

**CONSTITUENT ASSEMBLY OF INDIA**

**ADVISORY COMMITTEE**

**TRIBAL AND EXCLUDED AREAS**

**EXCLUDED AND PARTIALLY EXCLUDED AREAS—I**



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## ERRATA

### MEMORANDUM ON EXCLUDED AND PARTIALLY EXCLUDED AREAS—I

1. In para. 2, line 5, of the general note, the word "of" should be inserted between the words "British India or" and "Burma". In the last sentence of the same para., for "section 91" substitute "section 91 (1)", and for the word "specifies" the word "defines".
2. In the penultimate sentence of para. 2 (b) for "section 78 (3) (c)" substitute "section 78 (3) (e)", and for "chargeable" substitute "charged".
3. The footnote on page 4 points out that in the 7th Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, only 6 backward tribes seat can be counted. Owing to a printing error in the Indian edition of the Order in Council, one of the Backward areas' and Tribes' seats has not been shown against Ranchi Sadr. The seven reserved seats are thus accounted for.
4. In statement V-A, pages 9-10, read the following :—  
For Assam under Partially Excluded Areas :—

<i>Area in Sq. Miles</i>	<i>Total Population</i>	<i>Aboriginal or Back- ward population</i>	<i>Percentage</i>
5,505	488,778	451,787	92.4
For Orissa under Partially Excluded Areas : -			
20,548	2,939,416	1,560,064	52.1
For Grand Totals :—			
123,915	18,202,203	6,301,723	34.6

5. In statement V-J, page 17, for Assam under Partially Excluded Areas, item 3 read the following :—  

2,353	105,463	103,567	98.2
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6. In statement V-L, page 18, for Orissa add the following as item 4 :—  
Item 4. Koraput District.  

9,875	1,127,862	940,632	83.4
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7. Read the area of Sambalpur District as "5,419" for "4,783".
8. Statement V-A, page 9, read "Square miles" after 9.62 for Excluded Areas, Madras.
9. On page 9, an asterisk be placed against the figure of area under Partially Excluded Areas of Bombay and the following footnote added :—  
\* Does not include the area for "Satpura Hills Reserved Forest".
10. On page 10, an asterisk be placed against the area under Partially Excluded Areas for Assam and the following footnote added :—  
\* Does not include the area of Mikir Hills (Nowgong & Sibsagar).
11. On page 13, insert "Not available" against the area for Satpura Hills Reserved Forest.
12. On page 14, against the note for Source of Information under United Province, insert the following in place of the existing note :—  
"Recommendations of the Government of India and Provincial Governments, Indian Reprint, p. 18, para. 79."
13. In Bihar, read "Palamau" for "Palawan" under Partially Excluded Areas.

14. In the column for percentage add "50.6" against the Santal Parganas District (Bihar).
15. In statement V-J, page 17, read for area "Not available" against "The Mikir Hills (Nowgong and Sibsagar)".
16. Against the figure of area against Partially Excluded Areas, item 3, an asterisk be placed and the following footnote added :—
  - \* The area of "The British portion of the Khasi and Jaintia Hills District" includes Shillong Municipality and Cantt.
17. In statement vi, page 19, read the last heading as "Population of the districts containing the Excluded or Partially Excluded Area".
18. In statement vi, page 20, for existing remarks substitute :—
  - (a) against Kachari "includes also those in the Brahmaputra Valley".
  - (b) against Garo "includes also those in Goalpara."
  - (c) against Naga "includes also those in Manipur State".
  - (d) against Lalung "In Nowgong only" and
  - (e) against Rabha "includes Goalpara and Kamrup Rabhas".
19. Read at page 2 of Madras—Factual Memorandum, last para., 2nd line "the" for "tre".
20. On page 9, Bombay—Factual Memorandum, 1st paragraph, 3rd line read "Government of India" for "Government".
21. On page 10 of above memorandum, paragraph 4, 1st line, read "State Committee" for "State Committee".
22. On page 11 of above memorandum read "Aboriginal" for "Aborigina" and "of" for "o" in sub-para 3, 1st and 2nd line of paragraph 7.
23. On page 13 of above memorandum, paragraph 13, 5th line, read "according" for "accordin" and "Broach" for "Brach".
24. On page 15, Appendix B, 1st paragraph, 4th line, read "Aboriginal" for "aborigina" and in the 6th line "general" for "genera".
25. On page 29, read "C.P. & Berar—Factual Memorandum" for "C.P. and Berar" as heading.
26. On page 33, paragraph 8, 7th line, read "Classification" for "assification" and "be" for "e" in the 8th line.
27. In paragraph 9, page 33, 6th line, read "Wing-Commander James" for "Wing Commander Jame or Jams".
28. On page 34, paragraph 10, 7th line, read "and" for "adn".

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EXCLUDED & PARTIALLY EXCLUDED AREAS\*

*Advisory Committee's Functions.*—The Advisory Committee to be set up under Clause 20 of the Cabinet Mission's statement of the 16th of May 1946 is required to report to the Union Constituent Assembly upon "a scheme for the administration of tribal and excluded areas, and to advise whether these rights should be incorporated in the provincial, the group or the Union Constitution."

2. *The Excluded and Partially Excluded Areas (a) The Schedule.*—Statement I appended to this note shows the areas scheduled as "Excluded" or "Partially Excluded". The Government of India Act, 1935, defines "tribal areas" as "areas along the frontiers of India or in Baluchistan which are not part of British India, or Burma or of any Indian State or of any foreign State." [Sec. 311(1)]. Frontier areas on the North Eastern frontier of Assam which would probably be covered by this definition have however been declared excluded areas. Excluded areas are areas declared by Order-in-Council under the Government of India Act to be excluded areas. Sec. 91 defines of the Act specifies "excluded area" and "partially excluded area".

