

COND REPORT

BY THE

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ING JOINT COMMITTEE

ON

IAN AFFAIRS.

(With an Appendix.)

(SESSION 1921.)

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EAST INDIA—(CONSTITUTIONAL REFORMS)

A D D R E S S E S

PRESENTED IN INDIA TO

HIS EXCELLENCY THE VICEROY

AND

**THE RIGHT HONOURABLE
THE SECRETARY OF STATE FOR INDIA.**

Presented to Parliament by Command of His

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INDIAN CONSTITUTIONAL REFORMS.

ADDRESSES PRESENTED IN INDIA TO HIS EXCELLENCY THE VICEROY AND THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

INDIA OFFICE NOTE.

The 112 addresses summarised below were presented to the Viceroy and the Secretary of State between the 15th November 1917 and the 1st January 1918 by deputations representing the various associations and political, communal, and commercial bodies.

Twenty-six deputations were received at De'Li between the 15th and 29th November, 35 at Calcutta between the 3rd and 11th December, 24 at Madras between the 17th and 20th December, and 27 at Bombay between the 24th December and 1st January.

A very large number of associations representing various interests desired to submit their views on constitutional reforms. The selection of deputations was arranged by the Government of India, in consultation with the Local Governments, with a view to receiving from their accredited spokesmen a considered statement of the opinions on constitutional reform of as many sections, classes and interests in India as possible. But it was not possible to arrange for the reception of all the bodies that desired to make representations. In Appendix I. of this volume a brief summary is attempted of the addresses submitted by associations to which it had been impossible to accord a formal reception.

The Addresses included in Appendix I. present no special features distinguishing them from those which were formally presented. So far as they are capable of classification—and the same difficulties in this respect present themselves as those noticed below—it may be stated that 21 come from backward or depressed classes, 10 from Muhammadans, four from Christian bodies, two from Jains, two from Buddhists, three from traders or trading associations, and 17 from district or “people’s” associations. In some cases, which have been noticed, these Addresses were identical with one or other of the Addresses formally presented, or referred with approbation to a presented Address. No attempt has been made in the Appendix to describe the character of the several associations or bodies which forwarded the various Addresses enumerated there, but this will in most cases be apparent from their titles.

The order adopted in this summary is that of date. The deputations received at Delhi came mainly from the Punjab (10), the United Provinces of Agra and Oudh (10), and the Delhi Province (1); those at Calcutta, from Bengal (12), Assam (4), Bihar and Orissa (4), and Burma (5); those at Madras, from the Madras Presidency (21), Coorg (1), and Madrasis resident in Burma (1); those at Bombay, from the Bombay Presidency proper (18), Sind (2), and the Central Provinces and Berar (5). Associations of an “all-India” character, *i.e.*, not confined to membership to any province, were received at Delhi (5), Calcutta (10), Madras (1), and Bombay (2). In each case a private and confidential interview was accorded to representatives of the association after the formal presentation of the address. Each address in the series thus provided a basis for informal and confidential discussion.

In the summary below the character of each association is briefly described in order to make it clear for what interest each body claimed to speak, while a *précis*

is given of the main points contained in each address, salient passages being textually quoted. In some instances there was sharp difference of opinion between associations which claimed to represent similar interests: a feature due to the fact that the majority of the associations were not political bodies in the Western sense, but were representative of religious communities, or social classes, in which political opinion was not unanimous. Some of the associations are of old standing, and many of these (such as Chambers of Commerce) are not political bodies, but felt that the interests which they exist to represent must be affected by constitutional changes. Other associations are of very recent origin, and in some instances the announcement made on the 20th August 1917 by His Majesty's Government on Indian policy led to the organisation of bodies to represent particular interests. It is impossible to give any rigid classification of the deputations. Some are political associations in the ordinary sense, others denominational bodies, others are Chambers of Commerce, or associations of landholders, others again representative of particular castes or groups of castes. One individual might, and often did, appear as a member of several deputations, which represented, for instance, his religious community, his social class or professional interest, and his individual political views. Nor is it possible (except in a few instances such as the Anglo-Indian community or the Burmese) to classify the deputations by any racial criterion.

With due allowance for these difficulties of classification, it may be useful to state that 19 deputations represented landowners' interests and 11 commercial or business associations; 23 deputations were exclusively Muhammedan, one Sikh, one Parsi, one Jain, one Buddhist, five Christian, five composed of higher caste Hindus, while eight claimed to speak for lower or depressed castes. So far as race does not coincide with religion (as it does, for instance, in such cases as that of the Parsis), 12 addresses came from racially homogeneous bodies, eight deputations being European or Anglo-Indian, two Burmese, and one Karen (from Burma), while particular races (as distinct from castes) in India proper were represented by deputations from the Utkal or Uriya people (Orissa and the neighbouring territories), Andhra or Telinga (Madras Presidency), and the hillmen—Bhutias and Lepchas—of the Darjeeling district (Bengal Presidency). Any attempt at closer classification would be misleading.

It is equally difficult to classify the addresses on any basis of political opinion. For example, several deputations expressed general support of the scheme adopted by the National Congress and All-India Moslem League, but at the same time criticised some particular feature of it as unacceptable to the communities or interests which they themselves represented. But it may be useful to give some indication of the general trend of the addresses with regard to the main political or constitutional questions that attracted public interest in India. On the question of the extension of local self-government there was no substantial difference of opinion, all the addresses which mention the subject agreeing in principle that the local bodies should be popularised and that official control should be relaxed.

On constitutional questions generally the majority of the addresses refer to one or more of the three definite schemes which had been published and discussed—the Memorandum presented to the last Viceroy by 19 Members of the Imperial Legislative Council, the scheme adopted jointly by the Indian National Congress and the All-India Moslem League, and the Memorandum of the late Mr. Gokhale, published after his death. For convenience of reference these three documents are reprinted in full in Appendix II. to this volume. Some of the addresses commented on the fact that Government had not as yet promulgated any detailed scheme of constitutional reform. The Congress-League scheme is substantially the basis of 40 of the addresses (including in this figure Provincial Committees of the National Congress).

With regard to the constitution of the executive government in the Provinces, the majority of the addresses propose that each Province should be under a Governor in Council. Opinions differ as to the exclusion (whether by law or by practice) of members of the Indian Civil Service from the highest executive posts. There is a general consensus of opinion in the Indian addresses that half the executive council should be Indian, but sharp difference as to the method of their appointment, the alternatives being nomination (as at present) and election by the elected (or, alternatively, the non-official) Members of the Provincial Legislative Council.

The composition, and method of election of the Provincial Legislative Councils bulks more largely in the addresses than any other subject. Enlargement of these Councils is generally advocated, as is a substantial majority of elected members. A Second Chamber is suggested by four bodies representing landowners. As regards the electorate, there is a very general demand for a broader franchise than the present one, and while opinion is divided as to direct or indirect election, the great majority of these addresses which mention the matter prefer direct election. The principle of an universal system of purely territorial constituencies is recommended by a few Hindu associations, but the communal representation of Muhammedans had been accepted by the Indian National Congress, and is strongly pressed in the Muhammedan addresses. The extension of communal representation to classes other than the Muhammedans, strongly opposed by the Congress school of thought, is advocated in several of the landowners' addresses, and is earnestly sought by the Sikhs, the Anglo-Indians, the Indian Christians, and the backward or depressed classes of Hindus. Several plans for the safeguarding of minorities by special representation, or for the better representation of commercial or industrial interests will be found in the addresses which do not follow the Congress-League scheme.

There is a general demand for "provincial autonomy," though comparatively few of the addresses discuss in detail the apportionment of powers between the Provinces and the Government of India. There is also a general opinion that the powers of the Legislative Councils should be increased so as to subject the Executive Governments of the Provinces to a large degree of control by the Legislative Councils in legislation, administration, and finance. The proposal of the Congress-League to make resolutions on administrative matters binding on the Executive Government (subject to a limited veto of the Governor), to require all items of expenditure to be embodied in money bills, and to reserve to the Governor-General alone the power to veto bills passed by the Legislative Council, is accepted in general terms by very many associations, though others hesitate to go so far, or have their own suggestions.

With regard to the Government of India, there is general agreement that (as in the Provinces) half the members of Executive Council should be Indians, while opinions again differ sharply between nomination and election. The present statutory obligation that a certain proportion of members of Executive Councils should be (not members of the Indian Civil Service, as is often stated, but) persons who have rendered a certain number of years in the service of the Crown in India meets with much criticism.

The composition of the Imperial Legislative Council (on which there is at present an official majority, while Provincial Legislative Councils have unofficial, though not necessarily elected, majorities) was less discussed than that of the Provincial Legislative Councils, but opinions fell into much the same divisions. A substantial non-official majority was widely advocated. A Second Chamber was strongly urged by several landholders' associations. While there was a general feeling that direct electorates should be widened, the retention of indirect election in the shape of election to the Imperial Legislative Council by members of the Provincial Legislative Councils was approved by many bodies (including the National Congress and All-India Moslem League) that desired direct election to the Provincial Councils. Many pleas were offered for the better representation of special interests or minorities. Opinions differed again as to the powers of the Imperial Legislative Council over the Executive.

A considerable body of opinion was in favour of great relaxation of the control exercised on behalf of His Majesty's Government by the Secretary of State over the Government of India in all matters except foreign and military affairs.

The Congress-League proposal for the abolition of the Secretary of State's Council met with marked support, though as alternatives the election of a portion of the Council or the appointment of a definite number of Indian members is discussed in some quarters. There is a decided preponderance of opinion in favour of placing the Secretary of State's salary on the British estimates. Several proposals were made for the allocation to Indians of at least one of the India Office Under Secretaryships of State.

Proposals for territorial re-arrangements in India appear in several of the addresses.

The addresses presented on behalf of depressed classes enter very little into constitutional detail, but express strong apprehension of the effect on their communities of any grant of "Home Rule" in the shape of a transfer of power to the higher classes of Indians.

The reason for the presentation to Parliament of a mere summary of the addresses is the great bulk of the full texts. Many of the addresses were accompanied by lengthy memoranda, and a reprint of the full texts would occupy not much less than 1,000 printed pages. The amount of space allotted to each summary has been decided not by any theory as to the importance or representative character of the particular body presenting the address, but by the necessity of presenting the various points of view intelligibly so as to attempt to make clear the line of argument adopted in each case. A complete set of the addresses presented by the deputations, in four volumes, has been placed in the Library of each House.

INDIA OFFICE,
October 1918.

LIST OF ENCLOSURES.

I.—

- (i) Letter from the Government of Madras, no. 1024, dated November 9, 1918.
- (ii) Telegram from the Government of Bombay, no. 9630, dated November 6, 1918.
- (iii) Letter from the Government of Bengal, no. 6156-A., dated November 15, 1918, and enclosure.
- (iv) Letter from the Government of the United Provinces, no. 2019, dated September 23, 1918.
- (v) Telegram from the Government of the Punjab, no. 20418, dated November 17, 1918.
- (vi) Letter from the Government of Bihar and Orissa, no. 4097-P., dated November 9, 1918.
- (vii) Letter from the Chief Commissioner, Central Provinces, no. 389-A.-IV, dated November 21, 1918.
- (viii) Extract paras. 4 and 5 of a note by the Hon'ble Sir Nicholas Beatson-Bell, Chief Commissioner of Assam, dated October 24, 1918.

II. Summary of local Governments' proposals—

III. Analysis of the revenue and expenditure of the hill districts in Assam.

IV.—

- (i) Letter from the Chief Commissioner of Assam, no. 356-W., dated March 12, 1919, and enclosure.
- (ii) Letter from the Chief Commissioner of Assam, no. 709-W., dated May 20, 1919, and enclosure.

V. Statement showing the powers of legislation in the territories referred to in the despatch.

APPENDIX I.

No. 1024, dated Fort St. George, the 9th November 1918.

From—The HON'BLE MR. C. G. TODHUNTER, I.C.S., Acting Chief Secretary to the Government of Madras, Public Department,

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

I am directed to reply to the Home Department telegram no. 1324-Public, dated the 3rd October 1918, in which the Government of India desire to be furnished with the recommendations of the Governor in Council as to the backward tracts in this Presidency which should be subject to special treatment with reference to paragraph 199 of the Report on Indian Constitutional Reforms.

