations in the matter of money collected with the office clerks. It was explained that it had been found necessary to distribute direct from the farms to inspectors and demonstrators, and that inspectors were responsible for the money value. An inspector (named) had already been degraded to demonstrator. The Comptroller thought the explanation unsatisfactory, and could not see how the demonstrator could be absolved from responsibility.

(*h*) The stock book of seeds was incomplete, prices and receipts or issues of seeds being in many cases not recorded. It was explained that owing to frequent changes of staff it had not been fully kept up. One clerk had been transferred and another removed.

(*i*) Purchases were financed from the current year for a subsequent year. It was explained that the verification of consignments was only possible in the year in which payment was made. The Comptroller thought the explanation unsatisfactory and that Government should consider further action.

The Minister thought that, this being the first audit, there should not be too harsh action, and that, as an inspector had been punished and one clerk removed, a general warning for rigid observance of the rules would meet the ends of justice. The Finance Department thought that definite orders were required in connection with items (*b*), (*e*), (*g*) and (*i*) and that in cases such as (*a*), where the Comptroller thought the action taken inadequate, Government should decide whether further steps were required. They pressed for something to be done regarding the superintendent and the head clerk, who obviously did not know their work and should be

paid accordingly until they learnt it. The Minister then went into the case fully. He pointed out first that there was less lack of supervision than lack of officers for supervision, and that the Department had long pressed this point. He concluded that—

(*a*)—Considering the constant changes the explanation was satisfactory and the action, dismissal of a clerk, sufficient.

(*b*)—The benefit of the doubt should be given.

(*c*)—The clerk had already been dismissed.

(*e*) & (*f*)—The conservatism of the raiyat and the false notion that the Department existed only to help Government in levying higher taxes, thus resulting in making seed depôts unpopular, should be considered. As the cultivator has to be pursuaded to buy seeds, he considered the rules should be amended to allow credit sales.

(*g*)—The superintendent's explanation was acceptable and the action adequate.

(*h*)—The superintendent for the reasons noted could not be expected to give the necessary time to the work.

(*i*)—The explanation was acceptable. He still thought the general warning proposed to be sufficient, as there had been frequent changes of office staff and the superintendent had only followed previous practice,though against the rules, while two officials had been punished.

The Finance Member acknowledged the pains taken by the Minister and in the circumstances explained did not press for further action. He was confident that the Minister would see that the accounts were made to work on proper lines. The Comptroller stated that he would not press the matter further and would accept the actions taken as adequate. The Finance Department asked that a case should be put forward if it were proposed to introduce credit sales, and that all officers should be warned to obey the rules while in force.

At farm "C" the report was regarded by the Finance Department as extremely serious, not so much as indicating incompetence but as showing that little attention was paid to sound accounting. The opinion of the Director of Agriculture was shown to the Comptroller before the Minister's orders were taken. The Comptroller observed that Government should consider disciplinary action in the following cases :—

(*a*) The cash book was seldom balanced daily and apparently never checked by the officer in charge. Entries were made on false dates or in some cases not made at all. The explanation was excessive work, especially in the field, owing to abolition of the post of assistant manager during retrenchment. The Director thought the supervision of the Deputy Director slack. The manager had been transferred.

(*b*) Money was kept in hand mixed up with other money, and used for departmental expenditure or for loans to the staff, instead of being credited, and in a number of cases no credit could be traced. The explanation was that being in a lonely place the farm's funds and those of the Deputy Director and the manager and the staff's private money were all placed in the safe, that this was a matter of human weakness, that the manager had paid up all demands outstanding owing to his failure under pressure of work and changes of staff to write up the cash book, that the permanent advance was insufficient, that the manager had been reprimanded and transferred, that no dishonesty was suspected, and that the Deputy Director had been warned to stop illegal practices. The Comptroller observed that the explanations as to the permanent advance and the discrepancies in the cash book involving actual dishonesty were meagre and unsatisfactory.

(c) There was a shortage of 15 cart-loads of fuel shown as received in the stock book. It was explained that this was simply a careless omission and no "unfair means" were suspected.

(d) There were discrepancies and omissions in the stock books. The explanations were that there had been a change in the arrangements for supply of oil-cake to cattle-breeding operations, and that there had been other adjustments, that the discrepancies were due to faulty writing up by the clerk and the ignoring of dryage and wastage, that no short payment had been made and that there was no dishonesty, as was proved by a fresh verification which showed a shortage of 15 maunds only, due to overweight. The Comptroller observed that the explanations did not reconcile the discrepancies pointed out.

(e) There were discrepancies in the stock book also of *gur*. These were explained by the increase which occurred during the retail sale. It was admitted that there were omissions in the books through carelessness. The Comptroller found the explanation as to increase of *gur* unconvincing.

(f) The stock book of farm produce did not represent facts. The explanation was that the items for which credit had not been traced had now all been realised. The Director of Agriculture thought the manager was to blame for failure to check.

The Minister noted that he should have seen the case before. The officers concerned, *i.e.*, the Deputy Director and the manager, should only be severely reprimanded in view of the fact that the former was on medical leave and could not explain the objections. The Finance Department saw the draft orders and had no comments to make.

80. Government considered that a Government bungalow which had fallen vacant at Shillong was specially suitable for the Civil Surgeon. They therefore proposed to transfer him to that bungalow, and to reserve the bungalow formerly occupied by him for an additional Secretary to Government, whose appointment was awaiting sanction by the Secretary of State. The Civil Surgeon accepted the exchange on the understanding that the rent of the new bungalow would be fixed provisionally on the principles which had been recommended by the Lee Commission, and which, according to a press communiqué issued by the Government of India, had been accepted with retrospective effect. Under Fundamental Rule 45, a local Government "in special circumstances, for reasons which should be recorded, may by special order waive or reduce the amount of rent to be recovered from any officer." Under this rule, therefore, Government provisionally reduced the rent to be recovered from the Civil Surgeon in respect of his new bungalow from the then sanctioned rate to the maximum amount at which the rent could be fixed on the principles mentioned in the Government of India's press communiqué, at the same time stipulating that, if the new rules when published resulted in a higher rental than the amount provisionally fixed, the difference would be recovered fromt the Civil Surgeon. The Audit Department raised an objection, and though the matter was explained, held that Government had acted *ultra-vires* in permitting rent to be paid below the present standard rate, and that there had been loss to public funds, since the bungalow vacated by the Civil Surgeon remained unoccupied for three months. Delay in receipt of the sanction of the Secretary of State to the new post inevitably meant that one of the two residences remained untenanted. The unavoidable loss of revenue was however diminished by the occupation of the larger house even at the reduced rate sanctioned by Government. But the principle for which the local Government contend is that their action was clearly within the power given to them by Fundamental Rule 45, and that their exercise of that power should not have been challenged by the Audit Department except on grounds far stronger than existed in this case.

## APPENDIX B.

Maulavi MUNAWWARALI asked :—

4. Are the Government aware :—

(*a*) that the present Assistant to the Director of Public Instruction for Muhammadan education is doing more propaganda work than educational work, on behalf of the Hon'ble Minister of Education ?

(*b*) that his headquarters have been specially changed to Sylhet in order to enable him to canvass support from Surma Valley members for the Ministers ?

(*c*) that the said officer was at Shillong during the last March, July and September sessions of the Assam Council ?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA replied :—

4. (*a*)—Maulavi Abul Lais Saaduddin Muhammad, who is apparently the officer referred to in the question, has been doing much propaganda work in carrying out the policy of Government laid down by the Ministry of Education for popularising general education amongst the Moslem population and he has been able, in the short period of ten months, to organise one senior *madrassa*, 8 junior *madrassas*, 5 old type *madrassas*, and at present he is dealing with the cases of six more of those institutions. On his recommendation the senior *madrassa*, 4 of the junior *madrassas* have secured Government aid and 42 boys and 5 girls secularised *maktabs* have been ordered and financed by Government to be brought on the local board's aided list. The cases of the rest of the *madrassas* recommended by him are under the consideration of the department.

(*b*)—No. The headquarters of the officer were temporarily transferred to Sylhet on his representation that he suffers great financial loss in undertaking the duties of the officiating post of Assistant to the Director of Public Instruction for Muhammadan education, with headquarters at Shillong, inasmuch as he had to serve on his own grade pay and keep two establishments one at Sylhet, the station of his permanent post, and another at Shillong.

The suggestion at the end of this question has absolutely no foundation in fact.

(*c*)—Since receipt of this question Government have ascertained that Maulavi Abul Lais, who was then serving as Professor of the Murarichand College at Sylhet, visited Shillong on casual leave for three days in the beginning of March 1927. In July last his headquarters were at Shillong and he came up to Shillong about the time of the September session.

(*d*) that he was moving amongst the members of the Assam Council for canvassing votes for Ministers?

(*d*)—The reply is in the negative. The Hon'ble member is referred to the concluding paragraph of reply to question (*b*) above.

5. If the reply to question 4(*c*) be in the affirmative, will the Government please state :—

(*a*) How and why the Assistant to the Director of Public Instruction for Muhammadan education was at Shillong during the last March, July and September sessions of the Assam Council?

(*b*) What Government work, if any, he was then doing at Shillong?

(*c*) Whether he drew travelling allowance from Government for journeys to and from Shillong at that time?

5. (*a*), (*b*), and (*c*)—Government have ascertained that Maulavi Abul Lais came up to Shillong for personal reasons and did not draw any travelling allowance from Government in March last. During the July and September sessions he was engaged in the ordinary duties of his officiating appointment as Assistant to the Director of Public Instruction for Muhammadan education, consulting the Director in regard to the action to be taken with reference to institutions he had already visited, and obtaining instruction for his future guidance. He drew travelling allowance from Government for his journeys to and from Shillong in July and September 1927.

6. (*a*) Will the Government please state if Government servants can be utilised for propaganda and canvassing work on behalf of the Ministers?

6. (*a*)—The Hon'ble member is referred to rules 22 and 23 of the Government Servants' Conduct Rules.

The principles laid down in these rules should be observed and Government believe that they are observed on other occasions than during elections. The rules do not, however, debar a Government servant from an expression of his own opinion, if invited to give it.

(*b*) If not, will the Government please enquire about the canvassing activity of this officer and take necessary steps?

(*b*)—Government see no reason for an enquiry.

(*c*) Will the Government consider the necessity of retransferring his headquarters to Shillong?

(*c*)—Government see no reason to transfer his headquarters to Shillong.

(No supplementary question was asked.)

Srijut ROHINI KANTA HATI BARUA asked :—

*Complaint against Executive Engineer, Jorhat, by Secretary, Jorhat Postal Association.*

128. (*a*) Will the Government be pleased to state if the Chief Engineer, Public Works Department, Assam, has received any letter from the Secretary, Jorhat Postal Association, complaining against the Executive Engineer, Jorhat, who wrote a letter on the 16th February last to the Post Master, Jorhat, abusing the staff with filthy language for refusing to accept an insured letter with incomplete address?

(*b*) Did the Secretary of the Postal Association enclose the letter of the Executive Engineer to the Post Master, Jorhat, for information of the Government with his letter to the Chief Engineer ?

(*c*) If so, will the Government be pleased to lay a copy of the letter on the table of the House ?

(*d*) Will the Government be pleased to state the steps it proposes to take on the matter ?

Mr. B. A. BLENKINSOP replied :—

128. (*a*), (*b*), (*c*) and (*d*). A letter from the Jorhat Postal Association was received by the Chief Engineer who took no action because it appeared to be a purely private matter having no concern with the official status or duties of the Executive Engineer concerned. Government do not propose to take any action in the matter.

A copy of the letter is placed on the table.

Postmaster,

This letter has been sent back from the post office twice. It is perfectly secure and in order. Send it off at once please. Your staff are very stupid.

B. F. TAYLOR.

*The 16th February* 1926. *Executive Engineer.*

Maulavi ABUAL MAZID ZIAOSHSHAMS :—Is it not a matter of concern for the Government to see that the public servants behave properly with the public as well as with officers ?

Mr. B. A. BLENKINSOP :—Government do not consider this to be an official matter. It is purely a private matter.

Maulavi ABUAL MAZID ZIAOSHSHAMS :—This is no reply to my question. Is it not a matter of concern for the Government to see that their subordinate officers behave properly with the public as well as with other public servants ?

Mr. B. A. BLENKINSOP :—Certainly.

Maulavi ABUAL MAZID ZIAOSHSHAMS :—Is it not a fact that this officer in question did not behave properly with the postal officers ?

Mr. B. A. BLENKINSOP :—I do not think there was anything in the letter Sir, to take exception to.

Babu KSHIROD CHANDRA DEB :—May I draw the attention of Chief Engineer that no copy of the letter in question has been laid on the library table ?

Mr. B. A. BLENKINSOP:—I am sorry ; it should have been laid on the table.

Babu KSHIROD CHANDRA DEB :—(On being supplied with a copy of the letter.) Does not the hon'ble Chief Engineer think such language as this objectionable :—

" Postmaster,

This letter has been sent back from the post office twice. It is prefectly secure and in order. Send it off at once please. Your staff are very stupid."

The Hon'ble Mr. A. W. BOTHAM :—If I may intervene, Sir, I do not see any filthy language in that.

Babu KSHIROD CHANDRA DEB :—Is it not unparliamentary ? (*laughter*).

Babu BRAJENDRA NARAYAN CHAUDHURI asked :—

*Re-assessment of rates for ilam lands.*

39. With reference to the rates of re-assessment proposed for *ilam* lands and the resolutions of the Government thereon, in case of the Sunamgan group—

(*a*) Are the Government aware (or do they propose to ascertain), —regarding facilities for transport of crop—that most of the smaller rivers and all the *khals* dry up in the winter and that majority of the villages are not situated on the big rivers and have to sell crop in the winter at substantially lower prices than than those prevailing at the river ports ?

(*b*) Do the Government propose to ascertain if the steamer services transport any paddy at all and if the steamer services have any effect on the price of paddy on the farm ?

(*c*) Are the Government aware that most *bastis* in Sunamganj are mounds of made-earth raised by the tenants above the low water-logged level of the surrounding country and all improvements and extensions thereof are made at the tenants' expense and industry ?

(*d*) If so, do the Government consider themselves justified in charging on *basti* any rate higher than that charged for low-lying *patit* land ?

(*e*) Regarding supplementary sources of income, do the Government propose to ascertain the economic condition of Patnies if they are not a dwindling caste going down economically year by year. ?

The Hon'ble Mr. A. W. BOTHAM replied :—

39. (*a*)—In Sunamganj there is a regular net work of rivers, big and small, and most of the villages are situated either on their banks or within a short distance from them. Some of them dry up during the winter but a number of them, *viz.*, Baulai, Kangso, Rakti, Itakhola, and a portion of Masing are fit for boat traffic throughout the year. There are also three big rivers, *viz.*, the Kushiara, the Surma and the Painda. Further, *boro* paddy which is the principal crop grown in the subdivision is harvested in April and May and sold during the rains. Only *amon* is sold in the winter and it is purchased by Eastern Bengal traders who come to the village and take the paddy away with them. Government are informed that there is very little difference between the prices on the river banks and the prices in places away from the rivers.

(*b*)—The steamer services do not transport any paddy at all since the local boats and the boats from Eastern Bengal are sufficient to carry it away. The steamer services have no effect on the price of paddy on the farm.

(*c*) and (*d*)—*Bastis* in the low-lying areas are usually situated on land which has been raised by the occupants. It was because the *bastis* in this group were inferior that they were classed as *bari* and not as *bhalo bari*, and assessed at a very moderate figure, *viz.*, annas 4 to annas 8 per *bigha*. Government understand that in permanently-settled areas a higher rent is charged for similar *basti* land than for paddy land, and they are satisfied that they are fully justified in assessing such land at a higher rate than the *patit* rate, which is one or two annas a *bigha*.

(*e*)—Government have no reason to suppose that the economic condition of Patnies is deteriorating.

(*f*) Are the Government aware that the big fisheries of the subdivision are in the hands of big capitalists Kaibartas and Mahemals from outside and the local fishermen class get only the crumbs of the trade?

(*f*)—Some of the big fisheries are in the hands of Kaibartas and Mahemals from outside the suddivision while others are held by local fishermen who are well-to-do. The poorer section of the fisherman class either fish in the smaller *beels* and rivers or work under the large fishery Mahaldars.

(*g*) Can the Government prove that the general economic condition of the agricultural people of the subdivision has improved during the last 30 years?

(*g*)—There seems to be no doubt that the general economic condition of the agriculturists has improved considerably during the last 30 years. There has been a large extension of cultivation, and new crops, such as jute, tobacco and vegetables have been introduced. The price obtained for agricultural produce has nearly doubled.

(*h*) Are the Government aware that during this period *nals* formerly used for mat-making are fast disappearing and the people have lost, or are losing fast, an important source of supplementary income?

(*h*)—In consequence of the spread of cultivation the supply of *nal* grass is decreasing, but Government are informed that there is still more than sufficient for the needs of local cultivators and that every year large quantities of *nal* grass are exported.

(*i*) Are the Government aware that during this period *pichas*, *balowa* and other reeds formerly used for fuel have disappeared and are fast disappearing and that recently the people in the villages have taken to coke (at about Re. 1 a maund) or to cow-dung as fuel?

(*i*)—In the same way the supply of *pichas* and *balowa* is diminishing, but Government are informed that there is still sufficient for local requirements and that the use of coke among the ordinary villages is unknown. Cow-dung is and always has been used for fuel to some extent here as elsewhere.

(*j*) Are the Government aware that their allowance of failure of 2 out of 5 crops might have been a fair allowance a decade ago, but that in the present decade failures are more frequent? Has the attention of the Government been drawn to the last census report (inundation of basins of the Kusiara and the Surma) regarding more failures in recent years?

(*j*)—Government believe that the estimate of three crops being reaped out of five is a fair one. There is no reason to suppose that failures have been more than usually frequent in the present decade. It is true that the census report, 1921, mentioned "the series of disastrous floods experienced by Sylhet during the decade," but this presumably referred to the unusually severe floods of 1913, 1915 and 1916.

(*k*) Has the estimate of 100 per cent. in the rise of prices of paddy been mainly based on prices current of only the bazar of Sunamganj town as published regularly in the Gazettee? Are the Government aware that a solitary mart can be no index of the prices prevailing throughout the subdivision and that the prices on a certain mart and on a farm vary considerably? Are the Government aware that it would have been fairer to consider prices on the farm?

(*k*)—The estimate of 100 per cent. rise in the price of paddy was not based on the prices current in Sunamganj town alone, but the prices of paddy in mofussil areas also were considered. Prices in the district vary somewhat from those current in Sunamganj but rise or fall in the same proportion.

(*l*) Do the Government propose to ascertain in how many cases and to what extent have enhancements of rents been decreed on the ground of rise of price by the civil courts in the subdivision in the last 5 years and take them as guide?

(*l*)—The rates of rent prevalent in *zemindari* estates were taken into consideration when the revised rates of revenue were proposed, and Government do not propose to make the enquiry suggested.

(*m*) Do the Government propose to reconsider their resolution after enquiry in the light of the considerations suggested above?

(*m*)—The Government are satisfied that the rates of revenue fixed for this area, which made full allowance for the liability of the area to flood, are very moderate and see no reason to reconsider them.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is the reply of the Government based on exact and detailed information with regard to the river Itakhola which in its entire length is said to be fit for boat traffic throughout the year?

The Hon'ble Mr. A. W. BOTHAM :—That was the information that was supplied to us, Sir.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Who supplied the information?

The Hon'ble Mr. A. W. BOTHAM :—It was one of the local officers, Sir, whether it was the Deputy Commissioner or the Settlement Officer I am not in a position to say.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Are the Government satisfied that the officer who made this report " that Itakhola is fit for boat traffic throughout the year " based his information on mere guess or hearsay?

The Hon'ble Mr. A. W. BOTHAM :—As far as I know Government have every reason to suppose that the information supplied can be relied on.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is the Hon'ble Member aware that in this house similar information supplied for officers has been challenged and the Government Member had not the courage to refute it?

The Hon'ble Mr. A. W. BOTHAM :—I think the question amounts to an argument.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Will the Hon'ble Member be surprised, that only three miles from Itakhola at its mouth where it joins the river Kanjia, it is not fit for boat traffic in the winter and even in that portion of three miles in the months of *Chaitra* and *Baisakh* heavy laden boats cannot ply ?

Babu GOPENDROLAL DAS CHAUDHURI :—On a point of order, Sir, is this a subject matter of a supplementary question ?

The Hon'ble Mr. A. W. BOTHAM :—I think hon. member's supplementary question amounts to an argument. I have given such information as is at my disposal.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is the Hon'ble Member ready to correct his reply if I tell him that only three miles of the Itakhola is suitable for boat traffic ?

The Hon'ble Mr. A. W. BOTHAM :—I will require notice of this question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is the Hon'ble Member prepared to make enquiry into the allegation which I have just now made ?

The Hon'ble Mr. A. W. BOTHAM :—I do not think it makes any real difference to the point at issue and I do not propose to make further enquiry into the matter.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Do I understand the Government position is that they do not mind if inaccurate information is supplied to this Council ?

The Hon'ble Mr. A. W. BOTHAM :—I do not think the question arises.

The Hon'ble the PRESIDENT :—If the Hon. member does not follow the answer it is for him to request the Government Member to explain.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The next thing—*boro* paddy is described as the principal crop. Can the Hon'ble Member give me more definite information as to the percentage of *boro* paddy and *amon* paddy ?

The Hon'ble Mr. A. W. BOTHAM :—Not on the spot, certainly not.

Babu BRAJENDRA NARAYAN CHAUDHURI:—Will the Hon'ble Member take my question as a notice for the next session ?

The Hon'ble Mr. A. W. BOTHAM :—As to the supplementary question, I doubt whether it arises.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The question is " Most of the smaller rivers and all the *khals* dry up in the winter and that majority of the villages are not situated on the big rivers and have to sell crop in the winter." That was the point and the Government reply is " that the *boro* paddy is the principal crop and *boro* is not sold in the winter." My question is " will the Hon'ble Member give the percentage of *boro* paddy and *amon* paddy ?" Is that not a supplementary question, Sir ?

The Hon'ble the PRESIDENT :—I think the question is in order.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The next reply is " that there is little difference between the prices on the river banks and the prices in places away from the rivers." May I know exactly what the little difference is and the exact distance which the Hon'ble Member wants me to understand by the word " away "?

The Hon'ble Mr. A. W. BOTHAM :—These are not fair supplementary questions.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Sir, we are forced to go into detail by the perfunctory and the very general way in which the reply is given

The Hon'ble Mr. A. W. BOTHAM :—I protest, Sir. The hon. member has given us a question of which the sub-questions go from (*a*) to (*m*). We have given the hon. member in reply a page and a half of printed matter and then he complains that they are generally inadequate. I should remind him that I am not a witness under cross-examination.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The Hon'ble Member grudges the printing and the paper. I would only ask him to make a comparison of the cost of printing and the paper with the increased revenue.

The Hon'ble Mr. A. W. BOTHAM :—Sir, I submit that the hon. member's questions are of the nature of arguments.

The Hon'ble the PRESIDENT :—No discussion can be allowed at the time of question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The Hon'ble Member complained about the cost of the printing and the paper which I am obliged to characterise as frivolous.

The Hon'ble Mr. A. W. BOTHAM :—The hon. member raised the question of the cost of printing and not I.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Will the Hon'ble Member take it from me that the price of paddy in a village which is two miles from the river is two to four annas less per maund than it is in the port? Will the Hon'ble Member kindly enquire into this?

The Hon'ble Mr. A. W. BOTHAM :—I will take it as a supplementary question and enquire.

Mr. TARAPRASAD CHALIHA :—There is a resolution giving the price of paddy as stated by the questioner. Is not that resolution with the statements in the report full enough for answering these supplementary questions?

Babu BRAJENDRA NARAYAN CHAUDHURI :—Do I understand by the replies to (*c*) and (*d*) that Government in this case copies or rather follows the rates of rent in the permanently settled estates rather than a principle of equity?

The Hon'ble Mr. A. W. BOTHAM :—No, Sir, Government would never do that.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Then what is the reason for assessing the *bastis* in the low-lying tracts which it is admitted have been improved from their original condition at a higher rate than the low-lying *patit* lands?

The Hon'ble Mr. A. W. BOTHAM :—Again I submit, Sir, that this is an argument.

The Hon'ble the PRESIDENT :—The questions are involved.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is it permissible.....

The Hon'ble the PRESIDENT :—The hon. member has failed to make out what the precise question is.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Does the Hon'ble Member complain that he has not understood me?

The Hon'ble Mr. A. W. BOTHAM :—I should like to be precise as to what the hon. member has asked for.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The Hon'ble Member gives the reasons for assessing the *bastis* at their present rates—similar to that in the permanently settled tracts.

The Hon'ble Mr. A. W. BOTHAM :—I do not think that is stated as a reason.

Babu BRAJENDRA NARAYAN CHAUDHURI:—In the reply it is stated that "Government understand that in permanently settled areas a higher rent is charged."

The Hon'ble Mr. A. W. BOTHAM :—Sir, he did not ask the reason for which the *bastis* were assessed at this particular rate.

Babu BRAJENDRA NARAYAN CHAUDHURI :—I asked for the reason for assessing the *bastis* at a higher rate seeing that the *bastis* have been improved by the tenants from their original condition of *patit* land.

The Hon'ble Mr. A. W. BOTHAM :—I am unable to find that in the printed questions.

Babu BRAJENDRA NARAYAN CHAUDHURI :—" *Bastis* in the low-lying areas are usually situated on land which has been raised by the occupants." I am very thankful for that admission.

The Hon'ble Mr. A. W. BOTHAM :—My point is that if the hon. member desired this information he should have asked for it originally. He asked "Are the Government aware that most *bastis* in Sunamganj are mounds of made-earth raised by the tenants above the low water-logged level of the surrounding country and all improvements and extensions thereof are made at the tenants' expense and industry?" We answered that. Then " if so, do the Government consider themselves justified in charging on *basti* any rate higher than that charged for low-lying *patit* land ?" We answered that we did consider ourselves justified in doing so. Nowhere has the hon. member asked us to give the basis on which our rates for *basti* lands were calculated.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is it the policy of the settlement not to allow tenants any concession for improvements made ?

The Hon'ble Mr. A. W. BOTHAM :—I should like to know to elucidate what particular fact this supplementary question is put for ? "A member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given." He can only put a supplementary question to make clear any point in the reply which is ambiguous or doubtful.

The Hon'ble the PRESIDENT :—Certainly this question does not arise.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Might I know the policy of the Government ? As a matter of fact.....

The Hon'ble the PRESIDENT :—There is nothing in the question suggesting a reply as to the policy of Government in assessments.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The question begins with this introduction : " With reference to the rates of re-assessment proposed for *elam* lands and the resolutions of the Government..... " Apparently these resolutions are the outcome of the policy of the Government. They relate to the ploicy of the Government.

The Hom'ble Mr. A. W. BOTHAM :—That is just what I have been saying. The hon. member seems to think that he can cross-examine me with reference to any point which is stated in the resolution.

The Hon'ble the PRESIDENT :—The question, as I understand it, only requires certain answers in regard to certain facts, whether it is a fact that certain lands have been taxed at the rate of four to eight annas a *bigha* or something like that. It has reference to the last settlement. Nevertheless the question does not require any answer in regard to the policy followed in the last *elam* settlement.

Babu BRAJENDRA NARAYAN CHAUDHURI :—My question is :—" If so, do the Government consider themselves justified ? " Do I not in this question ask Government about its policy ?

The Hon'ble the PRESIDENT :—Hon'ble members must remember that these questions are for drawing out information from Government. Whether broad questions of policy should be brought in through interpellations is a matter which perhaps neither the standing orders nor myself will be disposed to allow.

Babu BRAJENDRA NARAYAN CHAUDHURI :—With regard to (*e*) will the Government make any enquiry into the economic condition of Patnis ?

The Hon'ble Mr. A. W. BOTHAM :—Government have no reason to suppose that any enquiry is necessary into their economic condition.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is the Government sure that the Patnis are not dwindling in numbers far more rapidly than other people in the neighbourhood ?

The Hon'ble Mr. A. W. BOTHAM :—I have given such information as we have Sir.

Babu BRAJENDRA NARAYAN CHAUDHURI :—In number ?

The Hon'ble Mr. A. W. BOTHAM :—The hon'ble member's question, I think dealt with the economic condition of the Patnis.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Does the Hon'ble Member think that the growth of population or the loss of population is not intimately connected with economic condition ?

The Hon'ble Mr. A. W. BOTHAM :—Not necessarily, Sir. It very often happens that these lower castes, when the question of recording themselves in a particular caste arises as in the census, record themselves under some other name, or under a higher subdivision, and therefore there is an apparent reduction in the number of a particular low caste, whereas that is entirely fallacious in fact.

Babu BRAJENDRA NARAYAN CHAUDHURI :—I must thank the Hon'ble Member for his ingenuity.

Now, regarding (*f*) where it is stated that the poorer section, the local fishermen, get only the crumbs of the trade, the answer is that the poorer section of the fisherman class either fish in the smaller *beels* and rivers or work under the large fishery *Mahaldars*. May I know what the Government mean by "work under" ? Does it mean that they work as labourers ?

The Hon'ble Mr. A. W. BOTHAM :—They may work as labourers or they may take a sort of sub-lease under the *Mahaldar*.

Babu BRAJENDRA NARAYAN CHAUDHURI :—My question was —" Do the Government propose to ascertain in how many cases and to what extent have enhancements of rents been decreed on the ground of rise of price by the civil courts in the subdivision for the last five years and take them as guide ? " The reply given is that the rates of rent prevalent in *zamindari* estates were taken into consideration when the revised rates of revenue were proposed, and Government do not propose to make the enquiry suggested. Is it because the Government knows that the enquiry will be inconvenient for them ?

The Hon'ble Mr. A. W. BOTHAM :—No, Sir. The answer is in the negative.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is the Hon'ble Member aware that the late Minister for Local Self-Government said in this House that it was almost impossible to get a decree for an enhanced rate of rent in a civil court ? He says this from experience.

The Hon'ble Mr. A. W. BOTHAM :—Is that a supplementary question, Sir?

Babu BRAJENDRA NARAYAN CHAUDHURI :—The reply is that the Government is not.....

The Hon'ble Mr. A. W. BOTHAM :—I do not mind answering it, Sir. I think that is a very good reason for the answer which I have already given in the paper. Obviously there would be no object in making the enquiry which the hon'ble member suggested.

Srijut BEPIN CHANDRA GHOSE asked :—

The Hon'ble Rai Bahadur PROMODE CHANDRA DUTTA replied :—

*Assistant Surgeon of Goalpara.*

71. Will the Government be pleased to state if it is a fact that the assistant surgeon has been withdrawn from Goalpara? If so, why?

71.—The reply is in the affirmative. This step was taken partly on the grounds of economy and partly to give encouragement to the members of the junior branch of the Assam Medical Service by placing selected officers from that service in charge of some subdivisions.

72. Is it a fact that the said assistant surgeon was also the subdivisional medical officer of Goalpara and as such used to periodically inspect local board dispensaries in the interior?

72. Yes.

73. Will the Government be pleased to state who will be the subdivisional medical officer now and what arrangements have been made for periodic inspection of muffasil dispensaries?

73.—There will still be two medical officers, one in charge of the dispensary and the senior in medical charge of the subdivision. The latter will be a selected sub-assistant surgeon instead of a civil assistant surgeon. He will perform all the duties hitherto performed by the civil assistant surgeon including the inspection of dispensaries.

74. Have the Government received representations from muffasil people regarding the disadvantages that will result to them by the withdrawal of the assistant surgeon?

75. What steps do the Government intend to take to allay public anxiety in this respect?

76. Have the Government received representations from the Goalpara public and other local bodies, *e.g.*, municipality, local board, *Anjuman* and bar library, protesting against the withdrawal of the assistant surgeon and praying for a reconsideration of the order of withdrawal?

77. Will the Government be pleased to state what steps have been taken to meet their wishes in this respect?

74, 75, 76 and 77.—Yes. Government do not consider that any disadvantage will be caused to the people by the change. The officers selected for these posts will always be men who have particularly distinguished themselves and proved themselves competent to carry out the duties of the medical charge of a subdivision.

78. Do the Government know that facilities of communication with Goalpara and other parts of the province and Bengal are highly defective and make it impracticable for people to procure medical help from outside in times of necessity?

Did the Government take this fact into consideration in finally deciding the withdrawal of the assistant surgeon from Goalpara?

79. Do the Government know that the town of Goalpara and the interior of the subdivision are highly insanitary and that Goalpara is a proclaimed area under the Epidemic Diseases Act and also that *kala-azar* is highly prevalent in the subdivision of Goalpara?

Did the Government take these facts into consideration in finally deciding the withdrawal of the assistant surgeon from Goalpara?

80. Will the Government be pleased to state what would be the saving in respect of salaries of the assistant surgeon and one sub-assistant surgeon at Goalpara as before and two sub-assistant surgeons as now?

81. Will the Government be pleased to state if all or any one of the following officers were consulted before the withdrawal of the assistant surgeon from Goalpara was finally decided upon—

(*a*) Commissioner, Assam Valley Division.

(*b*) Deputy Commissioner, Goalpara.

(*c*) Civil Surgeon, Goalpara.

(*d*) Subdivisional Officer, Goalpara.

(*e*) Assistant surgeon, Goalpara.

If so, will the Government be pleased to lay on the table any communication which the Government might have received from any one of the said officers?

82. If the Deputy Commissioner and the Subdivisional Officer of Goalpara were not consulted beforehand will the Government be pleased to state the reasons why they were not consulted?

78 and 79.—The Government are aware that communications with Goalpara are not good. They are aware also that *kala-azar* exists in Goalpara. Although admitting that there is room for improvement in the sanitation of Goalpara town and subdivision, they are not prepared to describe them as highly insanitary. As already stated the Government believe that a specially selected sub-assistant surgeon will be able to discharge efficiently all the duties of the officer in charge of the subdivision.

80. The saving is Rs. 2,192 per annum calculated on the average pay.

81 and 82.—The Commissioner, Deputy Commissioner and Subdivisional Officer, Goalpara, were not consulted. This was not considered necessary as the question was mainly a medical one and the Inspector General of Civil Hospitals was in favour of the change. Whether the latter consulted the Civil Surgeon and the assistant surgeon, Government are not aware.

83. Will the Government be pleased to ascertain if the Minister in charge of the Medical Department as well as the Minister for Education and the Inspector General of Civil Hospitals in Assam received letters from private responsible gentlemen and public bodies earnestly praying for a reconsideration of the matter?

84. Will the Government be pleased to ascertain whether the Commissioner, Assam Valley Division, received telegrams from the public praying for retention of the assistant surgeon at Goalpara?

83 and 84.—Yes.

85. Have the Government received any communication from the Commissioner, Assam Valley Division, regarding the withdrawal of the assistant surgeon?

If so, will the Government be pleased to state what was the Commissioner's opinion in the matter and be pleased to lay on the table a copy of the letter in question?

86. Is it a fact that the people of Goalpara addressed a memorial through the Deputy Commissioner of Goalpara to Government regarding the retention of the assistant surgeon at Goalpara?

If so, will the Government be pleased to state what opinion the Deputy Commissioner expressed in the matter and also be pleased to lay on the table a copy of the opinion?

85 and 86.—Yes. At first the local officers had not realized that a specially selected senior sub-assistant surgeon would replace the civil assistant surgeon. Although that has minimized the objection taken, the Commissioner and Deputy Commissioner are still in favour of retaining an officer of the more senior service. The Government do not consider it necessary to lay the correspondence on the table.

87. Are the Government already aware of the opinions of the Subdivisional Officer, the Civil Surgeon and Deputy Commissioner of Goalpara in respect of the withdrawal of the assistant surgeon from Goalpara?

If not, do the Government propose to ascertain their respective opinions as early as possible and move in the matter in light of the opinion thus tendered?

87. Government are already aware of the opinion of the Deputy Commissioner. They do not consider it necessary to obtain the opinions of the others.

88. Will the Government be pleased to state if they have made any scheme for the Indianization of the medical services in Assam.

If so, will the Government be pleased to lay on the table a draft of such scheme if they have any ?

89. Will the Government be pleased to state their policy regarding the Indianization of medical service in Assam ?

88. and 89.—No. The orders of the Government of India and the Secretary of State on the recommendation of the Lee Commission are being awaited.

90. Will the Government be pleased to state how many civil assistant surgeons have been given permanent posts of Civil Surgeons ?

90. Two.

91. Is it a fact that Government have decided to hand over charges of certain subdivisions to members of the Assam Medical Service (junior) as a matter of experiment ?

If so, will the Government be pleased to state when, under what circumstances and in consultation with which district officers the carrying out of this experiment was decided upon ?

If no district officer was ever consulted in this matter, will the Government be pleased to state the reasons why no such officers were consulted before ?

92. Will the Government be pleased to state the name of the dispensaries in the Assam Valley which have been selected for the purpose of carrying out this experiment ?

91 and 92.—Yes. This has been done at Haflong and Sunamganj in addition to Goalpara.

The district officers were not consulted for the reason given in answer to questions 81-82.

93. Will the Government be pleased to name the members of the Indian Medical Service in Assam holding district charges and their respective salaries?

93.—A statement is laid on the table:—

| Name. | | Salary. Rs. |
|---|---|---|
| 1. Lt.-Colonel W. D. Ritchie (Darrang). | Pay | 1,500 |
| | O. P. | 250 |
| | Mental hospital allowance. | 250 |
| | Jail allowance | 100 |
| | Total | 2,100 |
| 2. Lt.-Colonel H. Innes (Sylhet). | Pay | 1,700 |
| | O. P. | 250 |
| | Jail allowance | 150 |
| | Leper asylum allowance. | 50 |
| | Total | 2,150 |
| 3. Lt.-Colonel J. W. McCoy (Dibrugarh). | Pay | 1,500 |
| | O. P. | 250 |
| | Jail allowance | 75 |
| | Medical school allowance. | 200 |
| | Total | 2,025 |
| 4. Major J. F. James (Naga Hills). | Pay | 1,100 |
| | O. P. | 250 |
| | Local allowance | 100 |
| | Total | 1,450 |
| 5. Major A. F. Babonau (Khasi and Jaintia Hills). | Pay | 1,100 |
| | O. P. | 250 |
| | Jail allowance | 50 |
| | Vaccine Depot allowance. | 50 |
| | Total | 1,450 |
| 6. Major H. L. Batra (Kamrup). | Pay | 950 |
| | O. P. | 250 |
| | Jail allowance | 100 |
| | Total | 1,300 |
| 7. Major D. L. Graham .. | Pay | 1,100 |
| | O. P. | 250 |
| 8. Lt.-Colonel W. J. Collinson. | Pay | 1,500 |
| | O. P. | 250 |
| | | On leave. |
| 9. Major J. L. Sen (Cachar) | Pay | 950 |
| | O. P. | 250 |
| | Jail allowance | 50 |
| | Total | 1,250 |
| 10. Major C. McIver (Manipur). | Pay | 950 |
| | O. P. | 250 |
| | Total | 1,200 |
| 11. Captain C. H. P. Allen (Sadiya). | Pay | 850 |
| | O. P. | 250 |
| | L. A. | 200 |
| | Total | 1,300 |

94. Do the Government propose to consider whether as a matter of economy more officers from the civil assistant surgeon cadre should be given permanent Civil Surgeoncies and whether it would be feasible to keep all the subdivisions under the charges of junior assistant surgeons by the savings thus effected?