(b) *Legal Position and Distinguishing Features.*—The legal position of these areas is that no Act of the Federal Legislature or Provincial Legislature applies to an excluded area or partially excluded area unless the Governor so directs. The Governor may apply any Act with modifications or only in part. The Governor has also power to make special regulations for these areas which may repeal or amend existing laws which for the time being apply to the areas. As regards the difference between these areas, the Joint Parliamentary Committee in para. 144 of their recommendations wrote: "It is proposed that the powers of a Provincial Legislature shall not extend to any part of the Province which is declared to be an 'Excluded Area' or a 'Partially Excluded Area'. In relation to the former the Governor himself will direct and control the administration; in the case of the latter he is declared to have a special responsibility\*\*\*. We think, however, that a distinction might well be drawn between Excluded Areas and Partially Excluded Areas, and that the application of Acts to, or the framing of Regulations for, Partially Excluded Areas is an executive act which might appropriately be performed by the Governor on the advice of his Ministers, the decisions taken in each case being of course, subject to the Governor's special responsibility for Partially Excluded Areas, that is, to say, being subject to his right to differ from the proposals of his Ministers if he thinks fit." The Secretary of State stated during the debates "where there are these enclaves we draw a distinction between the enclaves which are so backward that no kind of parliamentary legislation ought to apply to them... In the second category we have placed people who are less backward and to whom certain laws might from time to time be applied, but they will only be applied with the Governor's previous consent." Under Sec. 78 (3) (f) of the Government of India Act, expenditure on an Excluded Area is chargeable to the revenues of the Province, that is, the Provincial Legislature is precluded from voting on it. Generally speaking, partially excluded areas are included in electoral constituencies under the 1935 Act.

\*Note drawn up by Mr. R. K. Ramadhyani, I.C.S.

†The Government of India (Excluded and Partially Excluded Areas) Order 1936. Schedule Pt. I. The North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts.

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(c) *Certain Features of the Areas.*—The striking feature of the list is that an enormous block of territory stretching from the Chota Nagpur Plateau to the northern portions of the Eastern Ghats and including the Maikal and Satpura ranges, which may be regarded as the home of tribes like Gonds, Marias, Mundas, Savars, Hos, Santals, Khonds, etc. has been declared as “partially excluded” (*i.e.* they can be and are included in electoral constituencies). Another feature is that the areas of N.W.F. Province and the Punjab shown as excluded have not been so scheduled on account of the inhabitants being aborigines but for other reasons. In the case of the N.W.F. Province it is because the Chief of Amb and the Khan of Phulera, both hereditary chiefs, possess a peculiar status and jurisdiction requiring special treatment. In the case of the Punjab the reason is inaccessibility and the difficulty of preparing electoral rolls for a population which is only about 12,000. Similarly certain areas like Sambalpur have been included in the partially excluded list more on account of their past associations, distinct system of village administration or need of special legislation, than on account of the preponderance of aboriginal tribes.

3. *Past Legislation.*—Although attention was focussed on the excluded and partially excluded areas for the first time by the Report of the Indian Statutory Commission and the discussion which followed, these areas on account of their situation and the nature of their inhabitants have received distinctive legislative and administrative treatment for a fairly long period though this was more characterised by simple de-enactment of laws applicable to these areas than by special schemes meant to bring them gradually into line with more advanced tracts. A number of such areas were included in the areas notified under the Scheduled Districts Act, 1874, the preamble to which however shows that the main reason for its enactment was not the fact that a number of areas notified under it were inhabited by backward tribes but that “readier means than now exist for ascertaining the enactments in force in such territories and the boundaries thereof” were required. (For instance the whole of the N.W.F. Province and Sind was shown in the Schedule to the Act). In areas like the Naga Hills of Assam special rules seem to have been applied under the provisions of this Act. The S.D. Act itself remained in force till, upon the coming into force of the Government of India Act, 1935, [*vide* Government of India (Adaptation of Indian Laws) Order, 1937], it lapsed. The areas shown under the S.D. Act are not however the same as those which were finally declared as excluded or partially excluded under the 1935 Act and for instance the \*Mandla District of the Central Provinces which is now a partially excluded area was not notified under it. No particular reference to these backward areas is contained in the Morley-Minto Reforms. The Report on Indian Constitutional Reforms (1918) however referred to backward areas “where the people are primitive and there is as yet no material on which to found political institutions” and recommended that such tracts should be excluded from the jurisdiction of the reformed provincial governments and administered by the head of the province. The Government of India Act, 1919, made provision for the notification of such areas. Sec. 52-A of that Act provided that Acts of the Indian or provincial legislatures shall not apply, or shall apply with modifications to such areas, under notifications issued by the Governor-General or Governor as the case may be. The hill areas of Assam were for instance notified under this section but as the Scheduled Districts Act continued to be in force the Section does not

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\*Mandla District was enfranchised in 1928 for the Legislative Council.



appear to have been invoked universally. For example, no notification declaring any area backward was issued in the Central Provinces.