2. In the Ganjam, Vizigapatam and Godavari districts of this Presidency there are certain special tracts known as the Agency tracts and these are described in the schedules and appendices to the Scheduled Districts Act, 1874 (XIV of 1874), and the Laws Local Extent Act 1874 (XV of 1874). These areas owing to their hilly and jungly character, the prevalence of malaria and the absence of communications, have hitherto remained almost completely undeveloped and are generally exempt from the operation of the laws in force in the plains and the jurisdiction of the ordinary courts of justice. They are administered directly by the Governor in Council who has framed for the guidance of his agents and subordinate officers a few simple and elastic rules of procedure in virtue of the powers conferred on him by Acts XXIV of 1839 and XIV of 1874. The Agency tracts are inhabited mainly by simple and ignorant jungle tribes whose education is still elementary and who retain their ancestral customs as to tenure of land, devolution of property, family or tribal organization and social observances. These tribes, are still in very early stages of civilization, use bows and arrows, wear little clothing, are timid, excitable and easily imposed upon and totally unfit for any form or degree of political advance. The Governor in Council believes that these tracts are best administered under the existing simple system of rules and should under such conditions be more capable of development on sound lines than if brought at this stage under the influence of complex codes. They are clearly areas in which material for the foundation of political institutions is at present entirely lacking. I am accordingly to recommend that the Agency tracts of this Presidency be excluded from the jurisdiction of the reformed provincial Government and continued under the present system of administration. I may add that from time to time occasion arises for the examination of the revision of the limits of the Agency tracts and if in the future any area should be excluded from such tracts, it would automatically become liable thereby to the jurisdiction of the reformed provincial Government.

3. I am also to recommend the exclusion from the jurisdiction of the reformed provincial Government of (i) the Laccadive Islands, including Minicoy, attached to the Malabar district and (ii) the Aminidivi Islands attached to the South Kanara district. The Malabar Islands are administered under a special law—The Laccadive Islands and Minicoy Regulation, 1912. The Aminidivis, or the northern group of the Laccadives, are included in the expression "Laccadive Islands and Minicoy" occurring in the first schedule, Part I of the Scheduled Districts Act XIV of 1874. These Islands are excluded from the operation of the general Acts and Regulations and the jurisdiction of the ordinary courts of judicature. The people are primitive and the administration is of a patriarchal character, the chief representative of the Government being an officer styled 'Monigar' whose court has the sanction of custom, usage and unquestioned authority.

Telegram No. 9630, dated the 6th November 1918.

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

Reference your 1324-Public, September 3rd. Bombay Government have no recommendations regarding backward tracts.

No. 6156-A., dated the 15th November 1918.

From—H. R. WILKINSON, Esq., I.C.S., Officiating Chief Secretary to the Government of Bengal,
To—The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram No. 1324-Public, dated the 3rd September 1918, inquiring what areas in this Presidency the Governor in Council would recommend for the special treatment indicated in paragraph 199 of the Report on Indian Constitutional Reforms.

2. The report contemplates the exclusion from the jurisdiction of the reformed provincial Governments and the direct administration by the Head of the Province of backward tracts, where the people are primitive and there is as yet no material on which to found political institutions, and it is suggested that these tracts will generally correspond with the areas mentioned in the Schedules and appendices to the Scheduled Districts Act, 1874.

3. There are three districts in this Presidency which appear in these schedules and appendices, the Chittagong Hill Tracts, Darjeeling and Jalpaiguri. Of these, the Hills Tracts are included in Appendix B to the Act, and its laws, therefore, are framed not by the Legislative Council, but by regulations of the Governor General in Council under section 71 of the Government of India Act, 1915. The district is in fact already excluded from the purview of the Bengal Legislative Council; it is expressly excluded from the landholders and Muhammadan electorates, and as it has no district board or municipality, it has no representative of any kind on the Council. The people are primitive, and there can be no doubt that the Hills Tracts should be accorded special treatment.

4. With regard to Darjeeling and Jalpaiguri the position is somewhat different: they are included in Appendix I to the Scheduled Districts Act, and so are governed, not by regulations, as in the case of the Hill Tracts, but by the ordinary law, subject to the provisions of the Scheduled Districts Act. They have it is true, special rent and revenue laws, and in Darjeeling executive officers perform the duties of civil courts; but, so far as the general law is concerned, they do not differ very much from the rest of the Presidency. Moreover, they are already represented in the existing Legislative Council; they elect a member to represent the tea planting community in the two districts, and they are included in the landholders, Muhammadan and municipal electorates of the Rajshahi Division, while Jalpaiguri, in conjunction with the other districts, returns a member for the District Boards in the Division.

5. These districts therefore do not answer the description of backward tracts as given in paragraph 199 of the Report. At the same time there are special circumstances justifying the exclusion of Darjeeling from the reform scheme. Being almost entirely a hill district, its population have no affinity whatever with Bengal, and even if they were represented in the new Legislative Council, they would be absolutely swamped. Moreover, Darjeeling is a frontier district, abutting on Sikkim and Bhutan, and the main road from Bengal to Tibet passes through the district, so that its strategic position alone would justify special treatment. The local officers, the leading associations and the hillmen themselves are unanimous in recommending the exclusion of the district from the scheme. It was explained to the tea planting community that this would involve the loss of their seat in the Legislative Council, but they consider that this would be more than compensated for by the advantages of separate treatment; and it will be recollected that the deputation, representative of all the hill races resident in the district, which waited upon the Viceroy and the Secretary of State in the course of their enquiry, urged that they should not be considered as part of Bengal in any scheme of self-government that might be adopted. A copy of their memorial is forwarded herewith for ready reference. The Governor in Council, therefore, has no hesitation in recommending that Darjeeling also should be excluded from the jurisdiction of the reformed government.

6. The position of Jalpaiguri is different again. The district consists of two well-defined parts, the area west of the Teesta, permanently settled and originally part of the neighbouring district of Rangpur, and the eastern portion which belonged to Bhutan until 1865, when it was annexed by the British Government. About two-thirds of this latter area is under reserved forest or tea cultivation, and the system of land tenure is different from that prevailing anywhere else in the province. Opinions as to the treatment of these areas differ: the Planters' Association would exclude, and the Jalpaiguri Municipality and Anjuman Islamia include, the whole district in the scheme, whereas the Deputy Commissioner and the District Board urge special treatment for the part east of the river Teesta and for two thanas on the west of it, where the population is scanty and backward and a large area is under forest.

7. There would appear to be no particular justification for according special treatment to the permanently settled area west of the Teesta, especially as there is practically no difference between the conditions prevailing there and those in the neighbouring districts, about whose inclusion there can be no question. It remains, therefore, to consider only the tract east of the Teesta. The arguments put forward in favour of according special treatment to this area are that nearly the whole of it is covered by reserved forest and tea gardens or is a *khás* managed Government estate; the majority of the population consists of hill and aboriginal tea coolies, and illiterate Rajbansis and Meches, and the north-east boundary of the district marches with Bhutan. The tract covers an area of 1,957 square miles, and has a population of just over a million but only 41,000 are hill men, so that it has no great affinity with

Darjeeling. It is true that over 167,000 are aboriginals but these are mostly immigrant who have come to work on tea gardens, and, as it will be very many years before persons of this class have any voice in the working of the reformed Government, wherever they may be, His Excellency in Council does not consider that their existence alone warrants the exclusion of the district. Of the remaining three-fifths of the population the great majority are Rajbhansis and Muhammadans. The Rajbhansis are not indeed pure Bengalis, and a great many of the Muhammadans are converted Rajbhansis, but as the same conditions prevail in the adjacent districts, this cannot be accepted as a conclusive argument.

That the district borders on Bhutan is of importance if the Government of India contemplate reserving a tract along the northern or north-eastern frontier, and on this point the local Government have no information, but otherwise it is unnecessary to attach much weight to this consideration, as, if there were serious trouble at any time with Bhutan, this area would have to be occupied by a military force, whatever the form of civil government might happen to be.

8. His Excellency in Council is inclined to think that the balance of argument is in favour of including the whole of the Jalpaiguri district within the scope of the Reforms Scheme. The eastern area is too small to form a separate district by itself, and its position precludes it from being conveniently joined on to Darjeeling, which is the only alternative if it is to be accorded special treatment. The peculiar conditions of its population and land tenures do not constitute an insuperable obstacle to its coming under the reformed provincial Government; and it is a flourishing and rapidly developing tract, associated with many matters of general importance to the province, unlike Darjeeling which, from its position in the hills and the nature of its population, must always remain set apart from the main Presidency of Bengal.

9. There are indeed other backward areas, for which exclusion might be urged, such as the aboriginals in the Burdwan division, for whom special provision has already been made in the Bengal Tenancy Act, 1918; but the difficulty is that they do not occupy a compact area and it would thus be impossible to provide satisfactorily for them.

10. The Governor in Council would therefore recommend as suitable for special treatment the districts of Darjeeling and the Chittagong Hill Tracts only, but it has been impossible in the time allowed to examine the matter fully as might have been wished and the proposals must be regarded as provisional pending further examination of the nature of the treatment which will be accorded to the excluded tracts.

ADDRESS BY THE HILLMEN OF DARJEELING.

The humble memorial of representatives
of the Darjeeling district.

Dated 8th November 1917.

RESPECTFULLY SHEWETH,

That we, the undersigned Lepchas, Bhutias and Nepalese, representing the opinion of the people of the Darjeeling district, gratefully respond to the invitation issued by the Government to the people of India to make representations to be laid before the Secretary of State for India during his coming visit.

What prompts us to approach Government is not any feeling of discontent or dissatisfaction with the present system of Government. On the contrary we are perfectly contented. We have hitherto abstained from all political agitation and we have treated the movement for Home Rule with neglect and even distavour. But now that the British Government has definitely stated that Home Rule is the ultimate goal towards which it desires that India should gradually proceed, *we feel it our duty to safeguard our future position* by presenting Government with a statement of our views on one point which seems to us of vital importance.

At present the Darjeeling district is one of the many districts of the Bengal Presidency, with the centre of Government in Calcutta. This intimate connection with the plains of Bengal, however, is but of comparatively recent origin, and it only exists because of the common relationship of lands under the same British rule. There is, moreover, no real affinity between the peoples of this Himalayan and Sub Himalayan region and those of the plains of Bengal and *our plea is that it may now be established as a settled principle in any arrangement for the realisation of Home Rule for the people of the plains of Bengal that this district should be excluded from them and that the evolution of our political life should be towards a distinct local government of our own on such lines as may be approved by the British Government.*

We live in an absolutely different world from the rest of the people of Bengal. *Geographically* no greater contrast is possible than that between the mountainous Darjeeling district and the plains of Bengal. *Racially* there is an equal dissimilarity, for the great mass of our population is Mongolian and akin to the peoples beyond the Himalayas rather than to those of India. *Historically* we have until recent years lived a life entirely apart. The Darjeeling district except the Kalimpong subdivision, was gifted by or annexed from the kingdom of Sikkim last century; the Kalimpong subdivision and the Duars were Bhutanese till above fifty years ago, and the Nepalese have immigrated from Nepal in recent years. *Religiously* we are, as regards the Lepchas and the races of Tibetan origin as well as a number of the Nepali castes, quite distinct from the people of the plains, and even the religious customs of the Nepalese, who are classed as Hindus, vary largely from those of the Hindus of Bengal. *Linguistically* we have no alliance with the rest of Bengal. Even the *lingua franca* of our courts and schools is Hindi and not Bengali while the great mass of the workers on the tea gardens of the Duars and the Terai are immigrants from Bihar and Orissa and Nepal which fact—in addition to the geographical and historical arguments—makes it natural and fitting that the Tea District of the Duars should be linked up with the Darjeeling district rather than with Bengal.