94.—This will be considered when the recommendations of the Lee Commission are taken into consideration.

95. Will the Government be pleased to state the reasons why it has become necessary to hand over subdivisional medical charges to sub-assistant surgeons?

95.—The hon. member is referred to the answer to question 71.

96. Is it a fact that Goalpara subdivision is the only subdivision in the Assam Valley selected for the purpose of carrying out this experiment?

If so, will the Government be pleased to state in detail the reasons for particularly selecting Goalpara as the fit place for carrying out this experiment?

96.—Yes; for the present. There were three subdivisions in the Assam Valley selected by the Inspector General of Civil Hospitals. The experiment has been made in Goalpara first.

97. Has the attention of the Government been drawn to an article in the *Times of Assam*, dated the 21st June 1924, regarding the withdrawal of the assistant surgeon from Goalpara?

If so, will the Government be pleased to state what steps have since been taken to reconsider the matter?

97.—Government have seen the article but do not propose to take any action.

Srijut SADANANDA DOWERAH asked :—

*Provincial Contribution from Assam.*

136. Will the Government lay on the table copies of their correspondence with the Government of India regarding the remission or reduction of provincial contribution from Assam?

The Hon'ble Mr. J. E. WEBSTER replied :—

136.—Local Government are precluded by rule from making public correspondence with the Government of India without the sanction of that Government.

Babu KSHIROD CHANDRA DEB asked :—

*Supply of* Assam Gazette.

138. Will the Government be pleased to state the names of the newspapers in Assam to which the *Assam Gazette* is supplied free of cost and also the names of those to which the gazette is not thus supplied? Will the Government be pleased to state the reasons of this preferential treatment, if any?

The Hon'ble Mr. J. E. WEBSTER replied :—

138. The gazette is supplied free of cost only to the *Times of Assam* and the *Sylhet Chronicle*. It is unnecessary to give the names of all the other newspapers published in Assam. For the sake of economy the free supply of the gazette has been considerably curtailed. The two papers named were allowed to remain on the free list as being the leading papers published in English in the two valleys.

Babu KSHIROD CHANDRA DEB :—The answer is given that for the sake of economy the free supply of the gazette has been considerably curtailed. Will the Government be pleased to state the amount of money saved by discontinuing the supply of the gazette to the newspapers ?

The Hon'ble Mr. J. E. WEBSTER :—I require notice of that question.

Srijut ROHINI KANTA HATI BARUA :—I want to ask another supplementary question. Do the Government believe that the *Times of Assam* and *Sylhet Chronicle* are the only leading papers in Assam and no others ?

The Hon'ble Mr. J. E. WEBSTER :—This is a matter of opinion on which Government are not prepared to make any further statement.

Srijut ROHINI KANTA HATI BARUA :—Will the Government be pleased to consider further whether in the interests of economy the supply of the *Assam Gazette* to these papers cannot be omitted ?

The Hon'ble Mr. J. E. WEBSTER :—Government are prepared to consider this question.

Babu GOPENDROLAL DAS CHAUDHURI :—May we know, Sir, on what special grounds the *Times of Assam* and the *Sylhet Chronicle* are supplied free copies of the gazette ?

The Hon'ble Mr. J. E. WEBSTER :—The grounds were as stated in the printed reply. They were considered to be the leading papers published in English.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Does the Government know the number of subscribers to those papers, the *Times of Assam* and the *Sylhet Chronicle* ?

The Hon'ble Mr. J. E. WEBSTER :—Government have no information.

Babu BRAJENDRA NARAYAN CHAUDHURI :—What was the information available to the Government on which they based their opinion that these are the leading papers ?

The Hon'ble Mr. J. E. WEBSTER :—The hon. member has not correctly repeated the wording. They are the leading papers published in English.

Babu BRAJENDRA NARAYAN CHAUDHURI :—I put that question. Will the Hon'ble Member please reply ?

The Hon'ble Mr. J. E. WEBSTER :—Government are not prepared to give their reasons for thinking that these are two leading papers. If the hon. member has other information we shall be prepared to consider it.

Babu BRAJENDRA NARAYAN CHAUDHURI :—How does the Hon'ble Member come to the conclusion if he cannot state the facts on which he bases this conclusion ?

The Hon'ble Mr. J. E. WEBSTER :—These were papers best known to the Government as being important papers published in English in the province. There may be others, but we have no knowledge ?

Babu BRAJENDRA NARAYAN CHAUDHURI :—What is the interpretation of the word " important " by Government ?

The Hon'ble Mr. J. E. WEBESTER :—The hon. member had better consult a dictionary.

Babu BRAJENDRA NARAYAN CHAUDHURI :—There are several papers published in the vernacular. Will they not come under the category of 'leading,' according to official views ?

What is the percentage of the population in Assam which is literate in English ?

The Hon'ble Mr. J. E. WEBSTER :—I require notice of that question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is that not very small ?

The Hon'ble Mr. J. E. WEBSTER :—I am not prepared to say what is a large and a small proportion. It is a matter of figures.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Will it be more than five per cent. of the total population ?

Is the Hon'ble Member aware that the English-knowing population is far less than the number literate in the vernacular ?

The Hon'ble Mr. J. E. WEBSTER :—Government are well aware of this fact.

Babu BRAJENDRA NARAYAN CHAUDHURI :—How can papers in English lead the population where those papers according to the admission made by Hon'ble Member is read by only a small section of the population ?

The Hon'ble Mr. J. E. WEBSTER :—We hope that the gentlemen leading in this province read English papers and they pass on the information to their less fortunate brethren.

Maulvi ABDUL HAMID :—Does not Government think it desirable that the contents of the *Assam Gazette* should be made known to the very large number of people who are not conversant with English ?

The Hon'ble Mr. J. E. WEBSTER :—Government think it most desirable and will be very happy if these other newspapers will subscribe to the not very expensive Gazette.

Maulavi ABDUL HAMID :—Having regard to that does not Government think it more desirable that the Gazette if it is to be supplied at public expense should be supplied to the vernacular newspapers ?

The Hon'ble Mr. J. E. WEBSTER :—No, it is not the opinion of the Government that it will be more usefully employed by the vernacular newspapers.

Babu GOPENDROLAL DAS CHAUDHURI :—Is not *Janasakti* an important paper ?

The Hon'ble Mr. J. E. WEBSTER :—That is a matter of opinion.

Babu KSHIROD CHANDRA DEB :—Was not that paper prosecuted eight times ?

The Hon'ble Mr. J. E. WEBSTER :—I cannot say the number of times this paper has been prosecuted.

Srijut KULADHAR CHALIHA :—Is that one of the reasons to hold that it is not a leading paper because it was prosecuted eight times ?

The Hon'ble Mr. J. E. WEBSTER :—I ask the Chair if this question arises. The hon. member has enquired whether the fact that *Janasakti* has been prosecuted eight times is one of the reasons for holding that it is not a leading paper. I only ask the Chair whether this question properly arises ?

Srijut KULADHAR CHALIHA :—I should like to make my submission because the Government has not given an answer. Is the fact that *Janasakti* was prosecuted eight times a reason for holding that it is not a leading paper ?

The Hon'ble Mr. J. E. WEBSTER :—This is not a reason for holding that it is not a leading paper.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The number of subscribers to *Janasakti* is over 1,200 and that of the *Sylhet Chronicle* less than 700 only. Will the Government be surprised to hear this ?

The Hon'ble Mr. J. E. WEBSTER :—Government will not be surprised to hear anything.

Maulavi ABDUL HAMID :—Having regard to the fact that Government consider it desirable that the contents of the Gazette should be published for the use of those who are not well versed in English, will they not consider the desirability of supplying the *Assam Gazette* free of cost to certain vernacular newspapers of the province ?

The Hon'ble Mr. J. E. WEBSTER :—Government may consider such a request but in the present financial condition we must exercise every possible economy.

Maulavi ABDUL HAMID :—May I take it that Government at this stage of financial stringency refuses to consider the question of supplying the *Assam Gazette* to any of the vernacular newspapers of the province ?

The Hon'ble Mr. J. E. WEBSTER :—Government would consider the request from any particular newspaper on its merits. As I have said, we shall have to resist as far as possible any demand for additional expenditure.

The Hon'ble Khan Bahadur KUTUBUDDIN AHMAD :—Sir, under rule 33....

The Hon'ble the PRESIDENT :—I am presently reading it out.

Srijut KULADHAR CHALIHA :—After hearing the questions and answers, will the Government be pleased to supply the Gazette to leading vernacular papers of the province ?

The Hon'ble Mr. J. E. WEBSTER :—I will not go beyond saying that Government will be prepared to consider a request from any particular paper. I cannot say what orders will be passed on such a request.

The Hon'ble the PRESIDENT :—The Standing Order 23 runs thus :—

" The first hour of every meeting shall be available for asking and answering questions."

It is past 12 now.

Srijut ROHINI KANTA HATI BARUA asked :—

*Settlement of land with Miris of the Garamur Chapari.*

1. (*a*) What were the " favourable terms " given to the Miris of the Garamur Chapari and how, when, where and to whom were these terms communicated ?

(*b*) Will the Government be pleased to lay on the table a copy of the favourable terms for settlement of land for permanent cultivation offered to the Miris and duly served on them in the usual procedure?

(*c*) When did the "Nazir" arrive in the Garamur Chapari? Was it on the 17th May? What was the time allowed to the Miris to remove their belongings?

The Hon'ble Mr. J. E. WEBSTER replied :—

1. (*a*)—They were to be allowed land free of land revenue for three years. A notice conveying these terms was served on the spot on 25th March 1923, and the terms were also explained by the Deputy Commissioner to two of the Miri Gams on the 10th April 1923. A further notice conveying these terms was served on the Miris by a Miri chaprasi on the 30th September 1923, and finally the Deputy Commissioner himself visited the chapari again in January 1924 and on that occasion when one of the Miri Gams accepted the offer he gave him an order authorising him to receive land free of revenue for three years.

(*b*)—A copy of the notice is laid on the library table.

(*c*)—The Nazir apparently arrived on the 17th May. The actual time given for the removal of property is not known but the Nazir reported that before the remaining houses were destroyed all property had been removed from them.

SUPPLEMENTARY QUESTIONS.

Srijut ROHINI KANTA HATI BARUA :—Were the Miris given compensation for vacating their lands?

The Hon'ble Mr. J. E. WEBSTER :—I do not think that the question arises. We were not asked whether the Miris were given compensation.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is it said in the Government commnique that fire was set to one or two dilapidated huts?

The Hon'ble Mr. J. E. WEBSTER :—I do not think, Sir, that this supplementary question is admissible under rule 34.

Babu BRAJENDRA NARAYAN CHAUDHURI :—I submit, Sir, my question is not —when the Nazir arrived at the chapari. I am merely asking the details of what the Nazir did there?

The Hon'ble Khan Bahadur KUTUBUDDIN AHMAD :—I beg to rise to a point of order, Sir. Rule 34 says "any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given." This question has no reference to that and is an unnecessary question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Did the Nazir arrive on the 17th or the day after?

The Hon'ble Mr. J. E. WEBSTER :—I submit, Sir, that this question does not fall within the scope of rule 34. There is nothing about a fire in that question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—My object is to test the accuracy of the time given for the arrival of the Nazir, and as such I submit the point is relevant and that the question should be allowed.

The Hon'ble the PRESIDENT :—That comes under rule 34 and it cannot be allowed.

Srijut KULADHAR CHALIHA :—Why was the time allowed? If the time was allowed, for what object was it allowed, if it was not for destruction by fire?

The Hon'ble Mr. J. E. WEBSTER :—I Submit, Sir, again that the rule allows of supplementary questions being asked for elucidating statements of fact. I do not know whether it covers giving reasons for the acts stated.

Srijut KULADHAR CHALIHA :—What was the object of giving the time and why was it given? If it was not for the purpose of destruction by fire it would not have been given.

The Hon'ble the PRESIDENT :—If it comes under rule 34 I cannot allow you to ask that question. The question of opinion does not arise.

Srijut KULADHAR CHALIHA :—May I know why the time was allowed? It clearly comes under rule 34 as it seeks to elucidate the fact why time was allowed.

Mr. TARAPRASAD CHALIHA :—Why was it necessary to remove the belongings?

Maulavi ABDUL HAMID :—It is a fact that time was allowed. The elucidation of course comes in why time was allowed. That is what is meant by elucidating any matter of fact, and I should say that this comes within the elucidation of a matter of fact and is allowed under rule 34.

Mr. A.W. BOTHAM :—Sir, the interpretation of the wording of the rule is clear. The rule says "Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given." In this case an answer has been given regarding a certain act, what was the time allowed. If the reply to that question required any elucidation, if it was not sufficiently clear, then any member could get up and ask a supplementary question to elucidate that fact but he cannot get up and ask a supplementary question on a different matter altogether.

Rai Bahadur AMARNATH RAY :—I beg to submit, Sir, that the answer that time was allowed is a matter of fact. This question only seeks to elucidate that matter of fact, and as such the question is perfectly in order.

The Hon'ble the PRESIDENT :—I say that in my opinion it infringes the rule and so I cannot allow it.

Srijut KULADHAR CHALIHA :—I wish to ascertain the exact time allowed to the Miris to remove their belongings.

The Hon'ble Mr. J. E. WEBSTER :—Government will enquire, if the hon. member so desires, to ascertain the exact time allowed.

Srijut KULADHAR CHALIHA :—How many houses were affected and from how many houses the belongings had to be removed?

The Hon'ble Mr. J. E. WEBSTER :—I submit, Sir, that the question does not arise out of the answer already given.

Srijut KULADHAR CHALIHA asked :—

*Construction of Shikar Camps.*

118. (*a*) Have Government considered the desirability of ascertaining from the Deputy Commissioner of Nowgong whether he issued any *parwana* to the *mauzadar* to build the *Shikar* camps with reference to question 2 of 31st July 1924?

(*b*) Was any Government officer deputed by the Deputy Commissioner to look after the construction of the camps of the *Shikar* party ?

(*c*) Was the travelling allowance of the officer paid by the Government or by the *Shikar* party ?

(*d*) Have the Government considered the desirability of getting the information regarding question 2 (*a*), (*d*) and (*e*) of 31st July 1924 ?

Mr. A. W. BOTHAM replied :—

118. (*a*)—Government have ascertained from the Deputy Commissioner, Nowgong, that no *parwana* was issued to any *mauzadar* to construct a camp for any shooting party.

(*b*)—A clerk of the Deputy Commissioner made arrangements for the shooting party whilst on casual leave. No officer was deputed by the Deputy Commissioner for the purpose.

(*c*)—No travelling allowance was paid to the clerk by Government.

(*d*)—Government have ascertained that the camps constructed at Doloigaon, Lahorighat, Tangaguri and Gorapar were constructed for the Deputy Commissioner's own tour and had no connexion with any *Shikar* party. They were not constructed by means of forced labour. Information regarding the camp at Hariaghat has already been given. Government are not in a position to state what amount was paid by private persons on account of the construction of the shooting camp nor to lay vouchers on the table. All they can say is that there was no expenditure of public funds and that they are assured that all labour employed was liberally paid for by the private persons concerned.

Srijut ROHINI KANTA HATI BARUA :—Was the clerk of the Deputy Commissioner's office deputed on casual leave to make arrangements for the *Shikar* party ?

Mr. A. W. BOTHAM :—I am afraid I do not know.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Will the Government allow any member of the house an inspection of the leave register of the clerk in explanation of answer (*b*)?

Mr. A. W. BOTHAM :—The leave register is not available in Shillong. It is in the Deputy Commissioner's office at Nowgong.

Babu BRAJENDRA NARAYAN CHAUDHURI :—In case any member of the house wishes to inspect the register at the district office, will Government allow him to have a look at it ?

Mr. A. W. BOTHAM :—I am not certain that the leave register shows casual leave. My impression is that it does not.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is there anything on record, either here or in the mofussil, to show that this clerk was on casual leave on that particular day ?

Mr. A. W. BOTHAM :—I can only say that the Deputy Commissioner has told us that the clerk was on casual leave.

Babu BRAJENDRA NARAYAN CHAUDHURI :—My question was about the general system of records kept of these cases of leave. I think the reply of the Hon'ble Member is not sufficient. May I expect a clear answer ?

Mr. A. W. BOTHAM :—If the hon. member will give me notice, I will give him a reply.

Babu BRAJENDRA NARAYAN CHAUDHURI :—May I take it that the reply (*b*) is based simply on the assurance of a certain officer of the Government and that Government has no record to support the version of that officer.

Mr. A. W. BOTHAM :—Government of course keep no record of casual leave given in subordinate offices.

Babu BRAJENDRA NARAYAN CHAUDHURI :—If that officer were dishonest.....

The Hon'ble Mr. J. E. WEBSTER :—On the point of order, Sir, May I point out that this is a hypothetical question, which is not allowed ?

Babu BRAJENDRA NARAYAN CHAUDHURI :—In reply (*d*) it is stated " that they are assured that all labour employed was liberally paid for by the private persons concerned." May I know by whom and in what way Government were assured ?

Mr.A.W. BOTHAM :—Government were assured by the Deputy Commissioner.

Babu BRAJENDRA NARAYAN CHAUDHURI :—In what way ?

Mr. A. W. BOTHAM :—They were assured in writing by the Deputy Commissioner.

Babu BRAJENDRA NARAYAN CHAUDHURI :—May we know what the Deputy Commissioner wrote ?

Mr. A. W. BOTHAM :—Certainly. He wrote—" I can only say that members of the party to whom I have spoken on the subject assured me that payment was made on a liberal scale for all work done and supplies given. As an indication of this I may say that two prospective boatmen had a violent quarrel for the privilege of being engaged."

Maulavi ABDUL HANNAN CHAUDHURI asked :—

*Suit No.* 17 *of* 1924.

142. (*a*) Is it a fact that Government are helping the defendants in suit No. 17 of 1924, in the court of 1st Subordinate Judge, Sylhet ?

(*b*)—Is it a fact that Government have issued letters even to the defendants who are not Government servants to take instruction from the Government Pleader ?

The Hon'ble Khan Bahadur KUTUBUDDIN AHMAD replied :—

142. (*a*)—Government have decided that the suit, which is primarily against police officers acting as such, will be defended at the expense of Government.

(*b*)—Government understand that the Deputy Commissioner, Sylhet, has instructed the Government Pleader to undertake the defence of all the defendants. No letter has been issued by Government to any of the defendants.

Maulavi ABDUL HAMID :—The question here is that Government decided that the suit which is primarily against police officers acting as such will be defended at the expense of the Government. Does it mean that they are going to defend the police officers in the suit or does it include that they will defend private persons against whom the civil suit is pending ?

The Hon'ble Khan Bahadur KUTUBUDDIN AHMAD :—The reply to that question has already been given in (*b*). Government understand that the Deputy Commissioner, Sylhet, has instructed the Government Pleader to undertake the defence of all the defendants.

Maulavi ABDUL HAMID :—May I know, Sir—I do not know whether rule 34 will be brought against me—but may I know from the Hon'ble Member whether they approve of the practice that in civil suits private individuals should be defended when Government servants happen to be defendants?

The Hon'ble Khan Bahadur KUTUBDDIN AHMAD :—Sir, I shall require notice of that question.

Srijut SARVESWAR BARUA asked :—

*Grazing Grounds.*

207. Will the Government be pleased to state—

(*i*) How many criminal cases and civil suits were brought in the province during the year 1924 for damages to crops by domesticated elephants?

(*ii*) How many grazing grounds, if any, have been provided for elephants?

(*iii*) If in view of the enhanced grazing tax on elephants do the Government propose to provide sufficient number of grazing grounds for these animals?

The Hon'ble Mr. H. C. BARNES replied :—

207. (*i*)—The Government have no information.

(*ii*)—No grazing grounds have been reserved for elephants.

(*iii*)—No.

Srijut MAHADEVA SARMA :—With regard to question 207(*iii*), is it proper to impose a grazing tax without a grazing ground?

The Hon'ble Mr. H. C. BARNES :—I beg to ask whether that question is in order? It seems to me to be a hypothetical question.

The Hon'ble the PRESIDENT :—Will the hon. member repeat his question?

Srijut MAHADEVA SARMA :—Do the Government think it proper to impose a grazing tax without a grazing ground?

The Hon'ble Mr. H. C. BARNES :—Now, that is a matter of opinion, and I do not propose to say anything.

Babu BASANTA KUMAR DAS :—We want a ruling from you, Sir, whether it is really a matter of opinion.

Srijut MAHADEVA SARMA :—It is a question of principle, it is a question of fact.

The Hon'ble the PRESIDENT :—The Hon'ble Member for the Government took objection on the ground that it was a hypothetical question. Does the hon. member (Srijut Mahadeva Sarma) ask if Government are taxing any places with grazing fees without providing a grazing ground?

Babu BASANTA KUMAR DAS :—Do the Government realise any grazing tax without any grazing ground ?

The Hon'ble Mr. H. C. BARNES :—Is the question admitted, Sir ?

The Hon'ble the PRESIDENT :—The question is in order.

The Hon'ble Mr. H. C. BARNES :—The tax is imposed on the animal that grazes and not on the grazing ground. There are grazing grounds everywhere because the whole of the unclassed State forests are grazing grounds.

Babu BRAJENDRA NARAYAN CHAUDHURI :—What were the reasons ; why the grazing tax on elephants was enhanced ?

The Hon'ble Mr. H. C. BARNES :—What enhancement does the hon. member refer to, Sir.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The enhancement of the rates on elephants.

The Hon'ble Mr. H. C. BARNES :—In the new grazing rules ?

Babu BRAJENDRA NARAYAN CHAUDHURI :—In the rules that have been in force, are the elephants assessed at a bigger rate than other cattle ?

The Hon'ble Mr. H. C. BARNES :—The assessment on elephant is Rs. 15, I am told.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is it because the elephant consumes more fodder than the rest ?

The Hon'ble Mr. H. C. BARNES :—I am unable to state the actual reasons which actuated the Government in making the change at the time it was made, but obviously if the hon. gentleman owns any private forests, he would probably himself charge a good deal more for grazing an elephant than he would for a cow, I think.

Srijut KAMAKHYARAM BARUAH :—Was any public opinion taken before enhancing the grazing tax on elephants ?

The Hon'ble Mr. H. C. BARNES :—I am not aware.

Babu BASANTA KUMAR DAS :—May we know the reasons for answering question 207(*iii*) with a 'No' ? The question was :—' In view of the enhanced grazing tax on elephants, do the Governmnet propose to provide sufficient number of grazing grounds for these animals ? The answer is ' No ' ; I ask the reason why ?

The Hon'ble Mr. H. C. BARNES :—The answer is ' No ' because they have not the intention.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Does not the Government consider it obligatory to supply larger grazing lands for the elephants ?

The Hon'ble Mr. H. C. BARNES :—That question, Sir, does not arise.

Babu KSHIROD CHANDRA DEB :—Have the Government tried to ascertain the number of criminal cases and civil suits that were brought ?

The Hon'ble Mr. H. C. BARNES :—The Government see no reason to do so. The compilation of this would involve an enormous amount of expense and unless there is some very real reason for getting the work done I should not consider the question at all.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Does the Government consider questions like this put by Council as sporting and not serious ?

The Hon'ble Mr. H. C. BARNES :—That, Sir, is a matter of opinion (*laughter*).

Babu BRAJENDRA NARAYAN CHAUDHURI :—Is it the practice of Government to reply off-hand in most cases without attempting to make any enquiry whatsoever ? May I expect a reply, Sir, because I ask a question of fact ? Is it the practice ?

The Hon'ble Mr. H. C. BARNES :—Is it necessary for me to answer that ?

The Hon'ble the PRESIDENT :—The Hon'ble Member may reply.

The Hon'ble Mr. H. C. BARNES :—Government in answering questions endeavours to give information when it is possible to do so without waste of time and expense.

Babu BRAJENDRA NARAYAN CHAUDHURI :—May we get for our guidance a limit of possibility to do so ?

The Hon'ble Mr. H. C. BARNES :—The hon. member may kindly repeat his question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—May we get some guidance, some instructions from Government—we should know beforehand up to what extent it is possible for Government to reply to our questions.

The Hon'ble Mr. H. C. BARNES :—I do not think it is part of my duty to furnish the gentleman with information of that kind or.with instruction (*laughter*).

Babu BRAJENDRA NARAYAN CHAUDHURI :—May I ask if the Government think it will be a waste of time to supply information to the Council ?

The Hon'ble Mr. H. C. BARNES :—I think if the hon. member reads the question he ought to see the answer for himself.

Babu BASANTA KUMAR DAS :—Are these reasons ? I want the Hon'ble Member to formulate the reasons plainly.

The Hon'ble Mr. H. C. BARNES :—I have nothing to add, Sir, to the reasons I have already given.

## STARRRED QUESTIONS.

Babu BRAJENDRA NARAYAN CHAUDHURI asked :—

1. (*a*) Will the Government supply an exhaustive list of all associations and individuals consulted by Deputy Commissioner or the Subdivisional Officers on the subject of transfer of Sylhet and Cachar together with valid strength of membership of those associations ?

(*b*) What is the object of this new move on the part of the Government or the Deputy Commissioner ?

Mr. G. E. SOAMES replied :—

1. (*a*)—Government have not this information and do not propose to attempt to obtain it.

(*b*)—The Government do not understand what the expression "this new move" means.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Have not the Government received a report on the subject from the Deputy Commissioner, Sylhet ?

The Hon'ble Mr. H. C. BARNES :—I beg to point out, Sir, that this question does not arise out of the original question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—The reply to the original question is that the Government have no information and do not wish to call for information at this stage. I think this arises because my information is that the Deputy Commissioner has sent a report.

The Hon'ble The PRESIDENT :—Will the hon. member repeat his supplementary question ?

Babu BRAJENDRA NARAYAN CHAUDHURI :—Have the Government recently received a report from the Deputy Commissioner, Sylhet, on this subject ? The question is quite clear.

Mr. G. E. SOAMES :—A report has been received from the Commissioner but it has not yet been considered by the Government. I may inform the hon. member that it does not contain the information he asks for. The original answer is therefore perfectly correct.

Babu BRAJENDRA NARAYAN CHAUDHURI —Does not the report of the Deputy Commissioner contain a single name of any associations ?

Mr. G. E. SOAMES :—That is a different question. Presumably some associations have been mentioned ; but Government have not received an exhaustive list.

Babu BRAJENDRA NARAYAN CHAUDHURI :—May I take it that the Government has got an incomplete list ? If so, will they supply an incomplete list even ?

Mr. G. E. SOAMES :—That is a new request and I must ask for notice.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Do not the Government consider it a duty to supply partial replies to questions when they are not in a position to supply the full information that is wanted ?

Mr. G. E. SOAMES :—Sir, the hon. member asked for an exhaustive list ; we are unable to give it to him.

Babu BRAJENDRA NARAYAN CHAUDHURI —Will the Government supply even an incomplete list within this week ?

The Hon'ble Mr. H. C. BARNES :—Sir, it does not arise out of the original question.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Sir, the object of this original question is to get out certain information and it appears from the reply that Government is in possession of a portion of them. I think it is relevant to ask the Government to supply us with that portion of the list which they have in their possession.

Mr. G. E. SOAMES :—I have already asked for notice. That is a new question. I am fully entitled to ask for notice.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Are the names of the *Brahman Parishad*, the Sunamganj *Anjuman* and the Sylhet *Anjuman* mentioned in the report of the Commissioner ?

Mr. G. E. SOAMES :—I cannot say whether the particular associations are mentioned or not.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Has the hon. member noticed that he is contradicting his own statement ?

Mr. G. E. SOAMES :—I have not noticed any such thing, Sir. But I said that Government have not got any exhaustive list.

Babu BRAJENDRA NARAYAN CHAUDHURI :—Does he remember that he said that certain names have been mentioned in the report of the Commissioner and afterwards the same member says that he cannot say whether the names of the *Brahman Parishad* or the *Anjumans* occur in that ?

Mr. G. E. SOAMES :—I cannot see that there is any contradiction.

Babu BASANTA KUMAR DAS :—Did the Government issue any instructions to the Deputy Commissioner as to how the enquiry was to be made ?

Mr. G. E. SOAMES :—No , Sir.

Babu BRAJENDRA NARAYAN CHAUDHURI :—What is the object of this new move on the part of the Government of the Deputy Commissioner ?

Mr. G. E. SOAMES :—The Government do not understand what the expression " this new move " means ?

Babu BRAJENDRA NARAYAN CHAUDHURI :—In view of the fact that public opinion has already been expressed through this Council.

Mr. G. E. SOAMES :—Is that a question, Sir ?

Babu BRAJENDRA NARAYAN CHAUDHURI :—That is put because of the previous answer that Government cannot understand the expression. I have simply made my question clear.

Babu BASANTA KUMAR DAS :—" New move " means the new attempt on behalf of the Government for the purpose of ascertaining the opinion of the people, knowing full well that that opinion was expressed through the Council last year about this time.

Mr. G. E. SOAMES :—I thank the hon. member, Sir, for his interpretation.

Babu BASANTA KUMAR DAS :—I do not want any thanks from the hon. member. I want an answer.

Mr. G. E. SOAMES :—The answer has already been given.

Babu BASANTA KUMAR DAS :—Where is the answer ? May I expect a reply from the Hon'ble Member, Sir ?

The Hon'ble the PRESIDENT :—Put your whole question.

Babu BASANTA KUMAR DAS :—My question is " where is the answer ?"

Mr. G. E. SOAMES :—The answer was already given. Another hon. member gave his interpretation to that question. I thanked him for his interpretation. That was not a question.

Srijut KULADHAR CHALIHA :—In the light of that interpretation will the Hon'ble Member now answer the question.

Mr. G. E. SOAMES :—The hon. member may repeat his interpretation. May I say that the interpretation should be given by the hon. member who has asked the question ?

Babu BRAJENDRA NARAYAN CHAUDHURI :—The Hon'ble Member may take it that I repeat the question.

Mr. G. E. SOAMES :—I am afraid I did not hear.

Babu BRAJENDRA NARAYAN CHAUDHURI :—What is the object of taking public opinion afresh when public opinion has already been clearly expressed through this Council ?

Mr. G. E. SOAMES :—That, Sir, is a new question for which I must ask for notice.

Babu BRAJENDRA NARAYAN CHAUDHURI :—I submit, Sir, that it only explains question 1 (*b*). May I repeat it in another form ? What is the object of taking public opinion now ?

Mr. G. E. SOAMES :—The answer was in the hon. member's own question. It was to elicit public opinion.

Babu BRAJENDRA NARAYAN CHAUDHURI :—What is the object ?

Mr. G. E. SOAMES :—That, Sir, is a new question and I must ask for notice.

Babu BRAJENDRA NARAYAN CHAUDHURI :—What is the object of this new move ? I have explained the word " move " by substituting " taking public opinion." I want a ruling from the Chair.

The Hon'ble the PRESIDENT :—On account of the ambiguity the Government could not answer the question of the hon. member. He has now explained the question. To that question the answer from the Government member is that they require information.

Maulavi Dewan ABDUL RAHIM CHAUDHURI asked :—

192. Will the Government be pleased to state—

(*a*) Who has been appointed in the post of stenographer and tour clerk for the office of the Director of Public Instruction recently advertised in the *Assam Gazette* ?

(*b*) How many applications in all were received showing separately the number of each community ?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA replied :—

192. (*a*)—Srijut Hema Kanta Barua, B. A.

(*b*)—Twenty-three as undernoted :—

| | |
|---|---|
| (*i*) Bengalis of Sylhet, and Cachar. .. | 11 |
| (*ii*) Assamese (other than Ahoms and Muhammadans). | 7 |
| (*iii*) Muhammadans .. | 2 |
| (*iv*) Domiciled Bengalis.. | 2 |
| (*v*) Non-domiciled Bengali .. | 1 |
| | 23 |

193. Is it not a practice in such cases that for the selection of the best man all the candidates present in the station are tested together in one examination and, if so,

(a) whether such an examination was held in the present case,

(b) if not, why? And how was it arrived at that the candidate so selected was best among the lot?

193. (a) and (b)—The selection and mode of selection rest in the discretion of the head of the office. Only two candidates seemed at all suitable. They were tested separately and the better of the two was selected.

194 (a) As the post is a combined one of stenographer and tour clerk, does the selected candidate possess any experience of tour clerk, and if so, to what extent.

194. (a)—The sanctioned post is for a stenographer and as the stenographer is generally employed as a tour clerk, a man with tour experience was desired. The successful candidate, who has only been appointed temporarily, has had no tour experience.

(b) Were any of the candidates rejected on the ground that they possessed no experience of tour?

(b)—Various candidates were rejected for various reasons—tour experience being one.

195. Is it a fact that Muhammadan community has been very inadequately represented for the last 12 years or so in the office of the Director of Public Instruction and is the Assamese community over-represented?

195. Muhammadan clerks have been found to use the office of the Director of Public Instruction as a stepping stone to better appointments elsewhere, and consequently the community is under-represented. The Assamese community has been over-represented since 1918.

196. Are the Government aware that there were qualified Muhammadan candidates for the post, and, if so,

(a) whether they were examined along with others, or separately?

(b) if they were rejected without examination, what is the reason for this?

(c) if the reply to question 4 be in the affirmative, why one of the overrepresented community was taken in preference to one, with same qualifications, of the long standing underrepresented or a short represented community?

196.—No. Only two applications from Mhuammadans were received. Both were matriculates and only one was a stenographer, but he had had no experience of any kind. The experience of the other was not satisfactory.

(a) to (e)—They were not examined, because their qualifications were entirely inadequate for the post.

(*d*) or why, in view of the inadequacy of community a Muhammadan was not given preference to an Assamese., even if the former was found in some way or other inferior to the latter?

(*e*) in that case what was his inferiority?

Maulavi ABDUL MAZID ZIAOSHSHAMS :—Does the Hon'ble Minister mean to say that the Moslems never stick to their posts in the Director of Public Instruction's office?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—My short experience has told me so.

Maulavi ABDUL MAZID ZIAOSHSHAMS :—Does not the question require information for the last twelve years?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—It applies to the last twelve years as well. All the Muhammadans who were appointed in the clerical establishment of the office of the Director of Public Instruction have gone on promotion to other departments or have gone to other places for personal convenience.

Maulavi ABDUL MAZID ZIAOSHSHAMS :—May I know during the last twelve years how many Muhammadans were appointed in the Director of Public Instruction's office and how many of them left that office?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—I cannot give the details off hand. If the hon. member requires I will send him the information he requires.

Maulavi ABDUL MAZID ZIAOSHSHAMS :—I require the information.

Maulavi DEWAN ABDUL RAHIM CHAUDHURY :—Will the Hon'ble Minister please let us know why the Muhammadans do not stick to this office?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—The answer is already in print. In the answer to question 195 I have said :—'Muhammadan clerks have been found to use the office of the Director of Public Instruction as a stepping stone to better appointments elsewhere.'

Maulavi NAZMUL ISLAM CHAUDHURI asked :—

*Office of the Director of Public Instruction.*

26. (*a*) Will the Hon'ble Minister in charge of Education be pleased to lay on the table a statement showing :—

(*i*) The total number of sanctioned appointments in the clerical staff of the office of the Director of Public Instruction, Assam.

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA replied :—

26. (*a*) (*i*)—Excluding the personal assistant (who is a member of the subordinate educational service) there are thirteen permanent men in the office. In addition, two temporary posts for one year were recently added.

(*ii*) The total number of permanent posts held by the various communities and the number to which each community is entitled.

(*ii*)—The following statement gives the information desired :—

| Number of appointments held by each community | | Number of appointments which each community would hold on the basis of proportional representation of communities. |
|---|---|---|
| 1. Bengalis of Sylhet and Cachar .. .. | 5 | 1·82 |
| 2. Assamese (other than Ahoms and Muhammadans). .. .. | 4 | 2·34 |
| 3. Ahoms .. .. | 1 | ·39 |
| 4. Muhammadans .. | 0 | 3·77 |
| 5. Khasis .. .. | 2 | ·39 |
| | 12 | |

*N. B.*—One unconfirmed Muhammadan of the permanent staff resigned and was relieved on 18th June last.

(*b*) Will the Hon'ble Minister be pleased to state who have been appointed in the two temporary appointments in the above-mentioned office advertised in the *Assam Gazette* of April last ?

(*b*)—Srijut Mathura Nath Barua to the post of Rs. 135.

Maulavi Abdul Majid, B.A., (since left) } to the post on Rs. 50
Maulavi Muhammad Badiuzzaman, B.A. }

(*c*) Is it a fact that one of the said appointments has been filled up by a non-Muhammadan candidate, though there were many Muhammadan candidates with good recommendations from their masters ?

If so, what are the reasons for so doing ?

(*c*)—Yes. Eleven applications from Muhammadan candidates were received but none had the requisite technical office experience.

(*d*) Is it also a fact that the selected candidate for the above post of Rs. 135 per mensem was a shorthand typist and a tour clerk? If so, what are the special reasons for appointing him to this post overlooking the claims of other candidates in the same office who are doing correspondence and other works similar to those required for this post?

(*d*)—Yes. The man appointed had eighteen years' experience and was the best qualified candidate.

(*e*) Is it a fact that the scales of pay for shorthand-typist in every office are different from those for the ordinary clerical staff? If so, what are the reasons for allowing the shorthand typist separate scales of pay?

(*e*)—Yes. They have special technical qualifications and their duties are of a special nature. They are also employed as tour clerks of officers and hence have to deal with confidential correspondence.

(*f*) Is it a fact that there are orders to the effect that shorthand-typist should generally not be promoted to the scales of pay for ordinary clerks?

If so, why this different treatment in this case?

(*f*)—The answer is in the negative.

(*g*) Will the Hon'ble Minister be pleased to state why the vacancy was advertised when it was the intention to give office promotion?

(*g*)—There was no prior intention to give office promotion. The post was advertised so that the best man available might be obtained.