4. *Reasons for exclusion in 1935.*—The Indian Statutory Commission\* considered that “The stage of development reached by the inhabitants of these areas prevents the possibility of applying to them methods of representation adopted elsewhere. They do not ask for self-determination, but for security of land tenure, freedom in the pursuit of their traditional methods of livelihood, and the reasonable exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbours. 129. The responsibility of Parliament for the backward tracts will not be discharged merely by securing to them protection from exploitation and by preventing those outbreaks which have from time to time occurred within their borders. The principal duty of the administration is to educate these peoples to stand on their own feet, and this is a process which has scarcely begun. It is too large a task to be left to the single-handed efforts of missionary societies or of individual officials. Co-ordination of activity and adequate funds are principally required. The typical backward tract is a deficit area, and no provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements. Expenditure in the tracts does not benefit the areas from which elected representatives are returned. Moreover, the most extensive tracts (if Burma be left out of account) fall within the poorest provinces. Only if responsibility for the backward tracts is entrusted to the Centre, does it appear likely that it will be adequately discharged.” The recommendation of the Commission was thus that the backward areas should be excluded altogether from the provincial field and dealt with by the Centre. This proposal was not accepted in framing the White Paper and the Joint Parliamentary Committee recommended that the backward tracts should be treated as excluded and partially excluded areas. During the examination of witnesses on the need for exclusion, the Secretary of State† said in reply to Mr. Jayakar “let me disabuse Mr. Jayakar of any idea that he may have in his mind that this implies distrust of an Indian Legislature because it is an Indian Legislature. My distrust goes a good deal further than that. My anxiety is to prevent politicians British Indian or any one else interfering with people whose conditions are so different as to make the political conditions really inapplicable to them.” In reply to another question he stated, “the natural inclination . . . of any democratic legislature is to attempt to impose uniformity upon everybody else and it is just this attempt to impose uniformity that does make the trouble with people who are really living in quite a different world.”

5. *Representation of Partially Excluded areas and Tribes.*—The system of partially excluded areas recognised that in many areas, the tribes were sufficiently advanced for franchise to be considered. Chota Nagpur, Sambalpur and the Santal Parganas were noted by the Simon Commission (para 127, Vol. II) as already returning members to the Legislative Council of Bihar and Orissa. The effectiveness of the franchise was however questioned. In the 1935 Act, as it was finally adopted, representation for the “Backward Tribes” was provided

\*Para 128, Vol. II, Simon Commission Report.

†Secretary of State's evidence, Part II, P 178 *et seq.*

as follows in the provincial legislatures :—Bombay 1, C.P. 1, Madras 1, Assam 9, Bihar 7\*, Orissa 5. In the Legislative Councils no special representation was provided for and it has been left to the Governor presumably to provide representation by nomination. In the federation contemplated by the Act also, no seats were reserved for backward tribes as such. The qualifications for voting and standing for election in the backward tribes constituencies are prescribed in the Govt. of India (Provincial Legislative Assemblies) Order. Generally speaking a person must be a member of a tribe to be eligible to vote or stand for election in such a constituency. In Bihar and Assam certain special rates of taxation seem to have been specified for the backward areas. In Assam, only the headmen are eligible for the electoral roll in the Mikir and Garo Hills. In Orissa, one of the seats in the Sambalpur Sadr Constituency is reserved for tribes and the remaining four seats are filled by nomination. In Bombay also, a seat is reserved in the West Khandesh Constituency.

In the Central Provinces, the tribal constituency covers Mandla and Seoni tahsils, though Mandla Tahsil is more advanced than the remaining two tahsils of the district which as a whole is partially excluded. In Assam there are special constituencies and it has been prescribed (see Sixth Schedule to Govt. of India Act) that a person entitled to vote in a backward area or tribes constituency shall not be included in electoral rolls for other constituencies (except women's constituency). Statement III shows the comparative figures of population and the actual voting strength of the tribes in the Partially Excluded Areas.

6. *Anthropologists' views.*—As stated above, attention has been focussed sharply on the backward areas in the years following the Simon Commission's report and a number of officials and anthropological writers have expressed strong views on the treatment of the backward areas. The general impression created by these writings is that anthropologists are trying to isolate the backward tribes with a view to retaining them as zoological specimens or museum showpieces. Startling views have been expressed by some which perhaps are responsible for this impression. Thus Mr. J.P. Mills in his note on Naga Tribes says "In a war between two big villages, each side might lose one or two men a year. The number of lives saved by the suppression of the practice is negligible, and is far more than balanced by those lost through the spread of disease made easy by safe travelling everywhere. In addition to this, there is a very real loss in virility and keenness. Unbroken peace is no better for Nagas than it is for any other race." Some anthropologists feel that interference is unavoidable but want that interference must be undertaken by Government and must be regulated by a Central authority. The professed object is to provide the best help of the scientist and administrators to lead the tribes into the main stream of national life without hasty attempts in this direction which may lead to tragedies, as in America and the Pacific. It is stated that out of the 25 million people classified as tribes at the census, only about 5 million are people who are really aloof from civilization. While the remaining 20 million who are in varying stages of sophistication are assimilated, these should be left alone though there is no objection to planning for them. The effects of contact with civilization are on the whole regarded as bad. It is pointed out that contact with people of the plains on account of the

\*In the Seventh Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1934, only six backward tribes seats can be counted.

†Assam Census Report, Vol. I, 1931, Appendix A.

improvement of communication and the spread of trade has resulted in the spread of diseases like venereal disease and tuberculosis, evils like prostitution, drinking of fermented liquor in place of rice beer (Naga Hills), opium habits, change of dress including the giving up of ornaments or tribal finery, dislike of manual labour due to spread of education etc. Mr. Mills says that opium habit has for instance been contracted by Konyak Nagas from plainsmen and in a village founded by the American Baptist Mission, the converts took to opium as a substitute when the Mission forbade liquor. Feasts at which singing and dancing is indulged in and full dress worn have been forbidden among certain Christian converts and the result is that old songs and tradition are being rapidly forgotten. "Will the time come when these hills will be inhabited by scattered families without pride in the past or hope for the future, without arts and without recreation, dressed in nondescript garments as drab as their lives?" Mr. V. Elwin in his pamphlet entitled "Loss of Nerve" points out that some of the Central Indian tribes are suffering from a loss of nerve and self-confidence and are deteriorating physically, morally and mentally on account of the treatment they receive from subordinate officials and contact with politicians, moneylenders, lawyers and missionaries. "Small wonder that the tribesman, already deeply conscious of his own inferiority, grows more and more depressed, enervated and hopeless. The world is too much for him, and he forgets his own great qualities, his high traditions, his right to a gay and happy freedom." Numerous examples of loss of land and results of contact with moneylenders and the law are given in Mr. Grigson's report on the Aboriginal Problem in the Central Provinces and Berar (and this feature is common to other areas in which the Mundas, Santals or Savaras have risen against exploitation); and it is contended that it is not only in this aspect that the tribes need protection. The tribes are devoted to their cultural treasures, their language, religion, art, dance, music and song, and protection must be extended to these. On the other side of the picture, the benefits which the tribes may be said to have derived such as adoption of the methods of wet rice cultivation and other profitable cultivation such as fruit, coffee and tea, reduction of infant mortality by the increasing use of milk, use of quinine, the acquisition of handicrafts like carpentry or basket-making etc. are not sufficiently striking. In a number of areas, nevertheless, aboriginal cultivators are hardly inferior to non-aboriginals and where they have assimilated the mode of life and religion of the plains, there is little to distinguish them from other plains people. Large numbers of them have long forgotten the tribal language though certain customs may be retained and are actually in a better position than the scheduled castes as they are not regarded as untouchable. The question for consideration is whether measures of isolation will assist this assimilation, and to what extent contact can be encouraged without putting an end to attractive elements of tribal culture or causing demoralisation.