A further argument in favour of a separate Eastern Himalayan unit of Government is based on health considerations. The plains are entirely unsuited to hill peoples, who are most unwilling to go to the plains to live. This makes it essential for the future welfare of the district that it should be as far as possible self-contained. In the matter of education, to give one important illustration, we look forward to having our own colleges and other institutions for professional training. At present these are in the plains, and this has acted as a great barrier to the higher education of our people. But although higher education is backward, primary education is more general than in any other district of Bengal, and we have therefore to hand the true basis for a natural and satisfactory educational advance.

Our humble petition, therefore, is that in laying down plans for the future, the Government should aim at the creation of a separate unit comprising the present Darjeeling district with the portion of the Jalpaiguri district which was annexed from Bhutan in 1865.

The creation of this separate unit may be objected to on the ground that it would be very small as compared with other probable units of Government in India. The population of the Darjeeling district is now only 300,000. That of the Jalpaiguri district is larger. But 50 years ago the population was not a tithe of what it is now and the phenomenal increase is likely to be maintained as the districts are capable of large development. The possibilities through the use of hydro-electric power alone are immense.

Moreover the district has an importance disproportionate to its area in that it is a vital frontier District. Our people are the natural guardians of the frontier and we would welcome the privilege of keeping ourselves ever ready to fulfil this function. A small but significant incident, illustrative (in this connection) of the drawback from our relations with the organisation suited to the plains, is found in the recent call for recruits for Indian Defence. Very few felt able to respond because the larger periods of training were to be undertaken in the plains. Had it been possible to arrange for the training at centres in the hills, we are convinced that volunteers in large numbers would have been forthcoming and we are confident that, if the Government wished it, practically all the able-bodied men of our hill communities could be enlisted in a force to defend the frontier.

It is possible, indeed, that the Government might consider it wise to create a still wider North-Eastern Frontier Province to include in addition to this district the Assam Duars and the hill territories which lie to the east of Bhutan and whose peoples have affinities with our people.

C19HD

No. 2019, dated Naiui Tal, the 23rd September 1919.

From—The Hon'ble Mr. S. P. O'DONNELL, I.C.S., Chief Secretary to the Government of the United Provinces,

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

I am directed to refer to your telegram no. 1324-Public of the 3rd September, in which it was stated that the recommendations of the Lieutenant-Governors as to the backward tracts, if any, which should be subject to special treatment, should be communicated to the Government of India as early as possible.

2. The only areas in these provinces which have even a *prima facie* claim to the special treatment adumbrated in paragraph 199 of the Report on Indian Constitutional Reforms, are those to which the Scheduled Districts Acts of 1874 applies. There are (1) the districts of Almora and Garhwal; (2) the Tarai Pargannas; (3) Jaunsar Bawar and (4) parts of the Mirzapur district. The latter three tracts are small areas, of little importance, and it would be inconvenient, and would serve no useful purpose to exclude them from the jurisdiction of the reformed Provincial Government. The districts of Almora and Garhwal on the other hand, although hitherto little affected by recent political developments, are not in other respects backward tracts. Elementary education is more widespread in these districts than in the province as a whole, and the level of intelligence is fully as high as in the plains. Public opinion in these districts, in so far as articulate, is against their exclusion, the non-official members of Council were unanimous against it in the debate held by them on the Reforms Scheme; and the Lieutenant Governor considers that no adequate grounds for this can be adduced. I am accordingly to say that there are no tracts in these provinces which the Lieutenant Governor recommends should be subject to special treatment in connection with the constitutional reforms now under consideration.

Telegram no. 20413, dated the 17th November 1913.

From—The Additional Secretary to the Government of the Punjab,

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

Your 1324-Public of 3rd September 1913. Only tracts which Lieutenant Governor recommends should be excluded from scope of reforms scheme are Lahual and Spiti in Kangra district. Recommendation based on their remote and primitive character. Owing to snow blocking passes they are inaccessible for six months in the year.

No. 497-P., dated Ranchi, the 9th November 1918.

From—The HON'BLE MR. H. McPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa,

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

I am directed to refer to your telegram no. 1324, dated the 3rd September 1918, regarding the exclusion of backward tracts from the jurisdiction of the reformed Provincial Governments, and to express regret that it was not found possible to submit the recommendations of the local Government before the 1st November. The Lieutenant-Governor in Council was unable to form his conclusions on this important subject, till he had formulated his recommendations on the entire scheme of reforms and considered their bearing on the administration of the backward areas in the province.

2. The areas which would naturally fall to be excluded from the jurisdiction of the reformed local Governments and to be administered by the Head of the Province, if the spirit of the suggestion in paragraph 109 of the Report be followed, are the deregulationized districts of the Santal Parganas and Angul and the Scheduled districts which include besides the regulationized tracts the whole of the Chota Nagpur Division and a substantial portion of the Sambalpur district which was taken over from the Central Provinces in 1905.

3. The legal position in these areas is explained below :—

(1) The Santal Parganas is a deregulationized tract, that is to say, it was removed by Act XXXVII of 1855 from the operation of the general laws and regulations, and was placed under the superintendence and jurisdiction of officers to be specially appointed by the Lieutenant Governor. By resolution of the Secretary of State in Council the provision of section 71 of the Government of India Act 1915 apply to the district. Under the Santal Parganas Settlement Regulation (III of 1872), the enactments deemed to be in force in the district are, set out in a schedule, and it is provided that except in so far as concerns the trial and determination of civil suits in value over Rs. 1,000 when these are tried under the Bengal, Agra and Assam Civil Courts Act, 1887, no other enactment shall, unless the Santal Parganas be expressly mentioned therein, be deemed to apply to the said Parganas, but the local Government may by notification in the Gazette declare any other enactment to be in force, withdraw such declaration, or with the previous sanction of the Governor-General in Council declare that any enactment specified in the schedule shall cease to be in force in the district. Other regulations make provision in respect of rent (II of 1886) the administration of justice (V of 1893), and rural police (IV of 1910) and even the civil suits of the exceptional class above referred to are tried by executive officers vested with judicial powers.

The Santal Parganas district is also named in the First Schedule to Act XIV of 1874 (the Scheduled District Act) among the Scheduled Districts of Bengal, but the Act has never actually been brought into force in the district.

(2) *Angul* is both a Scheduled district and a deregulationized tract. Notifications under Act XIV of 1874 were issued for the Angul subdivision, but they have been superseded by Regulation I of 1894 which in its turn has been replaced by Regulation III of 1913 (the Angul Laws Regulation). Under this regulation the laws applicable in the district consist of the following and no others :—

(a) the enactments enumerated in the schedule to the regulation, and

(b) enactments thereafter passed which are expressed by special mention of the district or part thereof to extend thereto, and

(c) enactments declared in force or extended thereto by notification of the local Government in the provincial gazette.

(3) *Chota Nagpur* is a Scheduled District in respect of the whole of which notification under section 3 have been issued. It comprises the districts of Ranchi, Palamu, Hazaribagh, Manbhum and Singhbhum.

(4) *Sambalpur*.—The Bara Sambar, Kolabira and Rampur Zamindaris, which cover about one-third of the district, are Scheduled Districts in which the Act was brought into force in 1878.

Legislation for the Santal Parganas and Angul is ordinarily by Regulation under section 71 of the Government of India Act 1915. Only one Act of the Bihar and Orissa legislature expressly applies to them, and of the Acts of the Imperial legislature from 1913 to 1918 inclusive only thirteen are expressed to extend to the Santal Parganas and three to Angul.

The bulk of the ordinary laws are in operation in the scheduled districts of the Chota Nagpur Division.

4. The area and population of the districts concerned are shown in the table below:—

District.	Area in square miles.	Population.
1	2	3
Santal Parganas	5,463	1,832,973
Angul (including Khondmals) ..	1,681	1,99,51
Chota Nagpur—		
Ranobi	7,104	1,387,516
Palamau	4,914	887,267
Hazaribagh	7,021	1,288,609
Manbhum	4,147	1,547,576
Singhbhum	3,891	694,394
Total of Division ...	27,077	5,605,862
Sambalpur—		
Three Scheduled Zamindaris	1,268	166,572*
Rest of district	2,556	577,621
Whole district	3,824	7,44,193

* NOTE—Calculated by proportion from the 1901 figures.

5. The problem cannot be correctly appreciated unless some brief account be given of the characteristics of the country and people comprised in each district.

The Santal Parganas is the chief stronghold of the Santal race who form 35 per cent. of the total population. In 1855 their rebellion against the oppression of alien landlords and money-lenders led to the enactment of Act XXXVII of that year which removed the district from the operation of the general laws and regulations "as not adapted to the uncivilized race of people called Santals". The district has its own agrarian system which is governed by Regulations III of 1872 and II of 1886, and a distinct judicial system which is governed by Regulation V of 1893. The Santals are a primitive people with a strong tribal organization, of which the village headman system is a leading feature. The remainder of the population includes, besides aboriginal races like the Male and Mal Paharia, a large proportion of semi-Hinduized aborigines and low class Hindus, and the middle and higher Hindu castes account for only about 15 per cent of the whole. There is a Bengali fringe of about 200 square miles on the east and south of the district where it adjoins Bengal, and there are numerous Bengali colonies in the west of the district where they have settled along the line of railway which crosses the healthy uplands of the Deoghar Subdivision. These maintain constant pressure for the removal of that subdivision from the Santal Parganas system of administration, which handicaps them in their dealings with the aboriginal population. The district consists largely of hilly country and uplands with fertile valleys interspersed. It is only half cultivated and of the uncultivated portion one-half consists of hill and forest land which is permanently unfit for cultivation.

Angul is a forfeit State situated in the midst of the tributary Mahals of Orissa. Attached to it is the Khond Subdivision of the Khondmals which lies still deeper in the hills and jungles of this tract. Both tracts are inhabited by wild and primitive people, and the higher Hindu castes represent only about 5 per cent of the total population. The administration of the district has always proceeded on lines entirely distinct from that of regulation districts.

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Chota Nagpur is part of the old 'Jarkhand' which prior to the British conquest was a land beyond the Hindu pale and but little touched even by contact with the Muhammadan Government. It consists mostly of hilly country, forest and upland. Its agrarian system has always been distinct from that of the rest of the province and is now governed by the Chota Nagpur Tenancy Act, 1908. Aboriginal and semi-aboriginal tribes, such as the Mundas, Oraons, Kharias, Hos, Santals, Bhumijis, and smaller tribes of even more backward races bulk largely in the population as will be seen from the district notes below, which are based on information contained in the District Gazetteers and the Census Reports.

Apart from its special tenancy legislation, Chota Nagpur has now been brought within the ordinary laws of the province and the ordinary system of administration; and unlike the Santal Parganas and Angul, it has returned its quota of members to the Legislative Council.

The special characteristics of the component districts are briefly as follows:—

(1) *Ranchi* is the most strongly aboriginal of the Chota Nagpur districts, the three principal tribes being the Oraons, who numbered in the 1911 census 388,768, the Mundas 343,731, and the Kharias, 42,567. It is the headquarters of three important Missions, the Anglican, the Belgian and the Lutheran, which claim between them nearly 200,000 adherents, drawn almost entirely from the aboriginal population. The high caste Hindus and Muhammadans in the district who constitute only about 5 per cent. of the population are chiefly descendants, not always pure, of immigrants from Bihar, United Provinces, and Bengal who were introduced by the aboriginal, but now Hinduized, Raja and rewarded for their services by grants of land. The struggle between these aliens and the aboriginal population has been marked by at least four serious agrarian disturbances in the course of the century but has now been brought at least to a temporary close by the recent completion of the settlement record. Much of the district is still wild and uncultivated and nearly one-third of the whole area is covered with forest.

(2) *Palamu* is by far the least developed of the Chota Nagpur districts. The proportion of its population returned as Animistic at the last Census is small, but the aboriginal and semi-aboriginal population which is Hindu only in name is estimated to amount to about 300,000 of nearly 50 per cent. of the whole. The country is exceptionally wild and the subordination of the cultivators to the landlords is in many places absolute. The greater part of the district consists of broken hilly country, covered with jungle and intersected by narrow valleys. In the two small parganas to the north transferred to Chota Nagpur in 1871, the country approaches more closely to the South Bihar type. About one-eighth only of the total district area is under cultivation, and much of this is of the most primitive kind.