Maulavi Dewan ABDUL RAHIM CHADHURI :—Will the Hon'ble Minister be pleased to refer to column 1 of the statement given in answer (*ii*) of question No. 26 (*a*)? There are altogether twelve appointments. The percentage shown in the second column does not represent the complete number.

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—The rest of the percentage is swallowed up by persons other than those shown in the left hand column. There are some officers who could not be grouped under any of these.

Maulavi Dewan ABDUL RAHIM CHAUDHURI :—Will the Hon'ble Minister please let us know whether the post vacated by an unconfirmed Muhammadan of permanent staff has been filled up?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—It has been advertised.

Maulavi Dewan ABDUL RAHIM CHAUDHURI :—May I enquire whether Government propose to take a Muhammadan to fill up the vacancy?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—Preference will be given to a suitable Muhammadan.

Maulavi MUHAMMAD MUDABBIR HUSSAIN CHAUDHURI :—Was the nature of the technical office experience required stated in the advertisement?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—It could not possibly be stated in the advertisement what sort of qualifications are required?

Maulavi Dewan ABDUL RAHIM CHAUDHURI :—May we know what sort of technical qualifications are required ?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—The very nature of the post shows that the candidate must have requisite technical experience. It was the post of the tour clerk and therefore he must know shorthand and typewriting and he must have experience of office work to be discharged by a touring officer.

Maulavi Dewan ABDUL RAHIM CHAUDHURI 26 (d):—May we know whether the selected candidate got the requisite technical qualifications ?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—It has been reported that he had the necessary technical qualification.

Maulavi Dewan ABDUL RAHIM CHAUDHURI :—May we know when and how he acquired the technical qualifications ? He was a shorthand-typist and tour clerk only.

The Hon'ble the PRESIDENT :—If the hon'ble member's question is how he acquired the qualifications, then the Hon'ble Minister might require notice of that question.

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—I can answer at once, Sir. This officer has got unique experience. He served both in the Deputy Inspector's and the Inspector's office, and in every department of the Director of Public Instructions' office and therefore he had all the requisite qualifications.....

Babu BRAJENDRA NARAYAN CHAUDHURI :—Even in the position of a duftry ?

The Hon'ble Maulavi SAIYID MUHAMMAD SAADULLA :—If in the estimation of the hon. member, a duftry is a member of the clerical staff, he even did that work.

# CHAPTER V.

## RELATIONS BETWEEN CENTRAL AND PROVINCIAL GOVERNMENTS.

### SUPERINTENDENCE, DIRECTION AND CONTROL.

1. The supervision, direction and control of the Secretary of State and the Governor-General-in-Council has inevitably been reduced by statutory devolution and by the abolition of statements and returns formerly rendered. Supervision may be taken to be the whole group of matters in which the Imperial Government becomes aware of provincial activities; direction the extent to which the Imperial Government co-ordinates activity, as even in the transferred sphere, besides the issue of general instructions; control the action of the Imperial Government in checking or managing the activities of a particular province. In all three classes the exercise of power by the Imperial Government may rest upon antecedent legislation, *e.g.*, in the transferred sphere, the Local Authorities Loans Act, or on express statutory provisions, or it may be purely executive. Again, the purposes for which, and the powers under which, according to the brief definition in the Act (section 45) and Devolution Rule 49, the Central Government may intervene even in transferred subjects melt into one another, and it may be difficult in a given case to determine the particular provision relevant.

2. The measure of supervision, as comprehending the rest, may be derived from comparison of the figures of correspondence. The average number of letters received in the past three years in the Civil Secretariat was 1,430 as compared with 2,071 in 1920-21.

3. In the matter of direction, while the Local Government have been left much greater freedom than before the Reforms, the co-ordinating activity of the Central Government has been very considerable even in transferred departments, as the formation of such bodies as the Agricultural Commission may indicate. In particular such action has been determined by the participation of India in international conventions. So far as regards statutory powers, the most important and the most frequently used has been that of the Secretary of State concerning the public services,

4. Control was exercised upon the Local Government's proposals for abolition of Imperial posts, two of which were not accepted. The co-ordinative control in matters of financial rule was important owing to the prolonged and complicated labours involved in the process of devolution. The existence of antecedent legislation has not been of practical importance. Statutory control over provincial legislation has, however, been concerned in several important matters. Previous sanction has been withheld both to disallow, a provision in a Government Bill (Local Rates) held to infringe a central source of revenue, and a clause in the Compulsory Primary Education Bill where a question of policy was at stake, and a clause in a private bill affecting the customs. While the Central Government was prepared as in the case of the private Opium Bill, and in the attempt of the Council in the Temperance and Local Self-Government Bills to acquire unrestricted rule-making powers to issue executive directions, the statutory powers of control were often inapplicable as regards actions of the legislature. Since, as the Functions Committee anticipated, the powers of veto and withholding of assent, cannot be weapons for general use, while the power of returning a bill for reconsideration has also not been found desirable in practice, legislative control, the salutary character of which the Local Government have acknowledged, is not as complete as was on occasion desired. Even in reserved subjects it is far from co-extensive with the field of executive control, and may render the latter otiose. Thus the executive control of the Central Government in the three points stipulated for re-assessments of land revenue fades into insignificance in relation to a Council for which this control has no import. The problem that would arise, should the Council carry a measure in defiance of a strict executive prohibition upon the Local Government has not however occurred in practice. Executive control as distinct from direction has been used only occasionally and has either been welcomed or recognised to be reasonable. On occasion the Local Government would have welcomed a more drastic use of the Central Government's powers, legislative and executive, than was actually made.

*E.g.*—(*a*) Separation of Judicial and Executive functions.

(*b*) The appointment of an Inspector of Factories for the whole province and the institution of new returns regarding arms and ammunition.

*E.g.*—(1) The controversy between the Governments of Bengal and Assam and the University of Calcutta.

(2) Restriction upon inter-provincial migration.

(3) Financial disputes.

5. An examination of the correspondence received from the Central Government in certain departments may indicate the nature and basis of the supervision used.

Finance Department letters for 1927 concerning :—

| | Number. |
|---|---|
| Central subjects, *e.g.*, tariff, protection, salt, etc. ... | 60 |
| Statutory control as regards stores, famine insurance funds, entertainment and patent medicine taxes, previous legislation such as the Companies Act, Stamp and Court-fees Act ... ... | 17 |
| Financial information ... ... ... | 52 |
| Rulings and interpretations such as proposals for modification of rules, codification, regulation of relations with the Public Accounts Committee, adjustment between departments, etc. ... | 50 |
| Executive and co-ordinating functions such as the conference of financial representatives, Taxation Enquiry Committee, instructions as to the Delegation Rules, correspondence regarding the communication by local bodies of information to income-tax officers, or instructions as to embezzlement and fraud ... ... ... ... | 39 |
| Correspondence regarding adjustment between provinces, Meston Settlement, etc. ... ... | 12 |
| Matters concerning Imperial relations ... ... | 2 |
| Powers of the Secretary of State regarding the head of the province, the household, etc. ... ... | 8 |
| Powers of the Secretary of State regarding the services, pensions, General Provident Fund, etc. ... | 63 |

Excise Department letters from 1925 to 1927 (transferred in 1926) :—

| | |
|---|---|
| Antecedent legislation, *e.g.*, amendment to the Opium Act, central subjects such as Indian made foreign liquor, the medical store depôt, transmission of excisable articles through the post, smuggling from Nepal, the Indian States, cost price of opium, fees for chemical analysis, encroachment on the fiscal sphere of the Central Government, tariffs ... | 52 |
| Statutory control regarding provincial legislation ... | 6 |
| Imperial relations, such as traffic in dangerous drugs, resulting from the League of Nations ... | 33 |
| Imperial relations, diplomatic, *e.g.*, smuggling from China ... ... ... ... | 3 |
| Relations between the provinces, *e.g.*, supply of information, returns, conference of Ministers, enquiries as to wood-naphtha, methyl alcohol, and consumption of country liquor, including resolutions of the Council of State, value of confiscated opium, and *opium policy* ... ... ... | 120 |
| The High Commissioner ... ... ... | 1 |
| The Services ... ... ... ... | 3 |

Agriculture Department letters from 1925 to 1927 regarding :—

| | |
|---|---|
| Central subjects, *e.g.*, Research and previous legislation, *e.g.*, Destructive insects and pests ... | 42 |
| Co-ordination of provinces, *e.g.*, All-India Agricultural Organization and Agricultural Commission (29) ... | 63 |
| High Commissioner, *e.g.*, Indian students ... | 6 |
| The services ... ... ... ... | 30 |
| Imperial relations, *e.g.*, Imperial Exhibition, co-ordination of agricultural activity in the Empire, League of Nations, etc. ... ... ... | 47 |

6. Of the 39 bills tabled 24 were submitted for previous sanction. One of the remainder was held to include provisions requiring such sanction, while four submitted were held not to require it. Previous sanction was refused or withheld to clauses—

(1) Assessing dues on land held to encroach on the central sphere of taxation.

(2) Providing that parents with no children at school should not be compelled to pay the compulsory education cess, because in another section it was declared that in no recognized schools was a fee to be charged, but the effect was to charge fees to parents with children at school.

(3) Dealing with imported liquor.

(4) Imposing imprisonment.

(5) Providing for summary trial.

In a number of cases, particularly the Scheduled Districts' Amendment, Municipal, Local Self-Government Amendment, Goalpara Tenancy, and Bengal Chaukidari Repealing Bills, the advice of the Government of India, or the examination in regard to sanction, revealed important defects. In the last it was found that the effect would be to remove the principal source of franchise in three districts. The member in charge dropped his Bill.

### Financial relations between the Central and the Provincial Governments.

7. In the allocation of revenue between the Central and Provincial Governments after the Reforms two of the three heads which had previously been divided, *viz.*, land revenue

and stamps, became entirely provincial and the third, income-tax, was allotted to the Central Government, except for a share in any increase of assessed income over the figures of 1920-21. The Meston Committee which sat in 1920 estimated that under this arrangement the province would normally obtain Rs. 1,81,86,000 from all sources (a figure slightly in excess of that estimated at the Simla Conference in 1919) and Rs. 8,57,000 would go to the Central Government. This figure does not, however, include the revenue accruing in the province which was wholly central prior to the Reforms, such as the excise duty on petrol and oil and the export duty on tea, and which continued to be so treated. Under income-tax the Central Government derived in 1921-22 Rs. 8,14,000, while in 1926-27 the share of the Central Government had increased (including super-tax) to Rs. 30,38,000. From petrol and oil it derived in 1921-22 Rs. 1,98,000 and in 1926-27 Rs. 14,00,097. From the export duty on tea which was taken off in 1926, it derived as far as can be ascertained a sum of approximately Rs. 50,00,000 per year. It is not an unjust comment, therefore, that with the introduction of the Reforms the sources of revenue capable of the greatest expansion were assigned to the Central Government.

8. During the years of the financial stringency many suggestions were made that a further contribution should be levied from the tea industry, in which it is estimated that upwards of £30,000,000 of capital is engaged in Assam. The industry contributes directly to the provincial revenue only in respect of land revenue, and the land revenue paid by the tea industry is estimated to have been about Rs. 12,00,000 in 1926-27. On the other hand it contributes considerable sums to the Central Government. The export duty of Re. 1-8-0 on every hundred pounds of tea, which was imposed in 1916-17 and taken off with effect from 1927-28, has already been mentioned. In 1922-23 tea which had previously been exempted from income-tax as an agricultural industry was ordered to be assessed as to 25 per cent. of its profits, after a test case as to its liability had been taken to the High Court. In 1926-27 this proportion was raised to 40 per cent. The increase was announced at the same time at which the export duty was taken off and it was not unreasonably considered that the impost had been continued in another form and the tea industry had obtained little real relief. The provincial Government,

therefore, felt it impossible to take advantage of the remission and impose additional taxation for provincial purposes. Considerable amounts are also paid by the industry to the Central Government in customs duty for the import of motor cars and motor lorries and machinery. The whole situation is most unsatisfactory. The industry is hampered by bad communications, and while tea planters object with some justice that they do not get an adequate return for the very considerable sums paid by them to the State, the complaint has often been made in the Council (again with some justice) that the tea industry obtains benefits from provincial and local revenues which are incommensurate with the scanty contribution it makes to them. The land revenue paid by the tea industry will grow with the enhancement of the rates of assessment in the ordinary course of resettlement, and the Government propose to charge a premium on land which may be taken up for tea cultivation in future. But a mere charge on the land is an unsatisfactory and inequitable way of taxing an industry. The question of raising a cess on the production of tea similar to the export duty has often been raised in the Council and outside, and while there is no present intention of imposing such a tax, it seems reasonable that the province should have the power to impose it if it should wish to do so. At present such a tax is not within the competence of the province under the Scheduled Taxes Rules.

9. In the case of oil the yield to the province in 1926-27 was 2¼ lakhs arising from royalties, while the Central Government obtained, as has already been noted, a sum of 14 lakhs in excise duties. Here again it is considered that the province can fairly claim a larger share of the taxation levied from the industry. In particular the duty on petrol is practically a tax on motoring, and limits the extent to which the provincial Government can tax motor vehicles. The Central Government undertakes no responsibility for the roads on which motoring depends.

10. In 1922 the Government of Bihar and Orissa asked for permission to levy a surcharge of annas 4 per ton on all coal placed on the railways in that province. They pointed out that practically the only method by which mineral industries were taxed was under the central heads of income-tax and customs, that the surcharge was easy to collect through the agency of the railways, and would be

easily passed on to the consumers (these in the case of Assam would be mainly the Railway Companies, the Steamer Companies and the tea gardens). The proposal was referred to all local Governments for opinion and was strongly supported by the Government of Assam, who pointed out that it would mean a much needed addition of Trs. 75 to provincial revenues. The Government of India eventually decided that they were unable to agree, on the ground that the proposed tax was of a nature more closely akin to the taxes raised by the Central Government than to the sources which were left at the disposal of the provinces. A further objection was that the proposed tax would throw an additional burden on the central railway budget, which would thus have an effect on the financial contributions of the provinces. The latter contention disappeared with the remission of the provincial contribution. In 1926-27, 2,271,220 tons of coal were raised in Assam, and the province received a sum of Trs. 30 only on account of royalty.

11. A proposal has also been made, with which Government have considerable sympathy, that a toll should be imposed on all goods entering or leaving the province and the proceeds earmarked for the improvement of communications. The underlying idea of this is the same, *viz.*, that it is desirable both in the interest of the province and of industry itself that the provincial Government should have the power to raise a fair measure of taxation from its industries. At present industry is hampered by bad communications, and the province cannot afford with its inelastic sources of revenue to put the roads in a condition to cope with heavy traffic. A terminal tax cannot at present under the Scheduled Taxes Rules be imposed by any provincial Government for its own purposes, nor can it be imposed in Assam even for the purposes of local authorities.

12. Apart from the main question of the allocation of funds between the central and provincial the following specific points have been discussed from time to time:—

(1) *The maintenance of the Assam Rifles.*—The Central Government made to Assam an assignment of fourteen lakhs per annum towards the cost of maintenance of the five battalions of the Assam Rifles, it being calculated that the total cost of maintenance was on the average about twenty lakhs, and that seven-tenths of this should be borne by central revenues in view of the extent to which the

Assam Rifles are employed on frontier defence. It was represented to the Central Government in 1924, however, that three of the battalions are located in areas for which that Government are responsible, and that the other two battalions have duties in connection with the frontier at least as important as those connected with internal security. It was, therefore, considered that the subvention from central revenues should cover four-fifths of the average cost, and should be raised from fourteen to sixteen lakhs. This proposal was accepted by the Government of India with retrospective effect from 1921-22.

(2) *The provincial share of income-tax*—Under Devolution Rule 15, whenever the assessed income of any year subsequent to the year 1920-21 exceeds the assessed income of that year, the province is entitled to receive 3 pies in the rupee on the amount of such excess. As a temporary measure also the province receives 10 per cent. of the net collections as agent of the Central Government in the assessment and collection of the tax, but it is probable that this arrangement will not be renewed beyond the present year 1928-29. The operation of rule 15 has been in favour of Assam owing to the fact that the tea industry was not assessed to income-tax till after the year 1920-21, and the province now derives a sum of some six lakhs from this source.

The following table shows the growth of the provincial receipts under head :—

| Year. | Net collections. | Provincial share. | Super-tax (Central). |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | Rs. | Rs. | Rs. |
| 1920-21 .. .. .. .. | 9,15,743 | .. | .. |
| 1921-22 .. .. .. .. | 8,13,596 | .. | .. |
| 1922-23 .. .. .. .. | 13,24,557 | 1,15,944 | 96,562 |
| 1923-24 .. .. .. .. | 25,78,125 | 4,15,669 | 4,84,756 |
| 1924-25 .. .. .. .. | 33,83,539 | 5,53,603 | 10,27,313 |
| 1925-26 .. .. .. .. | 28,29,465 | 5,29,721 | 8,27,407 |
| 1926-27 .. .. .. .. | 27,13,284 | 4,90,951 | 7,24,974 |

The income-tax from salaries is about 32 per cent. of collections, from business about 66 per cent., securities, professional earnings and property only yielding negligible proportion of .1, .7, and .6 per cent. The tax on salaries includes an amount of probably three lakhs on account of tea commission. Special enquiries pointed to the following collections approximately on account of tea (excluding personal income and commission of managers, but including privately-owned gardens) :—

| | Rs. |
|---|---|
| 1923-24 ... ... ... | 13,88 |
| 1924-25 ... ... ... | 20.21 |
| 1925-26 ... ... ... | 17,78 |

These figures include 85 per cent. of the tax on Assam tea gardens assessed in Calcutta, as by an arrangement between the two provinces 85 per cent. is credited to Assam and 15 per cent. to Bengal.

The following table, showing the income-tax from companies and registered firms, brings out the growth in this source of central and provincial revenue, mainly due to the taxation of a portion of the profits from tea culture:—

*Statement showing the assessed income and tax collected from* (1) *companies and* (2) *not from companies from* 1920-21 *to* 1926-27.

| Year. | Assessed income. | | Total. | Tax collected. | | Total. |
|---|---|---|---|---|---|---|
| | From companies. | Not from companies. | | From companies. | Not from companies. | |
| 1 | 2 | 3 | 4 | 4 | 6 | 7 |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 1920-21 .. | 15,39,858 | 2,18,52,275 | 2,33,92,133 | 96,242 | 8,12,806 | 9,09,048 |
| 1921-22 .. | 6,50,048 | 2,03,97,871 | 2,10,47,919 | 54,171 | 7,43,423 | 7,97,594 |
| 1922-23 .. | 49,65,606 | 2,36,53,225 | 2,86,18,831 | 4,63,130 | 8,94,353 | 13,57,483 |
| 1923-24 .. | 1,88,30,585 | 2,90,19,515 | 4,78,50,101 | 13,39,920 | 12,31,618 | 25,71,538 |
| 1924-25 .. | 2,42,48,601 | 3,24,65,419 | 5,67,14,020 | 19,49,648 | 14,30,470 | 33,80,118 |
| 1925-26 .. | 1,98,66,883 | 3,53,16,714 | 5,51,83,597 | 12,31,160 | 15,94,651 | 28,25,811 |
| 1926-27 .. | 1,74,50,049 | 3,52,19,887 | 5,26,69,936 | 10,92,466 | 15,96,603 | 26,89,069 |

A suggestion has recently been made, following the recommendations of the Taxation Enquiry Committee, that in place of the share in income-tax assigned to the province in accordance with the Devolution Rule 15 and of the stamp duty on certain documents of a commercial and *quasi*-commercial character, the province should receive a fixed assignment of 3 pies in the rupee on personal incomes (including dividends received from companies) and that if the yield of such assignment should be less than the amount now received by the province (on an average of the last three years) from the share in income-tax under the Devolution Rule 15, and from the stamps which are to be transferred to central, the difference should be made good by a grant from central revenues. Under the special conditions of Assam it is anticipated that the proceeds of the 3 pies share will be less than the amount the province is entitled to receive under Devolution Rule 15, and further that the province will lose the benefit of a rise in that yield which is anticipated owing to the fact that the assessment on tea companies has been raised to 40 per cent. of their profits. Nevertheless the province has agreed to the suggestion in the anticipation that the share in the income-tax from the personal incomes will give a more stable yield, with greater possibility of future expansion.

(3) *The cost of order police on railways.*—This is rather an intricate subject which it is not possible to discuss fully here. It may be briefly stated that a committee of 1872 divided police duties on railways into three classes, *viz.*:—

(*a*) Investigation and crime

(*b*) Platform and order

(*c*) Watch and ward

and made the State responsible for the first, and the railways for the second and third. This principle continued with various modifications up to 1915, the staff for watch and ward duties being usually provided by the railways in the shape of *chaukidars*, etc., and the staff for platform and order being furnished by the State in the form of constables but paid for by the railways. As a matter of convenience the cost of the police employed on railways was divided between the State and the railways in the proportion of 3 to 7 without any exact apportionment of the cost of each function.

In 1915 the Secretary of State laid down what appeared to be a new principle, *viz.*, that the cost of all the police employed on railways should fall on the State, whether they were employed for investigation and crime or for platform or order, and the railways should maintain and pay for the staff employed on watch and ward only. Since that date no further payment has been made by State railways, but contracts were entered into with company controlled railways by which they contributed a fixed sum to Government in lieu of the charges of which they had been relieved. With the introduction of the Reforms these contributions were credited to provincial revenues, and Assam receives Rs. 25,000 annually from the Assam-Bengal Railway on this account.

The present contention of the Government of India is that when time comes with the expiry of the existing contracts for company railways to be taken over by the State, these contributions will come to an end, and the provinces will have to bear the cost of order police without receiving any payment on that account. The Government of Assam have put forward the following arguments :—

(*a*) The new arrangements of 1915 were carried through without the provinces being consulted, and are not therefore binding on them.

(*b*) The change was made for the sake of convenience only and did not denote a departure from principle, since, under the system of joint purse which then existed, it was a mere duplication of labour for the Central Government to make payments to the provincial Government for the cost of police employed on the State railways. When, however, central and provincial revenues have been separated, the argument of convenience is no longer valid, and a return should be made to the principle previously accepted, the merits of which have not been challenged.

(*c*) Finally railways, like all other commercial undertakings, ought to pay for services which the State renders to them beyond the sphere of its recognised duties.

It was, therefore, contended that the question of payment for the cost of police engaged on duties of platform

and order on railways both those belonging to the State and those which are at present company-owned, should be examined on its merits. The matter is still under consideration.

13. Under the existing arrangements the central Government acts as banker for the provincial Government, is responsible for the maintenance of its accounts as well as for audit, and manages its ways and means and resource operations. As banker it finances certain classes of provincial advances, such as advances to Government servants for the purchase of motor cars or the construction of houses, and has the use, free of interest, of the balances of deposits accruing in connexion with provincial administration and the current balance of the provincial fund itself. Since 1925 the central Government has paid interest, on fixed deposits of sums not less (in the case of Assam) than ten lakhs from provincial balances, the rate of interest being one per cent. less than the rate charged to the Provincial Loans Fund in the case of deposits for 12 months and over, and two per cent. less in the case of deposits for shorter periods. These arrangements have generally worked satisfactorily, but the Government of Assam realise that any further progress towards provincial autonomy must be accompanied by the separation of the provincial and the central banking accounts, the maintenance by the province of its own accounts, and the management of its own ways and means and resource operations. Audit will doubtless remain a central subject.

14. The power given in Devolution Rule 21 to the Governor-General-in-Council to prescribe a minimum closing balance for local Governments has not hitherto been used in the case of Assam. The Assam Government consider however that the provision is a salutary one and that it should be retained.

### Recommendations of the Government of Assam.

15. The superintendence, direction and control to be exercised by the central Government have already been mentioned in the memorandum on the head "Provincial Governments." The Government of Assam there advised that provincial autonomy was impracticable, but that, given a strong central Government with the power of effective control over provincial Governments in certain

matters, there should be an advance in the direction of responsible government in the provinces. They further advised that in some matters control over the local Government and the Legislative Council vested in the Governor should be transferred to the Governor-General or the Governor-General-in-Council. In addition to the specific recommendations there made, the Government of Assam advise that the control over legislation now given to the central Government by sections 80A, 81 and 81A of the Government of India Act and the rules framed thereunder, *viz.*, the Local Legislatures (Previous Sanction) Rules and the Reservation of Bills Rules, should continue. The large measure of responsible government in the provinces which the Government of Assam have advocated and the impossibility of providing a second Chamber in Assam make the retention of this control by the central Government essential to check hasty, predatory, communal or racial legislation and to safeguard the interests of the central Government and of other provinces. For this reason the Government of Assam are unable to recommend any relaxation of the Act or rules in the matter of previous sanction, the reservation of bills or the power of assent or veto. The Ministers would prefer that the power of control over legislation now vested in the Governor-General should be transferred to the Governor-General-in-Council, but His Excellency and the Members of the Executive Council would make no change in this respect.

16. The question of executive control presents greater difficulty. If the recommendations of this Government are accepted, all subjects will be "transferred" in the new constitution. The control of the central Government over transferred subjects is now limited by the provisions of Rule 49 of the Devolution Rules. This Government have already advised that if the Governor differs from his Cabinet in any matter wherewith he is specially charged under his instrument of instructions or which affects any central subject or the interests of another province, he should have the power of reserving the question for the consideration of the Governor-General and Rule 49 of the Devolution Rules should be amended so as to make the authority of the Governor-General binding on the local Government. The Governor and the Members of the Executive Council would also advise that the provisions of that rule should be supplemented by an amendment giving the Governor-General effective control over matters affecting internal

security and the maintenance of law and order, including the administration of justice and police. In the review of the working of the Police Department the reasons have been advanced for the apprehension that with the grant of responsible government it may be difficult to secure such provision for the maintenance of law and order as is essential for the internal security, not only of the province directly concerned, but also of its neighbours. Any laxity in this matter in Bengal, for instance, would have its repercussion at once in Assam and *vice versa*.

17. His Excellency the Governor in Council does not wish to convey the impression that responsible Ministers cannot be found to whom the maintenance of law and order could be entrusted. Ministers, equally with Members of the Executive Council realize the paramount importance of an efficient police force and an independent judiciary. But the experience of the past eight years does not, in his opinion, justify the belief that the Legislative Council as a whole would be prepared to take a dispassionate view of such measures as might have been considered necessary by the men on the spot to stop a riot. The tendency to pillory magistrates in the Legislative Council for the delivery of an unpopular judgment may prove irresistible. Cases may arise in the future, as in the past, [an instance being given in sub-paragraph (12) of paragraph 31 (judicial) in chapter IV above] where failure to record a vote in condemnation of a particular officer would inevitably cost the member his seat. The apprehension that such might be the case would impair the confidence of the officers in the Government which they served.

18. It is therefore essential that the central Government should have the power to intervene and require a local Government to take adequate measures for internal security and the maintenance of law and order. It is also necessary that officers of all ranks charged with the administration of the law or the duties of the police should feel assured of adequate protection. Possibly it might be sufficient if the powers of superintendence and control conferred on the Governor-General-in-Council by section 45 of the Government of India Act were in respect of those two departments, namely, the judiciary and the police, explicitly defined by rules under the Act. These might fitly include not only the power to insist on expenditure considered necessary for the efficient maintenance of the departments, but also confer

on officers serving in these departments the right of appeal to the Government of India, and, in the case of officers appointed (as proposed later in paragraph 19 of chapter VII) by the Secretary of State, an appeal to the latter authority. If no other means can be devised by which such control could be made effective, His Excellency and the Members of the Executive Council would advise that these subjects be made "central."

19. Subject to what has just been said on the question of internal security and the maintenance of law and order, the Government of Assam do not think that any change is needed in the list of central and provincial subjects, save in one comparatively minor matter. At present game sanctuaries are maintained as forest reserves and under item 14 of Part II of Schedule I of the Devolution Rules are a provincial subject. Such sanctuaries as are required in the interests of science to preserve species of certain fauna should not, in the opinion of this Government, be treated as forest reserves at all. They should be maintained under the orders of the central Government and at the cost of central revenues. There is a danger that a local Government or a Legislative Council may not appreciate the scientific importance of maintaining such sanctuaries, and there is no reason why the cost of maintaining sanctuaries required in the interests of science should be debited to provincial revenues, merely because the fauna happen to exist in any one province. The subject is of all-India importance and should be classified as "central."

20. In the matter of the financial relations between the central and the provincial Government, the Government of Assam have only two specific proposals to make. They consider that the revenue from the excise on petrol or at least a share of it should be credited to provincial revenues. It is the local Government's expenditure on roads which largely produces the revenue from petrol and it is only fair that some share of that revenue should be allocated to the province from which it is derived. Secondly, by rule 3 of the Scheduled Taxes Rules read with item 8 of Schedule II of these rules a Legislative Council may not, without the previous sanction of the Governor-General, make any law imposing or authorising a local authority to impose, for the purposes of such local authority, any terminal tax on goods imported into a local area, unless an *octroi* had been levied

there on or before the 6th July 1917. The Government of Assam advocate that the limitation imposed by the last words of item 8 of the Schedule should be removed and that it should be open to the Legislative Council of a province to impose or to authorise a local authority to impose a terminal tax, whether or not an *octroi* had previously been imposed in that area.

## CHAPTER VI.

### (7) THE COURTS AND THE JUDICIARY.

1. Assam has no chartered High Court of its own. The High Court for the plains districts of the province is still the Calcutta High Court, while for the backward tracts where justice is administered under special rules issued under the Scheduled Districts Act, 1874, the highest court of appeal or revision is the Local Government. The creation of a separate chartered High Court for Assam has never been a practical proposition. Resolutions were tabled both in the pre-reform and reformed Council but were not debated. Assam pays to Bengal a contribution of Rs. 90,000 towards the cost of the Calcutta High Court in proportion to the amount of work done on behalf of this province by the High Court on the appellate side. When the calculation was last made, the amount of work done for Assam was only 8 per cent. of the whole. Assam is at present the only Governor's province which has neither a chartered High Court nor the Court of a Judicial Commissioner within its borders. The province is being rapidly developed and, if no substantial change is made in its territorial constitution, the time must come when Assam will need at least a Judicial Commissioner of its own. In 1921 the question of transferring the control of the Calcutta High Court from the Government of India to the Government of Bengal was raised, but the Government of India decided not to proceed further with the proposal.

Judl., A, Sep. 1921, Nos. 1-3, and Judl., B, Feb. 1922, No. 15.

2. In the plains districts of the province all courts of Judges, criminal and civil, with the exception of the court of the Assistant Sessions and Subordinate Judge in the Assam Valley, and all other civil courts in the district of Svlhet are staffed by officers of the Bengal Judicial Services who are lent to this province. The post of Assistant Sessions and Subordinate Judge, Assam Valley, has hitherto been filled by a specially qualified officer of the Assam Provincial Civil Service appointed with the High Court's approval. All other stipendiary courts in the province are staffed by officers of the executive services. In addition to the stipendiary courts there are 61 Honorary Magistrates in Assam, some of whom sit singly while others sit together as

a bench. These Honorary Magistrates have been appointed both at district and subdivisional headquarters and also in outlying places. Previously appointed for life, they are now appointed or reappointed for a period of three years. Village Courts and Benches have also been established in some rural areas. They have hitherto been constituted under the Bengal Village Self-Government Act, 1919, as modified and extended to Assam. In future they will be constituted under the Assam Rural Self-Governmnt Act, VII of 1926.

3. The judicial work is increasing now so rapidly that the staff is proving inadequate to the demand made upon it. In the Assam Valley there is only one District and Sessions Judge with an Assistant Sessions and Subordinate Judge. During 1927 a temporary Additional Judge was appointed to deal with the heavy arrears of criminal work, and the appointment of another permanent Judge for this Valley cannot be much longer deferred. In the Surma Valley there is one District and Sessions Judge with one permanent Additional District and Sessions Judge. In recent years however temporary Additional Judges have constantly been employed. A resolution in 1928, proposing that the pecuniary jurisdiction of all civil courts of first instance should be raised, was lost, after Government had explained that, as these courts were all under the Calcutta High Court, they did not propose to move before the Government of Bengal. Hitherto, in few districts except Sylhet has the Munsifs' work been sufficient to justify the employment of a whole-time officer, but the time is not far distant when most districts will require a whole-time Munsif, and, when that time comes, Assam will require its own provincial judicial service. There will then disappear the complaint which whether justified or not, has frequently been made that, although the Bengal judicial service is required to staff the civil courts in Sylhet, natives of this province are not given their fair share of appointments to that service.

4. Despite the large legal element in the Council few essays were made in judicial matters. Resoultions were carried recommending—

(*a*) The separation of judicial and executive functions.

(*b*) The recruitment of Judges from the bar.

(*c*) The appointment of officers of the Judicial Service in the civil courts of Cachar.

(*d*) The closing of courts for Muhammadan prayers on Fridays.

As regards (*a*) a committee was appointed in 1924 to advise Government on the question of the separation of judicial and executive functions, whose report was laid before the Council in 1925. No further action has since been taken as the general question is under the consideration of the Secretary of State. (*b*) The question of the recruitment of Judges from the bar had no practical reference as Assam has no judicial service of its own but obtains its officers from the Government of Bengal. (*c*) Government were unable to accept the recommendation for the appointment of officers of the judicial service in the civil courts of Cachar because the work was not sufficient to make the entertainment of whole-time officers for the administration of civil justice reasonably economical unless the courts at Silchar and Hailakandi were amalgamated, which would cause serious inconvenience to litigants. (*d*) This recommendation has been accepted.

5. Honorary Magistrates have not escaped criticism. A resolution was moved in 1923 to limit the period of office of an Honorary Magistrate. The resolution was then withdrawn but was moved again in a modified form later in the year. The mover's contention was that it was prejudicial to the administration of justice that any magistrate should continue in office for a long period in one place on the ground that "he would be likely to form his own likes and dislikes, bias and prejudices." Another member said "some Honorary Magistrates amongst our Indian friends have not the slightest idea of the law.....Whenever they find a case coming up before them they try to bring the offence under that section which they have already selected." The same member referred to the story of the son of an Honorary Magistrate in Bengal who on his father's death applied to be appointed an Honorary Magistrate in his father's place as the family had no other means of subsistence—"So long as his father was alive he had to support his family members with the remuneration which he used to get from his post of Honorary Magistrate." The

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resolution, however, received little support and was easily defeated. Since that date references in the Council to Honorary Magistrates have been few and have been confined to questions suggesting that Honorary Magistrates might be prejudiced by their local knowledge and that Government do not always select the most suitable persons for these posts.

# CHAPTER VII.

## THE POSITION OF THE SERVICES.

### WORKING OF THE PUBLIC SERVICES.

1. A comparison (necessarily approximate, owing to the change from war circumstances, changes of classification, etc.) of the composition of the services under the control of the Local Government on the 1st January 1921 and on the 1st January 1928 produces the following figures :—

| | 1921. | 1928. |
|---|---|---|
| 1. Officers of the All-India services, including officers who held posts normally held by All-India service officers, and including four officers of the Bengal cadre whose services have been lent to Assam. ... | 145 | 135 |
| 2. Number of the above serving definitely in transferred departments ... ... | 29 | 31 |
| 3. Number of Indian officers included in No. 1 | 15 | 28 |
| 4. Number of provincial service officers holding "listed" posts in the Indian Civil Service (including one officer of the Bengal Judicial Service lent to Assam). ... ... | 1 | 4 |
| 5. Number of provincial service officers who have been promoted to other All-India services ... | 3 | 7 |
| 6. Number of provincial service officers holding Civil Surgeoncies. ... ... ... | 4 | 5 |
| 7. Number of Indians included in No. 6 ... | 1 | 2 |
| 8. Number of officers in the provincial and upper subordinate services ... ... | 427 | 521 |
| 9. Number of (8) above who were Europeans or Anglo-Indians ... ... | 27 | 23 |

(*N. B.*—Heading 3 includes two statutory natives of India in the Indian Police Service.)

2. There has been little change in the constitutional position of the services since the inception of the reforms, except that the powers of control and the rights of the services have been defined more closely by statutory rules.

3. The All-India services are appointed by the Secretary of State, with whom alone rests the power of dismissal or removal. Control otherwise is vested in the Government under which the officers are serving, but against any order

of substantative punishment an officer of an All-India service has the right of appeal to the Governor General in Council and thereafter to the Secretary of State. In the case of the provincial and subordinate services the power of appointment, control and removal rests with the Local Government, except so far as the authority may have been delegated to Heads of Departments or other officers. Generally the power has been retained by the Local Government in the case of the provincial services and delegated in the case of the subordinate services, although there are exceptions, such as the Lecturers' grade of the Assam Educational Service, to which appointments are made by the Head of the Department while the power of appointing veterinary inspectors and sub-registrars, who belong to subordinate services, has been retained by Government.

4. Every officer of a provincial or subordinate service against whom an order of substantive punishment has been passed has the right of appeal to the next higher authority. In the case of the provincial services the original order can be passed only by the Local Government, *i.e.*, by the Governor in Council or the Governor and his Minister. In such cases the appeal lies to the Governor.

5. With the substitution of Council Government for that of a single head it was necessary to define to what extent the Governor is to exercise control in these matters. In Assam the business rules to this end provide that recruitment to provincial services and to subordinate services, when the initial pay is not less than Rs. 150 a month, and appointments to posts usually held by officers of an All-India or a provincial service, appointments to the selection grades of subordinate services and appointments of officers on a pay of Rs. 250 or more must be submitted to the Governor, and require, in the case of reserved departments, the concurrence of a majority of the Executive Council and, in the case of the transferred departments, the concurrence of the Governor. The concurrence of the Governor is also required in any case where a Member or Minister proposes not to accept the recommendation of a Commissioner or Head of a Department.

6. Other changes are that—

(1) The posting of special sub-registrars has been for convenience reserved to Government.

(2) The posting of medical officers of the provincial service has been made subject to the approval of Government, thus being brought into line with procedure in other provincial services. The change was objected to by the Inspector General of Civil Hospitals in 1923 as involving delay and interference in departmental control, but his successors have not made any complaint on this score.

*Vide* Appendix, case 22.

(3) Directions for the guidance of the Inspector General of Civil Hospitals in the appointment of subordinate medical officers have been communicated by the Minister, with the concurrence of the Governor, mainly in order to provide for the fulfilment of Government policy in regard to communal claims.

*Vide* Appendix, case 10.

(4) Selection Boards are generally appointed to interview and recommend candidates for appointment, other than by promotion, to each provincial service, a procedure which had been introduced before the reforms in the case of the Assam Civil Service.

7. The Governor, though he has on occasion recorded his personal dissent, has generally accepted the advice of the Minister in respect of appointments to provincial services.