7. *Government Policy*.—So far as the policy of the Govt. of India is concerned, in expressing their views on the proposed enlargement of areas to be included in the Schedule to the Govt. of India Act, 1935, said "Our aim should be not to retain aboriginal areas concerned as picturesque survivals but to secure their development by absorbing them with the rest of the community. The process of assimilation has been going on and to put an obstacle in its way would be a retrograde step. (Govt. of India telegram No R 1051 dated 24/4/1935 to the Secretary of State quoted in the Central Provinces Memorandum. In the debates connected with the Govt. of India Act, 1935, the Under Secretary of State\* said in Parliament "if we have to choose between assimilation or segregation, we go on as before with assimilation."

8. *The Needs of Tribal Areas.*—It is certain that the proposed isolation or virtual isolation will give rise to much controversy, but there seems little doubt that the special circumstances of the aboriginals must be taken into account. The aboriginal in many areas is timid and shy as a forest animal and the entire inhabitants of villages are known to run away and hide in the jungle if they realise that strangers are about to visit the place. They are however in many parts easily excitable, and serious rebellions have broken out in the Madras Agency Tracts, the Chota Nagpur plateau etc. The most recent occurrence is the agrarian rising\* reported in the Dahanu and Shapur areas of the Bombay Presidency on the 8th January 1947. Even in areas where *dahia* or *jhuming* cultivation has been given up, apart from the foodgrains grown for their own use or for payment in kind to agricultural labourers, the tribals have few crops of monetary value and one of the weaknesses of their economic life in places like the Mandla district of the Central Provinces for instance is that they have very few of the village artisans who are such a common feature of village economy in the plains. For example, hardly any, aboriginal tailors, blacksmiths, weavers or carpenters or even basket-makers (a handicraft in which aboriginals in Chattisgarh and Chanda are skilled) can be found in many Gond or Baiga villages in the Mandla district. Such professions as shopkeeping do not attract them and even the elsewhere comparatively lucrative profession of plying bullock carts on hire is not followed by them as they cannot make carts or use their bullocks as pack animals, and transport is generally restricted to *kawar* or headloads. It is clear that people in this state of simplicity are likely to become easily the victims of exploitation. Even apart from the results of their contacts with professional moneylenders who must be expected to take advantage of them their simplicity is apt to tempt ordinary cultivators of the plains also to take advantage of them. That the normal processes of law are no protection to the aboriginals cannot be contradicted. They are little protection to even the more advanced but poverty-stricken people living in undeveloped areas. The aboriginal, as pointed out above, has very little money and the processes of ordinary civil law are totally beyond his scope. (Provision has been made in the Central Provinces Budget for free legal assistance). In any matter which cannot be settled by a tribal council or panchayat or where a non-aboriginal is involved, the only person he can appeal to for protection against oppression is often the Station House Officer who generally directs him to a Civil Court or a Revenue Court. Hence the need for a simple system of administration where an aboriginal can have his case considered by an official who can deal with it without the elaborate formalities of codified regular law. It is thus a general characteristic of the administration of really backward territories to have a system of simplified rules dealing with crime, civil disputes and land, administered by a single officer. The primary needs of the aboriginals are summed up as follows:—“(1) protection of their lands and customary life from exploitation and disturbance, (2) an extension of social services, especially health and education for which they cannot provide from their own exiguous resources, and (3) sympathetic administration.”

9. *The Case for Special Treatment.*—Assuming that the constitutional position of the Excluded and Partially Excluded Areas will undergo a change in the sense that they will no longer be excluded from the jurisdiction of the Legislature or Executive—a position considered undesirable by the Simon

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\*Newspaper Report.

Extract from the Coupland Report quoted by the Sapru Committee (para 330).