(3) *Hazaribagh* like Palamu has only a small section of its population returned in the census as Animistic but the so-called Hindus who account for over 90 per cent of the total district population include such aboriginal and semi-aboriginal races as the Bhumias, 89,622, Bhogtas, (36984), Turis (23,977), Kurmis (Not the Kurmis of Bihar—183,559), and Rajwari (9,344), Bedas (12,688), Chamars (48,503), Dosadhs (26955), and even Santals (15,771 portion returned as Hindi), and it may confidently be asserted that at least one-half of the whole population is drawn from aboriginal sources. The district consists of the undulating uplands of the higher and lower plateaus interspersed with river valleys. Less than one-third of the whole is cultivated and nearly one-half is permanently unfit for cultivation. The settlement has just passed over the district and placed the relations of landlord and tenant on a more stable footing than has ever before existed, but the Settlement Officer considered that the raiyats of Hazaribagh were less self-reliant and require a greater degree of protection than even their neighbours in Ranchi; and so late as 1914 the subdivision of Chatra was created with the express object of protecting the cultivator from the oppression of their landlords.

The district of Hazaribagh includes on the east the very small but valuable Karharbari coalfields in the Giridih Subdivision, and more extensive coal-bearing areas in the Damodar valley, including the Bokaro and Ramgarh fields which may prove to be of outstanding importance. It also includes in the forest tract of Kodarma perhaps the most valuable mica producing area in the world. The existence of importance and rapidly developing industries in the middle of aboriginal and backward tracts is a feature which Hazaribagh possesses in common with the districts of Singhbhum and Manbhum, and which adds greatly to the complexity and responsibilities of district administration.

(4) *Singhbhum* consists of three entirely distinct parts:—

(a) The Kolhan, which is Government Estate peopled almost wholly by aboriginal Hos, who number about 250,000 and speak their own language Ho.

(b) Porahat, where the population is largely aboriginal (Ho and Munda) and semi-Hinduized (Bhuiya) but is also intermixed with a number of Oriya and other immigrants. About three-fourths of the headmen are aborigines. Porahat was a Native State up till 1858, when it was sequestered owing to the rebellion of the Raja, but it was only included in British India by Act II of 1893.

(c) Dhalbhum is a portion of the Bhumij country. This tribe is almost identical with the Mundas but though still very wild and untractable has adopted a veneer of Hinduism and speaks Bengali. Many Santals are now settled in the tract. Of its aboriginal headmen many have been supplanted by Bengali and Oriya immigrants from Midnapore and adjoining districts. Tata's Iron and Steel Works have been established at Sakebi in this area, which bids fair to become one of the most important industrial tracts in India within the next few years.

The first of these three tracts is in all respects comparable with the wilder parts of the Santal Parganas, and it has always been the policy of the Government to exclude from it aliens who would deprive the aborigines of their lands. The population of Porahat is very largely aboriginal and its internal economy is on much the same footing as that of the Kolhan. There would be good grounds for treating both in the same way as the Santal Parganas and Angul and in fact the question of de-regulationizing the Kolhan was considered in the course of the pending settlement operations. The third tract Dhalbhum is more mixed and more advanced than the rest of the district.

The proportion of persons still returned as Animistic in Singhbhum is much higher than in any other district of Chota Nagpur, being well over one-half. Of the rest of the population it may be said that at least a moiety is only slightly Hinduized. Cultivated lands amount to only one-third of the total area of the district and about one-fourth of the whole is covered by the reserved and protected forests of the Kolhan and Porahat.

(5) *Manbhum* is divided into two distinct areas, the Jharia coalfields of the Dhanbad subdivision which are the most important in India, and the rest of the district which is mainly inhabited by primitive races. The four strongest races or castes are the Kurmis (not the Bihar caste of that name), who numbered at the last Census 291,671, Santals who numbered 231,672, Bhumijis 115,492, and Bauris 105,859. These are all of aboriginal descent and although the Santal is the only one of the four who has preserved more or less completely the language and faith of his race, all are alike aboriginal in essentials. Between them they account for nearly one-half of the entire population; and there are other aboriginal races. Cultivation is more advanced in Manbhum than in any other district of the division, the present proportion being 60 per cent. of the whole area.

(6) *Sambalpur* is governed by the revenue laws of the Central Provinces from which it was taken over in 1905 and its administration preserves all the features of the Central Provinces system. A large portion of the district is covered with hill and forest and it is within this tract that the three scheduled zamindaris of Barasambar, Kolabira and Rampur lie. The population is mixed, and the element returned as Animistic accounts for only 5 per cent. of the whole but at least one-third of the population is purely aboriginal, while another large section consists of low castes that are outside the Hindu pale or only slightly Hinduized. One-fifth of the district is covered with reserved forest, and of the remainder little more than one-half is cultivated. The scheduled areas are mostly inhabited by aborigines whose cultivation is very backward.

6. These being the conditions of the problem the Lieutenant-Governor in Council has no hesitation in recommending that the Santal Parganas and Angul, which are now outside the pale of the ordinary administration should be excluded altogether from the scope of the Reform Scheme and should continue to be administered by the Governor in Council. He does not suggest that they should be left under the personal control of the Governor, because he considers it desirable that the Governor, who may be unacquainted with Indian conditions, should have the benefit of the advice and experience of his two colleagues who will form the official part of the new executive Government. Neither the Legislative Council nor the Minister should have any authority over these two areas and their legislation should be conducted exclusively under the provisions of section 71 of the Government of India Act, the necessary modification being made in the Santal Parganas Settlement Regulation and the Angul Laws Regulation.

7. The problem is more difficult in the case of the scheduled districts of Chota Nagpur and Sambalpur. Both on account of the area involved, which forms a substantial proportion of the whole province, and in view of their past history, their participation in the representation of the existing Council, and their subjection to the ordinary legislation and administration of the province, His Honour in Council is reluctant to exclude them altogether from the scope of the Reform Scheme, and he has therefore considered whether certain safeguards can be provided which would permit of their inclusion. One solution would be to place them in the category of reserved subjects, so that legislation affecting them could, at the option of the Governor, be subjected to the procedure of the Grand Committee through the device of certification, while their administration would rest with the Governor in Council in respect of all subjects. There would, however, be a double inconvenience in this. In the first place it might involve an excessive resort to the device of certification, which is intended to be an exceptional procedure. In the second place it would cause a great duplication of work, through the repetition of orders relating to subjects included within the ordinary scope of the transferred sphere. The Governor in Council would have to repeat for the scheduled tracts the same orders as might be issued by the Government and his Minister for the ordinary districts of the province.

A preferable solution would appear to be to make no hard and fast distinction between ordinary districts and the scheduled districts of Chota Nagpur and Sambalpur in respect either of legislation or of administration, but to confer authority by statute on the Governor in Council—

- (1) to prescribe by notification the portions of the Scheduled districts, if any, to which any Act or portion of an act passed by the Legislative Council shall apply; and
- (2) to decide to what portions of the Scheduled districts, if any, the jurisdiction of the Minister in respect of any of the transferred subjects or any portion of them shall extend, and when such jurisdiction has been extended, to exclude any portion of the Scheduled district from the application of any order passed by the Minister.

No. 389-A.—IV., dated the 21st November 1913.

From—The Hon'ble Mr. F. S. A. SLOCOCK, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

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

I am directed to refer to your telegram no. 1324, dated the 3rd September 1913, in which a request was made for recommendations regarding the special treatment under the reforms scheme of backward areas in the Central Provinces. An answer to this reference has already been telegraphed on the 8th instant, and I am now to explain more fully the nature of the Chief Commissioner's proposal.

2. Paragraph 199 of the Report on Indian Constitutional Reforms contemplates that selected backward areas will be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the Province. But such an arrangement would seem to be quite impracticable. For example, in a Government divided into reserved and transferred sections the minister would, it is assumed, have nothing to do with the administration of the transferred departments in the excluded areas, and every "transferred" department would be subject in these areas to the direct control of the Governor. Either the Governor would be compelled in the interests of uniformity to subordinate his individual policy in the excluded areas to that of the reformed administration in the rest of the Province, or else the departments concerned might find themselves compelled to give effect to different policies in the different areas. Similar difficulties would arise, though perhaps to a less degree, whatever shape the reformed administration might take. In fact, the suggestion in paragraph 199 appears to have been put forward with a very vague idea of what it really involved.

3. At the same time, it may be readily admitted that there are areas the inhabitants of which are at present unfit for the political franchise. Such are the areas in which the Local Self-Government Act has not yet been applied. If the people of these tracts have not yet been found fit or have not yet shown any desire to elect their local representatives on local bodies, it is obviously undesirable to force on them the privilege, which they do not desire or for which they are not ready, of electing a representative on the Provincial Legislative Council, of the very existence of which most of them have never heard. At the same time, as explained in the preceding paragraph, such areas must come into the new administrative scheme and might, where they are of sufficient importance, be represented in the new Legislative Council. Such representation should be, at the outset at any rate, by nomination by the Head of the Province. As the areas develop it will be a simple matter to form constituencies and allow them to elect their representatives in the Provincial Council or to amalgamate them with adjoining constituencies.

4. The areas to be thus treated will be:—

Firstly—All the scheduled districts of these Provinces listed in Part VI of the first schedule to the Scheduled Districts Act of 1874.

Secondly—The 12 zamindaries of Kanteli, Chandarpur, Padampur, Malkharoda, Bhatgoan, Bilairah-Katgi, Parpori, Khujji, Devri Suarwar, Narra and Kauria (all in the Chhattisgarh Division.)

Thirdly—The Mandla district (except the Mandla town.)

Fourthly—The Sironcha Tahsil of the Chanda district, and

Fifthly—The Melghat taluq of the Amraoti district.

Note by the Honourable Sir N. D. Beatson-Bell, Chief Commissioner of Assam, dated October 21, 1918.

* * * * *

4. The first point for consideration is that raised in paragraphs 198-199 of the report, namely, whether it is wise to include the whole of Assam within the scope of any scheme of constitutional reform; and if not, what part should be included and what excluded. Much of course depends upon the nature of the scheme which may ultimately be standardised, but it may at once be granted that if in any province there are tracts which have hitherto been excluded from all constitutional experiments, and have hitherto been governed upon purely paternal principles, these tracts should either be excluded completely from the present scheme, or at least should be included subject to adequate safeguards and reservations. It has been suggested in paragraph 199 of the report that the "schedules" of the Scheduled Districts Act might form the criterion for exclusion from the scheme. I do not propose to apply this criterion to Assam, as the whole of the province has been "scheduled." Such a solution would mean that Assam, although nominally included in the scheme, was totally excluded, which is of course unthinkable. The component parts of the province must therefore be examined without reference to the Scheduled Districts Act. From such an examination we find at once that we are confronted with a problem of much difficulty and complexity. In shape and position Assam consists of an inverted triangle with its base along the north and its apex pointing south. Bengal lies on the west, Burma on the east, while along the north are Bhutias, Akahs, Daphlas, Miris, Abors and Mishmies. The whole area of the province is about 77,500 square miles and the population at last census was about 7 millions. As might be expected, every diversity of race and language is found. Aryans, Mongolians and Dravidians are found in bewildering confusion. As many as 43 different languages are spoken in the province, and if we exclude those which are spoken by less than 10,000 people we have still 32 languages, each spoken by a large section of the inhabitants. Looked at from a political point of view, this province (like Gaul) is divided into three parts. The first part consists of:—

The Garo Hills,
The Khasi and Jaintia Hills,
The Mikir Hills (in Nowgong and Sibsagar),
The North Cachar Hills (in Cachar),
The Naga Hills, with outlying tracts,
The North-East Frontier Tract, in two parts,
The Native State of Manipur,
The Lushai Hills.

This part covers nearly two-thirds of the whole province—in other words 50,500 square miles out of 77,500. Its population is roughly one million, consisting of simple hill tribes governed in patriarchal fashion. With the exception of Shillong Municipality, which joins with some other municipalities in electing a member, this vast tract is entirely unrepresented in the present Legislative Council.

The second part of the province consists of the following districts lying along the river Brahmaputra:—

Goalpara,
Kamrup,
Darrang,
Nowgong (the remainder),
Sibsagar (the remainder),
Lakhimpur.