*Vide* Appendix, case 9.

In matters of discipline there were two instances in which imperial service officers serving on the transferred side were involved, and in which there was indication that the control of the Governor was not merely nominal. One of these was the only instance observed of rebellion against a Minister's policy. Other complaints, which were echoed in the Legislative Council, only involved allegations of the unsatisfactory conduct of two European officers in their social relations, such as reception and official visits, with Indian Members and Ministers.

*Vide* Appendix, cases 16, 17 and 21.

8. While the position of the services generally was affected by the impetus given by popular control to the principle of communal representation, there were instances

in which the interests of serving officers were affected by the necessity of carrying out policy implicit in the reforms, or by the political motives upon which Government or a Minister were compelled to act. The complication of the Government machine was chiefly felt in the increase of work and the delays which it entailed, but the division of authority had an inevitable effect in checking initiative, and this tendency was increased by the political handle given to hostile criticism. The records of appeal and memorial do not exhibit an increase or any feature which might be ascribed to the new system, and only one memorial definitely relates to that system. That it made the need for self-protection felt, however, is clear from the rapid growth of service associations, all save one formed during this period, and covering most services above the lowest ranks, save in the Agricultural, Industries, Co-operative, Jails, Registration, Public Works and Excise Departments.

*Vide* Appendix, cases 1, 7, 10, 13, 14, 15, 21 and 22.

The dates are given—

| | |
|---|---|
| The Surma Valley Ministerial Officers' Association ... | 1915 |
| The Compounders' Association, Sylhet ... ... ... | 1921 |
| The Assam Branch, Indian Civil Service Association ... | 1921 |
| The Assam Civil Service Association ... ... ... | 1922 |
| The Assam Branch, European Government Servants' Association ... ... ... ... | 1922 |
| The Assam Police Association ... ... ... | 1922 |
| The Assam Forest Service Association ... ... ... | 1922 |
| The Assam Subordinate and Lower Subordinate Educational Services Association ... ... | 1923 |
| The Assam Branch, Indian (Imperial) Police Association | 1924 |
| The Assam Junior Civil Service Association ... | 1924 |
| The Assam Educational Service Association ... | 1925 |
| The Assam Veterinary Graduates' Association ... | 1926 |
| The Shillong Ministerial Officers' Association ... | 1926 |
| The Assam Secretariat Ministerial Officers' Association | 1927 |
| The Assam Valley Kanungos' and Mandals' Association | 1927 |

(*N. B.*—Provincial and Subordinate Medical Officers may belong to the All-India Associations for these classes.)

9. It has been stated that there appears to be no increase in memorials due to the reforms. In fact, most memorials, when sent direct, have been addressed to the Governor, even in transferred departments. Government have, however, noticed a tendency to increase in the habit of protesting at transfers. Attempts to influence Government both by and in relation to officers have been more marked, through the press, the Council, or individual members of Council. The

*Vide* Appendix, cases 5 and 11.

press has always been much pre-occupied with service matters. The change during the reformed period has been the reproduction of matters raised by the press in the Council, with such influence upon Government as this may involve. The press has continued attacks, often of a defamatory nature, on Government officers, the colour of the organ determining whether the Governor in Council and the Minister, or some extra-governmental organisation such as the Congress, are exhorted to act in the matter. The relations of Government officers with the public have been affected chiefly by the attitude of a party which regards any communication with such officers as improper, with the effect of imparing mutual confidence between the public and the executive. There have been instances, however, in which the former relations between them have been restored owing to extraneous reasons of communal or party feeling, in remarkable circumstances. It has not always been possible to protect officers from what Government has considered to be unmerited attack, owing generally to the state of the law on the subject, and the realisation that the courts have no considerable tradition in the maintenance of official prestige.

*Vide* Appendix, cases 1, 2, 3, 4, 5, 6 and 12.

10. The Council has also been much pre-occupied with service matters, asking 258 questions, 100 of them raising communal issues. Out of 1,694 questions classified in the last four years thirty dealt with the conduct of officers. Some trenched upon the oridnary discretion of the executive in such matters as posting and petty matters of discipline. Following the press, which was capable of publishing a private conversation of the Principal of a college with his pupils, the Council frequently went into the details of officers' conduct, or even private life, with curiosity, in questions and in the casual course of debate. Attacks have sometimes been made in concrete form both in and outside the Council. The chief object of attack was however the superior services, which were regarded as expensive and unnecessary, even if unobjectionable on other grounds, and, attack being impossible on non-voted heads, it was directed against votable items. Thus allowances sanctioned by the Secretary of State for officers appointed by him were in one service refused to imperial officers not so appointed, or to provincial and subordinate officers, on the ground that "officers of Government should share the

*Vide* Chapter IV under questions.

*Vide* Appendix, cases 5, 6 and 11.

difficulties of the tax-payer," or deduction was made from the provision for the offices of the Commissioners and the Director of Surveys. Reduction was also made in the supplementary provision for a provincial officer serving as vice-chairman of a municipality, which had been omitted from the budget by accident, on the ground that the work, for which his predecessors had drawn allowance, should be done by a non-official. It was, however, more common for the Council to press for benefits to particular provincial or subordinate or clerical services. There was no sign of similar support in the Legislative Council for the claims of the lower ranks, such as constables, jail warders or menials. On only one occasion did the question whether Government officers had received protection such as they needed in the Council arise, *viz.*, in the debates upon settlement of land; this question discovered a difference of opinion in the reserved side of Government.

Appendix, case 19.

Recruitment for the provincial services, senior or junior, was the frequent subject of scrutiny in the Legislative Council, which advanced the claims, communal or territorial amongst others, of—

(1) The Assam Valley,
(2) The Assamese,
(3) The Muhammadans,
(4) The Khasis,
(5) The Britial Banias and Kaibarttas,
(6) The Habiganj subdivision,
(7) The Mangaldai subdivision.

Resolutions were moved, but not carried, with the object of reducing the travelling allowance or lowering the railway class accommodation of the superior services.

11. Eleven officers have retired or are retiring on proportionate pension. Of these two were Indian Civil Service officers, three belonged to the Indian Police Service, two to the Indian Agricultural Service, two to the Indian Service of Engineers, one to the Indian Forest Service and one to the Indian Educational Service.

12. The Indian Civil Service never had a complete monopoly of the higher posts in Assam, since the province

was "non-Regulation" and there were a number of military officers in the Commission. The last of these retired shortly after the inception of the reforms. The post of Inspector General of Civil Police was then, and is now, held by a Police Officer. The chief administrative posts in the two frontier tracts have been allotted to the Indian Police Service and not to the Indian Civil Service since the creation of the tracts in 1914. The post of Excise Commissioner was abolished in 1922. It has recently been terporarily restored, but is not included in the cadre of the Indian Civil Service, although for the present an officer of that service has been seconded to fill the post. One post of Settlement Officer has recently been added to the cadre. Formerly temporary posts of Settlement Officers were created, to which officers of the Indian Civil Service were seconded. There are at present two Settlement Officers, one of whom is an officer of the Indian Civil Service who holds the post provided in the cadre. The other is an officer of the provincial service officiating in a listed post of the cadre. He holds the temporary post of Settlement Officer.

The first Council moved a resolution requesting that one secretaryship and two under-secretaryships should be filled by Indian members of services other than the Indian Civil Service, but withdrew it on an assurance that officers of the provincial service would be considered. One under-secretaryship was in point of fact held by an officer of the provincial service before the reforms, and, though this was afterwards held for some time by an Indian officer of the Indian Civil Service, it has now been held for five years by officers of the provincial service.

13. Of the other All-India services, the Agricultural and Veterinary were always of small number, and have almost ceased to exist. The Forest and Public Works services, after being faced, in the one case with a reduction in importance, and in the other with the prospect of virtual extinction, have recently been called upon to undertake a policy of expansion. The Medical and Educational services have been but slightly reduced, and have undergone no change in prospects owing to changes of major policy in the departments. Meanwhile all the imperial services have benefited from the recommendations of the Lee Commission, and complaints regarding the terms and conditions of service have died down.

14. The pay of all provincial and subordinate services has been improved. This was necessitated by the increase in the cost of living that followed the Great War.

The provincial services have gained considerably owing to reductions in the imperial services, though not so much as they or the Council would wish. Both the Council and the provincial services have indicated on occasion that posts vacated by officers of European domicile should be given by preference to services recruited locally rather than by services recruited imperially with no better qualifications in the matter of degree and training. The senior provincial civil service was reduced during this period in favour of the junior as a matter of retrenchment, but has since been increased. It has gained an undersecretaryship, and in addition three posts in the Indian Civil Service cadre have been listed as open to members of this service. A temporary post of additional judge was also given to a member of this service. Other provincial services have generally increased, and have gained by promotion one post in the Forest, one in the Educational, and three in the Police All-India services.

15. Expressions of resentment at popular control on the part of the services, or of objection to the policy or procedure adopted, have been few.

*Vide* Appendix, case 7, 8, 10, 13, 16, 18 and 22.

## THE QUESTION OF RECRUITMENT AND OF PUBLIC SERVICES COMMISSIONS.

16. It has been decided that recruitment to the provincial services should be by nomination after consulting selection boards. The division of the province into three parts (1) the Bengali-speaking Surma Valley, (2) the Assamese-speaking Assam Valley, and (3) the Hills, with diminishing degrees of educational attainment, renders no other course possible, especially if, as has been considered desirable, officers with cultural sympathies are to be available for employment in these parts. The question of recruitment by competitive examination has twice been placed before the Council, but each time defeated, though on the latter occasion it was proposed to postpone the operation of the recommendation for a period of five years. The desire of

*Vide* Appendix, case 20.

the dominant community of Surma Valley Hindus for a free field has however found strong expression both in the Council and in the Ministry. Selection boards or committees have continued to be appointed *ad hoc*, and in the case of the civil services are appointed separately for the valleys. New statutory rules for all provincial services are now being drafted and by those rules permanent boards of selection will be constituted for the several services.

No action has been considered in the direction of creating a provincial public service commission. In 1927, not a normal year owing to previous retrenchment, there were only 21 officers newly appointed to provincial services, including the technical. Cadres are small, and recruitment is usually limited to merely one or two posts in the year for a service.

### INDIANIZATION.

17. Though Indianization has been slow, it is relatively fast in consideration of the views hitherto held as to the need of European officers for (1) appointments to civil districts with a large population of European tea planters, (2) four district and three subdivisional charges in the hill districts, (3) the posts of Political Officers and Assistant Political Officers in the frontier tracts, involving relations with animistic tribes. The posts of Political Agent, President of the Durbar and three subdivisional charges in the Manipur State might have to be held by Europeans of the Imperial civil and Police services or European and Anglo-Indian members of the Provincial civil service. The employment of Indians in the charges mentioned would be disliked by the officers themselves, and resented by the tribes as a departure from established usage. In the case of the semi-civilised tribes, Nagas and Mishmis and the like, such resentment may take the form of violence. The conflict between these considerations and the desire for Indianization became practical in the discussion as to the fixation of recruitment proportions for the Indian civil and police services, when the former were partially recognised in the decision. The question of replacing officers of the Indian Medical Department or military assistant surgeons, by civil assistant surgeons, in the hill districts, has also been the subject of discussion. On the one hand it has been claimed that the latter are equally

suitable, and in any case should have experience or service in a hill district, while on the other hand it was held that military assistant surgeons are necessary for service with the Assam Rifles on expeditions.

The actual progress of Indianization in the several All-India services is as follows :—

*Indian Civil Service.*—Recruitment is now being regulated so that in due course the composition of the service will be 50 per cent. European and 50 per cent. Indian. The required percentage of Indians will be obtained partly by direct recruitment and partly by the promotion of provincial service officers to listed posts. The ultimate number of listed posts is 20 per cent. of the number of superior posts, *e.g.*, five posts in Assam. At present there are seven Indians in the service in Assam including the holders of three listed posts, out of a total number, including the listed posts, of 41.

*Indian Police Service.*—Recruitment is being regulated so that the ultimate composition will be 60 per cent., European and 40 per cent. Indian. As in the case of the Indian Civil Service, the required percentage of Indians will be obtained partly by direct recruitment and partly by promotion of officers of the provincial service, with this difference, that the promoted officers become full members of the Indian Police Service, whereas in the Indian Civil Service they do not. The number of posts to be filled by promotion from the provincial service is three, or 20 per cent. of the number of superior posts. At present out of a total strength of 28 officers there are eight Indian officers, including two Anglo-Indians who are statutory natives of India, but excluding one Indian who has a non-Asiatic domicile and was appointed to a European vacancy.

*Indian Forest Service.*—The ultimate proportion in this service is to be 75 per cent. Indians and 25 per cent. Europeans. The proportion alloted for Indians includes officers promoted from the provincial service. At present the percentage to be filled by promotion from the provincial service is 12½ per cent. of the whole cadre, but the question of raising the percentage to 25 per cent. is under consideration. There is at present only one Indian officer in the service, who was promoted from the provincial service. The reason why Indianization has proceeded so slowly in

this service is that for many years recruitment was stopped with the intention of reducing the cadre. Now that the expansion of the departmental activities, which has been referred to in the account given of the department elsewhere, has rendered an increase in the cadre necessary, recruitment will begin again and Indianization will proceed.

*Indian Engineering Service.*—The ultimate constitution of this service is to be 40 per cent. Europeans, 40 per cent. directly recruited Indians, and 20 per cent. officers promoted from the provincial service. At present out of sixteen officers in this service twelve are Europeans and four are Indians.

*Indian Educational Service, Indian Veterinary Service and Indian Agricultural Service.*—Recruitment to these All-India services operating in the transferred departments has been stopped under the orders of the Secretary of State on the recommendation of the Lee Commission that they should be replaced by new superior provincial services. These new superior services have not yet been formed. Of the officers still remaining in the Indian Educational Service in Assam five are Europeans and two are Indians. The only officer in the Indian Veterinary Service is a European, and the only two remaining officers in the Indian Agricultural Service are Indians.

*Indian Medical Service.*—The Indian Medical Service as an All-India service is to be retained. Of the officers of this service now serving in Assam ten are Europeans and three are Indians.

RECOMMENDATIONS OF THE GOVERNMENT OF ASSAM.

18. The Government are unanimous in emphasising the importance of maintaining so far as possible the high standard of the past in the efficiency and integrity of the services, and of providing for all the services security of tenure and protection of their rights. They also agree that for some years to come it will be necessary in many departments to recruit some officers from outside India. On the other hand the new constitution with the abolition of dyarchy and the grant of responsible government and of the limited provincial autonomy which the Government have recommended, can logically find no place for "All-India" services, for which the recruitment, pay

and strength are fixed by the Secretary of State. Officers of the All-India services now serving must be allowed to complete their service under the same conditions as at present, or, at their option, to enter into fresh agreements with the local Government, or to retire on proportionate pension. Otherwise, except as regards the Indian Civil Service and the Indian Police Service, which will be mentioned later, the Government of Assam agree that all services must be provincialized. It must be left to local Governments to determine the strength and pay of the services and to regulate the conditions of service, and the pay and allowances must be subject to the vote of the Legislative Council.

19. His Excellency and the Members of the Executive Government would treat the Indian Civil Service and the Indian Police Service differently. They would prefer that these services as at present should be appointed by the Secretary of State and that the fixation of their pay and the ultimate control should rest with the Secretary of State. They realize that this is not consistent with provincial autonomy, but they are convinced that it would not be safe to provincialize these services, and are definitely of opinion that Assam is, at present, fitted only for a modified form of provincial autonomy. The Ministers, however, would not make an exception in the case of these services. The difference of opinion, therefore, resolves itself into the question how far a Cabinet, under the control of the Legislative Council, could be trusted to secure and maintain efficient services in the departments of administration of justice and police, and guarantee the officers of such services the necessary protection and security of tenure. The views of the Government on the necessity of vesting control in these subjects in the Central Government have been given in the memorandum on the head "Relations between the Central and Provincial Governments," and there His Excellency and the Executive Council advised that, if necessary to make that control effective, the subjects should be classified as "central." The Ministers are not prepared to go so far as that. The same difference of opinion exists as to the treatment of the services operating in those fields. All recognize the necessity of maintaing in these services a high standard of efficiency and morale, and of securing adequate protection for them. His Excellency and the Members of the Executive Council consider that the province,

and India generally, cannot afford to take any risks in the case of these two services, especially at a time when communal differences and prejudices are so marked and while the provinces are so interdependent. They would, therefore, take the recruitment to, and ultimate control of, these services out of the hands of the local Government. The Ministers on the other hand are not prepared to agree to any action which would be inconsistent with the principles of the new constitution, and believe that with the safeguards proposed in the case of other services, the provincialization of these two services would not seriously endanger the maintenance of law and order.

20. In order to remove the services from political influences, recruitment and, to some extent, control should be vested in a Public Services Commission. In the case of officers who are to be recruited from outside India, recruitment should be left to the Central Public Services Commission, who would be in a better position to select officers than any provincial body. Officers who had been recruited for a province by the Central Public Services Commission should have the right of appeal to that body against any order of dismissal, removal or reduction. Recruitment within India both to the new superior provincial services and to the existing provincial services should be entrusted to a provincial Public Services Commission. It is anticipated that there could be no difficulty and no additional expense in obtaining suitable members for such a Commission from the ranks of the permanent services. It should be open to a local Government to direct that in recruitment due representation should be reserved for the principal communities of the province, and to this end they might direct that a definite number of vacancies should be allowed to particular communities if suitable candidates are available. Otherwise the Public Services Commission should be unfettered in the discharge of their duty of recruitment to the services. Officers so appointed should have the right of appeal to the provincial Public Services Commission against any order of dismissal, removal or reduction. The Public Services Commissions, Central and Provincial, would also advise the local Government when required on questions affecting recruitment or other conditions of service. To give these bodies greater authority they should be created by statute and their powers should be defined by statute.

21. To the tendency of the Assam Legislative Council to interfere in the executive control of the services allusion has already been made. There is also the danger that political motives may play a large part in appointments to and control of the services. To guard against these tendencies which must seriously affect the efficiency and morale of the services, the Government of Assam advocate the enactment in each province of a Public Services Act which will as far as possible remove the services from political influences, and give them the protection which they have the right to expect and without which men of the right stamp will be unwilling to serve.

APPENDIX.—Relating to cases referred to in Chapter VII of the memorandum.

1. A Muhammadan newspaper after publishing a long description of a petty incident in which a Muhammadan boatman had been engaged to carry a Hindu idol, proceeded to allege that on this and other occasions Hindu sub-inspectors had oppressed the Muhammadans. The article concluded with an attack on two senior Hindu police officers, one of the Imperial and one of the Provincial Service, declaring that so long as they were kept in the Police Department, Hindu Police officers could indulge with impunity in religious propaganda. In another issue the paper published a series of questions implying that these officers had obtained appointments for their relatives, had prevented the prosecution in communal cases of Hindus and the punishment or dismissal of Hindu officers, but had procured punishment of Muhammadans in like cases, and that they had favoured Hindus in matters of appointment. The Superintendent of Police desired to prosecute the editor for the defamation in the article and stated that he was in a position to say definitely that the questions were the work of a Muhammadan police officer dismissed before this issue was published. The Judicial Member was not in favour of prosecution. The Governor agreeing with him remarked that the facts suggested by the paper did not on enquiry prove incorrect though the inferences were false, and he therefore doubted if a court would impose a punishment heavy enough to act as a deterrent, while the dismissed officer would get an excellent advertisement if he were able to cross-examine the officer attacked.

2. After the conviction of a Hindu constable who had murdered his Muhammadan Inspector a newspaper implied in an article that the "White skinned *Qazi*" had determined before trial to punish with death and had driven the Jury to the necessary verdict. It stated that the Muhammadan crowd had clapped their hands and thanked the Judge for the sentence. Unfortunately the article was not brought to the notice of Government until some months later and it was decided that after so long an interval the High Court would be unlikely to take action against the paper for contempt of court.

3. The attempt of some Eastern Bengal Muhammadan immigrants to claim a fishery led to riot with the local population (Ahoms and other Assamese). In view of the necessity of immediate identification a sub-Inspector visited the village with armed and other police. Shortly afterwards a Bengal newspaper (followed by Muhammadan newspapers in Assam) published a letter from a correspondent alleging that the police had locked up almost all the male inhabitants of the Muhammadan village, and entering it after nightfall had indulged in indiscriminate ravage of the women. A commentary in the newspaper called the matter a crying shame and asked for action by the provincial congress committee. While the rioting case was pending Government were unable to take action against the newspapers for these baseless and defamatory statements. Meanwhile however an Ahom, a Member of the Legislative Council, was deputed by the provincial congress committee to make a formal enquiry. He found the allegations against the police to be without foundation and sent a copy of his report to Government. Subsequently the allegations were not repeated nor even directly referred to in the rioting trial. The Police officer who had been in charge of the investigation was authorized by Government to sue the Bengal newspaper for Rs. 3,000 damages, of which Rs. 300 only were decreed by the Subordinate Judge. Though Government regarded these damages as totally inadequate and illustrating a failure to appreciate the gravity of the libel, no appeal was filed by the defendant, and in the absence of the opportunity for a cross-appeal, Government did not consider it desirable to pursue the matter further.

4. A newspaper quoted a correspondent who alleged that a sub-registrar's clerk, who was his relation, had died through failure to get leave despite his prolonged indisposition, and through neglect of the medical staff. The correspondent alleged

that according to the statement of a witness the sub-assistant surgeon had publicly given out before visiting the clerk, the day before death ensued, that he believed him to be malingering. An enquiry was held by the Civil Surgeon with the assistance of the Subdivisional Officer. It was found that the man had died of blackwater fever, through his own failure, and that of the family to seek medical assistance of Government in good time, and that the accusations of neglect and refusal of leave were quite unfounded. The alleged witness to unfeeling remarks by the sub-assistant surgeon denied having heard them. Six days after conclusion of the evidence, but a month before the report of the Civil Surgeon, the paper published certain retractions by its correspondent, but still implied neglect and claimed that Government should compensate the family.

The question whether action should be taken to vindicate the reputation of the medical officer was left to the Minister, as also whether the retracting witness, who was a clerk of the subdivisionl office, should be proceeded against. It was decided, ultimately, as there had been much delay, to send the finding of Government exonerating the sub-assistant surgeon to the Inspector General of Civil Hospitals for communication to the sub-assistant surgeon.

5. On the 15th February 1922 at Kanairghat the Commissioner, who was on tour, endeavoured to persuade a prohibited meeting to disperse; but failing, had himself to shoot in self-protection, and to order the police to shoot. In February 1926 the Surma Valley Conference proposed to commemorate this meeting, where a constable and others were killed, and the seconder said that the Commissioner had himself shot the constable because the latter had refused to fire. Government ordered prosecution of the speaker, who was convicted and sentenced to 2 months' rigorous imprisonment and Rs. 200 fine. A retrial was ordered on the ground of faulty empanelment of the jury, but as the Commissioner had then retired and left India, Government decided not to proceed with the case. A resolution recommending that the legal expenses of the case should be recovered from the Commissioner has twice been tabled, but on neither occasion was the resolution moved.

6. The death of a college student in August 1927 created much excitement and gave rise to many questions in Council. A newspaper letter and article referred to the neglect and indifference of the medical officer and said, "It would be well if Jamini Babu like a tiger whose tail has been cut down does not appear in the hostel." Government's report, which rehabilitated the doctor, was placed before the Council in September 1927.

7. The creation of health services for municipal and rural areas had been the result of a forward move by the Government of India in 1912, appointments for all the municipalities being sanctioned by 1919 and the first four rural health officers arriving from training in 1920. In 1923 the Director of Public Health proposed to withdraw 8 of the 19 posts for purposes of retrenchment, selecting the four smallest of the municipalities, and four rural areas in which the work was still experimental. He proposed to grant the sub-assistant surgeons allowances for doing the work of the municipal health officers, *viz.*, attendance to the efficiency of conservancy, protection of water-supply, epidemics, vaccination and vital statistics. The Minister in charge did not consider allowances necessary. He was endeavouring to amalgamate the medical and public health departments, so that curative and preventive measures should not be kept separate, but co-ordinated. The Director asked for reconsideration in view of the fact that it would not be fair to impose fresh duties on the medical staff without remuneration, and he was supported by the head of the medical department. The Minister declined to reconsider for financial reasons, if for no other, and directed the case to be submitted to the Governor. The Governor, in view of the subsequent call by the Minister for proposals for the transfer of ordinary public health

duties to the medical department, agreed that the question of an allowance should await the outcome of the scheme, but thought that in these small towns the work of health officers could quite well be done by the local medical staff without extra remuneration. It having been decided that the departments should be co-ordinated and medical officers called upon to assist in work in relation to *kala azar* and health generally, the Inspector General was asked if he proposed to renew the proposal for an allowance. He replied that he thought it did not look as if much would be gained by doing so. It was however hard on the sub-assistant surgeons, who already had a grievance (in his opinion legitimate) about pay, and were now to be called upon to perform extra duties without extra pay. He particularly thought pressure would have to be exercised to make them perform the new duties in connection with *kala azar*, and that there would be much discontent. The Minister was not prepared to reopen the matter. A small allowance would not, he thought, make the doctors contented, and they would come up for something more. The Governor agreed, and the allowance was refused, or, in the case of one sub-assistant for whom it had been sanctioned before reduction of the cadre was contemplated, withdrawn.

8. The numerous considerations which affect service appointments were illustrated in the appointment of assistant surgeons. There were on one occesion 5 candidates for appointment to two new leprosy survey parties. The Inspector General sent up two names for appointment :—

(1) A Muhammadan, native of Sylhet.

(2) A domiciled Hindu of Sylhet, who was a bonded student, *i.e.*, a scholarship-holder who had engaged to serve Government for 5 years if called upon.

The Inspector General of Civil Hospitals subsequently submitted a list of four names of whom the following two were considered :—

(3) A Hindu from the Assam Valley.

(4) A Hindu domiciled in the Assam Valley, who had claims in respect of family service.

A fifth candidate, a Hindu native of Sylhet who had family service to plead, approached the Minister and was also considered. The Inspector General recommended Nos. 1 and 2, the latter in view of his bond. The Minister after consideration decided upon Nos. 1 and 4, since No. 3 was considered unsuitable. He rejected No. 2 as he would prefer a *bona fide* native of Assam and did not consider that the bond should give any guarantee of service. The question of distribution between the two Valleys and the claims on account of family service also contributed in the decision. The Governor approved the Minister's nominations, observing that the Inspector General's idea that bonded students deserve preference was *prima facie* wrong.

Subsequently in connection with such appointments the Inspector General suggested that it would be more convenient if he sent all applications to Government, and he were only consulted when necessary to determine merit. His suggestion was ignored. On another occasion he observed that since it required no technical knowledge to fill an appointment by a Muhammadan or Hindu or member of another class, when it was the turn of one of them for an appointment, he would request that all applications for such appointments should be sent direct to Government. He had no desire to have anything to do with any further appointments of civil assistant surgeons. This suggestion also was ignored.

9. In 1927 a selection committee was held to select one candidate for a permanent vacancy and two for temporary vacancies. The committee were ordered to fill

the permanent appointment from the temporary staff. The committee recommended one Muhammadan for the permanency. For the temporary posts they recommended one Assamese candidate on account of his community and also for merit, and one Muhammadan on account of his community and one Hindu of the Surma Valley (the domiciled bonded student mentioned above) on account of merit. There was a lengthy discussion as to the weight of communal claims. The Minister, though much inclined to deprecate communal representation, accepted the Muhammadan. The Governor after discussion approved his choice, though he recorded that he would have approved the Hindu if merit was the only consideration.

10. In 1925 in regard to filling up certain vacancies for sub-assistant surgeons from the temporary list, the Minister in discussion with the Inspector General, with whom the power of appointment lay, requested him to take into consideration, first, the cases of certain foreigners to the province, whom he could not normally confirm but who had served a considerable time and some of whom had occupied permanent posts before retrenchment, and second, communal considerations as well as seniority. He laid down a proportion to be observed. The Inspector General made proposals accordingly The Minister approved these with a small modification and addressed the Governor, stating that with the exceptions of non-natives of the province whom it was proposed to confirm (thereafter making no more such appointments) the other appointments were all made on merit and seniority and could be made under the Inspector General's own powers. The Governor agreed. After the minutes had been shown to him however the Inspector General pointed out that the remaining appointments referred to were not made on merit and seniority, but on communal considerations. He requested that the Minister should himself approve the appointmetns and enquired whether in future communal distribution was to prevail or whether he should revert to the old method of selection by merit and seniority alone. The Governor observed that the principles adopted were not exactly what he would himself follow but in this kind of matters a Governor was guided by the advice of his Minister unless he saw good reasons to differ. He did not propose to lay down any principle of his own.

11. A member of the Legislative Council wrote a letter to Government asking that an Assistant Engineer, Public Works Department, should be transferred as it was suspected that he was in league with contractors, was incompetent enough to have flooded the town twice in a week, made personal gain from works, and on one particular occasion had endeavoured to bargain secretly with a contractor. In the alternative he begged for an enquiry. The Governor thought the member of the Legislative Council had overlooked the third alternative, of an action for defamation, and supposing one would lie, decided the Assistant Engineer should be given the alternative of departmental enquiry or a defamation suit. It was, however, pointed out that as matters stood there were materials for arguing that the member of the Legislative Council had written in good faith, especially as he could make a privileged communication to a wider public by raising a debate in Council, but that the position would be altered if further enquiry showed that the charges were false to his knowledge. His Excellency decided that, as the case could not well go to court in view of this opinion, the member of the Legislative Council should be called upon to give details in order that a departmental enquiry might be held. This was done. The Assistant Engineer died some 5 months later; meanwhile the member of the Legislative Council had supplied no such details.

12. A vernacular newspaper published articles accusing a sub-overseer (unnamed, but identifiable) with being in league with *mohurrirs* of his own district in Bengal, hinting he had got them into the service, that one of these was brother-in-law of a contractor for whom the sub-overseer got contracts, that these contracts were often sublet and the work, though bad, was passed by the sub-overseer for the benefit

of his countrymen. His Excellency agreed with the Member in charge that the statements were defamatory. The Executive Engineer and Subdivisional Officer, though disbelieving the statements of dishonesty and giving reasons for disbelief, were unable to produce definite proof of negative facts, *i.e.*, that the *mohurrir* had no interest in the work and that the contractor did not sublet his work. Government therefore could take no notice of the statements.

13. In April 1925 an objection was filed by an Indian Civil Service officer to the appointment of a Provincial Civil Service officer to a listed post. He pointed out—

(*a*) That not long before, in replying to the provincial service association, who had memorialized for such appointments to be made, Government had said that recruitment being made to the Indian Civil Service up to 1922 on the assumption that an officer would hold a superior post permanently after his eighth year of service, it would be unjust to the officers recruited prior to 1922 to make such promotions while promotion of Indian Civil Service officers to superior posts was so retarded in Assam that officers of 16 years' service were still liable to revert,

(*b*) That he himself was in his 16th year of service and was next for consideration in promotion, but had been superseded by the provincial service officer referred to.

Government (aware of the inconsistency) replied in May 1925 that the appellant's pay was not affected by their action, and that he had no just complaint until his prospects were so affected.

As was anticipated, he replied in August 1925, that he *was* affected, inasmuch as he became permanently junior to the provincial service officer and would therefore suffer in respect of choice for higher posts.

Government replied in September 1925, that unless and until the appellant actually suffered in matters of promotion he had no legitimate complaint.

14. Government had approved in 1921 the appointment of a Mycological assistant when possible. The Director of Agriculture in 1925 pointed out that, though this had been held up for lack of funds, mycological problems, and particularly potato disease in the current year, had assumed serious proportions. He thought it would be unwise to await the training of an Assam officer, and would prefer to appoint any trained man even if a non-native of the province. The Minister was unwilling to appoint a non-native of the province, and thought it would be better to wait a year, as potato disease might not break out the next season. He noted however that if Assam men were not trained he would have to take a man from outside the province. He consulted the Director of Agriculture, however, as to the possibility of an Assam officer being available, and, being told that a student at the Nagpur College was recommended as extremely promising, and from the syllabus must have some knowledge of mycology and pathological botany sufficient for the post, ordered the appoinment to be placed on the schedule of works awaiting funds. No funds could however be provided that year.

In June 1927 the Director of Agriculture reported that the student referred to was found to be unfit as having only an elementary knowledge of mycology, and that it was necessary to appoint an outsider. This the Minister reluctantly accepted and the appointment of a Bengali was sanctioned. Potato blight is reported to have caused serious damage in the Khasi and Jaintia Hills in 1925-26 and 1926-27.

15. In November 1924 the Deputy Director of Agriculture memorailized the Director for some formal recognition of the fact that he was seriously overworked, owing to the posts of the 2nd and 3rd Deputy Director of Agriculture being held vacant and the increase of farms, by way of an allowance. The demand was recommended by the Director of Agriculture but after discussion the Minister on 18th April 1925 deferred the matter to see how things developed in the year, and again on 14th April 1926 in order that definite knowledge of the development of work and the outcome of proposals for territorial changes in the province might be obtained. The Director of Agriculture then dropped the question of giving the Deputy Director of Agriculture an allowance, and proposed instead to fill the second post. The matter however was kept pending the recommendations of the Agricultural Commission and the question of the formation of provincial superior services.

16. The Minister proposed in 1922 that the question of the abolition of the posts of Director of Public Health and Assistant Director of Public Health and the placing of the *kala azar* and other work of the Public Health Department under the Inspector-General of Civil Hospitals should be considered. Letters in the press both local and Calcutta, and discussions at a meeting of the Indian Tea Association, showed that the suggestions had been divulged and were strongly opposed by the medical fraternity. The Director of Public Health admitted having talked to various persons in a spirit of dissent about the proposals, but denied having inspired the propaganda. He was censured for his indiscretion in going beyond the reasonable freedom of an officer in a high position discussing matters with personal friends. Subsequently the Assistant Director of Public Health, who had been guilty of indiscipline in taking leave without orders and quarrelling with his superiors, lost his temper when charged with improper conduct and resigned. With his letter of resignation he forwarded letters sent him privately by the Director of Public Health, suggesting that he should work up a campaign against the action proposed by the Minister. The Director of Public Health's services were replaced at the disposal of the Government of India, and the Assistant Director of Public Health's resignation was accepted. The Minister accepted the action proposed but thought it no punishment to the Director of Public Health at all.

17. A Civil Surgeon in charge of a medical school reported in his annual report in 1925 that members of his staff were responsible for indiscipline on the part of the students. The report showed a falling off in the number of fines. The Minister enquired why he had not been informed about the cases of indiscipline, and whether there should not be a permanent committee to deal with the examination. The Inspector General of Civil Hospitals pointed out that the examination was controlled by the Assam Medical Examination Board, and forwarded papers showing that the relations of the Civil Surgeon and the school staff were not harmonious. The Inspector General of Civil Hospitals had borne this in mind in proposing his transfer to another district. The Minister noted that he had already accepted the proposal to transfer the Civil Surgeon.

The Governor noted that though the Civil Surgeon had asked for his letters to be placed before himself, this had not been done. He wanted it clearly understood that in accepting the proposed transfer , he was actuated not by the interests of the school but by those of the new district to which this officer was transferred, as there was nothing in the papers to alter his opinion that this Civil Surgeon was one of the best in Assam. The officer should be informed accordingly.

18. An Indian member of an All-India Service serving in the transferred field, who had been promoted thereto from the provincial service, when giving evidence before the Lee Commission in December 1923, referred to a recent appointment, in his department, promotion to which he might have himself expected, as follows " An

appointment in an All-India Service to an important post in the.....Department of Assam has been recently made which I have reason to believe is based on provincial and electioneering considerations, as it was openly advertised as an inducement at the last election for securing votes." The matter aroused comments in the press, both *pro* and *con*. On the officer being taken to task, he forwarded an electioneering manifesto issued on behalf of the Minister for whom votes were asked because he—

> " Is a man of.....subdivision and one of your own people.
>
> Is a learned man, a patriot, spirited, fearless and a clear speaker.
>
> Is encouraging agriculture.
>
> Is trying to stop *kala azar*.
>
> Is appointing men of your own country to high posts.
>
> Is retrenching expenditure and spreading industry and education.
>
> Has given strong opinions at the Budget meeting in favour of the amalgamation of Sylhet with Bengal, and is taking part in all matters that tend to the good of the country."

He also represented that since Government had been in possession of his written statemen. sometime before he gave evidence, and since he had been given permission to give oral evidence either *in camera* or before the press, he did not see anything wrong in allowing the press a copy of his written statement. The Head of the Department supported his plea of innocent intention. The Minister thought the attack on himself unfair, as the appointment had been proposed to the Secretary of State months before, and his other actions referred to in the manifesto might equally well be held to be electioneering propaganda ; but he was prepared to accept the Head of the Department's view that no disciplinary action was necessary. It was held however by the Governor, that, though officials had been allowed choice as regards their oral evidence, no authorisation had been given for the publication of references such as this, and his action must be held highly improper. The officer was admonished.

19. In June 1922 on a representation from the Shillong Moslem Union, the Minister stated that the two scholarships granted and seats reserved in the Calcutta Medical College should ordinarily go in order of merit, but that if Muhammadans did not otherwise get a share some allowance should be made. It would be too late to interfere with the Inspector General's order that year, but the list of applicants should be examined with a view to laying down policy for the future. The Inspector General reviewed the history of the scholarships, pointing out that the course was severe and by no means all candidates could get through it, and stated that he understood the policy of Government to be to base selections on merit, as the candidates were intended for Government service. The Minister stated that he entirely agreed on principle, but the communal idea had been recognized by the Lucknow Compact and otherwise, even by the Joint Report. He would suggest that even if the Muhammadan candidate were not the best, he might be given a scholarship if the Inspector General were satisfied of his capacity to get through the course, and this might apply to other communities. The Governor stated that he was surprised to find the length to which the communal principle had gone in Assam, and pointed out that the Joint Report only admitted it as a temporary necessity for electoral purposes. To undertake to give every class and every locality its numerical quota in the services would make administration impossible. In this case numerical distribution was impossible, as the narrower the field the more objectionable rigid rules would be. He was against any such extension of the principle therefore, but it was unsatisfactory that Muhammadans should be so badly represented in the Medical Service, and if he understood

the Minister aright in supposing the proposal to be, to give an extra scholarship, he would have no objection if the Finance Department had none. The Minister some six months afterwards passed orders that the existing policy should continue.