Commission—the question of the future treatment of these areas needs to be considered. The Sapru Committee discussing the problem remarked that “it may be necessary to appoint special officers\* to look after the interests of such classes for a certain period and to make special protection from undue interference with their religious beliefs \* \* \* \* 342. A Minorities Commission, the establishment of which we have recommended \* \* \* may usefully be employed to keep a constant and vigilant watch over the interests of these classes \* \* \* In any scheme of full self-government these special powers of the Governor will have to be replaced by appropriate obligations placed on the Legislature and the Governments of the future for discharging their duties in respect of these classes. We feel that it will be one of the main functions of the Constitution-making body to suggest suitable provision in this behalf.” Another question to be considered is whether the insertion of a provision similar to Sec. 52-A in the Government of India Act, 1919, or of a system of excluded and partially excluded areas as under the Government of India Act of 1935 is an adequate provision. Mr. Grigson in his report (para. 476) says “The record of the pre-provincial-autonomy regime in this respect was not too good \* \* \* none of our local government laws make adequate provisions for the aboriginal areas, our excise and prohibition laws have been devised with an eye on social reform movements in the advanced plains, and there has been a wholesale neglect of specialised nation-building activities in all the backward areas.” The Government of Assam describe the situation arising out of the system of excluded and partially excluded areas as follows :—“A major point of difference between an excluded and partially excluded area lay in the fact that the former have and the latter have not a separate budget \* \* \* owing to the difference in the financial and budgetary sphere to which allusion has been made, it must probably be said that the partially excluded areas have lagged behind the excluded, and also behind the more highly organised districts, in respect of concrete benefits in the fields of communication, medical aid, education and agricultural development. Quite certainly the Mikir Hills have notoriously suffered from neglect, and the protection from exploitation for which a special place in the constitution was intended has proved in effect only a divorce from the paternal care of the Executive on the one hand and from all the organised activity that distinguishes a regular district on the other.” So far as Governments are concerned, it is possible that they may be guilty in the direction of (a) neglect, (b) applying unsuitable legislation. Deliberate exploitation can of course be ruled out but it is for instance pointed out by Mr. Symington in his Report on the Aboriginal and Hill Tribes of Bombay that in their forest policy the Government have indirectly been instrumental in the exploitation of the aboriginals. In para. 83 he says “But regeneration operations which are charged to another account head, are very badly paid for, villagers are with difficulty requisitioned for this work and payments made by a lump sum divided amongst them. This works out at one anna or less per diem. Sometimes they get nothing. Moreover, since these operations coincide in time with the critical agricultural operation of raising rice seedlings, considerable hardship is caused by taking cultivators away from their fields. I consider that Government should set a good example to other employers in this matter. The Department should no longer be required to increase its profits by levying cheap labour . . . .”

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\*The appointment of special officers has been suggested from time to time and considered also by provincial governments. Bombay has a Backward Class Board and a Backward Class Officer and similar arrangements are said to exist in Madras. The appointment of an official is referred to in para 19 of the C.P. Memorandum.

Again in para. 84, he says: " Besides setting its own house in order in the matter of employment of forest labour, I consider it to be Government's duty to take steps to improve the working conditions of the employers of contractors. These steps should be directed to enforcing a minimum wage. In the course of profitable exploitation high bidding by contractors is encouraged and when competition is keen coupes are often sold at a price which leaves a very small margin of profit to the bidders and sometimes none at all. To save themselves from loss they resort to oppressing or cheating their labourers, whom Government have hitherto taken no steps to protect. Government have, therefore, albeit indirectly and unwittingly been deriving part of their revenues from the sweated labour of the aboriginal tribes". As regards application of unsuitable measures mention has already been made of the effects of the American Baptist Mission prohibiting the use of liquor, namely the addiction to opium. This was not legislation but attempts at gradual prohibition in the backward areas of the Central Provinces had to be abandoned since the infliction of heavy sentences of fine or imprisonment for illicit distillation was seen to be having only an unsettling effect on the aboriginals. Apart from the use of liquor as part of his tribal ritual,\*the aboriginal in the hills perhaps finds it indispensable to keep him warm during the cold winter nights in the hills.

As an example of legislation attempted but not passed may be mentioned the Gond Succession and Adoption Bill brought in the Central Provinces Legislative Council in 1935 by R. B. Jaiswal. This bill attempted to apply the Mitakshara Law to Gonds. There was general opposition among Gonds to the Bill and the question arises whether any attempts at codification of tribal customs which vary from place to place should be attempted by non-tribals. Compulsory education, for instance, is said to be resented strongly in certain areas. Further, such matters as the special education of aboriginals and the preservation of suitable elements of their culture and tradition would appear to be matters for continuous vigilance and examination. If it is decided that special treatment is necessary an agency of the type of the Minorities Commission suggested by the Sapru Committee may be a suitable mechanism for this purpose.

10. *Future Position of Excluded Areas.*—Assuming that the need for special treatment and safeguards for the aboriginal areas has been established, how should the areas be treated from the political point of view and should they have any representation in the Legislature or in the Executive? As stated earlier, some of the excluded areas have been included for reasons other than their backwardness. The Upper Tanawal area in the N.W.F. Province which was excluded on account of its peculiar constitutional position will now have to be dealt with separately and will find no place along with backward aboriginal areas. The Lahaul and Spiti Areas of the Punjab were excluded on account of inaccessibility and it is necessary to consider how

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\*The opposite point of view was expressed in 1940 by the Thakkar Committee on the Partially Excluded Areas of Orissa. According to them "The aborigines take advantage of birth, death and marriage ceremonies and festivals as excuses for drinking. Their indebtedness is mainly due to this reason. Drink causes the average aborigine to waste money which might be spent on other necessities of life. Drink makes him indolent and neglectful of his field work. Women and children are also encouraged to indulge in this evil. Some people hold the idea that the aboriginal is an avowedly incurable drunkard. But no student of human psychology can subscribe to this. The aboriginals at present cannot resist drink when available \*\*\*. If ever at any place introduction of prohibition is the most justifiable it is the Koraput district." (Para 51—Report of the Partially Excluded Areas Enquiry Committee, Orissa). See also Symington's Report paras. 138-141.