This part, known as the Assam Valley, covers about 20,000 square miles and has a population of about 3 millions. In this part the prevailing religions are Hinduism and Animism, and the prevailing language is Assamese. The Assam Valley elects four Indian members to the present Legislative Council, including one representative of the Muhammadan minority.

The third part of the province, separated from the second part by ranges of hills, consists of a small but densely populated tract known as the Surma Valley. The districts in this part are Sylhet and Cachar (Sadr and Hailakandi subdivisions). The area is much smaller than the Assam Valley, being only 7,000 square miles. The population is, however, practically the same, namely, 3 millions. The Muhammadans form a slight majority. The Surma Valley like the Assam Valley elects four Indian members to the present Legislative Council. Of these members, two are Hindus and two are Muhammadans. Of the latter, one represents the Local Boards, while the other represents the communal electorate.

In both Valleys there are numerous tea gardens. They cover an area of 2,000 square miles and give employment to half a million Indians. The Tea Industry has three representatives in the present Legislative Council.

5. The map* which I annex to this note gives a vivid picture of the province. The large

* Not printed.

area coloured red indicates the Hill tracts which are as yet unrepresented in the Legislative Council. The two smaller areas coloured white indicate respectively the Assam Valley and the Surma Valley which each elect four Indian members and between them, three British members. It will be readily admitted that owing to the peculiar conditions of this province much could have been said for treating Assam like Burma, in other words for postponing the operation of the

new scheme until the experiment had been tested elsewhere. Much could also have been said for treating Assam somewhat on the lines of the North-West Frontier Province. For example, our Legislative Council (although enlarged and reformed) might have retained for the present its existing constitutional functions, while the only change in the executive administration might have been the association with the Chief Commissioner of an advisory council, constituted on a liberal basis. I have carefully considered both these proposals and have come to the conclusion that, whatever be their intrinsic merits, they are no longer within the sphere of practical politics. As Assam has been included in the Report along with the seven major provinces of India, Assam must stand or fall along with them. The future constitution of Assam must follow the general lines of the constitutions of the other seven provinces, although I hope I have already written enough to show that the constitution of Assam cannot be identical with those of its richer, more populous and more homogeneous neighbours. In particular, the existence of 50,000 square miles of patriarchal tracts constitutes a distinct problem which must be faced. How are we to treat the area coloured red? To frame electorates for this area and to include it in the general scheme is out of the question. It is true that the standard of education in the Khasi and Jaintia Hills is comparatively high, but the people have as yet shown no desire for political union either with the Assam Valley or with the Surma Valley, and moreover a very large proportion of them are subjects of Indian chiefs (Siems). The inhabitants of the other Hill tracts are obviously unsuited for full inclusion in the scheme. On the other hand, there are cogent arguments against complete exclusion of the "red" tract. In the first place the present Legislative Council has power to legislate for the "red" tract and has, to a limited extent, exercised that power. There is no real danger in the existence of this legislative power. It is laid down in section 14 of the Assam General Clauses Act, 1915, that "unless and until extended under the Scheduled Districts Act, or otherwise, no Act of the Assam Council, in the absence of special provisions to the contrary, shall come into force" in the Hill tracts. An additional safeguard exists in Regulation 2 of 1880 which empowers the Chief Commissioner, with the previous sanction of the Governor-General in Council, to direct that any enactment in force in the Hill tracts "shall cease to be in force therein." So far as a legislation is concerned there is therefore no real danger if the new Legislative Council, like the present Legislative Council, has nominal power to make laws for the Hill tracts. On the other hand, it makes for simplicity that the Legislative Council should have such power. There is however a more practical point. It

† Appendix I to this note.

will be seen from the accompanying table that the hills are, to a considerable extent, financed from the plains. If the hills are to be altogether excluded from the new scheme it will be necessary to arrange that the plains are to pay an annual tribute towards the administration of the hills, just as they are to pay an annual tribute to the Government of India. There are obvious practical objections to such a system. Moreover, if the plains are to supply funds for the administration of the hills it is equitable that the representatives of the plains should not be deprived of all voice in the spending of their money. At present the representatives of the plains can and do ask questions regarding the administration of the hills. They can and do discuss expenditure in the hills on the occasion of the budget debate. To deprive them of these privileges would be a step which it would be hard to justify. Seeing, then, that it is not proposed to make over to the portfolio of a "minister" any matter connected with the hills, and that, whatever may be said in debate or embodied in resolution, the Governor in the future administration will be able to ensure that the hills are sympathetically administered and adequately financed, I have come to the conclusion that the whole of the province as at present constituted can safely be placed under the new administration of a "Governor in Council."

APPENDIX I.

Statement of income and expenditure of the Hill Districts in Assam for the year 1917-18.

Name of district.	Receipts.	Total expenditure.	Deduct.		Net expenditure.
			Secretariat and Heads of Departments.	Assam Bides.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	Rs.
Garo Hills	2,25,094	2,46,723	...	...	2,46,723
Khasi and Jaintia Hills	3,53,859	24,50,651	14,27,108	...	10,23,543
Lushai Hills	1,05,424	6,53,366	...	3,53,433	2,99,933
Naga " "	1,19,839	5,97,572	...	2,56,724	3,40,848
North-East Frontier	58,362	7,85,557	...	3,01,927	4,83,630

APPENDIX II.

Summary of the replies received from local Governments in respect of paragraph 199 of Report.

Province.	Backward areas for which special treatment is suggested.
1. Madras	<p><i>I.—Agency Tracts in the Ganjam, Vizagapatam and Godavari districts—</i></p> <p>These are occupied by ignorant jungle tribes, who are best governed under the existing simple system of rules and will gradually come under the jurisdiction of the reformed provincial government at the revision of the limits of the Agency Tracts, which takes place periodically.</p> <p><i>II.—The Laccadive Islands, including Minicoy and the Aminidivi Islands attached to South Kanara district—</i></p> <p>These are also occupied by primitive people, the administration being of a patriarchal character under an officer styled "Monegar."</p>
2. Bombay	<i>Nil.</i>
3. Bengal	<p><i>I.—Chittagong Hill Tracts—</i></p> <p>The people of this hilly tract are primitive and are accorded special treatment under section 71 of the Government of India Act, 1915.</p> <p><i>II.—Darjeeling—</i></p> <p>There are three reasons which justify the exclusion of Darjeeling from the Reforms scheme :—</p> <ol style="list-style-type: none"> 1. It is entirely a hilly district and its population have no affinity whatever with Bengal. 2. The local officers, leading associations and the hillmen themselves demand special treatment. 3. It occupies a strategic position on the frontier.
4. United Provinces	<i>Nil.</i>
5. The Punjab	<p><i>Lahaul and Spiti in the Kangra district—</i></p> <p>These two tracts are occupied by primitive people and are snow-bound for six months in the year.</p>
6. Bihar and Orissa	<p><i>I.—Santal Parganas and Angul—</i></p> <p>The people of these two districts are mostly uncivilised and primitive and are governed under special laws or on lines quite distinct from that of regulation districts.</p> <p><i>II.—Scheduled districts of Chota Nagpur and Sambalpur—</i></p> <p>(<i>Vide paragraphs 6 and 7 of the Bihar and Orissa letter.</i>)</p>

Province.	Backward areas for which special treatment is suggested.
7. Central Provinces	<p><i>Firstly.</i>—All the scheduled districts of these provinces listed in Part VI of the first schedule to the Scheduled Districts Act of 1874 ;</p> <p><i>Secondly.</i>—The 12 zamindaries of Kanteli, Chandarpur, Padampur, Malkharoda, Bhatgaon, Bilaigarh-Katgi, Parpori, Khujji, Deori, Suarmar, Narra and Kauria (all in the Chhattisgarh Division) ;</p> <p><i>Thirdly.</i>—The Mandla district (except the Mandla Town) ;</p> <p><i>Fourthly.</i>—The Sironcha tahsil of the Chanda district ; and</p> <p><i>Fifthly.</i>—The Melghat taluq of the Amraoti district. (<i>Vide</i> paragraphs 2 and 3 of the Central Provinces letter.)</p>
8. Assam	<p><i>Nil</i>, but <i>vide</i> paragraph 5 of Chief Commissioner's minute.</p>

APPENDIX III.

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS
IN ASSAM.*Ahasi and Jaintia Hills.*

Receipts.		Expenditure.	
	Rs.		Rs.
I. Land Revenue	64,085	1. Refunds and drawback	492
II. Opium	14,810	2. Assignments	1,500
IV. Stamps	9,743	3. Land Revenue—	
V. Excise	78,743	Drawing office	74,000
VIIIA. Income-tax Recoveries by Government from salaries	31,657	Other establishments	70,067
Ordinary collections, etc.	10,960		<u>1,44,067</u>
	42,617	6. Stamps	362
IX. Forest	48,929	7. Excise	1,807
X. Registration	603	11. Forest (excluding Conservators' Office)	23,913
XI. Tributes (Ramrai)	100	12. Registration	346
XII. Interest	92	18. General Administration	6,18,373
XVIA. Law and Justice—		19A. Law and Justice—	
Courts of Law	4,323	Courts of Law—Legal	
XVIB. Law and Justice—		Remembrancer's Office	25,000
Jails	6,782	Other establishments	13,388
XVII. Police Miscellaneous receipts	1,719		<u>38,388</u>
Cost of "Audry"	67,330	19B. Law and Justice—Jails	15,631
	69,049	20. Police—	
		Inspector General of Police's	
		Office	75,839
		Criminal Investigation De-	
		partment	74,000
		Railway Police	12,000
		Passage warrants	8,700
		Civil Police	72,459
			<u>2,42,993</u>
			2,42,993
		21. Ports and Pilotage	3,600
		22. Education—	
		Director of Public In-	
		struction's office	49,411
		Inspectress's office	37,000
		Public Library	1,399
		Other establishments	1,29,507
			<u>2,15,317</u>
			2,15,317
		23. Ecclesiastical	12,722
		24B. Sanitation—Sanitary	
		Commissioner's office	26,350
		Pasteur Institute	30,835
		Bacteriological Laboratory	4,718
		Animal vaccination	7,865
		Kala-azar operations	12,020
		Other establishments	4,909
			<u>86,257</u>
			86,257
		Carried over	14,05,773
XIX. Education	24,787		
XXA. Medical	1,613		
XXB. Sanitation	3,180		
XXA. Agriculture	5,438		
XXB. Scientific and Miscellaneous Departments—			
Fees for registering Joint Stock Companies	2,682		
Births, deaths registration fees	170		
	2,852		
	<u>2,852</u>		
Carried over	3,77,746		

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS
IN ASSAM—contd.

Khasi and Jaintia Hills—contd.

Receipts.		Expenditure.	
	Rs.		Rs.
Brought forward	3,77,746	Brought forward	14,05,773
XX. Receipts in aid of superannuation	8,370	24A. Medical—Inspector General of Civil Hospitals' office	62,608
XXIII. Stationery and Printing	2,936	Other establishments	53,879
XXV. Miscellaneous percentage charges of capital cost of furniture	1,950		1,16,487
Miscellaneous receipts	502	25. Political	2,712
	2,452	26A. Agriculture—Deputy Director's establishments	15,000
XXXI. Civil Works—Rent of buildings occupied by local officers	2,767	Other establishments	38,556
XXXI. Ditto by other than local officers	24,013		53,556
Sale of stores, etc.	2,904	21B. Scientific and Miscellaneous Departments—Contribution to Lady Dufferin Fund.	5,200
	29,684	26B. Ditto— I. T. A.	12,000
Total Receipts	4,21,188	Miscellaneous	6,119
			13,319
<i>Deduct as Provincial—</i>		27. Territorial and political pensions	100
XVII. Police—Cost of "Audry"	67,330	29. Superannuation	56,488
XXIB. Scientific and Miscellaneous Department—Fees for registering Joint Stock Companies	2,632	30. Stationery and Printing Press	99,883
XXIII. Stationery and printing press receipts	2,936	Miscellaneous	112
XXV. Miscellaneous percentage charges	1,950		99,995
XXI. Civil Works—Rent of buildings	24,013	32. Miscellaneous Subscriptions for News Agency telegrams	5,400
Out of Rs. 31,657 recovered by Government as Income-tax from salaries a sum of Rs. 29,029 approximately represents recoveries from the Secretariat and other Heads of Departments.		Subsidy to Motor Company	74,000
VIIIA. Income-tax recoveries from provincial officers approximately (not deducted in figures previously supplied)	29,000	Secretariat hill establishment	3,144
	1,27,911	Miscellaneous	33,220
Net Receipts	2,93,277		1,15,764
		45. Civil Works—In charge of civil officers	12,173
		45. Civil Works—In charge of Public Works Officers, Public Works Secretariat	1,36,876
		Repairs to Government House	29,619
		Repairs to buildings—	
		Secretariat and Heads of Departments	10,740
		Total carried over	18,92,367

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Khasi and Jaintia Hills—concl'd.