In 1923, the Minister stated that he understood that all vacancies in the subordinate educational service in the Surma Valley were being given to Muhammadans until they attained half the cadre. He thought the existing orders did not justify such an arrangement, seeing that the Bengalis had only their fair share, and to reduce their number would be inequitable. The Governor thought that the existing rules were reasonable enough, and could not understand their alleged application in the subordinate educational service, or especially the divisional calculation in a provincial service. He noted that the objection to continuous appointment of one community would be that at a future date it would monopolize the higher offices. The Director referred to the orders, including one giving preference to Assamese for teaching appointments in the Assam Valley, as not only authorising, but compelling, him to recruit as he did. He pointed out that the figures seen by the Ministers included also the lower subordinate service. In the subordinate educational service alone, Bengalis of Sylhet and Cachar had much more, and Muhammadans much less, than their numerical share of appointments. The Minister stated that he had no patience with such methods of recruitment, and it was one of the chief reasons for the agitation for the transfer of Sylhet. He could not break down this structure as the Bengali Hindus were in a minority in the Council, but he suggested that—

(1) The qualifications should be raised,

(2) The divisional system should be abolished, as he failed to see any reason for barring Bengalis from appointments in the Assam Valley, and it was politically unsound.,

(3) Those recruited for communal reasons should be barred from the higher posts,

(4) The upper and lower services should be taken together for purposes of arriving at the calculation.

The case was referred for further advice to the Director, who refrained from comment, as the case would go to the Governor for orders, and the issues raised were political and administrative. The Governor discussed the matter with the Minister, who agreed that in view of the difficulty of persuading the Council to accept any material change the question should not be further pursued, but the qualifications should be insisted on, and raised if necessary.

20. On the question whether, as a result of the constitution of the Public Service Commission, the provincial and subordinate services should be recruited by competitive examination, the Government decided at a meeting against such a system. One Minister desired competitive examination in all cases except for hill appointments, though he would accept reservation of posts. His views were reported. The Minister stated that feeling had changed since a resolution in the Council for competitive examination had been defeated. That this was not so was proved by the defeat without division in the following year, of a resolution for competitive examination and the defeat by 27 votes to 9 of one recommending competitive examination combined with reservation of posts.

21. On a question which arose of allocating power to the Commissioners and the Heads of Departments to suspend members of provincial services, Government decided at a meeting that such a power was necessary in case of emergency. The views of the Ministers, who dissented, holding that this would be derogatory, were reported.

22. When the delegation rules were under consideration in 1923 the Minister finding that in practice postings of assistant surgeons were made on the sole authority of the Inspector General, proposed to bring this into line with other provincial services, in which the postings must receive the approval of Government. The Inspector General objected that the procedure would entail delay, and infringe his authority in a matter where professional considerations were concerned. The Minister observed that uniformity was desirable, and the Inspector General need not expect ordinarily to be interfered with. The Governor concurred with the Minister, but wished it made clear that the change did not imply any distrust of the Inspector General.

## CHAPTER VIII.

## THE GROWTH OF EDUCATION.

Preface.
Scope of memorandum.

1. The authors of the Joint Report, in surveying the implications of the growth of education for their political problem, mentioned the following considerations :—

(1) Need for diffusion of literacy for the formation of an electorate capable of judging the candidates for their vote, and of understanding the business done in the Council.

(2) Need for repairing the divorce that had occurred between the educated minority and the illiterate majority, owing to the traditional monopoly in education and administration of a limited class.

(3) Need for co-ordination in view of the false standard that had come to be accepted, namely, the provision of a means of entering an official or professional career.

(4) Need in particular for an improvement in teaching and in the conditions of the teacher's life.

(5) Need for fostering ideas of duty and discipline of common responsibilities and civic obligation, in the schools and colleges.

(6) Need for narrowing the traditional gulf between men and women.

This review will endeavour to state the facts in regard to these considerations though in a somewhat different order.

Financial obstacles.

2. In preface some matters affecting the growth of education must be noticed. Until recently the financial straits of the province have during the reform period placed obstacles in the way of rapid progress. Such increase as could be afforded in the allotments made to education was required in the main to provide for the increasing cost of responsibilities which had been assumed prior to the introduction

of the Reforms and the demand from the educational services (in common with other services) for higher pay owing to the rise in the cost of living. Funds were not available to finance any broad policy of educational advancement. The burden of increased taxation, thrown upon the province, has been repudiated by the Council as one impossible to be borne. In 1923-24 the education budget, contrary to all the intentions of the Reforms, had in common with others to submit to a five per cent. reduction. This was in the main carried out without any direct educational set-back, but a reduction was made for one year in the provision for collegiate scholarships. The step is believed in some quarters to have been responsible for the subsequent fall of the Minister. It is only recently that considerable sums have become available for new schemes, involving recurring charges other than those necessary for meeting the increased cost of living.

The effect of non-co-operation.

3. The non-co-operation movement, starting with the Nagpur Congress, and gaining favour for many reasons including the economic distress following the war, and the chagrin of the Muhammadans at the result of the war with Turkey, was quick to use the schools as a weapon. There was a series of strikes, and several cases of incendiarism, and in rural areas many primary schools—25 in one district—were closed down. The national schools which sprang up to take their place, died out of inanition within two years, and the direct results of the movement were ephemeral, but the effects upon discipline, and the failure to obtain a common policy among popular educationalists, survive.

The authorities responsible.

4. Primary and middle vernacular education have been free in Assam since 1914, when the Coronation grants for the extension of elementary education were partly used for the extinction of fees in upper primary and middle vernacular schools. This sphere is the business of the local bodies, though they depend for more than half their income upon Government grants. The results are that—

(1) The boards having full power under Government, but the administrative staff being departmental, there is no assurance of proper control.

(2) The rules governing local boards in their functions have led in the circumstances to anomalies, such as the apparent permission to open or close schools at the boards' pleasure, though they are charged by the Act and the rules thereunder with the maintenance of certain schools, the permission to vary the curricula, though they have no power to change the text-books, the freedom given as to type plans, though the department is required to be consulted, the responsibility laid upon managing committees to arrange for maintenance of school buildings, though they may not be provided with the means to do so, and a number of other matters in which compliance is presumed, although the boards are to a large extent free from interference.

(3) The dependence on Government grants among other causes has led to wide differences in the educational facilities afforded, depending upon the resources and the enthusiasm of the locality. In plains areas the number of square miles to the primary schools varies from 2.3 to 16.7, the population per primary school from 1,062 to 3,007, and the percentage of the population at school from 1.8 to 4.3. The problem of "levelling" is, therefore, highly complicated.

5. The statistics of advance must be read in the light of the local variations mentioned. To begin with literacy, the census figures, which define literacy as ability to read and write a friendly letter, show an increase from 4.7 to 6.2 per cent. of the population between 1911 and 1921. The slow growth of census literacy as compared with enrolment in institutions—there were 630,000 new admissions to schools between 1911 and 1921, yet the number of literates increased by 161,120 only—is easily explained by the fact that a very large number of children leave schools before they become capable of reading and writing, one cause of this being that primary education is valued by the parents rather as a social token than as an end in itself. The figures in statement 7 do not display any tendency to overcome this

Diffusion (a) Literacy.

habit, though they do indicate a remarkable increase in the number of pupils who proceed beyond the end of the primary course. The present electorate numbers 250,751. Since it is not possible to estimate the population of certain excluded areas exactly, and the census gives no figures separately for the age of 21, only an approximation can be made as to the male and total population over 21 years of age. There are probably 3,250,000 adults in the districts electing members to the Council, of whom 1,750,000 are males. The electorate therefore is 77 per mille of the adult population, and the male electors roughly 140 per mille of the adult males. The census figures show progress as follows:—

*Number of adult males literate per mille.*

| — | 1901. | 1911. | 1921. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| Assam ... ... ... | 94 | 121 | 150 |
| Assam Valley ... ... ... | 82 | 119 | 143 |
| Goalpara ... ... ... | 73 | 111 | 118 |
| Kamrup ... ... ... | 100 | 144 | 189 |
| Darrang ... ... ... | 72 | 87 | 109 |
| Nowgong ... ... ... | 79 | 135 | 140 |
| Sibsagar ... ... ... | 81 | 123 | 163 |
| Lakhimpur ... ... ... | 84 | 109 | 125 |
| Surma Valley ... ... ... | 118 | 139 | 176 |
| Cachar plains ... ... ... | 130 | 151 | 184 |
| Sylhet ... ... ... | 115 | 136 | 175 |

When, however, the literacy of various castes is examined there are much wider differences. Out of the 35 castes tabulated at the census of 1921, though most showed an advance, only 12 exhibited a literacy of 10 per cent. Of these there were the following proportions of literate persons per mille :—

| | | |
|---|---|---|
| (1) | Baidyas | 704 |
| (2) | Brahmins | 438 |
| (3) | Kayastha | 429 |
| (4) | Teli | 180 |
| (5) | Barui | 164 |
| (6) | Brittial Baniya | 150 |
| (7) | Kalita | 145 |
| (8) | Sudra | 133 |
| (9) | Ahom | 109 |
| (10) | Sut | 107 |
| (11) | Napit | 105 |
| (12) | Kewat | 104 |

It is, therefore, not surprising that save in the Assam Valley, where caste is confused with race, and in some cases Ahoms or Kalitas were elected to the Council, the only castes with representatives in the Council were Baidya, Brahmin, Kayastha, and the Vaisya Sahas, whose numbers are too few to find a place in the list.

(b) Figures of institutions.

6. The educational statistics are affected by the fact that the period preceding the institution of the reforms was one of economic trouble "and of some disgust that the money and time spent in education did not in the majority of cases lead to a commensurate return in the matter of employment." Statement 2 therefore exhibits a fall in enrolment in the quinquennium 1917-1922 following the marked rise in the quinquennium 1912-17, during which educational and political advance was stimulated by a number of causes. Statement 1 however shows a fairly equivalent rise in all classes of institutions during the quinquennium 1922-27. The increase was most marked in the Assam Valley, and in the enrolment of Muhammadans reflecting recovery from the effects of non-co-operation, which had its most marked influence in these directions (*vide* statements 12 and 15 for Muhammadans). The proportion of pupils reading in all institutions at the end of 1920-21 to the population was 3 per cent. (nearly). At the end of 1926-27, making allowance for the probable increase of 9 per cent. in the population (the increase having been 15

per cent. in the last decennium and 13 in that preceding), 3·3 per cent. were reading in schools and colleges. Excluding the hill districts, where the spread of general education is low (though female education is, particularly in the Khasi Hills, phenomenally high), but vitiated by inclusion of two backward tracts in plains districts, the percentage reading in schools in various plains districts was to population :—

| — | Male. | Female. | Total. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| Goalpara .. .. .. | 4·81 | ·85 | 2·97 |
| Kamrup .. .. .. | 8·63 | ·80 | 4·88 |
| Darrang .. .. .. | 4·74 | ·65 | 2·82 |
| Nowgong .. .. .. | 5·82 | ·84 | 3·49 |
| Sibsagar .. .. .. | 6·83 | ·69 | 3·92 |
| Lakhimpur .. .. .. | 3·86 | ·33 | 2·22 |
| Cachar .. .. .. | 6·07 | ·89 | 3·60 |
| Sylhet .. .. .. | 6·08 | ·92 | 3·58 |

The total number of boys between the ages of 5 and 15 being 1,164,719 and of girls 1,056,748, if deduction is made on account of Manipur and the backward tracts; if it were assumed, for the sake of a criterion, that to provide a reasonable standard of education in the electorate, children should be educated during these ages, there should be one million boys and some 900,000 girls at school. For the purposes of a compulsory primary standard it has been calculated in the Education Department that some 400,000 boys are of school-going age, apart from those now receiving education. At the end of 1926-27 there were 228,649 boys reading in vernacular and Anglo-vernacular schools, of whom 207,632 were in the primary stage, while there were 34,311 girls, of whom 33,314 were in the primary stage. It has been calculated in the department that of the children, between the ages of six and eleven years, according to the provisions of the Compulsory Primary Education Act, about one-

fourth of the boys and one-twentieth of the girls are actually attending. It must be noted that the present statistics are liable to a considerable reduction in reality owing to the wastage already noted in the lowest classes (*vide* statement 14).

It has not been possible to classify the pupils so as to indicate very closely the comparative advance of different social strata. Statement 16 however indicates the great advance proportionally of the classes which were formerly educationally "depressed," in the figures for non-Brahmins and others. That this advance extends to secondary education is shown by test statistics recently obtained in the department for certain high schools, exhibiting the occupations of parents. The following figures are abstracted :—

| Occupation of parent. | Number. | | Percentage. | |
|---|---|---|---|---|
| | Assam Valley. | Surma Valley. | Assam Valley. | Surma Valley. |
| 1 | 2 | 3 | 4 | 5 |
| Government service | | | | |
| Superior .. .. | 485 | 360 | 18·73 | 21·50 |
| Menial .. .. | 24 | 25 | ·92 | 1·49 |
| Service of local bodies— | | | | |
| Superior .. .. | 105 | 68 | 4·06 | 4·06 |
| Menial .. .. | 6 | .. | ·14 | ·23 |
| Service of firms, etc.— | | | | |
| Clerical, professional or administrative. | 215 | 150 | 8·30 | 8·96 |
| Not clerical, professional or administrative. | 5 | 6 | ·19 | ·36 |
| Domestic service .. .. | 42 | 34 | 1·62 | 2·03 |
| Professional men .. .. | 110 | 185 | 4·25 | 11·05 |
| Non-cultivating landholders .. | 242 | 417 | 9·35 | 24·89 |
| Cultivators .. .. | 905 | 214 | 34·96 | 12·77 |
| Shop-keepers .. .. | 171 | 126 | 6·61 | 7·52 |
| Artisans .. .. .. | 73 | 17 | 2·82 | 1·01 |
| Labourers .. .. | 1 | 1 | ·04 | ·06 |
| Miscellaneous— | | | | |
| Superior .. .. | 104 | 68 | 4·02 | 4·06 |
| Others .. .. | 101 | 4 | 3·90 | ·24 |

The classification is subject to the errors possible to one prepared without a trained staff, and on a plan not in conformity with census classification, but it may be noted that in 1921 the percentage of population living by public service in both valleys was ·4, the percentage supported by public service, professions or liberal arts 1·3 in the Assam Valley and 2·1 in the Surma Valley; the percentage living on the rent of agricultural land was 2 in the Assam Valley and 1 in the Surma Valley, while the percentage living on ordinary cultivation was 73 in the Assam Valley and 72 in the Surma Valley. There is therefore a distinct tendency to greater liberality in the spread of higher education in the Assam Valley than in the other.

In comparing the advance of the various levels of education two considerations may particularly be noticed :—

(1) The comparative importance of vernacular education, that is, in the primary and middle vernacular schools. While the 1921 census showed 6·2 per cent. of the population literate in vernacular, only ·9 per cent. was literate in English. Apart, therefore, from the consideration of such divorce as there may be between the general trend of popular thought and the product of English education, it is clear that from the point of view of electoral education the comparative advance of vernacular education is most important.

(2) A political problem of the greatest interest is the economic absorption of the educated classes. A decline in enrolment at the beginning of this period was considered in the Education Department to be at least partly due to the disappointment felt at the failure of many educated by the State to find an employment to their wishes. Since then not only has enrolment greatly increased on the whole, but the entry to a much larger extent of castes and classes hitherto occupying a very small part of the field of employment has made the problem more difficult. The reaction in the field of political events has been very marked and its ramification extends even to such matters as

the settlement of excise shops, of which 10 per cent. may now be reserved for graduates. This reaction must presumably continue and must increase in intensity.

Cost of education.

7. The total expenditure on education increased by 34 per cent. between 1920-21 and 1926-27, while the Government share increased by 43 per cent. Statement 2 shows the changes in the last quinquennium. Statement 17 shows the difference in cost between the education of pupils in different standards. Eight pupils could be educated in the primary course for every one in a high school, and four for every one in a middle English school (or *six* were it a Government school). Two pupils could be educated in a middle vernacular school for every one in a middle English school. The cost of primary education per head has remained stationary owing to the improvements made in the pay of Government and local boards' teachers. In other classes the cost has decreased with increase of enrolment, but particularly so in middle English schools; the pay of the teachers in unaided and aided schools remaining excessively low. The statement also brings out the great difference between the cost in Government and non-Government institutions,—especially again in middle English schools, where the cost of Rs. 66 in a Government school is brought down to an average of Rs. 24 in all schools taken together,—owing to differences in salary and equipment. The average pay for a teacher in a Government high school is Rs. 111, of a teacher in a Government middle school Rs. 57, while the corresponding figures in non-Government schools are Rs. 53 and Rs. 29. The increase in the pay of Government teachers since 1922 is some 20 per cent., that in non-Government high schools approximates to this figure, but the average increase in non-Government middle schools is only from Rs. 20 or Rs. 25 to Rs. 28-9-8. While the increase of pay of teachers in Government schools has been retarded by the necessity of preventing the occurrence of too great a gap between them and the aided teachers, the position of the latter has been rendered hopeless by the refusal of the popular representatives to increase the fees, though managing committees have in some cases been in favour of such a step, and the inability of Government, even if it were willing, to shoulder the whole burden. The provincial grant-in-aid rules are somewhat in advance of

the University circular of 1925 laying down Rs. 70 as the minimum pay of a high school headmaster, Rs. 30 as that of a classical master, and Rs. 25 as that of a matriculate. These rates are those generally applicable in the province to a clerk, a cook and a table waiter. The Council has been much interested in the revision of the pay of the Secondary Education Service (a matter of prolonged controversy as a result of which scales have been sanctioned giving relief, and a final revision is still under consideration) and in the grants-in-aid. As a result of a resolution an allotment rising from Rs. 20,000 to Rs. 45,000, the last instalment coming in the year 1928-29, was sanctioned in the year 1925 for aided high schools.

The following statement shows the receipts and expenditure on the various forms of education in the province during the years 1920-21 and 1926-27 :—

| — | Receipts. | | Net Expenditure. | |
|---|---|---|---|---|
| | 1920-21. | 1926-27 | 1920-21. | 1926-27. |
| | Rs. | Rs. | Rs. | Rs. |
| 1. University .. .. .. | 51,531 | 76,977 | 1,94,412 | 2,79,389 |
| 2. Secondary .. .. .. | 1,49,094 | 1,58,767 | 3,96,967 | 6,23,152 |
| 3. Primary .. .. .. | .. | 113 | 4,72,679 | 6,74,441 |
| 4. Special—Madrasas, Sanskrit education, engineering, etc. .. .. | 1,682 | 1,940 | 82,163 | 1,02,594 |
| 5. General—Direction, inspection, general scholarships, buildings, etc. | 10,429 | 10,068 | 7,00,103 | 7,93,040 |
| Total education proper .. | 2,12,736 | 2,47,865 | 18,46,304 | 24,72,616 |
| Legal education (Earle Law College) .. | 4,711 | 10,674 | 8,866 | 7,570 |
| Medical education (medical school) .. | 4,924 | 3,855 | 52,594 | 66,421 |
| Medical College .. .. .. | .. | .. | .. | 55,299 |
| Total .. .. .. | 4,924 | 3,855 | 52,594 | 1,21,720 |
| Industrial and vocational schools .. .. | 3,104 | 6,270 | 34,082 | 61,943 |
| Weaving parties .. .. .. | .. | .. | .. | 27,000 |
| Scholarships .. .. .. | .. | .. | 3,436 | 8,254 |
| Total .. .. .. | 3,104 | 6,270 | 37,518 | 97,197 |
| Agricultural education .. .. | .. | .. | 1,126 | 3,436 |
| Veterinary scholarships .. .. | .. | .. | 10,000 | 17,869 |
| Grand total .. .. | 2,25,475 | 2,68,664 | 19,56,408 | 27,20,408 |

The statement includes all costs except those of maintaining a few buildings in the Industries Department. The total net cost of education to the province in 1926-27 was therefore over 27 lakhs. Where no receipts are shown, the reason is that the province has no teaching institution of its own.

The enrolment in collegiate institutions* has increased by 27 per cent., that in high schools† by 13 per cent. in the case of males and 62 per cent. in the case of females, that in middle English† schools by 33 per cent. in the case of males and 75 per cent. in the case of females, that in middle vernacular‡ schools by 25 per cent. in the case of males and 37 per cent. in the case of females, that in primary ‡schools by 19 per cent. in the case of males and 25 per cent. in the case of females. The expenditure for collegiate education has increased by 44 per cent., for high school education by 45 per cent., for middle education by 24 per cent., for primary education by 35 per cent. and for special education by 18 per cent. The last item, special education, is important as including the expenditure on training of teachers and also for vocational education in the technical and industrial schools. It must, therefore, be observed that while each level of education shows expansion, this is less marked in the vernacular than in the English field, and that the extension of facilities for the types of education, which were already finding the market overcrowded at the beginning of the period, has been out of all proportion to the discovery of new remedies.

*Vide* statement 3.

†*Vide* statement 5.

‡*Vide* statement 7.

The growth of women's education has been marked. Its measure is however indicated by the facts indicated in the departmental reports, *viz.*, that for every girl educated 15 are borne into illiteracy, that only one girl in one hundred goes to school, and that 70 per cent. of those who go, never get beyond the alphabet. There has been however an advance in their higher education, the number of lady matriculates having quadrupled, while four ladies have been admitted to collegiate study within the province (*vide* statement 10).

8. The University adumbrated by the Chief Commissioner has never become a matter of practical politics. In this period however, largely at the demand of the Council, the Murarichand college has been affiliated to honours in English, Mathematics, Sanskrit, Persian, Arabic, History, Philosophy, Political Science and Economy and to the pass and honours standard in the B.Sc. degree for Mathematics, Physics and Chemistry. The Cotton college has been affiliated to honours in Persian and to the intermediate standard in Botany, and now teaches to the honours B. A. and B. Sc. degree standards and to the M. A., in English. The expenditure on the Murarichand college buildings (amounting to some nine lakhs in all, spread over four or five years within the Reforms period) was a large item in the provincial budget. The affiliation of the Cotton College in Persian honours at the demand of the Council was made at a time when the Murarichand college Persian (honours) class was practically empty. During the period 1921-22 to 1926-27 the enrolment of the Arts colleges rose from 752 to 1,012 and the expenditure from Rs. 2,71,055 to Rs. 3,43,961, while fee receipts rose from Rs. 41,300 to Rs. 75,095. The capital expenditure on buildings under this head for each of the years 1921-22 to 1926-27 will be found in statement No. 18 annexed. The average was Rs. 1,58,113 per annum (*vide* statement 4 for examinations).

University education.

9. The expenditure on secondary schools of all kinds rose from Rs. 10,88,944 to Rs. 13,12,097 and the fee receipts from Rs. 3,54,390 to Rs. 4,52,149 between the years 1921-22 and 1926-27. While all classes of institutions have grown, there has been much controversy as to aims, in the Council as well as in the University of Calcutta. The effects of the lowering of the standard in the University for the matriculation examination to such an extent that 94 per cent. of the candidates from Government schools passed in one year, and again of the recent raising of the standard, are exhibited in statement 6. The controversy as to educational aims has been repeated in the local Council, and a final solution has not yet been obtained. On a resolution which was carried in 1924 the advantages of secondary education were debated. The high proportion of students receiving secondary education as compared with the figures for primary and technical

Secondary education.

education were dwelt upon by the spokesman of the *Swaraj* party, who drew attention to the fact that the percentage of the population reading in secondary schools, namely, 5, would compare favourably with the figure in England and Wales and drew the moral that primary education was being neglected and that secondary education was of an inferior standard. He stated that he was surprised to find that Europeans who had only received secondary schooling seemed to have a better education than graduates in Assam, and that he believed the medium of instruction to be the main reason. The feeling of the House was however illustrated by a member who said "Have primary education, have technical institutions but do not oppose secondary education.....Spend money on primary schools, technical schools, secondary schools and all kinds of schools. I am not afraid of over education. Before this there was a cry against the extension of secondary education from the Government. Now the time has changed, opposition comes from the people."

Another member speaking on the subject of the increased fee rates at Habiganj said "My idea is that education should not be made more costly. That is against the trend of Indian feeling. If necessary, the ordinary taxpayer must be made to pay for the education of boys, but the door against the poor boys should not be closed." The policy of extension of secondary education generally has, therefore, received the imprimatur of the Council.

Dissatisfaction with the nature of secondary education was however indicated by the resolution mentioned above which was moved by the deputy leader of the *Swaraj* party and supported by that party, recommending the appointment of a committee to enquire into the system in its various aspects. The *Swarajist* members of the committee helped in framing the questionnaire but refused to take part in the enquiry. This committee, with the addition of educational experts, after an elaborate enquiry made a series of important recommendations to Government for the improvement of secondary education in nearly all its aspects, aims and ideals, scope, courses, methods and languages of instruction, management and discipline, text-books, the training of teachers and so forth. Government while approving of the majority of the recommendations made by the committee have decided that religious education must be left to private enterprise and that the recommendations

involving expenditure must be considered according as finances permit. The cost of the changes recommended in so far as they involve additional expenditure is calculated roughly at 6 lakhs recurring and 25 lakhs non-recurring.

High schools.

10. Prior to the Reforms it had been decided as a matter of policy that a Government high school should be established at each subdivisional headquarters stations in the plains districts. Up till 1921 this policy had been carried into effect in all the subdivisions except two. In response to a resolution in Council funds have been provided in the budget of the year now current for the completion of the programme. In addition Government have established two State high schools for girls, one in each division, the second having been taken up during the Reforms period. In all, Government have, or will shortly have, 22 high schools under its direct control. The cost of these Government scools is borne by provincial revenues to the extent of some 72 per cent. If aided high schools are included the proportionate share of the cost which falls on Government is 56 per cent. There has been, during the period, a considerable advance in the number of high schools, both for girls and boys, which are given maintenance grants by Government and the scale on which maintenance grants are given has been greatly increased. But liberal as the Government grants have been, funds far beyond what Government can provide are still wanted to meet the popular demand for more schools and better schools and for higher pay for the teaching staff. At present parents and guardians are unwilling to pay the fees necessary to maintain a secondary school in an efficient condition. The enrolment in high schools rose from 11,700 in 1921-22 to 16,400 in 1926-27.

Middle schools.

11. There has been much controversy as to the future of middle English schools, which have been fostered by local bodies and local enthusiasm. The Council, though it tabled a number of motions on the subject, never carried one to a conclusion save in so far as Government aid was recommended to unaided schools generally. The Council also came to no conclusion as to middle vernacular schools. In 1922 the Director of Public Instruction wrote "There is no item in the provincial policy of education which has been more fully justified by results than the decision to encourage middle vernacular schools. Said to be moribund ten

years ago, they had increased by 1916-17 from 35 to 112 and their enrolment had risen from 2,753 to 12,328, and despite the depression of the quinquennium that is just over a further rise has to be recorded to 133 schools and 13,034 pupils." In 1925 the Director submitted proposals for the co-ordination of the curriculum of the middle English, middle vernacular schools, Muslim *madrasas* and Sanskrit *tols* in such a manner as would enable a public examination* applicable to all of them to be the crown of the middle school standard and the close of their school career for the great majority of pupils in the province who pursue their education beyond the rudiments. This was accepted by the Minister only so far as regards middle English and middle vernacular schools, it being held that the inclusion of middle *madrasas* might lead to the death of these institutions. A Muhammadan conference in 1926 recommended however amongst other things:—

*Vide statement 8.

(1) That the elementary courses in Koran reading and *namaz* (prayer) then allowed in public schools outside school hours on the condition that the cost is met from private sources, should be recognised as an integral part of the school course, and the cost charged to public funds, and that *madrasas* which follow the orthodox or Nizamia courses should be aided, provided they teach also reading, writing and arithmetic in the vernacular. Such religious instruction, it was recommended, should be given during the school hours.

(2) That in view of the difficulty of improving the teaching in junior *madrasas* the curriculum should be revised so as to bring them within the scope of the middle school certificate examination.

(3) That scouting and athletic courses should be introduced, provided the Islamic law is not infringed.

This attempt to provide a middle standard as an aim for popular recognition depends on the future for its success, but has obvious importance from the political standpoint. It is doubtful however, in view of the opinion expressed in Council in one debate by all except the inveterate opponents of the English connection that "a smattering of English" is

not only desirable but necessary in the condition of modern life, how far the vernacular system, though receiving support from the present proposals of the University and the views of the secondary education committee, will take a fresh lease of life.

The number of Government middle English schools remained unchanged, while local bodies' schools dropped from 10 to 9, aided schools rose from 76 to 103, and unaided schools from 46 to 54. Enrolment rose from 11,278 to 15,498, or by 37 per cent. Expenditure rose by 26 per cent. to Rs. 3,64,230, the amount paid in fees by 17 per cent. to Rs. 1,55,450, and the cost to provincial funds by 25 per cent. to Rs. 99,471. Enthusiasm for enrolment is not therefore accompanied by equal willingness to pay.

Enrolment increased by 19 per cent. from 15,638 to 18,613 in middle vernacular schools.

12. The advance of primary education, namely, 8.5 per cent. in institutions, 19 per cent. in pupils, and 35 per cent. in expenditure, has not gone far to spread it, in consideration of the growth in population. The demand however exists, and is indicated by the institution in the hope of aid of a large number of private schools. The Government schools have increased by 7, schools maintained by local bodies by 132, aided schools by 75 and unaided schools by 165. Some of the unrecognised non-secular schools (*vide* statement 9) are also prepared to be taken over as secularised schools. The most noticeable enthusiasm has occurred among the immigrants from Eastern Bengal, who started many schools, sometimes with a voluntary cess, roofed their buildings with corrugated iron, and were at first willing to accept education in Assamese; but unaided schools have been instituted by several backward castes.

Primary education (*a*) Numerical increase.

No evidence has been obtained to show that the demand has any relation to the extension of the franchise. The following statement will, however, give an idea of the expansion of primary education:—

| | |
|---|---|
| Direct expenditure from provincial revenues on primary education in 1920-21, Rs. 4,72,679. | Budget estimate for direct expenditure from provincial revenues on primary education in 1928-29, Rs. 8,68,600. |

13. The chief event however has been the passing of the Compulsory Primary Education Act, 1926, after resolutions for the purpose in the Council. Briefly, it provides that if a municipality or local board at a meeting specially convened recommends by a majority of two-thirds that education shall be compulsory for boys or girls or both in any area under its control, with or without exemptions for any particular communities, it shall frame a scheme and find one-third of the cost from its own funds, and for this purpose shall ordinarily levy a cess. Government may sanction the scheme with or without modifications, and shall bear the remaining two-thirds, whereupon the board must establish a committee for management. The committee may recommend free grants to poor children for the cost of books, etc. The Act also provides that Government may require a board to frame a scheme, but must first lay the matter before the Council, which may disapprove such action. The provision of power for Government to force action upon a board unwilling to do its duty was borrowed by the Minister from the new legislation in another province, and he also proposed the division of cost, as laid down, after consideration of private persons' views. This division was accepted in view of the fact that it roughly represented the proportions of expenditure on vernacular education from Government grants and from the free income of the boards. It was accepted in Council with only some demur to any wording which could possibly indicate that the boards would be expected to raise fresh funds by taxation. The former provision had a curious history. The Council were apparently impressed with the unlikelihood of a mere enabling Act's succeeding, and were prepared to give some power of overcoming apathy, but they resented the lodgment of discretionary power with the executive. Whether it was understood that the principle of compulsion, the great importance of which in relation to an agricultural population had been emphasised by the Minister in introducing the Bill, was by the amendment requiring use of the compulsory powers of Government to be made with the approval of the Council, left in the air, and open to dispute on a later occasion, is not clear. There is no criterion provided, however, as to the grounds upon which an unwilling board might be forced to take action, or released from the duty, and the Act as it stands does little more than

(b) Prospects of expansion. The Compulsory Primary Education Act.

delegate the power of deciding upon compulsion to the local bodies, and provide machinery for enforcement if this power is used. The principles upon which exemptions might be made are also left a field for possible conflict between the Government, the Council, and the boards. Draft rules under the Act have been framed, and are now under consideration.

(c) Prospects of expansion. Provincial finances.

14. The local boards were asked in 1926-27 to furnish details of their immediate requirements for vernacular education. They put forward schemes involving Rs. 5 lakhs in non-recurring and 3½ lakhs in recurring expenditure, approximately. Their schemes included the financing of 400 primary schools of which 377 had been started as private schools. An allotment of Rs. 70,000 was made in the budget of the following year for the taking over of 300 boys', 73 girls' and 42 Moslem schools to the boards' lists of schools. The Act has, however, rendered it necessary to consider the whole future policy. A special enquiry showed that the application to boys alone, universally, would mean an ultimate expenditure of 40 lakhs, as against the total provincial receipts budgetted for 1927-28 of 266 lakhs, without counting the expenditure necessary for girls, and for concomitant improvements such as the extension of training schools. It was worked out that the demand, altogether independent of compulsion, might swell by 1936 to nine and a half lakhs. The Director of Public Instruction has urged that the system of educational control by local boards should be replaced by a more adequate authority, capable of compelling proper methods, and of developing the spread of compulsory education by natural stages. He has called attention to the remarks made in his quinquennial review of 1922 as to the anomalous position *inter se* of the Education Department and the boards, and to the necessity both of abolishing the system by which grants usually go to localities where growth of education is automatic, and where they are therefore least needed on the compulsory principle, and of inculcating the lesson that local taxation must be inaugurated if universal primary education is the ultimate end in view. For the present he has advised that in the extreme uncertainty of the times no attempt should be made to frame a working programme for more than two years ahead. The cost of such a programme

if it were limited to the financing of present needs, *e.g.*, the taking over of private primary schools, the raising of the minimum pay of teachers in public schools to Rs. 15 a month and the provision for buildings and contingent charges, would amount to Rs. 4,20,000 in recurring charges and Rs. 4,20,000 in non-recurring charges. If such a programme were to be undertaken he has recommended that a contribution of one-third of the cost should be demanded from local bodies, who should be put in a position to provide their share by increasing the local rates or levying a cess.

In April 1928 a resolution recommending that a loan of fifty lakhs be taken immediately for the purpose of compulsory primary education was carried with scarcely any discussion, after the Minister had pointed out that there were not yet applications from the local bodies under the Compulsory Education Act which would require special provision, as the rules had not yet been published, and that there were not sufficient vernacular teachers available in any case. Later a token reduction was made in order to criticise the failure of Government to relieve the local boards of financial responsibility for middle English schools while a reduction of the provision for grants to non-Government secondary schools in order to condemn the inadequacy of existing high and middle schools was only prevented by the official vote. In connection with this last the question whether high schools should be maintained by Government was again inconclusively discussed. A *Swarajist* member said in regard to the difficulties of middle schools "I do not think any chairman of a board would like at the expense of incurring unpopularity to impose taxation."

Training of Teachers.

15. The number of institutions for training of teachers and the number reading therein have altered little, though there has been improvement of method. In 1921 there were 3,052 trained men in all classes of schools. At the end of 1926-27 there were 3,068, while 4,903 were still untrained. In 1921, 271 teachers out of 887 in Anglo-vernacular schools were graduates. At the end of 1926-27 there were 271 graduates out of 761 in high schools, and 57 out of 1,367 in middle schools. It is now proposed to spend some Rs, 7,000 on the training of teachers in aided schools. (*Vide* statement 13.)

The education of minorities.
(a) European and Anglo-Indian.

16. European and Anglo-Indian education remains a reserved subject. The number of institutions for European and Anglo-Indian education has remained the same, *viz.*, four. Enrolment has increased from 300 to 375. The local Government give Rs. 20,300 annually in grants for this form of education. (*Vide* statement 11.)

There were 12 pupils other than Europeans or Anglo-Indians in these schools in 1921, and 21 in 1927.

An attempt to correlate Anglo-Indian education with Indian by substitution of the Calcutta for the Cambridge examinations failed to secure support from parents and guardians, and was dropped. On two occasions the grant was attacked in the Council on the ground that the expenditure, Rs. 852 per pupil, was disproportionate in comparison with the average for all schools, Rs. 16, but the attacks were withdrawn on explanation that the percentage borne by private sources, namely, over 82, is vastly higher than in the case with other schools, *viz.*, less than 30 per cent. and that 50 per cent. is paid by fees as against the general level of 17 per cent. The percentage met by Government has steadily receded from 37 in 1918 to 18 in 1927.

(b) The backward tracts.

17. The percentage of children reading in schools of the four main hill districts, or "backward tracts," was 3·7. The figure varied however in the districts, being 6 per cent. in the Khasi and Jaintia Hills, 1·6 in the Naga Hills, 3·5 in the Lushai Hills and 2·7 in the Garo Hills. The education here is generally in the hands of missionaries, and the curriculum varies from the plains, being often in the tribal vernacular only. These facts discount the percentages quoted for any comparison with those of the plains, and explain the great difference between figures of increase since 1922, which were 3·8 per cent. in the first named, 11·43 in the second, 74·4 in the third and 29.3 in the last district.

(c) Labour.

18. The schools in tea gardens show a general failure. To provide for a floating population of some million persons, at present almost entirely unenfranchised, it was in 1910 contemplated to establish 361 primary schools in varying

degrees of dependence upon Government. Some 10,000 pupils were expected. The actual numbers have been:—

| | Schools. | Pupils. |
|---|---|---|
| 1914 ... ... | 153 | 3,159 |
| 1915 ... ... | 149 | 3,297 |
| 1916 ... ... | 107 | 2,305 |
| 1920 ... ... | 86 | 1,840 |
| 1921 ... ... | 81 | 1,918 |
| 1926 ... ... | 65 | 1,798 |

A resolution was carried in 1924 recommending the compulsory institution of schools in tea gardens, the arguments being that employers discourage them for fear of losing the labour of the children. The reply of planting members was that there was no question that all children who wished to go to school were, and would be, encouraged to do so, but that the coolie population distrusted education, and that any attempt to force them would be unpopular, and would indeed create a risk of losing labour. No action was taken on the recommendation. A scheme has been prepared, and is waiting finance, for the creation of 12 such schools in gardens which have responded to the request of Government that education should be encouraged. This resolution wished to place the cost of compulsory education on the employer of labourer, and it was pointed out by a prominent member of the *Swaraj* party that while the main difficulty as regards the introduction of a general primary education bill was the question of funds, as the people were opposed to increased taxation, in this limited application of the principle of compulsory primary education the question of the provision of funds did not arise, because the employer would have to bear the cost, and that in consequence "advantage ought to be taken of this resolution at once."

(*d*) The depressed classes.

19. The period has seen the rise, at the encouragement of private social service societies, the *Ram Krishna Mission*, the Sylhet Social Service League, the Society for the improvement of the backward classes, Bengal and Assam, and the *Siksha Bistar Samiti*, of certain institutions for the benefit of the untouchables and others for whom previously no special facilities for education existed, and who would hesitate to approach the doors of a public school. Some

dozen such schools now exist, and also 19 night schools, mostly in Sylhet.

Special education.