it can be enfranchised. Of the remaining excluded areas, it is to be examined whether the position has now changed and an extension of the franchise is possible. In some of the backward areas the difficulty is said to be that of finding persons capable of representing the community (in the hills of Assam it is said that different tribes living in the same area will not agree upon a common representative) or even of understanding the significance of the vote. Other difficulties are likely to be encountered. It is fairly common for aboriginal tribes not to live on any settled village site but to keep on the move. Thus in the Mikir\* Hills the village site shifts every few years and the village which may consist of only three or four houses is known by the name, not of the place but of the headmen. Korku in the Melghat\* shift even more frequently. The possibility of effective representation either by indirect election or modified franchise perhaps needs re-examination. Such a system at least amounts to the beginning of political education of the tribes. Areas where no system of representation is practicable must remain unenfranchised and the question arises as to the best way of administering the area. The area in that case is probably best allowed to manage its own tribal affairs except in regard to serious crime or interference with other villages. Where tribal councils exist as in the case of the Nagas or Garos such systems could be recognised and encouraged as far as possible. To what extent tribal councils could usefully assist in deciding upon the type and method of education to be given, measures for the eradication of diseases etc. is a matter for examination. If the tribes of any areas are not able to share in the administration of the province of which they are a part and have no voice in the legislature, it may be necessary to provide in the constitution, in order to prevent the needs of such backward areas being overlooked, that the budget of the provinces should show separately against each nation-building department, the sums ear-marked for such areas. The "Minorities Commission" referred to earlier may then find it comparatively easy to ascertain to what extent the needs of these areas were being attended to. Other constitutional arrangements possible for such areas have been suggested in Linguistic Provinces and Regional Arrangements (II) in Constitutional Precedents (First Series).

It may be desirable to alter the designation of areas which will not be able to exercise the franchise as Unfranchised Areas since there will be no question of "Exclusion" from the sphere of the Legislatures.

11. *Future of Partially Excluded Areas. (a) Franchise.*—In the Partially excluded Areas, franchise seems to exist without exception. The extent to which the present limited franchise is affording effective representation to the tribes could however be questioned. Should adult franchise be adopted under the new constitution, the problems associated with giving practical effect to it in the areas which are difficult of access may call for the attention of the Committee, at least for purposes of the broad outline. The electorate is at present joint in all general constituencies even where there is an appreciable proportion of "non-aboriginals".

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§The Orissa Partially Excluded Areas Enquiry Committee reported in 1940 in respect of the Koreput district that there were very few aborigines with sufficient educational or other qualifications to represent the hill tribes in the Local Board. They recommended accordingly that representatives for the aborigines should be nominated. (Paras 158-60.) Nomination was also recommended for the Ganjam Agency Khondmals. (Paras 275-77.)

\*This is actually a partially excluded area.

(b) *Provision for Special Regulations.*—Partially Excluded Areas inhabited by aboriginal tribes to an appreciable extent may still have to be dealt with by special rules or modified enactments. Areas like Sambalpur in Orissa have been treated as Partially Excluded not so much on account of their backwardness as on account of the existence of special rules and a different system of land revenue or village administration etc. It may be inconvenient to draft comprehensive legislation while taking into account the needs of such areas. If the continuance of patriarchal systems of administration in some areas is unavoidable, provision must obviously be made for not applying certain legislation to them or applying such legislation with modifications. In this connection Mr. Grigson says as follows :—

“This power of applying Acts to Partially Excluded Areas with suitable exceptions and modifications is a most valuable power, and I make bold to say if there had been no Partial Exclusion at all, sooner or later the Provincial Governments would have found it necessary to add a corresponding provision to their General Clauses Acts so as to meet the special problems of the backward areas and avoid the holding up of legislation needed in the advanced areas because the backward areas were not ripe for them. Our own Ministry in the Central Provinces as we have seen, found it necessary in the debates on the Tenancy Amendment Bill of 1939 to leave certain exceptions admittedly necessary for the protection of aboriginal tenants to be dealt with later under section 92 of the Government of India Act after the enactment of the Tenancy Amendment Act for the whole province. But it has been pointed out in the sections of this Report dealing with loss of land how inadequate for the whole body of aboriginals the protection is in economic matters, and the Partial Exclusion sections of the Government of India Act apply only to a small proportion of the aboriginals who need protection. In my view, therefore, even now there is urgent need to add to the Central Provinces General Clauses Act a provision empowering the Provincial Government to notify certain areas as Aboriginal Areas and providing that no Act of the Provincial Legislature shall apply to such areas except by a special notification and subject, if necessary, to special exceptions and modifications, on precisely the same lines as are made applicable to Partially Excluded Areas by section 92 of the Government of India Act. As distinct from the Partial Exclusion provisions of the Government of India Act, such a decision, which should be taken only after the restoration of the normal constitution, would represent the considered decision of the autonomous provincial legislature voluntarily imposing certain restrictions upon the generality of its law-making powers. A similar provision is really necessary also in the General Clauses Act of the Central Legislature.”

(c) *Fresh Demarcation and Designation.*—Though areas inhabited by tribes may be enfranchised, their state of development may still be far behind that of other areas and the tribes in need of special attention. If so, the areas will have to be demarcated. The list of Partially Excluded Areas could perhaps be profitably scrutinised with a view to a fresh determination of areas in need of special attention, by addition or excision. In some Partially Excluded Areas, the tribal population seems to be negligible. For example, in the Diwanganj thana of the Mymensingh district, there are only 30 tribals out of a total population of 118,265 and in the Sribandi area, only 1436 out of 112,872. Then there are “pockets” of tribal populations in the regular districts of the Madras Province and the position in respect of them may need some attention. It appears desirable to designate areas which



require special measures for development as Scheduled or Undeveloped Areas unless the term "Partially Excluded" is to be retained. In respect of these areas also the question of showing the budget provision under national building departments needs to be considered.

12. *Culture, Religion and Education of Tribes.*—Regarding protection of the culture, language and religion of the aborigines, the constitution will probably contain general safeguards which would apply to aborigines also. The question of proselytising activities needs consideration. Anthropologists like Mr. Elwin, are inclined to view with disfavour proselytising activities. It is felt that proselytisation breaks up tribal unity, diverts the people from their natural course of development and removes large numbers of them from the protection and support of the community on which they must ultimately depend. Christian Missions have however made substantial contributions towards the advancement of the tribes.