Expenditure.	
	Rs.
Brought forward	18,92,367
Repairs to residences—	
Conservator's	596
Chief Secretary's	998
Beauchamp property	1,657
Chief Engineer's house	30,000
Taraghar	676
Nest	535
Falls view	487
Construction of stop gates on the Gauhati-Shillong road	680
Alterations to water-works	8,734
Gauhati-Shillong road repairs, etc.	1,45,600
Cherra-Shillong road	42,220
Other Public Works charges,	1,48,866
	5,58,284
Total Expenditure	24,50,651
<i>Deduct as Provincial—</i>	
18. General Administration	6,18,373
Director of Public Instruction	49,411
Inspectress	37,000
Public library	1,399
Inspector General of Police	75,839
Criminal Investigation Department	74,000
Railway Police	12,000
Passage warrants	8,700
Legal Remembrancer's Office	25,000
Drawing office	74,000
Sanitary Commissioner	26,850
Pasteur Institute	30,835
Bacteriological Laboratory	4,718
<i>Kala-azar</i> Operations	12,020
Animal vaccination	7,865
Inspector General of Civil Hospitals' Office	62,608
Deputy Director	15,000
Press	99,833
Contributions—	
Under Scientific	17,200
Subsidy to Motor office	74,000
Subscription for News Agency tele- grams	5,400
Secretariat Hill establishment	3,144
Provincial Public Works expenditure	4,09,418
	17,44,663
Ports and pilotage not deducted in figures previously supplied	3,600
	17,48,263
Net Expenditure	7,02,388

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Garo Hills.

Receipts.		Expenditure.	
	Rs.	Rs.	
I.—Land Revenue—			2. Assignments and compensation (Ghulla Zemindar in Goalpara)
Permanently-settled estates	6		
Collection from Government estates	27,652		3. Land Revenue
Rents, etc., of fisheries	1,296		6. Stamps
House-tax	56,423		11. Forest
Miscellaneous	34		12. Registration
	<hr/>		13. General Administration—Pay of Local Auditors
	85,511	85,511	19A.—Law and Justice—Courts of Law
IV.—Stamps		4,248	19B.—Law and Justice—Jails
V.—Excise		2,930	20. Police—Civil Police
VIII A.—Income-tax		3,487	22. Education
IX.—Forest		1,17,698	24A.—Medical
X.—Registration		54	24B.—Sanitation
XII.—Interest		242	25. Political presents to hill tribes
XVIA.—Law and Justice—Courts of Law (Magisterial Fines 2,506)		2,888	26A.—Agriculture
XVIB.—Law and Justice—Jails		179	26B. Scientific and Miscellaneous Departments—Rewards for destruction of fish enemies
XVII.—Police—Cattle pound receipts		1,756	29. Superannuation
XIX.—Education		77	30. Stationery and Printing
XX.—Medical		33,59	32. Miscellaneous—
XXB.—Sanitation			Rewards for destruction of wild animals
XXII.—Receipts in aid of superannuation		1,180	Market establishment
XXIII.—Stationery and Printing		13	
XXV.—Miscellaneous		12	
XXXI.—Civil Works—In-charge of Civil Officers		1,826	
Public Works receipts		1,628	
		<hr/>	
Total		2,25,265	Total
			<hr/>
			216,723
			<hr/>
Figure previously reported—			
Difference of Rs. 171 in figure previously reported due to a mistake in total under XXB—Sanitation, in the Comptroller's office		171	

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Lushai Hills.

Receipts.		Expenditure.	
	Rs.		Rs.
I. Land Revenue—		1. Refunds and drawback	1
Temporarily-settled estates in the Surma Valley	535	3. Land Revenue—Charges of District Administration	57,883
Rents, etc., of fisheries	60	6. Stamps	1
Poll, capitation, house and hoe tax	25,970	11. Forest	2,763
	<u>26,565</u>	19A. Law and Justice—Courts of law	1
	26,565	19B. Law and Justice—Jails	2,683
IV. Stamps—		20. Police—Civil Police	33,387
Sale of general stamps	37	Military Police 3,83,483	
„ of court-fee stamps	295		<u>4,16,875</u>
„ of plain paper	2		4,16,875
	<u>334</u>	22. Education	10,513
	334	24A. Medical	20,357
VIII A. Income-tax—		94B. Sanitation	1,164
Deductions by Government from salaries	3,435	25. Political	1,505
IX. Forest—		26A. Agriculture	2,576
Forest receipts	76,578	26. Scientific and Miscellaneous Departments	311
XII. Interest—		29. Superannuation	7,444
On advances under the Agri- culturists' Loans Act	8,149	30. Stationery and Printing— Country stationery for mili- tary police	137
XVIA. Law and Justice—		32. Miscellaneous—	
Court fees realised in cash	27	Rewards for destruction of wild animals	1,511
Magisterial fines	199	Petty establishments	264
Criminal court forfeitures	50	Coolie corps	15,075
	<u>276</u>		<u>16,850</u>
	276		16,850
XVIB. Law and Justice—		45. Civil Works—In charge of Civil Officers	163
Jails	39	45. Civil Works—In charge of Public Works Officers	84,788
XVII. Police—			<u>85,951</u>
Recoveries on account of rations	46,631		85,951
„ of clothing	8,672		
Sale of old stores and materials	73		
	<u>55,426</u>		
	55,426		
Total carried over	<u>1,70,852</u>		
	1,70,852		
		Total	6,35,020
			<u>6,35,020</u>
		Total Expenditure	6,35,020
		Deduct as Provincial Military Police	3,83,625
			<u>2,51,395</u>
		Net Expenditure	2,51,395
		Difference of Rs. 3,483 in net expenditure from figure previously reported due to corrections.	

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Lushai Hills—concl'd

Receipts.	Rs.	Expenditure.	Rs.
Brought forward	1,70,852		
XA. Medical—Contributions	1,703		
XXB. Sanitation—Sale of quinine	1,255		
XXIA. Agriculture—Veterinary receipts	901		
XXII. Receipts in aid of superannuation	1,483		
XXIII. Stationery and Printing—Sale of service books	2		
XXV. Miscellaneous—Miscellaneous	247		
XXXI. Civil Works—In charge of Civil Officers—Rent of buildings	3,002		
Public Works receipts—Rent of buildings and sale of store, etc.	622		
Adjusted through exchange accounts	336		
Total	1,80,404		
<i>Deduct</i> as provincial recoveries on account of rations and clothing from the Military Police (not deducted in figures previously supplied)	42,272		
Net receipts	1,38,222		

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—*contd.*

Naga Hills.

Receipts.		Expenditure.	
	Rs.		Rs.
I. Land Revenue—		3. Land Revenue	54,318
Mineral oil	112	7. Excise	13
Temporarily-settled estates	20	19A. Law and Justice—	
House-tax	80,104	Courts of Law	112
Miscellaneous	836	19B. Law and Justice—Jails	4,057
	<hr/>	20. Police—	
	80,572	Civil Police	23,123
IV. Stamps	2,053	Kuki operations	11,152
V. Excise	8,156	Military Police	2,75,572
VIII.A. Income-tax	5,258		<hr/>
XII. Interest	25		3,09,847
XVIA. Law and Justice—		22. Education	13,476
Courts of Law	875	24A. Medical	29,619
XVIB. Law and Justice—		24B. Sanitation	1,446
Jails	300	25. Political—	
XVIII. Police—		Entertainment of Chiefs and envoys	2,096
Recoveries on account of clothing	10,877	Unusual Charges	1,000
Other items	1,034	Other Political Agencies	5,915
	<hr/>		<hr/>
	11,911		9,011
XIX. Education	1,455	26A. Agriculture	3,917
XXA. Medical . . . . .	...	26B. Scientific and Miscella- neous Departments	22
XXB. Sanitation	2,421	29. Superannuation	8,928
XXII. Receipts in aid of superannuation	436	30. Stationery and Printing	223
XXIII. Stationery and Printing	32	32. Miscellaneous	3,770
XXV. Miscellaneous	517	45. Civil Works—In charge of Civil Officers	2,577
XXXI. Civil works	2,945	45. Civil Works—In charge of Public Works officers	1,56,231
Public Works Receipts	2,233		<hr/>
	<hr/>		5,97,572
	1,19,689	<i>Deduct as Provincial—</i>	
<i>Deduct recoveries on account of clothing from Military Police (not deducted figures previously supplied)</i>	10,877	Military Police	2,75,572
	<hr/>	Kuki operations	11,152
Net Receipts	1,08,812	Manipur-Dimapur road	1,56,231
	<hr/>		<hr/>
			4,42,955
		Net Expenditure	1,54,617

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL
DISTRICTS IN ASSAM—concl'd.

North-East Frontier,

Receipts.		Expenditure.	
	Rs.		Rs.
IX.—Forest	56,605	11. Forest	17,087
XVII.—Police recoveries on account of clothing from Military Police	6,158	25. Political	4,70,187
Public Works Receipts	1,764	Public Works	2,98,683
			<hr/>
	58,527		7,85,957
<i>Deduct</i> Military Police	6,158	Military Police	3,01,927
			<hr/>
Net Receipts	58,369		4,84,030
		<i>Deduct—</i>	
		Military Police lines	46,525
		Lohit Valley road	94,759
			<hr/>
			1,41,284
			<hr/>
		Net Expenditure	3,42,746

A. W. BOTHAM,

Second Secretary to the Chief Commissioner of Assam.

APPENDIX IV.

No. 356-W., dated Shillong, the 12th March 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

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

I am directed to submit, for the orders of the Government of India, a memorial from certain Zamindars of the district of Goalpara, in Assam, praying for their transfer to Bengal.

2. The statements in paragraphs 1-10 of the memorial are substantially correct. As regards paragraphs 11-15, it is correct that down to the year 1914, Bengali was the court language of the district and was taught as the vernacular in its schools. In that year, as the result of a resolution passed by the Goalpara Local Board that Assamese should be introduced in the primary schools in the Habraghat Pergana, an enquiry was made to ascertain what really was the vernacular of the district. It appeared that neither pure Assamese as spoken in Central and Upper Assam, nor Bengali as spoken in Nadia, was the vernacular of the district. It was found that in the Eastern part of the district most of the people spoke a form of Assamese similar to that spoken in the adjoining district of Kamrup, while in the western portions of the district the dialect in common use was more closely akin to the Rajbansi dialect of northern Bengal. The Chief Commissioner, after careful consideration, decided that the medium of instruction in all schools throughout the district should be either Assamese or Bengali, at the option of the majority of the persons interested in each case; he also made Assamese an alternative court language with Bengali.

3. As regards paragraph 16 of the memorial, it is true that historically and ethnologically Goalpara differs considerably from the rest of Assam, but the following incident shows that the people of the district are not all prepared to admit that in race and customs they are identical with the inhabitants of Cooch Behar and the adjoining Bengal districts. At a meeting of the Goalpara Association, held at Gauripur, in the Goalpara district, on the 15th December last, a resolution was moved "That this Association recommends that the following resolution be moved in the Assam Association Conference at Goalpara—" that the district of Goalpara being mainly identical in race, in social customs, and the system of land laws, with Rangpur, Jalpaiguri and Cooch Behar, this Association is of opinion that the district of Goalpara be placed under the same laws and administration with the districts of Rangpur and Jalpaiguri." The resolution was opposed, and was carried eventually after omitting the words "race" and "social customs". Soon afterwards a meeting of the Assam Association was held at Goalpara on the 28th December 1918. At this meeting the following resolution was moved:—"This conference records its emphatic protest against the movement for the transfer of Goalpara and Sylhet to Bengal, and the bulk of Goalpara's opinion also is decidedly against it". The resolution was opposed, and gave rise to a very heated debate, but in the end it was carried by a large majority.