20. Side by side with the increase of secular schools, there has been advance of the Moslem and Sanskritic systems. Writing of these in 1922 the Director said "The one aim is to impart the traditional learning, so modifying the courses as to retain and improve all the old knowledge and to add to it something of the new. The other aim is to approach the.....old learning by the Western gate, to receive and interpret from the ancient texts, and to refine.....the living truths which they contain." And again "The *tol* is the school of the *Brahmin* as *Brahmin*, as trustee and repository of the ancient culture. An effort is due towards restoration of the moral and religious sanctions on which Hindu Society is based. Indigenous culture will renew its influence and authority to the advantage of the masses who will be educated and enlightened ('what the *pandit* thinks to-day the masses will think to-morrow'), to the advantage also of the *classes* who will be strengthened by the strengthening of Hindu life and thought to resist the present alienation of society from Eastern ways, and to absorb from the West only that which is for the benefit of the Indian people, rejecting what is untrue to their nature." But, he said, "In the case of neither Hindus nor Muhammadans is the maintenance forthcoming from the public either in money or in kind to provide in anything short of indigence for the ministers of their faith. It is not possible in a set term of years to give boys as sound a preliminary training both in the ancient and in the modern lore as if the institution had a single purpose. It is equally impossible, if the *tols* and *madrasas* are to be efficient in both departments, to run them at the same cost as institutions which have only one department."

Sanskrit education.

21. A Sanskrit college was established in 1922 with an enrolment of 28 and costing Rs. 12,000 net from provincial revenues. The Council has displayed much interest in the revival of the *tols*, which were supposed to be moribund owing to the lack of interest shown in them by Government, except in the conduct of examinations, and the lack of a career for *ex*-students. A special officer was appointed to enquire into the subject. His recommendations involved

the creation of a provincial Sanskrit board to direct Sanskritic studies, and of an advisory provincial association. These have been established, and grants are now made annually to enable the board to function. The correlation of *tols* with secular schools for the sake of the middle school leaving examination has not yet been undertaken. It may be noticed however that an English class had to be opened in the Sanskrit college to meet a demand for instruction in this language. The *tols* brought into line by the teaching of secular subjects have decreased from 69 to 63, while those which remain upon the traditional lines have increased from 10 to 52. *Pathsalas* have increased from 13 to 32. (*Vide* statement 9.)

The control of the *tols* and examinations was transferred to the Association, and a grant of Rs. 20,000 has been provided for expenditure by it in the interests of Sanskrit education. The Association also revised the curricula.

Muhammadan education.

22. The number of schools offering a voluntary Islamic course rose from 223 to 329. The senior *madrasa* at Sylhet has increased in enrolment from 114 in 1921-22 to 300, income from fees from Rs. 763 to Rs. 1,994, considerable expenditure has been incurred on raising it to the full senior standard, including provision of 16 per cent. free studentships, and some Rs. 6,000 was spent in 1927-28 on improvements. Revival in the demand for the private junior *madrasas*, which had been stationary, has led to a proposal to spend Rs. 20,000 in the year of 1928-29 on their encouragement. One private institution has been recognized as a senior *madrasa*. The primary standard institutions which have been recognized as teaching the secular curriculum have increased from 44 to 102, and the unrecognized from 108 to 205.

The Muhammadan educational conference, which was summoned by the Minister in 1926, besides the recommendations already mentioned for the general introduction of Islamic courses at the public cost, the correlation of *madrasa* education with the secular schools by means of the teaching of English and admission to the middle school leaving examination, and the adoption of physical exercises,

etc., made other important recommendations of which the following may be mentioned :—

(1) For instructions to issue to local boards requiring the reservation of scholarships for Muhammadans;

(2) For the introduction of a title course in the senior *madrasa;*

(3) For the establishment of a senior *madrasa* in the Assam Valley, and for more Government junior *madrasas;*

(4) For more and larger scholarships for Muhammadans.

The recommendations, in so far as they required immediate action, were generally accepted by Government and have been carried into effect.

While therefore there has been a revival of enthusiasm in respect of both Islamic and Hindu education, and some tendency to fuse it with the Western system, this tendency has been more marked in regard to the former, both in the approval given to application of the middle school certificate system to Islamic schools, and in the adoption by the lower ranks of school of the ordinary lower primary curriculum side by side with the voluntary provision in secular schools of rudimentary Islamic instruction. Meanwhile, as noted, the increase of enrolment of Muhammadan pupils in all classes of institution has been marked. (*Vide* statements 12 and 15.)

Legal education.

23. The only institution in the province which trains students for a legal career is the Earle Law College at Gauhati. This college is affiliated to the Calcutta University and teaches the Bachelor of Law Degree course. It has throughout been on a temporary basis, as there has been considerable discussion as to whether it is of utility to continue training students, largely at Government expense, for an overcrowded profession. A resolution recommending its establishment on a permanent basis was tabled in the Council, but was not debated. Its life has recently been extended for another term of three years starting from the middle of 1928.

The enrolment at the college has risen from 52 in 1921-22 to 91 in 1926-27. The majority of the students come from the Assam Valley. The insufficiency of hostel accommodation is partly responsible for the comparatively small number of students from the Surma Valley, but there can be no doubt that with the facilities which Calcutta affords for combining the study of Law with advanced study in other subjects, Calcutta would in any case attract a large proportion of the students from that valley in preference to a college situated in the Assam Valley.

The statement below shows, year by year from 1921-22 to 1926-27, the total direct expenditure incurred on the college, and the shares of this borne by Government and by the students themselves in the shape of receipts from fees:—

| Year. | Total direct expenditure. | Amount from Government funds. | Total fee receipts. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| 1921-22 ... ... ... | 16,052 | 11,671 | 4,381 |
| 1922-23 ... ... ... | 16,873 | 11,949 | 4,924 |
| 1923-24 ... ... ... | 18,821 | 11,171 | 7,650 |
| 1924-25 ... ... ... | 17,656 | 8,177 | 9,479 |
| 1925-26 ... ... ... | 16,419 | 7,449 | 8,970 |
| 1926-27 ... ... ... | 18,244 | 7,570 | 10,674 |

During the Reforms period the tuition fee was raised from Rs. 6 to Rs. 7-8 per mensem, and the annual direct expenditure on each student decreased from Rs. 309 to Rs. 201. During the quinquennium 1922-23 to 1926-27, 101 students passed the final examination. The number of pleaders practising in the province in 1922 was stated in the quinquennial review for 1921-22 to be 440. In February 1923, 450 pleaders had renewed their certificates for that year. The number of pleaders who had renewed their certificates for the year 1928 in April was 692. There were then also 287 practising mukhtears against 168 in February 1923.

Medical education.

24. For the higher training of medical students for the post of civil assistant surgeon, this province has, throughout the Reforms period, had recourse to Bengal. Seven seats in the Calcutta Medical College (including 1 for a woman candidate) and 3 in the Carmichael Medical College have been reserved for Assam students. In addition 2 women candidates are sent annually to the Campbell Medical School for training as sub-assistant surgeons. The total charges for all these students paid to the Bengal Government for 1921-22 and to the authorities of the Carmichael Medical College for the same year were Rs. 31,038. In the year 1926-27 the corresponding amount was Rs. 55,299. The training of medical students in the province to qualify as sub-assistant surgeons has continued in the Berry-White Medical School at Dibrugarh. The total cost of this institution in 1926-27 was Rs. 70,300. Of this all but Rs. 4,500 was borne by Government. Owing to the very liberal grant of scholarships and free studentships (nearly three-fourths of the students paying no fees at all), and the comparatively low rate of fees levied from the remainder, the total fees realised during the year 1926-27 only amounted to Rs. 3,569. The total number of students in that year was 179.

The persistent demand in the Council that students from Surma Valley should have their own institution has led to the decision to inaugurate the Sylhet medical school. This project was contemplated before the Reforms. In the selection of candidates for seats in the medical school, Dibrugarh, and for scholarships and seats at the Bengal colleges communal considerations had to be taken into account. A proposal to raise the fees at the Berry-White Medical School was raised in 1923, but was opposed by the Minister on the ground that the move would be unpopular in the Council. The question has been reconsidered nearly every year since that date, but final decision has been postponed from time to time on the same ground. Government have now accepted the proposal of the Minister that the question should be decided when the new medical school will be opened in Sylhet in two or three years' time. Except for the proposed provision of a pathological laboratory at the medical school (now under construction), the net reduction of one seat at Calcutta for the sake of retrenchment, the proposed new medical school at Sylhet,

and the regulation of scholarships, stipends and reservation of seats on communal lines at the instance of the Council there has been no change in respect of medical education.

A statement showing direct expenditure incurred on medical education within the province and the share of this borne by Government and by the students themselves in the shape of receipts from fees, is given below :—

| Year. | Total direct expenditure. | Amount met from Government funds. | Total fee receipts. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | Rs. | Rs. | Rs. |
| 1920-21 ... ... ... | 57,518 | 52,594 | 4,924 |
| 1926-27 ... ... ... | 70,276 | 66,707 | 3,569 |

An attempt was made to encourage the indigenous systems of medicine by the grant of two scholarships annually tenable at the Berry-White Medical School, one to a member of a *Kaviraj* family and one to a member of a *Unani Hakim* family, the intention being that the knowledge of western medicine thus acquired, would be of use in the practice of the indigenous systems. It was, however, found that the students, when trained, practised only the western system of medicine.

Technical and industrial education.

25. In the pre-Reforms period education in these branches was given only in two small technical and two small weaving schools, all situated in the hill districts and intended only for the hill tribes. Of these the Fuller Industrial School at Shillong gives instruction, extending over a three-year course, in blacksmithy and carpentry. Tuition and hostel accommodation are free, and the average number of passed students turned out annually is five. The cost to Government per student has risen from Rs. 22 per mensem in 1920-21 to Rs. 40 per mensem at present. A similar institution is the Fuller Technical School at Kohima in the

Naga Hills. Of the two weaving schools, that at Tura in the Garo Hills was closed down in 1926 as it failed to attract the class of pupils for whom it was intended. The other at Shillong still continues, twelve stipends at Rs. 8 per mensem each are granted, and tuition and hostel accommodation are free. The net cost per mensem to Government for each pupil has risen from Rs. 17 to Rs. 31 during the Reforms period. More ambitious institutions have been started in the plains districts of the province since the beginning of the Reforms. They are three in number—the Weaving Institution at Gauhati, the School of Handicrafts (now called the Surma Valley Technical School) at Sylhet, and His Royal Highness the Prince of Wales' Technical School at Jorhat. The first mentioned was opened in July 1920 in a hired building, giving a one year's course. A second year's advanced course was added in 1923-24, and permanent buildings costing nearly a lakh of rupees were completed in 1927. Tuition and hostel accommodation are free, and the number of stipend holders is now fifteen. In all 172 students have received training in the school up to date. Of these 106 passed the elementary course successfully, and 36 have completed the advanced course. The net cost per mensem to Government for each student is now Rs. 63 compared with Rs. 107 when the school started. The School of Handicrafts in Sylhet was opened in 1923. It provided for two three-year courses of training, one in wood-working and one in metal-working. Some Rs. 86,000 has been spent up to date in building and equipment, and the present annual recurring cost is Rs. 22,000. The net expense to Government per head of pupils is now Rs. 22 per mensem. During the last two years sixteen students in the metal-working section and eighteen in the wood-working section have passed out.

The technical school at Jorhat, the establishment of which was encouraged by a donation of Rs. 1,00,000 in Government paper, by the late Mr. Borooah, was opened in 1927. The buildings and equipment are estimated to cost nearly two lakhs, and the annual recurring charges are Rs. 27,000. It is divided into two sections—a handicrafts section and a foreman-mechanic section. Of these, the latter has not yet been started. The handicrafts section comprises a wood-working class, a mechanical apprentice class, and a motor mechanic class, the first two being for three years, and the last for two years. The handicrafts

section was opened in August 1927 with 90 students in all. Ten stipends at Rs. 12 each per mensem for three years have been sanctioned, and tuition and hostel accommodation are free.

The following statement shows the total direct expenditure incurred on technical and industrial education, the amount borne by Government and the receipts obtained on account of the sale-proceeds of the goods manufactured in the schools :—

| Year. | | Total direct expenditure. | Amount from Government funds. | Tottal receips. | Remarks. |
|---|---|---|---|---|---|
| 1 | | 2 | 3 | 4 | 5 |
| | | Rs. | Rs. | Rs. | |
| Shillong Weaving School | 1920-21 .. | 8,142 | 7,909 | 233 | |
| | 1926-27 .. | 4,632 | 4,033 | 599 | |
| For the Industrial School at Shillong. | 1920-21 .. | 3,947 | 3,444 | 503 | |
| | 1926-27 .. | 7,468 | 6,396 | 1,072 | |
| For the Technical School at Kohima. | 1920-21 .. | 6,513 | 4,612 | 1,901 | |
| | 1926-27 .. | 7,594 | 5,749 | 1,845 | |
| Weaving School at Tura | 1920-21 ... | 4,000 | 3,741 | 259 | |
| | 1926-27 .. | 1,138 | 1,138 | .. | The school was closed in 1926. |
| Weaving Institute at Gauhati. | 1920-21 .. | 14,584 | 14,376 | 208 | |
| | 1926-27 | 25,520 | 24,904 | 616 | |
| Surma Valley Technical School at Sylhet. | 1920-21 .. | .. | .. | .. | The school was opened in 1923. |
| | 1926-27 .. | 21,861 | 19,723 | 2,138 | |
| H. R. H. the Prince of Wales Technical School at Jorhat. | 1920-21 .. | .. | .. | .. | The school was opened in 1927. |
| | 1928-29 .. | 27,634* | 26,634* | 1,000* | |

*Anticipated receipts and expenditure.

In addition to these schools peripatetic weaving parties have been started during the Reforms period for giving instruction in improved methods of weaving, and for spreading the use of improved looms in the villages. Each party consists of a weaving assistant and six demonstrators.

There are now three such parties costing some Rs. 9,000 each per annum. They have so far introduced in the province 2,000 fly shuttle sleys and 100 warping mills in addition to Jacquards, dobbies and other improved and time saving devices.

In addition to the scholarships mentioned below under the head 'engineering education' the department of industries has granted a certain number of scholarships outside the province for instruction in miscellaneous industries. These include five scholarships in 1920-21 at the Serampore Weaving Institute, one in the school of dyeing and printing at Cawnpore, one in a jewelry workshop in Calcutta, and two in the National Tannery Company, Limted, Calcutta. At the close of the year 1926-27 there were two scholarship-holders at the Victoria Jubilee Technical Institute, Bombay, one in a tailoring shop in Calcutta, two in engineering works in Calcutta and one in the Chrome Leather Factory, Madras. The following amounts were paid in various industrial scholarships outside the province:—

| | | | |
|---|---|---|---|
| 1920-21 | ... | ... | Rs. 3,436 |
| 1926-27 | ... | ... | Rs. 8,254 |

Agricultural.

26. The only agricultural education given in the province is that given to demonstrators at the Government farms. For higher training the men required for employment under the department are sent to agricultural schools or colleges in other provinces, the Local Government bearing the cost of scholarships and of contributions towards the maintenance cost of the colleges. The average annual expenditure during the Reforms period has been Rs. 2,300, which is approximately the same as in the pre-Reform years. The average number of students thus trained is between one and two a year.

Veterinary education.

27. This is limited to the sending of a small number of stipendiaries to the Bengal Veterinary College at Belgachia for training, as there is no veterinary college in the province. Prior to the Reforms both Government and the local boards used to send such stipendiaries. The boards have for some years ceased doing so, as they allege they cannot afford to pay the contribution for each

student required by the Bengal Government. The rate of stipends was at the beginning of the Reforms period Rs. 15 per mensem. This rate was raised to Rs. 20 per mensem in 1926. This Government also bear a portion of the cost of maintenance of the college. Prior to the Reforms period this was the fixed amount of Rs. 10,000. The system has now been changed, and the province now pays at the rate of Rs. 600 per student per annum. In 1920-21 the number of students under training was six. In 1926-27 the number was seven, and it has recently been decided to retain twelve seats. The course extends over three years, and the seats are distributed amongst students in the different years.

Engineering education.

28. There has been no notable change in the arrangements for the training of engineers during the Reforms period.

There is not now, and probably will not be for many a day, a sufficient demand locally for Indian engineers of any description to warrant the establishment of an institution in this province for their training. As in the case of several other branches of vocational training the Local Government has had to depend on concessions in this matter from the Governments of other prvinces, who reserve places in their institutions for Assam students, the Local Government paying a proportionate share of the cost of maintaing these institutions.

In addition, two scholarships are granted annually in themselves for service in the higher grades of the Public Works Department, two scholarships are awarded annually to Assam students tenable in the Civil Engineering Department of the Bengal Engineering College, Sibpur, which is affiliated to the University for the Degree in Engineering; and four scholarships are granted annually tenable in the Dacca School of Engineering which offers a less advanced course, suitable for the Subordinate Engineering Service.

In addition, two scholarships are granted annually in the Mechanical and Electrical Engineering Department of the Bengal Engneering College and one scholarship has been granted at the Indian School of Mines, Dhanbad, for a term of three years with effect from November 1926.

Students from Assam also take admission to the Engineering Department of the Benares Hindu University.

Since the commencement of the Reforms two overseas technical scholarships (one in mechanical and electrical engineering and one for training in mineral oil extraction) have been granted by Government at a cost of Rs. 20,000 more or less. Four students working in America, England and Germany have received help from the discretionary grants of rupees five thousand each which are annually votable by Council, and placed at the disposal of the Hon'ble Ministers.

Internal development of education.

29. The nature of the education given has undergone the following changes during the Reform period :—

(1) The Dalton plan for class teaching, after trial, was applied with some modifications, suggested by an Inspector, in the Sylhet and some other high schools, and the secondary education committee approved the continuance of the experiment. It has not been very popular among the pupils, and an agitation was made at a students' conference for its abolition, at the suggestion, as was admitted in the Council, of members of Council.

(2) Manual training, except for what is called "handwork"—the making of raised maps, modelling, etc., in the lower classes, and gardening,—has been confined to the introduction of systematic manual training up to the top classes in three Government high schools. The Director notices in his reports a disinclination for anything which might suggest degrading labour, as in the objection of a headmaster to his suggestion that repairs should be carried out by the boys, that it would make the school unpopular.

(3) The introduction of scouting has proved popular, the number of scouts enrolled increasing since 1921 from 76 to 2,511. It has not however been found possible to raise the funds needed for equipment, outings, etc., from private enthusiasm, and Government aid has been asked for.

(4) Apart from the students' conferences, the period has seen the growth of several organizations, of which may be mentioned college "Students' mutual aid societies," the *Sevak Sangha*, and debating societies. Some members of the secondary education committee referred to the danger of carrying such innovations too far, as likely to interfere with due attention to studies.

(5) The revision of the lower primary curriculum to fit in with the new middle school public examinations. Much work was also done in the effort to interest the local board teachers in their profession by conferences in the mofussil and in other ways.

Morals and discipline.

30. No advance of moment has taken place in the direction of moral training, save by the encouragement of sport, of social organizations, for purposes of debating and service, in the colleges, and of boy scouting in the schools. Recommendations for the teaching of hygiene made by a committee formed at the instance of the Council were not fulfilled, as they involved an expenditure in publication and other directions which could not be undertaken. Instruction is however still given by means of text-books and oral teaching, according to the class. The still low proportion of trained teachers handicaps the method of oral training in both hygiene and morals. The opinion of the secondary education committee was that morality in India is dependent on religion, and the decision to relegate religious training to private enterprise has received mention. In one high school the formation of a boys' court of honour has been reported.

Discipline, which was bad during the non-co-operation campaign, and subsequently for some years was reported to suffer from unreadiness in inflicting punishment, appears to be improving. The close connection between the students and their home life, involving sometimes too much opportunity for the influence of politics and the press, is illustrated by the endeavour made at the students' conference and subsequently in the Council to discount the value of

the Dalton method of teaching. A party in the Council resents the application of discipline as an undue interference with liberty. The most serious cases of indiscipline reported, apart from the events of 1920-22, were :—

(1) The series of fires which took place at Habiganj in 1922-23 following an attempt to alter entries of age in the registers, and even in the home village of the headmaster who had acquired unpopularity, which could only be laid at the door of the students, though no information was obtainable from them;

(2) The frequency of loss of books from school libraries, 300 being lost from one library alone.

One Principal of a college has noted an improvement during his service in the growth of a conception of discipline, and has particularly commented upon the fact that Muhammadan and Hindu students live side by side in the hostels without friction.

The working of the system of Government in Education.
(a) The University.

31. By an order issued under section 27 of the Universities Act, 1904, Assam is included within the territorial limits of the University of Calcutta. The connection has existed without interruption since the University was established in 1877. The growth of education is naturally bound up with the working of the system of administration.

University and secondary education in Assam are thus under the University of Calcutta, which affiliates the colleges of the province and recognizes its high schools. This is a nexus which it has not been possible to dissolve. For financial and other reasons it has not been practicable to consider as a matter of present politics the establishment of a University in Assam. In these circumstances it has been the endeavour of the Government to secure for Assam such a place in the councils of the University as would allow of its representatives making their influence felt when questions arose affecting local interests. The need for such representation has been increasingly felt with the development of higher education in the province.

Prior to 1921, the Government of India were in control of the University. In that year an Act was passed by the

Indian legislature making over the control to the Government of Bengal. The Government of Assam was not consulted in the matter, nor were the interests of the province considered. The Act was prejudical to Assam as subjecting educational interests in the province to the influences of party politics in Bengal, and as threatening the small measure of representation in the University which the province had hitherto enjoyed. In effect the transfer of control has also stood in the way of action being taken for reforms in secondary and collegiate education which have for long been recognised as necessary.

The constitutional position of the Government of Assam with reference to the University, and the degree in which the Government can hope to exercise control over higher educational policy in the province have been in doubt throughout the period of the reforms. The matter was placed before the Government of India in 1923 in connection with two private bills for the reform of the University which had been introduced in the Bengal Council and other bills which the Government of Bengal had it in contemplation to introduce. These bills all vitally affected educational interests in Assam and with reference to none of them had the Government of Assam been consulted. The Government of India thereupon arranged for a conference, on which all parties interested were represented, to consider the issues affecting this province along with the more general issues of reform. The conference met several times in Calcutta, but came to no conclusions. And the presentation at a recent session of the Bengal Council of two new bills which explicitly exclude Assam from the scope of their operation has induced this Government to bring the matter again before the Government of India.

Since 1923 the Government of Bengal, as the government of the University, have consulted the Government of Assam on any questions affecting the constitution or the regulations of the University which have come before them for decision, and have given due weight to the opinions expressed.

(b) The Council.

32. The Council tabled 71 resolutions in connection with education. One of its first recommendations was for the introduction of permissive legislation to make primary education compulsory, and it

returned to the subject in 1925 with a recommendation for large grants to spread it. Except the refusal on all occasions upon which the matter came up to approve any increase of taxation for the purpose (save so far as the necessity stands admitted in the Compulsory Primary Education Act) other decisions on broad questions of policy were *nil*. Five of the 25 resolutions carried dealt with increased affiliations in the colleges; these have been carried out, at considerable expense. Two dealt with aid to private schools; these also have been or are being fulfilled. Two recommended improvement of pay in the subordinate educational service, action regarding which has already been mentioned. One recommended the introduction of military drill, physical education, *lathi* play, sword play, etc., in the four top classes of high schools. This rather elaborate proposal, though carried in the form propounded, was narrowed in discussion to a recommendation for physical education. The subject of physique in the schools has much pre-occupied the University, though the Director has reported the physique of students in Assam to be very fair. The project for training of teachers in physical training has also been mentioned. One resolution recommending the reduction of fees in a subdivision, where they had been increased, to the general level, was ignored because the managing committees of the schools which would have suffered in consequence were not prepared to accept it unless re-imbursed by Government. One requiring the raising of scholarship in *tols* and *madrasas* was ignored in view of Government's opinion that the number rather than the amount of scholarships should be increased. One regarding representation on the Senate of the University is beyond the power of Government to fulfil, beyond the endeavours already made. One recommended provision for scholarships in Commerce; this was not fulfilled at the time for lack of funds. One dealt with the period of tenure of managing committees, and one with the re-instatement of the scholarships reduced in 1923-24; these were both fulfilled. One recommending improvement of the pay of ungraded teachers was not carried out in full, because concessions to those in Government schools would place aided schools either in an invidious position, or in a serious plight if they sought to follow suit. One regarding the compulsory institution of schools on tea gardens has been mentioned;

it could have been taken as an important declaration of policy had the issue been clear and had not other and political considerations been involved, but Government refused to take any action on it other than a recommendation to the planting community, in view of the facts that the Primary Education Bill had not been passed, and was itself only permissive. Three resolutions dealt with purely local matters; in regard to these, the Hailakandi high school is to be provincialized, and the conveyance of students from Sylhet to the Murarichand college, the siting of the new buildings for which aroused controversy before the reforms, has been provided for by private enterprise, with, at first, a small grant from Government. Finally, as the only two matters of large policy on which the Council offered some guidance, there were the resolutions in which the appointment of the committee already described as the "secondary education committee" was recommended, and in which the formation of a committee to deal with unemployment was proposed.

The question of employment of the products of education above the primary standard, complicated by the lowering of University standards, and the intrusion of fresh classes to the field, was further complicated by the effects of communal representation, and has permeated all branches of administration. Notice of a resolution was given on the lines of one carried in Bengal which led to an enquiry into the matter. The resolution would have been accepted, but the intention was defeated by the withdrawal of the *Swarajist* party, who were responsible for it.

Opinions have differed as to the reality of unemployment among the educated classes, but the following ascertained facts may be noted :—

(1) The large part taken in the non-co-operation and kindred movements by educated young men lacking regular employment;

(2) The readiness of graduates on occasion to accept employment as teachers in village schools on Rs. 12 per mensem;

(3) The requirement that even officiating vacancies should be filled in consideration of communal claims, resulting in a Council question in 1925

which drew attention to the throwing out of employment of temporary officers with long periods of service;

(4) The increasing demand for vocational education, resulting in excessive applications, for instance, for admission to the Jorhat technical school.

In comparison with the effect given to resolutions carried, the action taken in matters in which proposals were not pressed to a division or were defeated may be mentioned :—

(1) A syllabus for the teaching of hygiene in schools up to the middle English standard was introduced;

(2) A committee to review Muhammadan education and to make proposals was appointed; its more important recommendations have been mentioned already;

(3) The Cotton college has been affiliated in botany.

Certain questions of policy on which no recommendations were made, though motions were tabled, may be mentioned :—

(1) A University for Assam;

(2) Abolition of the middle English schools;

(3) Provincialization of the middle English schools;

(4) Provincialization of middle vernacular schools;

(5) Conversion of all middle vernacular into middle English schools;

(6) Abolition or permanent establishment of the Earle law college;

(7) Use of Assamese in higher education;

(8) Vocational education in technology, etc.;

(9) The constitution of managing committees of schools;

(10) The deprovincialization of high schools.

33. The local bodies have operated in regard to the Education Department, according to departmental reports, with fair harmony, considering the peculiar relations subsisting, the boards being largely dependent upon Government for money, and upon the department for advice which they are not always bound to accept. The policy of recognizing the freedom of the boards in expenditure was illustrated by the Minister's reply to a member who proposed that boards should be compelled to spend a minimum on education among other subjects, that such matters are best left to the people on the spot. Only in one case was a board anxious to strike out a line of its own in respect of a curriculum, and this was overruled. The boards generally, especially municipal boards, have shown a desire to increase their educational expenditure. In a number of instances the powers of financial control vested in the Divisional Commissioners by the Assam Local Self-Government Act were exercised to prevent individual boards from spending disproportionately in this branch of their activities. Cases of friction have naturally followed from the fact that the local bodies rely for administration on a departmental staff over which they have no authority, but there has been no serious conflict. Some freedom has been given to local boards in the maintenance of middle English schools.

(c) The local bodies.

34. The working of managing committees has been reported satisfactory, particularly in respect of some institutions during the non-co-operation campaign. The secondary education committee discouraged any idea of a system of election to these committees.

(d) The managing committees.

## STATEMENT I.

| Descriptive head. | | 1920-21. | | 1926-27. | |
|---|---|---|---|---|---|
| | | Institutions. | Pupils. | Institutions. | Pupils. |
| 1 | | 2 | 3 | 4 | 5 |
| RECOGNISED INSTITUTIONS. | | | | | |
| *University education—Colleges.* | | | | | |
| Arts and Science .. .. | | 2 | 846 | 3 | 1,040 |
| Law .. .. .. .. | | 1 | 60 | 1 | 91 |
| *S ool and Special education.* | | | | | |
| High schools .. .. | For males .. | 39 | 12.516 | 45 | 15, 99 |
| | ,, females .. | 3 | 656 | 5 | 1,063 |
| Middle Schools — English .. | ,, males .. | 127 | 10,085 | 155 | 13,412 |
| | ,, females .. | 14 | 1,193 | 20 | 2,086 |
| Middle Schools — Vernacular | ,, males .. | 132 | 14,044 | 145 | 17,601 |
| | ,, females .. | 20 | 1,594 | 12 | 1,012 |
| Primary Schools .. | ,, males .. | 4,049 | 168,703 | 4,377 | 199,903 |
| | ,, females .. | 358 | 11,051 | 409 | 13,772 |
| Normal and Training .. | ,, males .. | 9 | 411 | 8 | 336 |
| | ,, females .. | 2 | 36 | 2 | 36 |
| Medical School .. .. .. | | 1 | 228 | .. | .. |
| Technical and Industrial .. | For males .. | 9 | 119 | 14 | 464 |
| | ,, females .. | | | 1 | 12 |
| Other Schools .. | ,, males .. | 78 | 1,981 | 133 | 4,274 |
| | ,, females | | | 1 | 32 |
| Totals for recognised institutions .. | | 4,844 | 223.523 | 5,331 | 270,433 |
| Unrecognised Institutions | For males .. | 251 | 8,068 | 421 | 17,572 |
| | ,, females .. | | | 16 | 615 |
| Grand total—All Institutions .. | | 5.095 | 231,591 | 5,768* | 288,620 |

*Includes 20 night schools attended by 530 pupils.

## STATEMENT 2.

*The following table shows the growth in the number of pupils and in the amount of public expenditure on education during the last quarter of a century.*

| Year. | Number of scholars. | Public expenditure on education. |
|---|---|---|
| 1 | 2 | 3 |
| | | Rs. |
| 1902 (Assam) .. .. .. | 108,020 | 4,62,051 |
| 1907 (Eastern Bengal and Assam) .. | 815,599 | 25,13,520 |
| 1912 (Assam) .. .. .. | 182,112 | 11,03,263 |
| 1917 ,, .. .. .. | 233,913 | 17,63,738 |
| 1922 ,, .. .. .. | 216,269 | 26,09,104 |
| 1927 ,, .. .. .. | 288,620 | 30,82,694 |

*The expenditure on education under the various heads for the closing year of the two quinquennia is shown below.*

| Descriptive head. | 1921-22. | 1926-27. | Percentage of increase or decrease. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | Rs. | Rs. | |
| Government funds .. | 21,85,303 | 25,20,628 | +15·3 |
| Board funds .. .. | 3,86,036 | 5,03,582 | +30·4 |
| Municipal funds .. .. | 37,765 | 58,484 | +54·8 |
| Fees .. .. .. | 5,47,997 | 7,44,055 | +35·7 |
| Other sources .. .. | 3,26,827 | 5,57,401 | +70·5 |
| Total .. | 34,83,928 | 43,84,150 | +25·8 |

The comparison is affected by the exclusion of the returns for Nowgong local board and municipality from the figures of 1921-22 and their inclusion in the figures for 1926-27.

## STATEMENT 3.

*Enrolment in Arts colleges.*

| Year. | Enrolment in class. | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1st year. | 2nd year. | 3rd year. | 4th year. | 5th year. | 6th year. | Tot |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1920-21 .. | 232 | 278 | 127 | 205 | 2 | 2 | 846 |
| 1926-27 .. | 295 | 333 | 178 | 199 | 6 | 1 | 1,012 |

## STATEMENT 4.

*Results of University examinations.*

| Year in which examinations were held. | Percentage of passes to number of examinees. | | | | | | | | Total number successes |
|---|---|---|---|---|---|---|---|---|---|
| | M.A. | B.A. Honours. | B.A. pass. | B.Sc. honours. | B.Sc. pass. | I.A. | I.Sc. | Total. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1911-12 .. | .. | .. | 61 | .. | 50 | 74 | 84 | 73 | 79 |
| 1912-13 .. | .. | .. | 86 | .. | 100 | 62 | 75 | 68 | 100 |
| 1913-14 .. | .. | .. | 54 | .. | 71 | 66 | 90 | 68 | 127 |
| 1914-15 .. | .. | .. | 55 | .. | 8 | 58 | 94 | 64 | 141 |
| 1915-16 .. | .. | .. | 64 | .. | 71 | 61 | 68 | 63 | 149 |
| 1916-17 .. | 100 | 100 | 62 | 20 | 78 | 59 | 79 | 64 | 190 |
| 1917-18 .. | 100 | 50 | 52 | 100 | 100 | 66 | 77 | 65 | 228 |
| 1918-19 .. | 100 | 85 | 52 | 100 | 87 | 82 | 90 | 77 | 329 |
| 1919-20 .. | 100 | 79 | 79 | 43 | 80 | 82 | 76 | 79 | 330 |
| 1920-21 .. | .. | 90 | 79 | 67 | 100 | 72 | 92 | 80 | 337 |
| 1921-22 .. | .. | 95 | 80 | 80 | 90 | 83 | 85 | 83 | 312 |
| 1922-23 .. | 100 | 100 | 71 | 28 | 70 | 80 | 86 | 80 | 317 |
| 1923-24 .. | .. | 92 | 66 | 40 | 81 | 68 | 81 | 74 | 352 |
| 1924-25 .. | 100 | 67 | 52 | 66 | 86 | 68 | 78 | 67 | 358 |
| 1925-26 .. | .. | 60 | 66 | 75 | 78 | 61 | 89 | 68 | 359 |
| 1926-27 .. | .. | 59 | 39 | 25 | 69 | 62 | 91 | 60 | 292 |

## STATEMENT 5.

*Number of pupils class by class in high and middle English schools for boys.*

| Year. | I | II | III | IV | V | VI | VII | VIII | IX | X | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1920-21 .. .. | 426 | 242 | 4,582 | 4,245 | 3,507 | 3,084 | 1,936 | 1,526 | 1,346 | 1,563 | 22,457 |
| 1926-27 .. .. | 609 | 315 | 6,452 | 5,638 | 4,769 | 3,639 | 2,387 | 1,763 | 1,499 | 1,487 | 28,558 |

## STATEMENT 6.

*Matriculation results.*

| Year. | No. of candidates. | No. of passes. | Percentage of passes. | Percentage of passes in— | | | Percentage of passes in first class to total number of passes. | Percentage of passes in the— | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | State schools | Aided schools | Unaided schools | | University. | Assam Valley. | Surma Vally. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1911-12 .. .. | 394 | 262 | 66 | 70 | 56 | 69 | 53 | .. | .. | .. |
| 1916-17 .. .. | 616 | 481 | 78 | 82 | 63 | 73 | 66 | .. | .. | .. |
| 1917-18 .. .. | 692 | 516 | 74 | 81 | 59 | 62 | 65 | .. | .. | .. |
| 1918-19 .. .. | 848 | 623 | 73 | 79 | 67 | 60 | 64 | .. | .. | .. |
| 1919-20 .. .. | 960 | 726 | 76 | 81 | 68 | 64 | 52 | .. | .. | .. |
| 1920-21 .. .. | 934 (1,026)* | 840 | 90 | 94 | 82 | 84 | 57 | .. | .. | .. |
| 1921-22 .. .. | 1,018 | 841 | 82·6 | 90·5 | 72·3 | 72·6 | 67·4 | 79·09 | 77·2 | 87·1 |
| 1922-23 .. .. | 1,008 | 794 | 78·7 | 88·2 | 63·8 | 69·6 | 58·3 | 74·68 | 79·5 | 78·0 |
| 1923-24 .. .. | 919 | 802 | 87·2 | 92·9 | 78·7 | 81·0 | 64·3 | 77·5 | 83·4 | 91·1 |
| 1924-25 .. .. | 917 | 757 | 82·4 | 90·5 | 77·4 | 66·4 | 66·8 | 73·8 | 82·2 | 82·8 |
| 1925-26 .. .. | 901 | 571 | 63·3 | 78·0 | 43·9 | 51·1 | 56·5 | 57·6 | 62·4 | 64·1 |
| 1926-27 .. | 1,010 | 571 | 56·5 | 66·2 | 46·4 | 37·0 | 60·7 | 53·8 | 54·2 | 58·5 |

*Non-co-operation diverted 92 candidates from the examination hall.

## STATEMENT 7.

*Enrolment in vernacular schools, class by class.*

| Year. | I | | II | III | IV | V | VI | VII | Total. |
|---|---|---|---|---|---|---|---|---|---|
| | A | B | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1911-12 .. | 53,671 | 37,939 | 26,154 | 19,845 | 11,443 | 1,414 | 461 | 183 | 151,110 |
| 1912-13 .. | 52,627 | 45,271 | 28,640 | 20,057 | 10,866 | 1,226 | 419 | 239 | 159,345 |
| 1913-14 .. | 74,687 | 35,228 | 32,198 | 20,517 | 12,213 | 1,676 | 549 | 359 | 177,427 |
| 1914-15 .. | 81,109 | 39,779 | 33,881 | 22,810 | 12,654 | 2,119 | 837 | 416 | 193,605 |
| 1915-16 .. | 84,309 | 38,342 | 32,931 | 24,221 | 13,922 | 2,313 | 1,018 | 587 | 197,643 |
| 1916-17 .. | 80,382 | 38,287 | 32,221 | 24,665 | 14,948 | 2,567 | 1,257 | 792 | 195,119 |
| 1917-18 .. | 80,555 | 35,509 | 31,058 | 24,079 | 15,171 | 2,717 | 1,359 | 853 | 191,301 |
| 1918-19 .. | 84,619 | 31,978 | 27,909 | 22,359 | 14,421 | 3,714 | 1,453 | 1,020 | 186,473 |
| 1919-20 .. | 95,339 | 33,345 | 26,626 | 20,861 | 13,518 | 2,682 | 1,538 | 1,082 | 194,991 |
| 1920-21 .. | 91,833 | 36,438 | 28,864 | 20,784 | 12,528 | 2,300 | 1,497 | 1,148 | 195,392 |
| 1921-22 .. | 84,864 | 32,581 | 28,829 | 19,861 | 12,567 | 2,366 | 1,203 | 978 | 183,249 |
| 1922-23 .. | 94,075 | 33,828 | 28,892 | 20,849 | 13,024 | 2,538 | 1,325 | 941 | 195,472 |
| 1923-24 .. | 98,187 | 36,953 | 31,112 | 21,756 | 13,338 | 2,618 | 1,540 | 1,056 | 206,560 +1,811(a) |
| 1924-25 .. | 94,151 | 42,145 | 33,219 | 23,172 | 13,949 | 2,701 | 1,679 | 1,139 | 212,155 +917(a) |
| 1925-26 .. | 103,235 | 40,608 | 34,919 | 25,507 | 15,202 | 2,632 | 1,590 | 1,196 | 224,889 +426(a) |
| 1926-27 .. | 100,156 | 44,512 | 37,041 | 27,639 | 16,369 | 2,979 | 1,678 | 1,101 | 231,475 +813(a) |

(a) The class figures are affected by the omission of this number.