Effects similar to those resulting from conversion are attributed to present day education and it is pointed out that education is seldom imparted in the language of the aborigine. Education has the effect of making aborigines dislike manual labour and breaks up tribal life also. According to Mr. Grigson, education as imparted makes them "incongruous and alien in their own homes, and boys who can read and write think themselves superior to tribal recreations. Mr. Grigson quotes Mr. Elwin's views on education to the effect that educational aims should be (a) to conserve and develop aboriginal culture, religion and tribal institutions; (b) so to equip the aborigine that he will be able not only to defend himself against those elements of civilization that threaten to destroy or degrade him, but also to take his place in this rapidly changing world and make his contribution to it, and (c) to improve his economic condition. Mr. Elwin recommends that expert teachers and special text books are needed; that a primary emphasis should be laid on craft which must be related to aboriginal life; that thought, recreation and organisation should be of an aboriginal character." (Mr. Elwin quoted in para. 448 of Mr. Grigson's report). Mr. Grigson has recommended the education of the tribals of the Central Provinces in areas where Gondi and Korku are still spoken, in their own language, employing the Nagri script, in the earliest classes. The tribes are still regarded as quite unripe for compulsion and "any attempt to compel them to send their children to schools will defeat its own objects." Oral evidence of witnesses on these matters might help the committee to decide to what extent, if any, it is necessary to provide constitutional safeguards.

### 13. *Points for Determination.*—

Thus the major questions to be considered appear to be,—

(a) determination of areas and tribes which will not be able to share in the administration of the country in general and provisions for special treatment;

(b) determination of insufficiently developed areas inhabited by tribes which require special legislation or attention, the mode of election or representation in such areas and the extent of representation;

(c) the special provisions, if any, necessary such as separate statements of expenditure, the agency by which social and other legislation for such areas may be initiated, preservation of culture, prevention of exploitation, representation in local self-governing bodies, etc.;

(d) the agency for periodic examination of the position and advice to the Government or the Legislature;

(e) the determination of matters, if any, which should be treated as justiciable issues (i.e. matters in which the protection of the Civil Court could be sought). The advisory Committee is also likely to be faced with questions such as recruitment to the services and allotment of land.

14. *Provisions in Union, Group and Provincial Constitutions.*—Another question on which the advice of the Committee will be required is whether and what provisions are required in the Union, Group or Provincial Constitutions respectively. The Sapru Committee has suggested a Minority Commission at the Centre as well as in each province. It is not clear what relations are contemplated between the Central and Provincial Commissions. Sir Reginald Coupland suggested in his report (Vol. III, p. 165) that "If a Regional system were adopted, the final responsibility for the areas could be vested in the Regional Governments rather than in the Centre. If Group Constitutions are framed, it may perhaps be simpler to provide for an invigilatory body to be attached to the Group Government; rather than to each Provincial Government; this would have the advantage of uniform treatment in the different provinces. The attachment of such a body to the Central Government for the whole of India may not be desirable or practicable. If the jurisdiction of the supervision is extended to cover the States as well (a very large population of tribes inhabits the Assam, Chattisgarh and Orissa States) a Central Commission is indicated.

**APPENDICES**  
**STATEMENTS**  
**AND**  
**FACTUAL MEMORANDA**  
**OF**  
**PROVINCES**

## STATEMENT I

### SCHEDULE

#### PART I.—EXCLUDED AREAS

##### *Madras*

The Laccadive Islands (including Minicoy) and the Amindivi Islands.

##### *Bengal*

The Chittagong Hill Tracts.

##### *The Punjab*

Spiti and Lahaul in the Kangra District.

##### *Assam*

The North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts.

The Naga Hills District.

The Lushai Hills District.

The North Cachar Hills Sub-division of the Cachar District.

##### *The North-West Frontier Province*

Upper Tanawal in the Hazara District.

#### PART II.—PARTIALLY EXCLUDED AREAS

##### *Madras*

The East Godavari Agency and so much of the Vizagapatam Agency as is not transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

##### *Bombay*

In the West Khandesh District, the Shahada, Nandurbar and Taloda Taluks, the Navapur Petha and the Akrani Mahal, and the villages belonging to the following Mehwassai Chiefs, namely, (1) the Parvi of Kathi, (2) the Parvi of Nal, (3) the Parvi of Singpur, (4) the Walvi of Gaohali, (5) the Wassawa of Chikhli, and (6) the Parvi of Navalpur.

The Saptura Hills reserved forest areas of the East Khandesh District.

The Kalvan Taluk and Peint Petha of the Nasik District.

The Dhahanu and Shahapur Taluks and the Mokhada and Umbergaon Pethas of the Thana District.

The Dohad Taluk and the Jhalod Mahal of the Broach and Panch Mahals District.

*Bengal*

The Darjeeling District.

The Dewanganj, Sribardi, Nalitabari, Haluaghat, Durgapur and Kalmakanda police stations of the Mymensingh District.

*The United Provinces*

The Jaunsar-Bawar Pargana of the Dehra Dun District.

The portion of the Mirzapur District south of the Kaimur range.

*Bihar*

The Chota Nagpur Division.

The Santal Parganas District.

*The Central Provinces and Berar*

In the Chanda District, the Ahiri Zamindari in the Sironcha Tahsil, and the Dhanora, Dudmala, Gewardha, Jharapapra, Khutgaon, Kotgal, Muramgaon, Palasgarh, Rangī, Sirsundi, Sonsari, Chandala, Gilgaon, Pai-Muranda and Potegaon Zamindaris in the Garchiroli Tahsil.

The Harrai, Gorakghat, Gorpani, Batkagarh, Bardagarh, Partabgarh (Pagara), Almod and Sonpur jagirs of the Chhindwara District, and the portion of the Pachmarhi jagir in the Chhindwara District.