4. It does not appear that since 1874, when the district of Goalpara was included in the newly formed Chief Commissionership of Assam, there has been such a change of conditions as to require a reconsideration of the decision then come to, and Sir Nicholas Beatson Bell does not think that either the zamindars or their tenants would be in any way benefited by the inclusion of Goalpara in the province of Bengal.

5. Finally I am to say that in dealing with this petition the Chief Commissioner has had regard to the opinion expressed in paragraph 246 of the Report on Indian Constitutional Reform. Judged by the criterion laid down in the Report this petition is altogether inopportune. Moreover, unless a complete change takes place in local opinion after the introduction of the new constitution it is impossible to contemplate the transfer of Goalpara to Bengal by any "process of consent." As things now are, the proposed transfer is extremely distasteful to a large section, probably to the majority, of the people of the district immediately concerned; while the people of other districts of the Assam Valley unanimously resent it with a vehemence which is almost startling. Sir Nicholas Beatson Bell has no reason to think that the opposition to the proposal will die down after the introduction of Council Government into Assam. On the contrary there is every reason for thinking that the opposition will harden.

To

**His Excellency the Right Hon'ble Frederic John Napier,
Baron Chelmsford, P. C., G. M. S. I., G. M. I. E., G. C. M. G., G. C. B.
E., Viceroy and Governor-General of India.**

THROUGH THE HON'BLE SIR NICHOLAS DODD BEATSON BELL, K. C. I. E., C. S. I., CHIEF
COMMISSIONER OF ASSAM.

The humble memorial of the undersigned zemindars
of Goalpara in Assam.

MOST RESPECTFULLY SHEWETH:—

That we, the zemindars in the District of Goalpara in Assam crave leave to place before Your Excellency certain facts in connection with the past history, the present position and the

probable effect of the proposed Reform Scheme on our vital interests, with the hope that Your Excellency may be graciously pleased to consider the points now raised, before the adoption of the Reform proposals in Assam and Bengal.

Before dealing with them however we respectfully beg to express our unswerving loyalty and devotion to the person and throne of His Majesty the King-Emperor and His Government and to assure Your Excellency how proud we feel for the most glorious part taken by the British Empire in achieving the present unprecedented victory. We in India have all the more reason to be grateful to our beloved King-Emperor firstly for the protection afforded to us during the War which indeed has affected us comparatively little; for having graciously permitted us—Indians—for the first time in our history to take part in active service with His Majesty's Imperial Forces in Europe and for the inauguration of the epoch making Reform proposals in India even during the most anxious time when the whole attention of His Majesty's Government was necessarily devoted to the War. We did what little lay in our power during the War, and our best services in every direction are ever ready for the cause of His Imperial Majesty. We feel that although hostilities have ceased, and deliberations for a lasting peace have but just commenced, and the time is hardly opportune for us to tax Your Excellency with a prayer for a consideration of our grievances, yet our only excuse for thus thrusting the matter on Your Excellency's attention at the present moment is that the consideration of details in connection with the Reform Scheme has not been delayed in view of the momentous questions before Government and should we hesitate to submit our prayers now, we fear we might be too late in the field and judgment might then go by default.

1. Your Memorialists venture to draw Your Excellency's attention to the fact that the Permanently Settled portion of the District of Goalpara, comprising an area of about 2900 square miles formed always, as far back as its history can be traced, part and parcel of the Province of Bengal.

2. That in the year 1765, with the accession to the Hon'ble the East India Company of the Dewani of Bengal, Bihar and Orissa, the said area, as part of the District of Rangpur in Bengal, came under the administration of the Hon'ble the East India Company.

3. That in the year 1793, the said area, as part of the Bengal District of Rangpur, came under the purview of the Permanent Settlement of Lord Cornwallis.

4. That in the year 1822, a new and separate District was formed of the said area and it received the name of Goalpara.

5. That in the year 1865, after the Bhutan War, an area of about 1600 square miles was added to the District of Goalpara. This addition being made after the Permanent Settlement, did not come under its purview and is liable to periodical settlement.

6. That in the year 1874, with the creation of Assam into a separate administration, the District of Goalpara was transferred from the Province of Bengal to the Province of Assam. This measure was then opposed by the ancestors and predecessor-in-title of your Memorialists.

7. That the permanently settled District of Goalpara, till its transference to Assam had always been subject to the same legislative enactments as the rest of Bengal.

8. That, for ten years after its severance from Bengal, the permanently-settled portion of the District of Goalpara enjoyed in the main the benefit of the same legislative enactments as the District of Bengal.

9. That in the year 1885, when the Bengal Tenancy Act introduced considerable improvements in the land tenure of the Province of Bengal, the District of Goalpara, by reason of its incorporation with Assam, was deprived of the benefit of that enactment.

10. That the Bengal Council Act VIII of 1869 is still left to regulate the land tenure of the permanently-settled portion of the District of Goalpara.

11. That the people of Goalpara, with a small exception, speak the Bengali language and their manners and customs are the same with those of the people of Northern Bengal.

12. That according to the Census figures of 1911, the population of the District is returned at 600,643 souls of which 347,772 persons speak the Bengali Language, and Assamese is the language of 85,329 persons only.

13. That the predominant written language of the District is Bengali—being used not only by the Bengali speaking population numbering 347,772 persons as aforesaid but also by the Mech people who number 92,636 souls, so that, out of a total population of 600,643 persons 440,408 persons use the Bengali language.

14. That Your Memorialists are of opinion that, since the last Census Report, there has been an increase of not less than a lakh and a quarter in the Bengali speaking population due to immigration from the adjoining Bengal Districts, with a result as Your Memorialists venture to submit that the preponderance of the Bengali speaking population of the District has been further accentuated.

15. That Bengali has always been the Court and the School language of the District, and it is only since 1914, that Assamese has been introduced as an alternative language.

16. That as regards history, tradition, social and religious custom and folk music, the people of the District of Goalpara have very little in common with the people of the other Districts in Assam.

17. That the rights created in the permanently settled area of the District of Goalpara are similar in their nature and incidents to those in the Bengal Districts, and, as such, call for similar legislative treatment and development.

18. That Your Memorialists venture to draw Your Excellency's attention to some other grievances, affecting Your Memorialists specially, arising out of the severance of the District from Bengal and its inclusion in the Assamese-speaking Khas Mahal (temporarily settled) province of Assam.

- (a) Encroachment on rights conferred by the Permanent Settlement of 1793, *viz*, the imposition of Local rate by the Assam Local Rate Regulation, III of 1879, as an assessment on land, in contradistinction to the Road Cess in Bengal which is leviable on the collections.
- (b) Loss of the distinctive character and status of Your Memorialists as "proprietors of the soil" by their inclusion in the same general electorate with the lease-holders of the Government Khas Mahal tracts.
- (c) The partial isolation at present of Your Memorialists from the rest of their class in Bengal resulting in loss of their prestige, and generally retarding their progress.
- (d) Apprehension that, in the future, this isolation will be more pronounced and complete. This is justified by the proposed Tenancy Legislation in which the Provincial Government contemplates treating Your Memorialists as a class distinct from the permanently settled Zemindars of Bengal, of whom, Your Memorialists, do, in fact, form an integral part.
- (e) Numerical inferiority of Your Memorialists in the Province,—comprising the members of six families only,—due to isolation from Bengal Zemindars, which has reduced to a minimum the chances of their securing an adequate representation of their special interests in the Provincial Legislative Council. Though they represent the largest class interest in the Province, Your Memorialists have not been able to send one of their number to the Provincial Legislative Council through any of the general electorates. For representation of their interests in the Council, Your Memorialists have always had to depend on nomination by the Government.
- (f) Insecurity of representation by nomination—Your Memorialists venture to point out the proposal, in his Note on the Introduction of Reforms in Assam, by the Hon'ble the Chief Commissioner, to nominate a member occasionally from among Your Memorialists only when an important Bill connected with the District is going to be discussed in the Council.
- (g) The inadequacy of the remedy by the provision for a special electorate for Your Memorialists—This will not afford adequate relief unless provision be made for the election of such a large number from their class as will make their presence felt in the Council.
- (h) Apprehended danger to the special rights and privileges conferred on Your Memorialists by the Permanent Settlement of 1793—This is due to the fact that the subject of Land Taxation is proposed to be transferred to the jurisdiction of the Provincial Legislative Council, the bulk of the members of which being elected from areas liable to periodical settlement, will not, Your Memorialists are afraid, be friendly towards interests created by the Permanent Settlement of 1793. Your Memorialists are afraid that in that case, they will, in time, be merged with the lease-holders of the Khas Mahal tracts, who constitute a majority in the Province of Assam.

19. That Your Memorialists venture to submit that, for the due preservation of the rights and interests conferred on Your Memorialists by the Permanent Settlement of 1793, as also of the derivative rights of the tenantry, the re-incorporation of the District of Goalpara with Bengal is essential.

20. That Your Humble Memorialists further venture to submit that on occasions when boons are conferred or administrative reforms take place special communities naturally hope for the redress of their grievances. They had hailed the present epoch making Reform proposals with joy along with all other Indians. They had hoped that their grievances would receive the special consideration which they venture to think they deserve. The Hon'ble the Chief Commissioner's note, the expressed opinion of the special conference of the Assam Legislative Council and the refusal of the Franchise Committee to give them a hearing

have cast a gloom over the minds of these few unfortunate ancient families of zemindars. They are painfully thinking of the day when amid the general rejoicing of the whole of India they must reconcile themselves with a sigh to the lot which would be in store for them if their grievances are not redressed in time.

Your Excellency's humble memorialists respectfully pray that the Goalpara Zemindars may be re-united to the great body of Zemindars of Bengal to which they belonged for a considerable period of time. The prayer is based on a community of feeling arising out of past history, traditions, ties, language, religion and land tenure—all these being substantially similar to those governing the Zemindars and people in the adjoining districts of Jalpaiguri, Rangpur, Cooch-Bihar and portions of Dinajpur and Bogra in all of which there is reciprocal sympathetic feeling. Whereas in Assam the Goalpara zemindar are isolated in a corner and have nothing in common with the rest of the people in the Assam Valley Division.

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

We subscribe ourselves as

Your Excellency's most obedient servants,

PRABHAT CHANDRA BARMA, of Gauripur and others.

No. 709-W., dated Shillong, the 20th May 1919.

From—The Hon'ble Mr. J. E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

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

In continuation of this office letter No. 356-W., dated the 12th March 1919, I am directed to submit for the orders of the Government of India, a memorial from Babu Hari Prasad Nath and 505 other persons of the District of Goalpara, protesting against the prayer of certain Zamindars of that District for its transfer to Bengal and to say that the Chief Commissioner has nothing further to add to the remarks contained in my letter quoted above.

To

His Excellency the Right Honourable Frederic John Napier, Baron Chelmsford, P.C., G.M.S.I., G.C.M.G., G.M.I.E., Viceroy and Governor-General of India.

(THROUGH THE HONOURABLE THE CHIEF COMMISSIONER OF ASSAM, AND THE COMMISSIONER OF ASSAM VALLEY DISTRICT.)

The humble memorial of the people of the District of Goalpara in the Province of Assam most humbly and respectfully sheweth :—

1. That Your Excellency's most humble memorialists, the inhabitants of the District of Goalpara, beg most humbly and respectfully to lay before Your Excellency the following few lines with the earnest hope that they will meet with your Excellency's favourable consideration.

2. That having learnt with much concern that an agitation has been set on foot in this district by some designing persons for the transfer of this District to Bengal, and that some Zemindars of this District have also memorialised Your Excellency with the same object Your Excellency's humble memorialists beg most respectfully to put forward their most emphatic protest against such groundless and suicidal proposal.