## STATEMENT 8.

*The number of presentations and successes in the final vernacular (middle vernacular) examinations.*

| Year. | Presentation. | Successes. | Percentage of success. | Remarks. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| 1915 .. .. .. | 267 | 140 | 52 | Public examination. |
| 1917 .. .. .. | 601 | 358 | 60 | Ditto. |
| 1920 .. .. .. | 939 | 653 | 70 | *In situ.* |
| 1921-22 .. .. .. | 1,011 | 713 | 70 | Ditto. |
| 1922-23 .. .. .. | 919 | 634 | 68·9 | Ditto. |
| 1923-24 .. .. .. | 874 | 593 | 67·8 | Ditto. |
| 1924-25 .. .. .. | 1,042 | 725 | 69·5 | Ditto. |
| 1925-26 .. .. .. | 1,063 | 759 | 71·4 | Ditto. |
| 1926-27 .. .. .. | 1,017 | 782 | 74·6 | Ditto. |

# STATEMENT 9.

*Statement showing particulars of* maktabs, mulla *schools*, tols, pathsalas, *etc*

| Particulars. | 1920-21. | | | | 1926-27. | | | |
|---|---|---|---|---|---|---|---|---|
| | Classed in general table III as primary schools. | Classed in general table III as other schools. | Classed in general table III as private institutions. | Total. | Classed in general table I as primary schools. | Classed in general table I as "other schools." | Classed in general table I as unrecognised institutions. | Total. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| *MAKTABS.* | No. | No. | No. | No. | No. | No. | No. | No. |
| 1. Institutions { For boys | 38 | 5 | 54 | 97 | 76 | 17 | 37 | 130 |
| 1. Institutions { ,, girls | 1 | ... | ... | 1 | 8 | ... | 1 | 9 |
| 2. Pupils ... { For boys | 1,999 | 251 | 1,727 | 3,977 | 4,360 | 1,325 | 1,594 | 7,279 |
| 2. Pupils ... { ,, girls | 76 | 7 | ... | 148 | 461 | ... | 197 | 658 |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 3. Expenditure from provincial funds. | 6,569 | 395 | ... | 6,964 | 8,538 | 3,561 | 150 | 12,249 |
| 4. Ditto district or local funds. | 101 | ... | ... | 101 | 5,929 | 300 | ... | 6,229 |
| 5. Ditto municipal funds. | 792 | ... | ... | 792 | 1,908 | 1,171 | ... | 3,079 |
| 6. Fees ... ... | 980 | 224 | ... | 1,204 | 1,017 | 957 | ... | 1,974 |
| 7. Other sources ... | 5,160 | 859 | ... | 6,019 | 7,946 | 12,959 | 2,161 | 23,066 |
| Total expenditure ... | 13,602 | 1,478 | ... | 15,080 | 25,338 | 18,948 | 2,311 | 46,597 |
| *MULLA* SCHOOLS. | No. | No. | No. | No. | No. | No. | No. | No. |
| 1. Institutions { For boys | ... | ... | 51 | 51 | 1 | ... | 167 | 168 |
| 1. Institutions { ,, girls | ... | ... | 3 | 3 | ... | ... | ... | ... |
| 2. Pupils ... { For boys | ... | ... | 1,314 | 1,314 | 45 | ... | 7,129 | 7,174 |
| 2. Pupils ... { ,, girls | ... | ... | 197 | 197 | ... | ... | ... | ... |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 3. Expenditure from provincial funds. | ... | ... | ... | ... | 360 | ... | 520 | 880 |
| 4. Ditto Distric or local funds. | ... | ... | ... | ... | ... | ... | ... | ... |
| 5. Ditto municipal funds. | ... | ... | ... | ... | 120 | ... | ... | 120 |
| 6. Fees ... ... | ... | ... | ... | ... | 122 | ... | ... | 122 |
| 7. Other sources ... | ... | ... | ... | ... | 301 | ... | 1,081 | 1,382 |
| Total expenditure ... | ... | ... | ... | ... | 903 | ... | 1,601 | 2,504 |

## STATEMENT 9—*concluded.*

*Statement showing particulars of* maktabs, mulla *schools*, tols, pathsalas, *etc.*

| Particulars. | 1920-21. | | | | 1926-27. | | | |
|---|---|---|---|---|---|---|---|---|
| | Classed in general table III as primary schools. | Classed in general table III as other schools. | Classed in general table III as private institutions. | Total. | Classed in general table I as primary schools | Classed in general table I as "other schools". | Classed in general table I as unrecognised institutions | Total. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| *TOLS.* | No. | No. | No. | No. | No. | No. | No. | No. |
| 1. Institutions { For boys | 2 | 67 | 10 | 79 | 2 | 61 | 52 | 115 |
| 1. Institutions { „ girls | ... | ... | ... | ... | ... | ... | ... | ... |
| 2. Puplis ... { For boys | 45 | 1,163 | 165 | 1,373 | 56 | 1,166 | 787 | 2,009 |
| 2. Puplis ... { „ girls | ... | ... | ... | ... | ... | ... | ... | ... |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 3. Expenditure from provincial funds. | 384 | 3,336 | ... | 3,720 | 218 | 2,959 | ... | 3,177 |
| 4. Ditto district or local funds. | ... | ... | ... | ... | 240 | 168 | ... | 408 |
| 5. Ditto municipal funds. | ... | 115 | ... | 115 | ... | 684 | ... | 684 |
| 6. Fees ... ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 7. Other sources ... | ... | 4,729 | ... | 4,729 | 193 | 5,595 | 143 | 5,931 |
| Total expenditure ... | 384 | 8,180 | ... | 8,564 | 651 | 9,406 | 143 | 10,200 |
| *PATHSALAS.* | No. | No. | No. | No. | No. | No. | No. | No. |
| 1. Institutions { For boys | ... | ... | 13 | 13 | ... | ... | 32 | 32 |
| 1. Institutions { „ girls | ... | ... | 3 | 3 | ... | ... | 12 | 12 |
| 2. Puplis ... { For boys | ... | ... | 424 | 424 | ... | ... | 1,424 | 1,424 |
| 2. Puplis ... { „ girls | ... | ... | 122 | 122 | ... | ... | 619 | 619 |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 3. Expenditure from provincial funds. | ... | ... | ... | ... | ... | ... | ... | ... |
| 4. Ditto district or local funds. | ... | ... | ... | ... | .. | ... | ... | ... |
| 5. Ditto municipal funds. | ... | ... | ... | ... | ... | ... | 120 | 120 |
| 6. Fees ... ... | ... | ... | ... | ... | .. | ... | ... | ... |
| 7. Other sources ... | ... | ... | ... | ... | .. | ... | 321 | 321 |
| Total expenditure ... | ... | ... | ... | ... | ... | ... | 441 | 441 |

## STATEMENT 10.

*Comparative statement of the enrolment of girls in boys' and girls' schools of all classes.*

| Year. | Number of girls reading in— | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | High schools. | | Middle English schools. | | Middle vernacular schools. | | Primary schools. | | Tot l. | |
| | For boys. | For girls. | For boys. | For girls. | For boys. | For girls. | For boys. | For girls. | For boys. | For girls. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | | 10 | 11 |
| 1916-17 ... | ... | 428 | 189 | 1,115 | 199 | 972 | 14,179 | 10,583 | 14,567 | 13,098 |
| 1921-22 ... | ... | 576 | 105 | 1,473 | 251 | 1.132 | 13,021 | 10,163 | 13,377 | 13,344 |
| 1926-27 ... | ... | 1,012 | 171 | 1,990 | 392 | 986 | 16,731 | 13,294 | 17,294 | 17,282 |

| Year. | Number of girls reading in— | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Training schools. | | Technical and industrial schoo s. | | Other schools | | Private or unrecognized schools. | | Grand Total. | |
| | For boys. | For girls. | For boys. | For girls. | For boys. | For girls. | For boys. | For girls. | For boys. | For girls. |
| 1 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 1916-17 ... | 3 | 27 | ... | 12 | 15 | ... | 713 | 188 | 15,298 | 13,325 |
| 1921-22 ... | 4 | 24 | ... | 14 | 35 | ... | 742 | 405 | 14,158 | 13,797 |
| 1926-27 ... | ... | 36 | 11 | 12 | 19 | 32 | 2,496 | 615 | 19,820 | 17,977 |

## STATEMENT 11.

*Cost of European education.*

| Year. | Total cost. | Percentage borne by— | |
|---|---|---|---|
| | | Provincial revenues. | Private sources |
| 1 | 2 | 3 | 4 |
| | Rs. | | |
| 1917-18 ... ... ... | 1,20,067 | 36·77 | 63·23 |
| 1918-19 ... ... ... | 1,69,462 | 26·90 | 73·10 |
| 1919-20 ... ... ... | 2,02,794 | 25·91 | 74·19 |
| 1920-21 ... ... ... | 1,92,452 | 27·31 | 72·69 |
| 1921-22 ... ... ... | 1,93,681 | 27·26 | 72·73 |
| 1922-23 ... ... ... | 2,13,495 | 24·80 | 75·19 |
| 1923-24 ... ... ... | 2,61,094 | 20·92 | 79·07 |
| 1924-25 ... ... ... | 2,25,385 | 23·64 | 76·35 |
| 1925-26 ... ... ... | 3,03,322 | 17·87 | 82·12 |
| 1926-27 ... ... ... | 3,19,760 | 17·78 | 82·21 |

## STATEMENT 12.

*Position of Muhammadans in the various grades of public schools.*

| Class of institutions. | Number of Muhammadan pupils. | | |
|---|---|---|---|
| | 1916-17. | 1921-22. | 1926-27. |
| 1 | | 3 | 4 |
| Colleges ... ... ... | 91 | 150 | 203 |
| Secondary English schools ... | 4,451 | 2,683 | 4,272 |
| Middle vernacular schools ... | 2,271 | 1,882 | 2,658 |
| Primary schools ... ... | 44,236 | 37,476 | 54,139 |
| Special schools ... ... | 669 | 843 | 2,444 |
| Total ... | 51,718 | 43,034 | 63,736 |

## STATEMENT 13.

*Teachers (Men), 1926-27.*

| — | Trained teachers with the following educational qualifications. | | | | | Untrained teachers. | | | | Total trained teachers. | Total untrained teachers. | Grand total of teachers. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Possessing a degree. | | Possessing no degree. | | | | |
| | A Degree. | Passed matric or school final. | Passed middle school. | Passed primary school. | Lower qualifications. | Certificated. | Uncertificated. | Certificated. | Uncertificated. | | | |
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| **CLASS OF INSTITUTIONS.** | | | | | | | | | | | | |
| *Primary schools.* | | | | | | | | | | | | |
| Government ... | ... | 1 | 55 | 31 | 23 | ... | ... | 1 | 89 | 110 | 90 | 200 |
| Local board and municipal. | ... | 5 | 1,294 | 471 | 2 | ... | ... | 227 | 2,728 | 1,772 | 2,955 | 4,727 |
| Aided ... | 1 | 43 | 133 | 91 | 26 | ... | ... | 1 | 488 | 294 | 489 | 783 |
| Unaided ... | ... | 11 | 13 | 15 | 5 | ... | ... | ... | 291 | 44 | 291 | 335 |
| Total ... | 1 | 60 | 1,495 | 608 | 56 | ... | ... | 229 | 3,596 | 2,220 | 3,825 | 6,045 |
| *Middle schools.* | | | | | | | | | | | | |
| Government ... | ... | 3 | 76 | ... | ... | ... | 2 | 1 | 17 | 79 | 20 | 99 |
| Local board and Municipal. | 1 | 14 | 317 | 31 | ... | ... | 1 | 7 | 163 | 363 | 171 | 534 |
| Aided ... | ... | 11 | 105 | 3 | ... | ... | 37 | ... | 230 | 119 | 267 | 386 |
| Unaided ... | ... | 1 | 43 | ... | ... | ... | 10 | ... | 140 | 44 | 150 | 194 |
| Total ... | 1 | 29 | 541 | 34 | ... | ... | 50 | 8 | 550 | 605 | 608 | 1,213 |
| *High schools.* | | | | | | | | | | | | |
| Government ... | 76 | 48 | 46 | 1 | ... | 6 | 62 | 19 | 88 | 171 | 175 | 346 |
| Local board and municipal. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Aided ... | 19 | 15 | 28 | ... | ... | ... | 51 | 1 | 123 | 62 | 175 | 237 |
| Unaided ... | 2 | 1 | 6 | ... | 1 | ... | 48 | 3 | 69 | 10 | 120 | 130 |
| Total ... | 97 | 64 | 80 | 1 | 1 | 6 | 161 | 23 | 280 | 243 | 470 | 713 |
| Grand total ... | 99 | 153* | 2,116 | 643 | 57 | 6 | 211 | 260 | 4,426 | 3,068 | 4,903 | 7,971 |

* Includes lower training school 49.

## STATEMENT 13—*concld.*

*Teachers (Women), 1926-27.*

| — | Trained teachers with the following educational qualifications. | | | | | Untrained teachers | | | | Total trained teachers. | Total untrained teachers. | Grand total of teachers. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Possessing a degree. | | Possessing no degree. | | | | |
| | A Degree. | Passed matric or school final. | Passed middle school. | Passed primary school. | Lower qualifications. | Certificated. | Uncertificated. | Certificated. | Uncertificated. | | | |
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| **CLASSS OF INSTITUTIONS.** | | | | | | | | | | | | |
| *Primary schools.* | | | | | | | | | | | | |
| Government ... ... | ... | ... | ... | | ... | ... | ... | ... | ... | ... | ... | ... |
| Local board and municipal ... | ... | ... | 26 | 56 | 1 | ... | ... | 4 | 210 | 83 | 214 | 297 |
| Aided ... ... | ... | ... | 6 | 1 | ... | ... | ... | ... | 64 | 7 | 64 | 71 |
| Unaided ... ... | ... | ... | 2 | 6 | ... | ... | ... | 2 | 44 | 8 | 46 | 54 |
| Total ... | ... | ... | 34 | 63 | 1 | ... | ... | 6 | 318 | 98 | 324 | 422 |
| *Middle schools.* | | | | | | | | | | | | |
| Government ... ... | 1 | 6 | 8 | 1 | ... | ... | 1 | ... | 6 | 16 | 7 | 23 |
| Local board and municipal ... | ... | ... | 7 | 1 | ... | ... | ... | ... | 12 | 8 | 12 | 20 |
| Aided ... ... | 3 | 11 | 26 | 9 | 1 | ... | 5 | 2 | 29 | 50 | 36 | 86 |
| Unaided ... ... | 1 | ... | 11 | 2 | ... | ... | ... | ... | 11 | 14 | 11 | 25 |
| Total ... | 5 | 17 | 52 | 13 | 1 | ... | 6 | 2 | 58 | 88 | 66 | 154 |
| *High schools.* | | | | | | | | | | | | |
| Government ... ... | ... | 3 | 3 | 1 | ... | ... | 7 | ... | 4 | 7 | 11 | 18 |
| Local board and municipal ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Aided ... ... ... | 2 | 2 | 8 | ... | ... | ... | 4 | ... | 14 | 12 | 18 | 30 |
| Unaided ... ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total ... | 2 | 5 | 11 | 1 | ... | ... | 11 | ... | 18 | 19 | 29 | 48 |
| Grand total ... | 7 | 22 | 97 | 77 | 2 | ... | 17 | 8 | 394 | 205 | 419 | 624 |

# STATEMENT 14.

*Scholars—by classes and ages (quinquennial).*

| Class. | Primary. | | | | Middle. | | High. | | | | | | Total. | Intermediate | | Degree. | | Post-graduate | | | Total. | Grand total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | I. | II. | III. | IV. | V. | VI. | VII. | VIII. | IX. | X. | | | | 1st year. | 2nd year. | 3rd year. | 4th year. | 5th year. | 6th year. | 7th year. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| Ages— | | | | | | | | | | | | | | | | | | | | | | |
| Below 5 .. | 16,924 | 17 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 16,941 | .. | .. | .. | .. | .. | .. | .. | .. | 16,941 |
| 5 to 6 .. | 41,221 | 2,464 | 90 | 3 | .. | .. | .. | .. | .. | .. | .. | .. | 43,778 | .. | .. | .. | .. | | .. | .. | .. | 43,778 |
| 6 to 7 .. | 37,460 | 6,085 | 1,268 | 186 | .. | .. | .. | .. | .. | .. | .. | .. | 44,999 | .. | .. | .. | .. | .. | .. | .. | .. | 44,999 |
| 7 to 8 .. | 23,839 | 9,225 | 4,751 | 982 | 72 | 12 | .. | .. | .. | .. | .. | .. | 38,881 | .. | .. | .. | .. | .. | .. | .. | .. | 38,881 |
| 8 to 9 .. | 10,417 | 8,715 | 7,871 | 3,063 | 222 | 93 | 23 | .. | .. | .. | .. | .. | 30,404 | .. | .. | .. | .. | .. | .. | .. | .. | 30,404 |
| 9 to 10 .. | 5,485 | 5,041 | 7,886 | 4,945 | 620 | 162 | 14 | .. | .. | .. | .. | .. | 24,153 | .. | .. | .. | .. | .. | .. | .. | .. | 24,154 |
| 10 to 11 .. | 3,724 | 2,335 | 5,611 | 4,858 | 1,306 | 462 | 51 | 1 | .. | .. | .. | .. | 18,348 | .. | .. | .. | .. | .. | .. | .. | .. | 18,348 |
| 11 to 12 .. | 2,659 | 1,368 | 3,013 | 3,767 | 1,774 | 772 | 196 | 3 | .. | .. | .. | .. | 13,552 | .. | .. | .. | .. | .. | .. | .. | .. | 13,552 |
| 12 to 13 .. | 848 | 621 | 1,525 | 2,303 | 1,527 | 1,138 | 862 | 164 | 18 | .. | .. | .. | 9,006 | .. | .. | .. | .. | .. | .. | .. | .. | 9,006 |
| 13 to 14 .. | 490 | 268 | 921 | 978 | 1,149 | 1,166 | 934 | 327 | 99 | 5 | .. | .. | 6,337 | .. | .. | .. | .. | .. | .. | .. | .. | 6,337 |
| 14 to 15 .. | 438 | 170 | 368 | 479 | 709 | 729 | 724 | 551 | 246 | 56 | .. | .. | 4,470 | .. | .. | .. | .. | .. | .. | .. | .. | 4,470 |
| 15 to 16 .. | 320 | 113 | 146 | 242 | 312 | 387 | 532 | 419 | 486 | 269 | .. | .. | 3,226 | 6 | .. | .. | .. | .. | .. | .. | 6 | 3,232 |
| 16 to 17 .. | 236 | 82 | 91 | 103 | 86 | 214 | 213 | 230 | 418 | 463 | .. | .. | 2,136 | 78 | .. | .. | .. | .. | .. | .. | 78 | 2,214 |
| 17 to 18 .. | 124 | 54 | 82 | 52 | 40 | 47 | 42 | 108 | 188 | 397 | .. | .. | 1,134 | 68 | 81 | .. | .. | .. | .. | .. | 149 | 1,283 |
| 18 to 19 .. | 135 | 46 | 31 | 26 | 6 | 13 | 11 | 24 | 75 | 234 | .. | .. | 601 | 72 | 90 | 46 | 1 | .. | .. | .. | 209 | 810 |
| 19 to 20 .. | 85 | 47 | 30 | 17 | 8 | 3 | 7 | 6 | 14 | 74 | .. | .. | 291 | 41 | 72 | 53 | 38 | .. | .. | .. | 204 | 495 |
| Over 20 .. | 131 | 38 | 23 | 14 | 6 | 1 | 2 | .. | 5 | 35 | .. | .. | 255 | 30 | 90 | 79 | 160 | 6 | 1 | .. | 366 | 621 |
| Total .. | 144,536 | 36,689 | 33,707 | 22,018 | 7,837 | 5,199 | 3,611 | 1,833 | 1,549 | 1,533 | .. | .. | 258,512† | 295 | 333 | 178 | 199 | 6 | 1 | .. | 1,012 | 259,524 |
| Withdrawals.. | 33,251 | 6,350 | 6,340 | 9,979 | 1,452 | 1,636 | 1,269 | 308 | 282 | 451 | .. | .. | 61,318 | 34 | 67 | 15 | 14 | .. | 3 | .. | 133 | 61,451 |
| Admissions .. | 64,625 | 4,428 | 8,423 | 2,105 | 2,253 | 609 | 1,003 | 237 | 194 | 240 | .. | .. | 84,117 | 271 | 67 | 174 | 54 | 7 | .. | .. | 573 | 84,690 |

† Excludes classification of 5,636 pupils of whom 271 are reading purely classical languages, 14 undergoing an industrial course at St. Agnes Convent school, Haflong, and 5,351 reading in primary schools in the Naga and Lushai Hills districts.

## STATEMENT 15.

*Number of Muhammadans in all institutions for Indians recognised and unrecognised.*

| — | 1920-21. | | | 1926-27. | | |
|---|---|---|---|---|---|---|
| | Institutions. | Total number of pupils on 31st March. | Total number of Muhammadan pupils on 31st March. | Institutions. | Total number of pupils on 31st March. | Total number of Muhammadan pupils on 31st March. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| **IN RECOGNISED INSTITUTIONS.** | | | | | | |
| Arts and Science colleges for males ... | 2 | 846 | 155 | 3 | 1,040 | 197 |
| Law college for males ... ... | 1 | 60 | 5 | 1 | 91 | 6 |
| High schools ... For males | 38 | 12,372 | 1,838 | 44 | 15,146 | 2,358 |
| High schools ... „ females | 3 | 656 | 18 | 5 | 1,063 | 53 |
| Middle English schools „ males | 127 | 10,085 | 1,426 | 155 | 13,412 | 1,706 |
| Middle English schools „ females | 11 | 1,037 | 82 | 17 | 1,864 | 155 |
| Middle vernacular schools „ males | 132 | 14,044 | 1,926 | 145 | 17,601 | 2,593 |
| Middle vernacular schools „ females | 20 | 1,594 | 156 | 12 | 1,012 | 65 |
| Primary schools ... „ males | 4,049 | 168,703 | 40,101 | 4,377 | 199,903 | 51,099 |
| Primary schools ... „ females | 358 | 11,051 | 2,211 | 409 | 13,772 | 3,060 |
| Normal or Training schools „ males | 9 | 411 | 54 | 8 | 336 | 60 |
| Normal or Training schools „ females | 2 | 36 | ... | 2 | 36 | 1 |
| Medical schools for males ... ... | 1 | 228 | 40 | ... | ... | ... |
| Technical and industrial schools. For males | 9 | 119 | 9 | 14 | 464 | 37 |
| Technical and industrial schools. „ females | ... | ... | ... | 1 | 13 | ... |
| Other schools ... ... „ males | 7 | 1,981 | 843 | 133 | 4,274 | 2,346 |
| Other schools ... ... „ females | ... | ... | ... | 1 | 32 | ... |
| Total for recognised institutions ... | 7,840 | 223,223 | 48,863 | 5,327 | 270,058 | 63,736 |
| **IN UNRECOGNISED INSTITUTIONS.** | | | | | | |
| For males ... ... ... | 242 | 7,848 | 4,366 | 421 | 17,572 | 11,260 |
| For females ... ... ... | 9 | 220 | 69 | 16 | 615 | 88 |
| Total for unrecognised institutions ... | 251 | 8,068 | 4,435 | 437 | 18,187 | 11,348 |
| GRAND TOTAL ... | 5,091 | 231,291 | 53,298 | 5,764 | 288,245 | 75,084 |

## STATEMENT 16.

| — | | 1920-21. | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Europeans and Anglo-Indians. | Indian Christians. | Hindus. | | Muhammadans. | Buddhists. | Others. | Total. |
| | | | | Brahmins. | Non-Brahmins. | | | | |
| 1 | | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| High schools | Males | 22 | 257 | 1,234 | 3,466 | 898 | 1 | 100 | 5,978 |
| | Females | 6 | 67 | 3 | 37 | ... | ... | 4 | 117 |
| Middle schools | Males | 64 | 326 | 1,628 | 4,395 | 1,213 | 2 | 203 | 7,831 |
| | Females | 5 | 132 | 13 | 151 | 11 | ... | 16 | 328 |
| Primary schools | Males | 91 | 8,213 | 11,941 | 62,735 | 41,906 | 62 | 12,639 | 137,587 |
| | Females | 120 | 5,028 | 2,341 | 9,962 | 3,548 | 11 | 2,324 | 23,334 |

| — | | 1926-27. | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Europeans and Anglo-Indians. | Indian Christians. | Hindus. | | Muhammadans. | Buddhists. | Others. | Total. |
| | | | | Brahmins. | Non-Brahmins. | | | | |
| | | 10 | 11 | 12 | 14 | 14 | 15 | 16 | 17 |
| High schools | Males | 54 | 359 | 1,472 | 4,196 | 988 | 3 | 119 | 7,191 |
| | Females | 33 | 109 | 23 | 128 | 7 | ... | 4 | 304 |
| Middle shools | Males | 28 | 783 | 2,274 | 8,385 | 1,843 | 16 | 665 | 13,994 |
| | Fomales | 28 | 170 | 77 | 329 | 43 | ... | 23 | 670 |
| Primary schools | Males | 68 | 15,081 | 13,689 | 117,153 | 54,668 | 174 | 23,384 | 224,217 |
| | Females | 135 | 890 | 2,141 | 10,039 | 3,287 | ... | 453 | 16,945 |

## STATEMENT 17.

| Head. | Cost in— | | |
|---|---|---|---|
| | 1916—17. | 1921—22. | 1926—27. |
| 1 | 2 | 3 | 4 |
| | Rs. | Rs. | Rs. |
| (1) A secondary school ... ... | 2,546 | 3,241 | 3,429 |
| A pupil in secondary school ... | 20 | 31 | 26 |
| (2) A high school ... ... ... | 10,389 | 13,951 | 15,138 |
| A pupil in high school ... ... | 30 | 53 | 46 |
| (3) A Government high school ... ... | 13,529 | 21,266 | 24,183 |
| A pupil in Government high school ... | 24 | 65 | 60 |
| (4) A middle English school ... ... | 1,901 | 2,109 | 2,081 |
| A pupil in middle English school ... | 21 | 31 | 24 |
| (5) A Government middle English school ... | 4,102 | 6,495 | 7,576 |
| A pupil in Government middle English school. | 46 | 76 | 66 |
| (6) A middle vernacular school ... ... | 778 | 1,172 | 1,216 |
| A pupil in middle vernacular school ... | 8 | 13 | 10 |
| (7) A primary school ... ... ... | ... | 212 | 234 |
| A pupil in primary school ... ... | ... | 5 | 5 |

## STATEMENT 18.

*Statement showing the capital expenditure incurred from provincial revenue on educational buildings, etc., during the period 1921-22 and 1926-27.*

| Year. | University | Secondary | Primary | Special. | Remarks |
|---|---|---|---|---|---|
| 1 | 2 | | 4 | 5 | 6 |
| | Rs. | Rs. | Rs. | Rs. | |
| 1921-22 ... ... ... | 1,45,379 | 66,980 | 9,152 | 10,751+*32* | * The figures in *italics* indicate expenditure incurred for medical school at Dibrugarh |
| 1922-23 ... ... ... | 2,76,0>2 | 44,501 | 10,469 | 3,883+*953** | |
| 1923-24 ... ... ... | 2,25,211 | 32,964 | 3,329 | 4,265+*1,156** | |
| 1924-25 ... ... ... | 1,41,699 | 64,383 | 11,462 | 10,553+*6,770** | |
| 1925-26 ... ... ... | 1,29,327 | 85,476 | 12,888 | 13,628+*348** | |
| 1926-27 ... ... ... | 30,979 | 1,80,863 | 8,374 | 25,239+*2,133** | |

*Note.*—The expenditure shewn in 'primary' Educational buildings relate only to the few schools maintained by Government in the Garo Hills and elsewhere. The main cost under this head is paid by local and municipal boards and by the unions, which receive grant from Government.

# SUPPLEMENTARY MEMORANDA

OF THE

# GOVERNMENT OF ASSAM

PRESENTED TO THE

# STATUTORY COMMISSION.

## LANGUAGES AND RACES OF ASSAM.

1. Considering that Assam is a small province, with a population of about eight million only, the number of different languages spoken within it is remarkable. This is due not only to the variety of the indigenous peoples of the plains, but to the fact that the hills shelter numerous distinct tribes, while the thousand tea gardens of the province habitually import labour, speaking diverse tongues, from nearly every province of India.

At the last census, taken in the year 1921, it was found that no less than 101 distinct languages were spoken in the province of Assam. Of these 52 are languages of Assam, 37 of other parts of India, 6 of Asia outside India and 6 of Europe.

This variety of language effectively shows the variety of race. It is notoriously difficult in India, with its mosaic of caste and creed, to determine where one tribe or race ends and another begins, but it is significant that at the last census no less than 92 main castes or tribes were found among the Hindus, Animists and Buddhists of the province and six separate sections of Muhammadans.

The diversity of hill races is further shown in the classification of 19 distinct tribes of Nagas, 13 of Kukis and 6 of Lushais, while other hill and frontier districts can show similar variations.

Again, the tea garden population was found to consist of no less than 91 separate races or castes, mostly introduced from other parts of India. Seeing that, in addition to the one million actual workers on the tea gardens, more than half a million others have become permanent settlers in the Assam plains, the confusion of manners and tongues which is presented can hardly be exaggerated.

Such a medley of race and language naturally results in peculiar difficulties of administration.

## LEGISLATIVE COUNCIL.

2. Since the compilation of the Assam Government Memoranda in July, 1928, a further session of the Assam Legislative Council was held in the following September. At this session 358 questions, 7 resolutions, 10 supplementary demands for grants, and 4 motions or Bills were dealt with. Excepting questions, these are listed at the end of this note.

(*i*) *Questions.*—The questions mainly referred to matters of local interest which call for no particular comment. As usual, many referred to appointments in the province, with special reference to communal representation. Having somewhat wider interest, one set of questions was asked to elicit the position of affairs as regards the transfer of Sylhet to Bengal, a matter which has been referred by the Government of India to the consideration of the Statutory Commission. Another set of questions sought to elicit the nature of the recommendations made by the Assam Government to the Commission, which are at present confidential, and enquired as to the functions of the Provincial Committee.

Pages 694-699 of the Debates—Vol. VIII, Nos. 4, 5.
Pages 752-755.

Other members were exercised as to the recent suppression of a municipal board for incompetence (mentioned in paragraph 16 at page 145 of the Memoranda) and the legal validity of this proceeding.

Pages 749, 908, 992.

(*ii*) *Resolutions.*—(*a*) The resolution which called forth the most eloquence and some heat was that relating to the transfer of Sylhet and Cachar to Bengal. The previous history of this question was dealt with in paragraphs 35 and 36 at pages 98-99 of the Government Memoranda. It was there stated that there was reason to believe that opposition to the transfer was growing and that the ensuing Council session would further test the point. This premonition was borne out by events. After a lengthy debate, the Council rejected by 29 votes to 12 an amended resolution to the effect

Pages 781-812.

that a referendum of the rate-payers in Sylhet and Cachar should be taken on the question of transfer; and the original resolution, reading as follows, was then carried without a division :—

"That this Council recommends to the Government of Assam that they do represent to the proper authorities that the people of the districts of Sylhet and Cachar desire that these districts do remain incorporated in the Province of Assam and they do not seek a transfer of these districts to Bengal."

Page 812.

Of the elected members of the Sylhet and Cachar districts, five Hindu members voted for the rejected amendment, while the Muhammadan members and the Hindu member for the Hailakandi (Cachar) constituency were against it.

All those voting against the amendment were the two members of the Executive Council, the two Ministers, 5 nominated officials, 5 nominated non-officials and 15 elected non-officials including 5 planting members.

The 12 voting in favour were all elected members and included the elected member for Commerce and Industry. The latest expression of the Council's will is thus opposed to the transfer to Bengal.

Pages 873 to 884 and 1035 to 1061.

(*b*) A second resolution, which gave rise to considerable debate, recommended that the realization of enhanced land revenue resulting from recent and current settlement operations should be postponed until proper legislation on the subject of reassessment of land revenue be enacted and brought into force.

This is a vexed question, the previous history of which is given in paragraph 3 (iv) at pages 269-273 of the Memoranda. No new facts came to light in the course of the debate, and the above resolution, which was adopted by the bare margin of 21 votes to 20, is a continuation of the Council's previous action in rejecting the grants for resettlement operations (which were subsequently certified by the Governor) in the years 1923, 1924

and 1927. The position remains that while Government are ready and willing to introduce the proposed legislation, it has hitherto proved impossible to reach an agreement with the Council permitting such conditions of resettlement as the Government consider essential in the present expanding condition of the province.

(*c*) The remaining resolutions, though of some provincial importance, are not such as to require detailed comment.

(*iii*) The ten supplementary demands for grants were adopted with one exception. In this case the Council reduced by 5,000 rupees a demand relating to the new programme of road improvement. This sum was intended for the office of an Executive Engineer and was cut out to signify the Council's disapproval of the Engineer being temporarily housed at some distance from his work. The casting vote of the President, which according to custom is employed to preserve the *status quo*, was instrumental in deciding the reduction.

Pages 917-920.

(*iv*) The Bills and motions before the House are specified at the end of this note. A private Bill to make compulsory certain Muhammadan religious education was negatived by the Council on the ground that its essential points were already provided for in the Assam Primary Education Act, 1926. A leading *Swarajist* expressed his pleasure at observing a Member of the Government of Assam for the first time in history opposing the introduction of a Bill! The Assam Highways Bill, designed to provide for the safety of traffic on Government roads, was passed by the Council without discussion after a proposal to refer it to a Select Committee had been rejected. The permission of the Council was given to introduce the Assam Municipal (Amendment) Bill, 1928, the main object of which is to limit the annual value of certain holdings. A copy of the new rules under the Assam Primary Education Act was also laid before the Council, in pursuance of the previous action explained in paragraph 13 at pages 511-12 of the Memoranda.

Page 700.

# RESOLUTIONS DISCUSSED AT THE SEPTEMBER SESSION OF THE COUNCIL, 1928.

| Subject. | Result. |
|---|---|
| 1. *Srijut Kameswar Das*— | |
| This Council recommends to the Government of Assam that early steps be taken to remove the existing disparity in the matter of minimum assessment of land revenue on an estate at present prevailing in two Valleys by necessary amendment in rule 48 of the Settlement Rules of the Assam Land and Revenue Regulations by fixing a uniform standard of eight annas throughout the province. | Adopted, 25 to 16. |
| 2. *Khan Bahadur Hazi Muhammad Bukht Mazumdar*— | |
| That this Council recommends to the Government of Assam that they do represent to the proper authorities that the people of the districts of Sylhet and Cachar desire that these districts do remain incorporated in the province of Assam and they do not seek a transfer of these districts to Bengal. | Adopted. |
| 3 *Maulavi Muhammad Ali*— | |
| That this Council recommends to the Government of Assam that for the completion of Islamic culture "title classes" be immediately opened in the Sylhet Government Madrassah. | Lost, 9 to 11. |
| 4. *Mr. H. A. Gardner*— | |
| This Council recommends to the Government of Assam that all local boards that wish to employ an executive officer be provided by Government with the necessary funds for paying this officer's salary with a limit of Rs. 7,200 per annum for each local board. | Withdrawn. |
| 6. *Mr. H. M. James*— | |
| This Council recommends to the Government of Assam that an air survey be made of all forest reserve lands in the province of Assam. | Withdrawn. |
| 6. *Maulavi Munawwarali*— | |
| That this Council recommends to the Government that the pay of the lower Primary teachers be so increased as to afford them a fair living. | Adopted. |

| | |
|---|---|
| 7. *Srijut Rohini Kumar Chaudhuri*— That this Council recommends to the Government of Assam that the realisation of the Government demands at the newly assessed rates resulting from the recent and current settlement operations in the districts of Kamrup, Sibsagar, Nowgong and Darrang be postponed until proper legislation on the subject of reassessment of land revenue be enacted and brought into force. | Adopted, 21 to 20. |

## SUPPLEMENTARY DEMANDS PUT AT THE SEPTEMBER SESSION OF THE COUNCIL, 1928.

| Purpose. | Amount. | Result. |
|---|---|---|
| | Rs. | |
| 1. Head "27.—Ports and Pilotage" ... | 8,720 | Adopted. |
| 2. "37.—Miscellaneous Departments (Reserved)" ... ... | 6,300 | Ditto. |
| 3. "Railways" ... ... | 3,750 | Ditto. |
| 4. "Police—Other than Assam Rifles" | 15,000 | Ditto. |
| 5. "41.—Civil Works (Reserved) excluding Tools, Plant and Establishment charges. | 6 | Ditto. |
| 6. "Administration of the P. W. D. (Establishment and Tools and Plant)." | 41,560 | Reduced by Rs. 5,000 by the casting vote of the Hon'ble the President. |
| 7. "60.—Civil Works (Not charged to Revenue)" ... ... ... | 1 | Adopted. |
| 8. "33.—Public Health" ... ... | 2 | Ditto. |
| 9. "41.—Civil Works (Transferred)." | 5,000 | Ditto. |

## BILLS AND MOTIONS.

| | Result. |
|---|---|
| 1. *Maulavi Munawwarali*— Leave to introduce "The Assam Primary Education (Amendment) Bill, 1928." | Negatived, 8 to 26. |
| 2. *The Hon'ble Khan Bahadur Kutubuddin Ahmed*— The Assam Highways Bill, 1928. | Passed. |
| 3. *The Hon'ble Rev. J. J. M. Nichols-Roy*— Leave to introduce the Assam Municipal (Amendment) Bill, 1928. | Adopted. |
| 4. *The Hon'ble Sir Saiyid Muhammad Saadulla*— Rules under the Assam Primary Education Act, 1926. | Laid before the Council. |

## KHASI AND JAINTIA HILLS DISTRICT.

Area and population.

3. (*i*) The district covers an area of 6,022 square miles, containing one town and 2,214 villages. The total population as recorded at the census of the year 1921 is 243,263, the density of population being thus only 40 to the square mile. Of the total population, 41,122 or 16.9 per cent. are Christians and 186,879 or 76.8 per cent. are Animists. The remaining percentage of 6.3 mainly represents the foreign element in Shillong town. Ninety-five thousand and eleven out of the total population of 243,263, or 39 per cent. are British subjects.

Shillong, situated 4,908 feet above the sea with a total population (including cantonments) of 17,203 persons, is the headquarters both of the district and of the province of Assam. The district is divided into two portions, the Khasi Hills proper (population 170,623), and the separate subdivision of the Jaintia Hills (population 72,640) with its headquarters at Jowai. The bulk of the inhabitants of the former are Khasis, and of the latter Syntengs. Other tribes who inhabit the foot hills are Mikirs (population 15,857) and Wars (7,850).

The Khasi Hills.

(*ii*) The Khasi Hills area was occupied by the British in the year 1833, following the acquisition of the Assam Valley from the Burmese in 1826 by the Treaty of Yandaboo. The greater part of the Khasi Hills consists of the territories of semi-independent chiefs in subsidiary alliance with the British Government. These chiefs, the most important of whom are styled Siems are 25 in number and are elected from certain families. The states are of small size, the population ranging from 36,833 (Khyrim) down to 246 (Nonglwai), and no fewer than seven states having less than 1,000 inhabitants. The total population of these states is 148,247. Apart from Shillong town, the British portion of the Khasi Hills consists of 33 Sirdarships which comprise 159 hamlets and a total population at the last census of 16,527 only. These British villages are scattered among the Khasi states and are separated from each other by long distance and difficult communications.

The Jowai or Jaintia Hills subdivision, occupied by the British in 1835 in consequence of raids into the plains, differs from the Khasi Hills in that it is entirely British territory directly administered by a subdivisional officer, acting under the Deputy Commissioner.

The Jaintia Hills.

(*iii*) In the British villages of the Khasi Hills and in the whole Jaintia subdivision, taxation mainly takes the form of a house-tax which is assessed at rates varying from Rs. 2 to Rs. 5 a house, the total assessment in 1927-28 being Rs. 38,227. This tax is collected by Sirdars who receive a commission of ten per cent. The only land revenue assessed in the Khasi Hills is the revenue on building sites in the stations of Shillong and Cherra which amounts to Rs. 5,000 a year.

Revenue administration.

During the reign of the Jaintia Raja in the area now known as the Jowai subdivision there existed classes of low land suitable for rice cultivation called "*hali*" land. Part of these lands belonged to the Raja, while in others private ownership existed. Since the British occupation this distinction has been retained. The private *hali* lands are exempt from revenue, while the *rajhali* lands are assessed to land revenue at the rate of one rupee fourteen annas or, in some places, two rupees four annas per acre, and bring in a revenue of Rs. 16,109. In the high lands of the Jowai subdivision and of the British villages in the Khasi Hills where shifting cultivation is practised, no tax other than the house-tax is imposed but Government reserve the right of ultimate ownership of all such land and, while permitting temporary occupation by the people of the district, recognise no private ownership or transferable right. In addition to the house-tax and land revenue of the district, some revenue accrues to Government from the proceeds of lime and stone quarries, fisheries, elephant mahals, coal mines and other miscellaneous sources, the whole amounting in the past year to Rs. 25,982.

(*iv*) Shillong became the headquarters of the district in the year 1864, and ten years later the headquarters of the first Chief Commissioner. The total area of the town, including the cantonment, is about 4½ square miles, with a population of

Shillong town.

17,203, but only 1-1/5 square miles with a population of 5,849 are British territory. Shillong is now the seat of the Assam Government, a constituency of the Legislative Council, a big entrepôt of trade, a hill station of surpassing attraction, and the focal point on the road communication between the Assam and Surma Valleys. Inhabited as it is by a large cosmopolitan population, it is essentially different in character from the rustic country-side in which it is set. The Government of Assam have recommended that Shillong in the new constitution should remain part of the province of Assam and a constituency of the Legislative Council.

The people of the district.

(*v*) The Khasis and Syntengs who inhabit the district are in many ways a remarkable people. The language, which is quite distinct from the others of the province and alone in India (outside Burma) belongs to the Mon-Khmer family, indicates that they are a remnant of the Mongolian tide that once flowed down from the sources of the Indo-Chinese race in North-West China. Many dialects of the language exist in different parts of the district: Synteng is different from Khasi and each in its turn assumes a different form in different areas, the languages spoken by the people living on the southern and northern slopes respectively being unintelligible to each other and to the uplander. Both in feature and in character the people are markedly distinct both from the hillmen who surround them and from the plainsmen of Assam. Known in the 18th century as fierce marauders who harried the plains, the last 100 years of British rule and influence have turned their minds from war to peace, and rendered them pre-eminently successful in agriculture, trade and education. By virtue of a thrifty nature and readiness to turn their hand to any work, they are economically well off. The chief products of agriculture are rice, millet, maize and, especially, potatoes. The chief export is potatoes, about 14,000 tons being sent by motor lorry to Gauhati this year apart from a quantity conveyed by cart. Potatoes are also exported to Sylhet. Orange groves on the southern slopes of the Khasi Hills are also profitable, while the hills themselves are believed to be rich in mineral wealth, which has been little exploited owing to the difficulty and cost of extraction.

The chief outside influence that has affected the people is the Welsh Calvinistic Mission which first came to the

district in the year 1841. Reducing the Khasi spoken language to writing in English character, the Mission spread education and Christianity with such zeal and success that it now has over 500 schools of its own among the hills, while over 40,000 persons or one-sixth of the total population are now Christians. The Khasis and Syntengs are the most highly educated hill people in India, while in female education the district stands first in the entire province of Assam. This pre-eminence is largely due to the dominant position of women in the district, where the matriarchal system is in full force. Inheritance passes through the female line, while the mother, as the owner of property, is responsible for the maintenance of the children. Consequently the women enjoy extreme freedom, unhampered by the restraints of caste or *purdah*. Socially and politically, the people exhibit a sturdy independence and democratic equality. With their separate history, culture and institutions, these people of the hills are however entirely distinct from the plainsmen who form the bulk of the population of the province.

Political future of the district.

(*vi*) The question of the future of the district, whether within or without the scope of the Reforms, is discussed in the volume of Memoranda on the working of the Reformed Government in Assam, *vide* pages 78-88, 99-103, 111-117 and 122-126. The recommendations of the Assam Government are contained in paragraphs 37 to 41 at pages 99-103. Apart from the reasons there advanced for the exclusion of the district except Shillong from the province of Assam under the new constitution, the difficulty of forming suitable constituencies may be mentioned. The British villages in the Khasi Hills are so scattered and contain such a small population that they could not form a separate constituency of their own, and if they were included in one constitueniy with the Jowai subdivision, their isolation would give them little chance of any effective representation. Moreover they are more closely akin to the people of the Khasi states who are outside British territory and must in any case be excluded than to the Syntengs of Jowai.

During the month of November 1928 His Excellency the Governor marched through the Khasi and Jaintia Hills. The following is extracted from his tour diary:—

"At Therriaghat in the evening I received, as I did at Jowai, a deputation of Khasi gentlemen interested in the future of the Khasi and Jaintia Hills district. They were somewhat concerned at the possibility of being left out from any constitutional advance. I took every opportunity on my tour through the hills of making enquiries as to what people thought about this. The result of my enquiries is as follows:—

There is no doubt whatever that the educated people—whether Syntengs in Jowai or Khasis in the Khasi Hills,—resent being classed as "backward," and are genuinely anxious to have representation in the Legislative Council. Apart from sentimental reasons they would, they told me, like the administration of the district to be the same as that in Kamrup or in Silchar. They told me that they would not object to additional taxation, an assurance they had also given to my predecessor when he visited Jowai. I think their main desire is the introduction of our land settlement rules so that any person could get a lease of a definite piece of land and acquire a proper title. At present the land is communal, the British Government actually being the owner. A man can take up a particular piece of land and plant it with fir trees; the fir. trees will belong to him, but the land will still be village land, and he can be told that he has to clear his trees off when the land is required for purposes of the village shifting cultivation. I asked my interviewers whether they were satisfied that the cultivators were prepared to abandon the system of shifting cultivation known as *jhumming* for settled cultivation, as in the Assam Valley, by periodic leases. They told me that they were sure that this was the case. I am sorry to say that this I believe is a direct mis-statement of fact. I could not discover a single cultivator who was prepared to give up his present communal right, and one and all are confident that any attempt to introduce private ownership of land into the hills would be deeply resented.

Further, at present the fact that land is held on the communal system prevents it being sold. While it denies

the individual any title in the land on which he could borrow money for its development, it does also operate to keep out the foreigner, more especially the money lender. Officers who know the Khasis well point out that it would be impossible in the few British villages in the sadr subdivision, *i.e.*, the Khasi Hills, to give out periodic leases on the payment of land revenue, while in the far larger area of Siem's territory land would still be held under the old Khasi system communally. In the Jowai subdivision any restriction on the present rights of cultivation would, I am told, be disliked as much as the imposition of house-tax was in 1864. It would not be difficult to include in our new Legislative Council a constituency for the Jowai subdivision. We have suggested that there should be one for Shillong, but it is doubtful whether the presence of two members in a Council of 60 or 70 persons would, in point of fact, do much for the advancement of the people in the Khasi and Jaintia Hills. It seems to me probable that their presence there, with the right to vote on everything that concerned the Surma or the Assam Valleys, would result in the other members, naturally enough, claiming the right to look into all conditions connected with the administration of the Khasi and Jaintia Hills. They would then find that, making allowance for district, but not headquarter charges, the administration was run at a loss of some two lakhs of rupees a year, and they might not unnaturally desire either that the people in the Hills should make good this deficit by paying land revenue instead of house-tax or by paying some other form of tax, or, in the alternative, that expenditure on this district should be reduced. I also fear that the present system by which, as far as possible, the appointments in the hills are kept for hill men would not continue. When I explained this to my deputations they, one and all, assured me that they "would stand on their own legs," and they felt sure that they were as good as, and would get as many appointments as, the Bengalis, Sylhetis or the Assamese. The position therefore is that the educated people, with a happy self-confidence which is not justified by facts, are willing to run the risk of an entire change in the form of administration of the district for the benefits which they believe would accrue to them, notably private property in land. The tiller of the soil on the other hand is, I am quite convinced, equally keen that the present system

should continue under which he is very lightly taxed and continues the customs of his forefathers.

I have had the advantage of consulting the Rev. J. Ceredig Evans, who has had 41 years' experience of these hills. He writes as follows:—

"My general feeling is that whatever may be in store politically for these hills in the future no great changes should be considered at this stage in the history of the reforms. If I were asked my opinion I should say, 'Let well alone for the present.' If the present connection with the Legislative Council, slender though it be, were continued for a further period, it would, I believe, satisfy a great number of people.

I should be delighted if the facilities hitherto afforded the Khasis of entering Government service could be continued to them. During the 41 years that I have been privileged to labour among these people I have witnessed a wonderful advance and a great transformation in the history of the Khasis and Syntengs."

Personally, I look forward to *swaraj* or home rule in the Khasi and Jaintia Hills taking the form of a confederacy in which the Siems and members elected from the British villages would all take part. It would be many years no doubt before this could become an accomplished fact; but the delay during that interval would not be harmful if it meant the racial security of the Khasis and Syntengs. Brought into line with the other districts in the province, I have no doubt that this hill district would develop far more rapidly in the future than it has in the past, but undoubtedly at the cost of the aboriginal tribes who now inhabit the hills. In Shillong town itself they have been pushed out and have to go year by year further afield to get land for cultivation. The same would in due course happen throughout the district. If a system of private property were introduced into the British villages, the Siems would probably soon follow suit and it would not be many years before foreigners in large numbers obtained a permanent footing throughout the hills.

After discussing the question with many people during my tour, it seems to me that it would be desirable to give

residents in British villages throughout the Khasi and Jaintia Hills the franchise, allowing one constituency for the Jowai subdivision and another for those in the Shillong subdivision including the municipality. This is a different proposal from that made in the Government memoranda. It would allow the Khasis residing in the British villages in the sadr subdivision to vote in the constituency which at present is confined only to the Shillong municipality. I was told that a vote in the Jowai constituency would be of no use to persons in the other subdivision as the Khasis differ materially from the Syntengs.

But I would still keep the district, as is the case at present, safeguarded against exploitation or too rapid development by providing that no law or regulation should apply to it except with the express consent of the Governor. It is, I fear, impossible to make any provision that appointments in this hill district should be reserved for members of the hill tribes. We can only trust that if a Public Services Commission is appointed in the future, the members of it will pay due regard to the needs of the district in this respect.

If it is impossible to have any form of administration half way between the complete severance proposed for the backward tracts or the complete inclusion under the reformed constitution, I would still prefer the former alternative for the British portion of the Khasi and Jaintia Hills district outside the Shillong municipality and cantonment.

The problem before the Statutory Commission seems to me to be this: Is it desirable to retain measures designed to maintain tribal individuality when the educated persons of the tribe are willing to run the risk of absorption? The policy of the British Government in the past has been to preserve the customs of the tribes and to leave them alone to work out their own salvation as far as possible, even at the expense of the rest of the province. This policy has continued under the reformed constitution. Is it to continue in the future?"

## LOCAL SELF-GOVERNMENT.

4. (*i*) Consequent on the supersession on 20th June 1928 of the Dibrugarh municipal board referred to in paragraph 12 (5) at pages 180-181 of the Government Memorandum, the powers and duties of the board were performed *pro tempore* by the Deputy Commissioner. After a brief interval a committee was appointed under the provisions of section 294 (*b*) of the Assam Municipal Act and started to function on the 15th July 1928. The Deputy Commissioner was appointed chairman of this committee, and with him were associated five members, consisting of the Civil Surgeon, three non-officials, two of whom are Members of the Legislative Council, and one officer of the Assam Junior Civil Service. Since then efforts have been made to realize arrears and straighten out the affairs of the municipality. The latest return, which relates to the period ending October 31st, shows that when the former board was superseded, the rates and taxes then uncollected amounted to Rs. 24,689, while arrears dated as far back as the year 1922-23. Of the sum of Rs. 24,689 which was outstanding when the municipal board was superseded, a sum of Rs. 14,387 had been collected and a sum of Rs. 173 remitted by the end of November 1928.

At the same time the collection of rates and taxes falling due since the end of June 1928 has proceeded satisfactorily. Action is also being taken to revise the bye-laws of the municipality, a matter that has been pending since the year 1926.

(*ii*) The affairs of another municipality also call for special mention. In the year 1914 a grant of Rs. 1,10,000 and a loan of Rs. 90,000 were made by Government to the Sylhet municipal board for the construction of water-works, on the conditions *inter alia* (which were accepted) that (*a*) the rate of the tax on persons should be at once raised to Re. 1 per cent. and that if at this rate an annual income of Rs. 15,000 was not obtained the rate should be further raised; and (*b*) that a continued effort should be made to build up a balance, and that no new expenditure should be incurred and no taxation reduced, unless the municipal commissioners were satisfied that full provision existed for the maintenance of the water-works and for the annual

equated payments towards the loan. These conditions the municipal board have failed to redeem. During the ten years (1917-18 to 1926-27) the average annual income from the tax on persons was only about Rs. 12,500 as against the promised Rs. 15,000, while the water-works account has shown a large debit. Moreover in spite of frequent recommendations made as the result of audit reports and the inspections of local officers, the board did not see their way to instal meters to prevent waste of water, to effect an increase of revenue by substituting a holding tax for a personal tax, or in other ways to increase municipal taxation. This refusal was continued in spite of the fact that taxation was lighter—in some cases much lighter—than in any of the other six municipalities in the province enjoying a pipe water-supply. Thus at the end of the year 1923, it was found in audit that the debit balance on account of water-rate amounted to nearly Rs. 50,000 while the municipality itself was reported to be practically bankrupt. Similar reports were received in the years following, until at the end of the period ending 31st July 1927 the debit balance for water-rate had risen to Rs. 72,079. It may be mentioned that though an assessor appointed by the municipality in 1924-25 proposed to raise the assessment by Rs. 22,154, this additional assessment was reduced by the municipal board to some Rs. 4,597.

Matters were brought to a head when in 1927 the municipal board asked Government for a special grant of Rs. 7,577 for a new settling tank, on the grounds that this was essential to the public health and the board could not find the funds. Government were reluctantly compelled to give this grant, as the matter was urgent and the whole water-supply system was in danger of a complete breakdown. At the same time a letter was sent to the municipal board pointing out that it was scandalous that the finances of one of the chief local self-governing institutions should be in such a precarious condition, and calling upon them to consider at a special meeting, and communicate their decision upon, the following points:—

(1) the substitution of a holding tax for the personal tax on inhabitants;

(2) steps to make the water-works self-supporting and to work off the debit balance within a reasonable time;

(3) the metering of house-connections;

(4) steps to fulfil the original promises, on which the loan of Rs. 90,000 was conditional, and to raise the municipal income so as to ensure solvency.

The board have since replied, declining to change the personal tax for a holding tax but promising to instal meters and proposing by revaluation of incomes and holdings and by other means to increase their income. This reply is under the consideration of Government. The moral of the story is that the objection of the public to any increase of taxation is so strong that an elected body finds its position very difficult, the result being a tendency to approach Government for grants and throw the burden on the general tax-payer.

(*iii*) In paragraph 21 at page 185 (xviii) of the Government Memoranda, an account was given of the unsatisfactory state of affairs prevailing in the administration of a certain local board. To bring this account up to date the following additional remarks are necessary. On July 4th, 1927, an important bridge on one of this local board's roads collapsed, thus cutting off a portion of the district where five tea gardens were situated. A month previous to this a tea garden manager had wired and written to the chairman saying that the bridge was impassable, but no effective action was taken. As a result erosion continued until the bridge finally collapsed, for although on the 15th June the surveyor had been ordered by the chairman to take necessary action, the latter had done nothing. Again after the collapse, the surveyor was ordered by the chairman to take action but for three weeks did nothing at all. On the 28th July a local garden manager was requested by the chairman to act in the matter as the surveyor was ill and he accordingly collected materials for the construction of a temporary bridge. The contractor engaged by the board had not however completed this temporary bridge even by the end of November. At this time the Deputy Commissioner reported that the state of the road was appalling, while the permanent wooden bridge remained in its state of collapse.

Throughout, the Deputy Commissioner had been vainly pressing the chairman to take effective action, and in

January 1928 he called upon him formally under section 277A of the rules under the Assam Local Self-Government Act, to let him know what was being done for the reconstruction of the bridge. Small notice was taken of the demand and further correspondence of a protracted nature followed until in June 1928 it was reported that the surveyor had "slept over the matter" and that two contractors who successively submitted tenders had done nothing.

Eventually the bridge was reconstructed and opened for traffic in September 1928. Not only had the bridge originally collapsed because no precautions were taken to prevent this but the consequent delay in reconstruction resulted in great public inconvenience.

As a result of this affair, the subdivisional officer was instructed to enquire into the apparent mismanagement of the local board by the chairman, who had recently resigned. The report revealed definite instances of serious irregularities, of inactivity where prompt action was imperative, and of disregard of audit objections. As an instance of slackness, it transpired that an education sub-committee held one meeting in March 1925 and held none for three years thereafter. Moreover the chairman, apart from failure to administer, resented reminders from the local officers who were legitimately entitled to enquire.

It is satisfactory to state that since September 1928 when the new local board elected the subdivisional officer as chairman, the road referred to above is reported to have improved considerably.

## POLICE.

5. (*i*) In paragraph 31 (13) of Chapter IV at pages 256-257 of their Memoranda on the working of the Reformed Government the Government of Assam referred to future financial commitments for the maintenance of the police force of the province, and mentioned that an increase in the pay of the lower ranks of the force in order to make the service more attractive to the natives of the province must soon be faced. The Government of Bengal, who were confronted with the same problem, have now introduced an improved scale for constables, head constables and assistant sub-inspectors, and as conditions in the two provinces are similar and the Bengal rates of pay are generally adopted in Assam, the Government of Assam will in due course be compelled to ask the Legislative Council to vote the grants required to introduce the revised scale of pay in this province also. The ultimate additional recurring expenditure thereby involved is estimated at Rs. 2,10,712, exclusive of the additional liability in leave and pension allowances involved. At present the Government propose to introduce the Bengal scale of pay for the armed branch only and to defer consideration of the scale to be adopted for the unarmed branch, until a committee has been appointed and advised on the possibility of securing a better class of recruit for this service.

The necessity of reopening the Constables' Training School was mentioned in the Memoranda. This project will also involve heavy expenditure. It is estimated that the recurring charges will amount to Rs. 40,000 a year. The non-recurring expenditure may amount to Rs. 4,00,000.

(*ii*) The Government of Bengal also propose to revise the rates of pay in their military police battalion, the North-East Frontier Rifles, and this will compel this Government to sanction a corresponding increase in the pay of the Assam Rifles. The recruiting difficulty which has been mentioned in the Memoranda will be seriously aggravated, if the rates of pay in Assam which are already lower than the rates in provinces other than Bengal, are also to compare unfavourably with the scale of pay given in the adjoining province. Bengal already attracts some of the best material from the

Jharuas of Assam and it will be impossible to maintain the strength and efficiency of the Assam Rifles without a corresponding increase in pay. The Government of Bengal have not yet issued final orders, but the rates of pay which they proposed to adopt, if sanctioned for the Assam Rifles, would probably involve an additional recurring expenditure, including leave and pension allowances, of one lakh of rupees a year. Heavy expenditure must shortly be incurred on the reconstruction of the barracks of the 5th Battalion of the Assam Rifles, but most if not all of this expenditure will fall on central revenues as the battalion is stationed in the Balipara Frontier Tract where the expenditure on such public works is a central charge.

## LAND REVENUE.

### (*a*) *Settlement for cultivation of tea.*

6. (*i*) Under the system which was in force in Assam from 1867 until very recent times land was settled for tea cultivation at a concession rate for a period of 30 years after which it became liable to pay revenue at full rates. After the land had been surveyed and demarcated, a lease conveying permanent, heritable and transferable rights over it was put up for auction among any persons who had applied for the land and if there was only one such applicant, it was settled with him at an upset price of Re. 1 per acre. The object was of course to encourage the tea planter to open up the vast waste spaces of Assam and to give him a sufficient period to develop a tea garden before the full revenue demand fell due.

(*ii*) The system was brought under review between 1914 and 1916 and it was pointed out—

(1) that there was now a considerable demand for new tea land and the leasing of land at concession rates led to speculation. Cases had occurred in which persons had taken up land paying the small upset price of Re. 1 per acre and sold it at a considerable profit before any payment of land revenue had yet become due;

(2) that the auction system made it impossible for the man with small capital, particularly the Indian planter, to compete with big companies, when both desired the same piece of land, and that a big company could squeeze the small man out, if it did not desire another garden to be started in its vicinity.

(*iii*) Accordingly between 1914 and 1923 this special form of settlement was gradually withdrawn from all the districts of the Assam Valley and land for tea cultivation was leased on ordinary terms, *viz.*, a lease conveying a permanent, heritable and transferable title subject to payment

of revenue at full rates from the date on which it was granted.

(*iv*) However, with the prosperity of the tea industry which came about after the war, cases of speculation in land continued to occur both among Europeans and Indians and the following comment was made by Government in the resolution on the land revenue administration of 1923-24.

"The market value of land suitable for tea has increased to such an extent that the terms under which such land is now settled do not give Government the full value of the land and encourage speculation. Instances of lessees who have obtained land on favourable terms immediately transferring their interests at a large profit are not unknown despite all the precautions taken. The Governor in Council is considering whether and in what form some portion of the value of the land can be secured for the public revenues. Instructions have been issued that the discretion given to Deputy Commissioners to allow a remission or reduction of the land revenue demand for short periods in settlements under the ordinary rules should be exercised only in exceptional cases.....It is not the intention of the Government that any concession now allowed to the small man, particularly if he belongs to the province, who genuinely intends to open out a tea garden from small beginnings should be withdrawn. He deserves every encouragement. The problem is how to extract from the wealthy capitalist a suitable contribution to provincial revenues. The question is both difficult and delicate."

(*v*) It will be seen that there was a dual purpose—

(1) to prevent speculation,

(2) to encourage or at least not to do anything to discourage the small capitalist who was usually an Indian.

(*vi*) Complaints however continued to be made that Indian applicants (who were coming forward to take up land for tea in greatly increased number) were unfairly treated. There were numerous questions in the Legislative Council regarding individual cases and in the session of March 1925

the following statement was made in the budget discussion :—

"The children of the soil, especially those who by their political views are opposed to Government, are always put at a disadvantage regarding settlement of waste lands. Between an Indian and a European applicant for a certain plot of waste land, preference is always given to the European and all the rules under the Assam Land Revenue Manual are sought to be enforced in the case of an Indian applicant for waste land. This is a direct challenge in the way of the children of the soil becoming commercial men and agriculturists. I can cite instances how Government seek to put obstacles in the way of the Indians to get the necessary settlement of waste lands. The Government make all sorts of unnecessary enquiries about an Indian applicant for a certain piece of land. He is asked what amount of capital he has, what sort of cultivation he will have on the land, whether he has any relation as a tea planter and things like that, but when the applicant is a Tom, Jack or Brown, no such enquiry is being held and the provisions of the Assam Land Revenue Manual are not strictly sought to be enforced in his case. I can cite instances where Europeans are given settlements of lands by telegraphic communication. This is the position between an Indian and a European."

Similar comments were made by a number of other speakers. The Member in charge of Revenue, Sir William Reid, denied the charges and declared that it was the policy of the Government to encourage the small man who was genuinely desirous of opening up a reasonably sized area and not to give everything in favour of the big capitalist. He also gave a pledge that although Government had under consideration measures for preventing speculation in land and for obtaining for the State its fair share of the profits made by opening up fresh land, no measures would be taken which would discourage the Assamese gentleman with

small capital who wished to take up a few hundred acres of land for tea or any other purpose.

(*vii*) In the session of the Council held in September 1925 the following resolution was moved :—

"This Council recommends to the Government of Assam that waste land in the province should ordinarily be settled with the natives of the province for special and ordinary cultivation with a view to encourage agriculture by the small capitalist of this province without hampering the claims of immigrants."

After a heated discussion the resolution was carried by 27 votes to 12, the minority consisting of the official block and 5 European planters. It was stated in the course of the debate that the pledge of the Revenue Member, which has been mentioned above, was not honoured by local officers and that the children of the soil would have to starve if they were not given any more land. The mover of the resolution declared as follows:

"It is necessitated by the economic condition of the country that no land should any longer be settled except with Indians so as to give proper facilities to the rising generations to work out their destinies, and I hold that any further settlement except with Indians would be detrimental to the best interests of the country."

(*viii*) In 1925 the Buridihing mauza which lies on the frontier on the east of the Lakhimpur district was opened to tea cultivation and in accordance with the policy of Government, as explained by Sir William Reid in paragraph (*vi*) of this note, specially favourable terms were offered to small Assamese capitalists taking up an area not exceeding 400 acres, who were required to pay $\frac{1}{4}$ rates for the first 5 years and $\frac{1}{2}$ rates for the succeeding 5, while other lessees obtained a concession of $\frac{1}{2}$ rates for the first 5 years only.

(*ix*) In 1927 a committee was appointed to advise Government as to the measures which should be adopted

with the object of securing to the public revenues a fair share of the value of the land and of discouraging speculation without hindering small capitalists in their attempts to open out tea gardens. The difficulty of reconciling these two aims was clearly foreseen as the following extract from the resolution appointing the committee will show :—

"There would be little difficulty in securing for the public revenues a considerable portion of the value of the land if Government were content to deal only with substantial concerns or individuals. Such a course, however, would make it impossible in future for the small man to open out a tea garden at all, and the Governor in Council would be reluctant to take action which would have this result. On the other hand, it is extremely difficult to devise a system which will encourage the small man with a genuine desire to open out a garden himself without at the same time tempting persons who have no such intention to take up land in the hope of transferring it in the near future at a handsome profit."

On the basis of the committee's report revised rules have recently been framed for the settlement of waste land for tea and other special cultivation under which a premium varying from Rs. 5 to Rs. 40 per acre is charged on all land settled for special cultivation. Persons, however, taking up 400 acres or less and holding no other land for tea are entirely exempted from payment of this premium and receive certain other concessions such as the suspension of revenue for a certain period. When land is so taken up, a restriction has been placed on transfer, but it still has to be seen how this restriction will work in practice.

(*x*) Recent experience has made it doubtful whether the children of the soil have any real desire to take up the cultivation of tea in which it is admittedly very difficult for them to compete with the better equipped European factory and whether the claim for preference in the settlement of tea land did not merely cloak a desire to reap a handsome

profit by disposing of the land to their wealthier neighbours. As an example, the following case is given :—

In 1924, Srijut Bipin Chandra Bardaloi applied for 300 acres of land in Lakhimpur district. A smaller area of 200 acres was found to be available for settlement but the Deputy Commissioner finally refused to sanction the application on the ground that the land was required for ordinary cultivation. When this decision was upheld by the Commissioner, the applicant appealed to Government who sanctioned settlement of the 200 acres found available by an order dated the 21st of May 1926. The lease was delivered to the applicant on the 19th April 1928 and it was subsequently ascertained that he had actually arranged to sell his interest so obtained before issue of the lease. The sale deed was executed on the 27th April 1928 for a sum of Rs. 7,000. No action could be taken as speculation is not forbidden under the rules, but it is interesting to note that the brother of this gentleman who is the leader of the *Swaraj* party moved the following resolution in the Council session of July 1927 :—

"In view of the fact that land available for the cultivation of tea is getting scarce in the province of Assam and in view of the fact that natives of the province have only lately taken to this business, this Council recommends to the Government of Assam that a list of all available waste lands for tea cultivation be made in each district and published and applications be invited from intending planters and that in settling those areas preference be given to the claims of *bona fide* natives of Assam, specially the small capitalists, subject to usual conditions."

In another case one Srijut Umesh Chandra Das applied for a grant of 458 acres in the Buridihing mauza under the special terms described in paragraph (vii) of this note. The application was entertained and the case was pending only for the issue of the lease, when it was ascertained that the land had already been sold to a neighbouring company for a sum of Rs. 29,791 at the rate of Rs. 65 per acre, half the sum being payable in cash and the balance in shares. In this case Government felt themselves bound by the orders previously issued during the pendency of the application to grant the lease, but directed that the revenue at full rates should become immediately payable.

### (b) *The Goalpara Tenancy Bill.*

The previous history of this measure is given in paragraph 3 (iii) at page 268 of the Assam Memoranda. The report of the Select Committee on the Bill has since been published. The view taken by the Government on the modifications introduced by the Select Committee is indicated in the following extract from the minute of dissent recorded by the two official members of the Committee :—

"Though most of the Select Committee's recommendations, taken individually, do not appear to involve very striking departures from the provisions of the Bill as introduced into Council, yet the cumulative effect of these recommendations as a whole, will, in our opinion be such as materially to disturb its equilibrium. Practically every one of the changes advocated involves in a major or minor degree some impairment of the landlords' existing rights and privileges without any corresponding advantage to them, and, as the Bill represented a reasonable compromise arrived at after many weeks of discussion and consideration by an influential local committee on which all interests were fairly represented, we strongly deprecate any substantial change or a series of changes in its provisions in, or against, the interests of any one class."

It must be admitted that the general trend of the Committee's attitude justifies to some extent the apprehensions expressed by the Goalpara landlords regarding the enactment of tenancy legislation by a Council in which their interests are inadequately represented.

Meanwhile the Bengal Legislative Council has passed an Act, which had been under consideration for several years, amending the Bengal Tenancy Act in many points of detail. As the Goalpara Bill, though framed to suit the special requirements of Goalpara, was very largely based, on the Bengal Tenancy Act and on the recommendations of the several committees which had been formed to consider its amendment, the Government of Assam have decided, before presenting the Select Committee's Report to the Council, to examine the various amendments finally passed by the Bengal Council in the Bengal Act with a view to seeing whether any of them should be incorporated in the Goalpara Bill.

A statement is appended showing the modifications which were made in the Bill in the tenants' interests in Select Committee, and comparing them with the corresponding provisions of the Bengal Amending Act.

| Provisions of original Bill. | Modifications made by Select Committee. | Corresponding provisions of Bengal Amending Act. |
|---|---|---|
| (1) The Assam Government proposed the repeal of certain provisions of the Bengal Alluvion and Diluvion Act (with regard to the right to accretion and to settle to accreted land at the zemindar's discretion) which had remained a dead letter in Goalpara district. | The Select Committee disapproved of the proposal and preferred to adopt the very minor modification made by the Bengal Tenancy Act of 1885. | No change in the position, as it stood after the enactment of the Bengal Tenancy Act of 1885, has been made. |
| (2) The Goalpara Bill provided that tenants of a certain status would be entitled to construct *pacca* wells, excavate tanks, erect masonry, brick and stone dwelling-houses and outhouses—as an *improvement* to a holding—without the landlord's consent. | Accepted by Select Committee, with the slight modification that except in cases where more than one holding is affected, the tenant will have the prior right to make the improvement as against the landlord. | Substantially followed the Bengal Tenancy Amendment Act. |
| (3) Government proposed that the presumption of fixity of rent in the tenant's favour should be based on a continuity of rate of rent for 20 years before a fixed and specified date. | The Select Committee decided that the presumption should be based on a continuity of rate of rent for 20 years before the date of the institution of the suit, as provided in the Bengal Tenancy Act. | In this respect the Bengal Tenancy Amendment Act made no change in the provisions of the Bengal Tenancy Act. |
| (4) The Goalpara Bill has made occupancy interests transferable at law, both in their entirety and in part, subject to the payment of a statutory transfer fee. | No change in principle (but *vide* next page.) | This principle has been adopted by the Bengal Tenancy Amendment Act. |

| Provisions of original Bill | Modifications made by Select Committee. | Corresponding provisions of Bengal Amending Act. |
|---|---|---|
| (5) The Goalpara Bill provided for a transfer fee of 12 per cent. of the consideration money, or 3 times the annual rent in all cases of transfer (other than partitions, leases, complete usufructuary mortgages, and simple mortgages—prior to foreclosure). | The consideration money alternative was omitted, and the fee fixed solely with reference to rent at 3 times the annual rental. | Bengal has fixed the fee at:—<br>(*i*) Twenty per cent. of the consideration money and value or 5 times the rental in the following cases:—<br>Sales, gifts.<br>(*ii*) Ten per cent or 2½ times the rental—in cases of bequests.<br>(*iii*) Five per cent. or 1¼ times rental in cases of exchange. |
| (6) The transfer fee on rent-free occupancy holdings was to be based on 12 per cent. of the consideration money. | No fee to be payable on such transfers. | Under the Bengal Tenancy Amendment Act there will be a fixed fee of Rs. 2. |
| (7) Jotedars' rent under the Government Bill were enhanceable freely by contract or by suit, the only limitation being that the jotedar must, in either case, be left at least 10 per cent. profit, and that the enhancement, in cases of contract, was not to exceed 3 *annas* in Re. 1. | The Select Committee retained the stipulation regarding profit, but reduced the degree of enhancement to 2 *annas* in the case of contract. | The analogous provisions of the Bengal Tenancy Act did not come under review under the Bengal Tenancy Amendment Act.<br>Under the Bengal Tenancy Act, apart from the 10 per cent. profit stipulation, no special limit was set to the degree of permissible enhancement. |
| (8) Occupancy raiyats' rents were enhanceable by 3 *annas* in Re. 1. | The limit was reduced to 2 *annas* in cases where the average annual rent exceeds Re. 1 per *bigha*. | Not dealt with by the Bengal Tenancy Amendment Act.<br>*Two annas* is the permissible degree under the Bengal Tenancy Act. |
| (9) Rent made payable normally in *four* equal instalments, in the year. | Instalments normally reduced to *two* instalments in the year. | The provision of the Bengal Tenancy Act, making rent payable in *four* instalments, was retained. |

| Provisions of original Bill. | Modifications made by Select Committee. | Corresponding provisions of Bengal Amending Act. |
|---|---|---|
| (10) Regarding the right of ejectment, the proposals of the Government Bill incorporated the recommendations of the Bengal Committee. | No change. | The Bengal Tenancy Amendment Act has made one and two minor modifications, *e.g.*:—<br>(*a*) it has eliminated 'misuse of holding, as a ground for ejecting a raiyat at fixed rates;<br>(*b*) retained the provisions of the Bengal Tenancy Act regarding the grounds of ejectment of non-occupancy tenants, which are in some respects indeterminate;<br>(*c*) specified in greater detail the grounds of ejectment of under-raiyats and provided greater protection to the latter. |
| (11) The Goalpara Bill graded tenant rights in trees according to their status, *i.e.*—<br>(*i*) tenure holders were to have unrestricted rights;<br>(*ii*) raiyats at fixed rates, rights over all trees, except "*sal*";<br>(*iii*) occupancy tenant rights over all trees, except *sal*, *sisu* and *jack-fruit*;<br>(*iv*) non-occupancy raiyats and under-raiyats were to have certain conditioned rights. | The Select Committee included raiyat at rates in category (*i*) and gave occupancy tenant rights over all trees except *sal* and *sisu*. | Under the Bengal Tenancy Amendment Act tenure-holder raiyats at fixed rates and all occupancy tenants have been given practically unrestricted rights in trees. |

| Provisions of origina Bill. | Modifications made by Select Committee. | Corresponding provisions of Bengal Amending Act. |
|---|---|---|
| (12) The Goalpara Bill gives 'more than one-fourth' of the tenants the right to apply for the appointment of a Common Manager. | No change. | The Bengal Tenancy Amendment Act has retained the provision of the Bengal Tenancy Act giving only one-half of the tenant, the right to apply. |
| (13) The Goalpara Bill gives proprietors, tenure holders and (subject to certain safeguards) jotedars the right to hold "private" lands. | No change except that the Select Committee relaxed to some extent the safeguard provided in the case of jotedars' "private" lands. | The Bengal Tenancy Amendment Act made no change in the Bengal Tenancy Act provision under which proprietors only can hold "private" lands. |
| (14) The Goalpara Bill proposed that a summary procedure for the recovery of rents through the agency of the District Officer should be permissible in certain circumstances, following the Bengal Tenancy Act. | The Select Committee excised this provision. | The Bengal Tenancy Amendment Act has retained the corresponding provisions of the Bengal Tenancy Act. |

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