3. That in support of their protest Your Excellency's humble memorialists beg most respectfully to submit that not only the District of Goalpara which was and still is a part of Assam but also the Districts of Jalpaiguri, Kooch Behar and Rangpur formed part of the ancient Kingdom of Kamrup for many centuries; that though the Districts of Kooch Behar, Rangpur and Jalpaiguri were separated from the Northern Kingdom of Assam under the Koch Kings, Goalpara remained a part and parcel of Assam as the Eastern Koch Kingdom and was later turned into a permanently settled District along with the Districts of Bengal; that it is needless to mention that the present Zemindaries in the District of Goalpara are but the offshoots of the said Eastern Kingdom. That for the past half a century or more, Goalpara has been treated and governed as a part of the Province of Assam.

4. That the indigenous people of this District are Assamese and have nothing in common with the Bengalis, either in religion, language, caste system or in social manners and customs; that any expert and impartial philologist will admit that the language spoken by the people of the Goalpara District is just like that spoken by the people of Lower Kamrup which is admittedly a part of Assam proper; that the social gradations and caste system in the District of Goalpara are just like those in the other Districts of the Brahmaputra Valley and quite different from those in Bengal.

5. That although Bengali was forced upon the District of Goalpara as court language and medium of Vernacular instruction for a fairly long period on a misrepresentation of facts by the illinformed Bengali officers of the Government it did not agree with the people being quite an alien tongue and that they after a hard struggle against a strong opposition put up by the Bengalis serving in the District have got their mother language Assamese introduced in Courts and Schools.

6. That so long as this District was attached to Bengal, the people of the District of Goalpara could not make any progress in any direction, partly for the indifference of the Local Zemindars and chiefly for the unjust interference of their Bengali Amlas, who tried to keep down the local people in all matters, so that their friends and kinsmen might share in the loaves and fishes of this District without any local hindrance or competition. That this state of things continued up to very recent times, now however on repeated memorials from the people, the Assam Administration have begun to see things in their true light, and are taking steps to give the down trodden people of Goalpara their due in matters of education and service; and that the people have considerably progressed ever since in those directions.

7. That in case the District of Goalpara be transferred to Bengal its 6 lacs of people will suffer from an inrush of Bengalis who, comparatively advanced, will dominate over them, and, being then of the same province, will lay claim to and monopolize all places of emoluments under the Government and the Zemindars, and their language and literature will likewise suffer for want of due encouragement.

8. That as regards the memorialist Zemindars mentioned above Your Excellency's humble memorialists beg respectfully to submit that most of them spend their time outside the Province and take little interest in their Estates and their tenants, entrusting the management of their affairs to their Bengali Officers in consequence of which one of the biggest Estates in spite of its several capable and intelligent proprietors was about to collapse when it was taken over by the Court of Wards; that the Raja of Gauripur, one of the Signatories of the memorial mentioned above, is an Assamese and his Rani Sabiba is a Scion of the great Baishnabite reformer of Assam—Sri Madhab Dev; that the Zemindars of Mechpara, though some of them have now renounced their religion, have been for generations the disciples of the family of the said Rani of Gauripur, and that the said Zemindars have to perform their religious rites in Assamese as the other Baishnabas of Assam; that originally the Zemindars of Porbatjar were Assamese "Rajbansis" although the present Zemindars of that Estate hail from Koch Bihar or Rangpur being the adopted sons of the original Assamese Zemindars; that the Zemindars of Chapar Estate, who is the only Bengali Zemindar in the Goalpara District, is still a minor and his Estate, tenanted by Assamese, is being managed by Bengali executors and officers; that the present Raja of Bijni who is a scion of the great Koch Kings of Assam, is of unsound mind; and that after the death of the late proprietress the Estate has been taken over by the Court of Wards and is being managed by a Staff composed mainly of Bengalis.

9. That as regards the prayer of the said memorialist Zemindars for the transfer of the District of Goalpara to Bengal on the ground that the Bengal Tenancy Act and other Bengal Revenue Laws are not in force in this District, Your Excellency's humble memorialists beg leave to submit that after a due consideration of the local circumstances and requirements the Assam Administration are going to introduce a Bill regarding the Goalpara tenancy system, when, if Your Excellency's humble memorialists' information is correct, discussions and free criticisms from the tenants as well as from the Zemindars will be invited in the light of which it is hoped the Bill will be finally shaped and passed into law.

10. That if the District be transferred to Bengal and the Zemindaries subjected, as desired by their proprietors, to the provisions of the Bengal Tenancy Act, the step may or may not benefit the proprietors, but there is no doubt that it will injure the interests of the tenantry as that Act was framed with a special reference to the circumstances of the Bengal tenants which are very much different from those of the Goalpara tenants.

11. That in the circumstances stated above your Excellency's humble memorialists most respectfully pray that Your Excellency will be graciously pleased to leave the District of Goalpara as part of Assam and thereby maintain the present boundaries of the Province intact, in accordance with the declaration made by His Most August and Gracious Majesty the King Emperor at the Delhi Durbar.

And for this act of kindness, statesmanship and benevolent justice, Your Excellency's humble memorialists, as in duty bound, shall ever pray.

We beg to subscribe ourselves to be your Excellency's most humble memorialists.

HARIPRASAD NATH,
and others.

APPENDIX V.

Statement showing the powers of legislation in the territories referred to in the Despatch.

1. The position with regard to the different territories referred to in this despatch is so complicated that it will probably be of assistance first to refer generally to the different provisions of the law by which legislation in them is governed, and then to tabulate the territories with a short statement of the law as applicable to each.

2. *Power to legislate by Regulation under section 71 of the Government of India Act, 1915.*—This power can be exercised in respect of any territory to which the Secretary of State has by resolution in council applied the provisions of section 71. The provisions of the section can be applied to any part of British India, but in practice power to legislate by Regulation is only given in respect of backward areas. The application of the section can also be withdrawn in the same way.

3. *Powers conferred by the Scheduled Districts Act, 1874.*

Act XIV of 1874.

(a) "Scheduled Districts" are those which are included in the first Schedule to Act XIV of 1874, and the term also includes any other territory in respect of which the power to make Regulations has since the passing of the Act been created by virtue of a resolution by the Secretary of State under s. 71 of the Government of India Act, 1915.

(b) The provisions of the Act do not apply *proprio vigore* to the Scheduled Districts, but only to such of them as have been notified under section 3.

(c) In these districts the local Government, with the previous sanction of the Governor General in Council, is empowered to declare what enactments are actually in force, or that particular enactments are not actually in force, and to extend to a scheduled district, with or without modification, any enactment which is in force in any part of British India.

4. *The Laws Local Extent Act (XV of 1874)* was passed immediately after the Scheduled Districts Act, and declared certain Acts to be in force in British India as a whole or in particular provinces, but in each case excepting the "Scheduled Districts". These were set out again in the Schedule to Act XV of 1874, and were the same as in the Scheduled Districts Act. But in as much as this Act did not contain a provision similar to that in s. 1 of the Scheduled Districts Act, by which any territory subsequently brought under s. 71 of the Government of India Act thereby also became "a Scheduled District," the field covered by the two Acts is not now identical.

5. In the case of many of the territories to which section 71 of the Government of India Act, 1915, applies, the Government of India have by Regulation declared to what extent the ordinary law shall be in force, though these enactments (which are usually spoken of as de-regulationizing enactments) vary considerably in their terms, and each of them needs to be considered. There are also in the case of some territories other enactments of a similar character which also require to be taken into account.

6. So far as concerns territories to which the Scheduled Districts Act only applies, the rule is that all laws, whether Imperial or Provincial which apply to the whole of a province are to be treated as in force in such territories unless expressly excluded.

7. The tabulated statement which follows sets out the position as accurately as is possible in the space, with regard to each of the territories referred to in the Despatch. Column 3 of the table shows the cases in which the Scheduled Districts Act, 1874, is actually in force or can be brought into force by virtue of a notification under section 3 of that Act. Column 4 refers to the Laws Local Extent Act, 1874, though it seems to have no special applicability to any of the districts referred to.

1	2	3	4	5	6	7
Territory referred to in Despatch.	Whether s. 71 of Government of India Act, 1915, applies.	Whether Scheduled Districts Act applies.	Whether scheduled under Laws Local Extent Act.	De-regulationizing Enactments (if any).	Other similar enactments (if any).	Remarks.
Assam	Yes	Yes	Yes	Reg. II of 1880 provides that in such frontier tracts as may be notified by the Governor General in Council the Local Government may bar the operation of any enactment in force. Under this Reg. various hill tracts have been notified, and in them the operation of various Acts has been barred.	Assam Act II of 1915 provides that in the absence of special provisions to the contrary no local Act shall come into force in certain specified hill districts unless extended to them under the Scheduled Districts Act or otherwise (s. 14); and this is to be deemed to apply to all local Acts whether passed before or after 1915.	
Pargannas	Yes	No (but can be applied by notification.)	Yes	Reg. III of 1872 as amended by Reg. III of 1879. (1) declares the enactments in force. (2) bars other enactments not expressly applying. (3) gives power to the local Government to declare any other enactment to be in force and to withdraw the same, or with the sanction of the Governor-General in Council to withdraw the operation of any enactment declared to be in force under (1)	Act XXXVII of 1855 removed the Sonthal Pargannas from the operation of the general Bengal Code and declared that no law thereafter passed by the Governor-General in Council shall extend to any part of them unless specially named therein. Reg. III of 1872 declared this Act to be in force. See also Act X of 1857.	
... ..	Yes	Yes	Yes (excluding the Khondmals.)	Reg. III of 1913. (1) declares the enactments in force. (2) bars other enactments not expressly applying or extended. (3) gives power to Local Government subject to the control of the Governor-General in Council to withdraw operation of any enactment declared to be in force under (1) and to declare any other enactment to be in force.	.....
Chota Nagpur	No	No (but can be applied by notification.)	Yes			
Sambalpur	No	To parts only see in Col. 7 ...	As in Column 3 ...			According to the Bihar and Orissa Government's letter the only portions of Sambalpur which are Scheduled Districts are the three zamindaris of Bara Sambar, Kolu-hira, and Rampur, forming about 1-3rd of the whole district. They have all been notified under the Act. They were transferred from the Central Provinces to Bengal in 1905 and from Bengal to Bihar and Orissa in 1912.

Andhra Islands	...	...	Yes	...	...	Yes	...	...	Yes	...	...	Reg. I of 1912 declares that the Reg. and three other enactments alone shall be in force.	.....	.....
Agency Tracts in Ganjam and Vizagapatam.	No	...	...	Yes	...	...	...	Yes	...	.....	.....	Act XXIV of 1830 suspended all existing rules for the administration of civil and criminal justice and for collection of revenue, and placed the territories under agency administration giving the Governor in Council power to make rules for their guidance.	.....	.....
Villages in the Godavari District	...	Yes but see in Column 7	...	Yes	...	...	...	Yes	...	.....	.....		.....	The "Rampa Country," which is mentioned along with the rest of the Godavari villages, etc., in the Scheduled Districts Act and Laws Local Extent Act, does not appear to have been brought under section 71. The Taluks of Nugur, Albaka and Cherla are not referred to in the Despatch or in the Madras letter. They were transferred from the Central Provinces in 1909 and brought under section 71 in the same year. The Scheduled Districts Act therefore applies to them but not the Laws Local Extent Act.
... Hill	...	Yes	...	...	No (but can be applied by notification.)	Yes	...	...	Yes	...	...	Reg. I of 1900—	.....	.....
												(1) declares the law in force		
												(2) bars all other enactments		
												(3) gives power to Local Government with sanction of Governor General in Council to apply other enactments with modifications and to withdraw the operation of any enactment declared to be in force under (1).		
Barjiling District	...	No	...	...	Yes	...	...	Yes	...	.....	.....		.....	.....
Spiti	...	...	Yes	...	...	Yes	...	...	Yes	...	...	Reg. I of 1873 enacts that no law thereafter passed by the Governor General in Council shall extend to Spiti unless it is specially named.	.....	.....
... abaul	...	No	...	...	Yes	...	...	Yes	...	.....	.....		.....	.....