The Mandla District.

The Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of the Bilaspur District.

The Aundhi, Koracha, Panabaras and Ambagarh Chauki Zamindaris of the Drug District.

The Baihar Tahsil of the Balaghat District.

The Melghat Taluk of the Amraoti District.

The Bhainsdehi Tahsil of the Betul District.

*Assam*

The Garo Hills District.

The Mikir Hills (in the Nowgong and Sibsagar Districts).

The British portion of the Khasi and Jaintia Hills District, other than the Shillong Municipality and Cantonment.

*Orissa*

The District of Angul.

The District of Sambalpur.

The areas transferred from the Central Provinces under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

The Ganjam Agency Tracts.

The areas transferred to Orissa under the provisions of the aforesaid Order from the Vizagapatam Agency in the Presidency of Madras.

## STATEMENT II

*Constituencies & Excluded Areas*

Partially Excluded Area	Electoral Constituency
<i>Madras</i>	
The East Godavari Agency and parts of the Vizagapatam Agency not transferred to Orissa.	The taluks of Golconda, Gudem, Srungavara-pukota and Yellavaram. (Backward Tribes Constituency.)
<i>Bombay</i>	
Shahada, Nandurbar and Taloda Taluks. Nawapur Petha and Akrani Mahals and villages belonging to certain Mehwassai chiefs (W. K. District).	Included in West Khandesh West General Constituency. One seat is reserved for backward tribes.
Satpma Hills R. F. areas (E. K. District).	Included in East Khandesh General.
Kalvan Taluk and Peint Petha Narik District.	Kalvan in Nasik West and Point Petha in Nasik East Constituency (General).
Dahanu and Shahapu Taluks. Mokhada and Umbergaon Pethas (Thana District).	Included in Thana North General Constituency. Shahapur Taluk in Thana South.
Dohad Taluk and Jhalod Mahal (Broach and Panch Mahals District).	Panch Mahals (East, Jhalod Mahal and Dohad Taluk of the Broach and Panch Mahals District (General Constituency.)
<i>Bengal</i>	
Darjeeling District . . . . .	The Sadar, Kurseong and Kalimpong Subdivisions of the Darjeeling Dist. (General Rural Constituency).
Dewanganj, Sribandi, Nalitabari, Haluaghat, Durgapur and Kambakanda Police Stations, Mymensingh District.	Included in Mymensingh General Rural Constituency.
<i>United Provinces</i>	
Jaunsar-Bawar Pargana of Dehra Dun District.	Included in General Rural Constituency of Dehra Dun.
Portion of Mirzapur Dist. South of Kaimur range.	Included in Mirzapur General Rural Constituency.
<i>Bihar</i>	
The Chhota-Nagpur Division . . . . . The Santal Parganas Dist. }	Included in General Constituencies.
<i>Central Provinces and Berar</i>	
Certain Zamindaris of the Chanda District	Included in Chanda Dist. General Constituency.
Certain Zamindaris of Chhindwara District	Included in Chhindwara Sausar General Constituency.
Certain Zamindaris of Bilaspur District . . . . .	Included in General Constituency.
Certain Zamindaris of Drug Dist. . . . .	Included in General Constituency.
Baihar Tahsil (Balaghat Dist.) . . . . .	Included in Balaghat and Baihar Tahsils (1).
Melghat Taluk (Amraoti Dist.) . . . . .	Included in Ellichpur Daryapur Melghat General Constituency (2 & 13).
Bhainsdehi Tahsil (Betul Dist.) . . . . .	Included in Betul Bhainsdehi General Constituency (1). One Backward Areas and tribes constituency covering Seoni Tahsil (Chhindwara Dist.) and Mandla Tahsil (Mandla Dist.).

Partially Excluded Area	Electoral Constituency
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*Assam*

Garó Hills District. Mikir Hills (in Nowgong and Sibsagar Dist.).	All included in special plains and hills-constituencies for backward tribes (9 seats).
British portion of Khasi and Jaintia Hills Dist. other than Shillong Mpty. and Cantt.	

*Orissa*

Dist. of Angul . . . . .	} No separate tribal constituencies. Included in General Constituencies. One seat in Sambalpur is reserved for the tribes and four seats are filled by persons nominated by the Governor in his discretion.
Dist. of Sambalpur . . . . .	
Areas transferred from C. P. . . . .	
Ganjam Agency Tracts . . . . .	
Areas transferred from Vizagapatam Agency	

## STATEMENT IV

Schedule 13 to Government of India (Provincial Legislative Assemblies)  
Order, 1936

## BACKWARD TRIBES

## PART I

*Madras*

1. Bagata.
2. Bottadas—Bodo Bhottada, Muria Bhottada and Sano Bhottada.
3. Bhumias—Bhuri Bhumia and Bodo Bhumia.
4. Bissoy—Barangi Jodia, Bennangi Daduva, Frangi, Hollar, Jhoriya, Kollai Konde, Paranga, Penga-Jodia, Sodo Jodia and Takora.
5. Dhakkada.
6. Dombs—Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Mirgani Dombs, Oriya Dombs, Ponaka Dombs, Telaga and Ummia.
7. Gadabas—Boda Gadaba, Cerllam Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Paranga Gadaba.
8. Ghasis—Boda Ghasis and San Ghasis.
9. Gondi—Modya Gond and Rajo Gond.
10. Goudus—Bato, Bhirithya, Dudhokouria, Hato, Jatako and Joria.
11. Kosalya Goudus—Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Ladiya Goudus and Pullosoriya Goudus.
12. Magatha Goudus—Bernia Goudu, Boodo Magatha, Dongayath Goudu, Ladya Goudu, Ponna Magatha and Sana Magatha.
13. Seerithi Goudus.
14. Holva.
15. Jadapus.
16. Jatapus.
17. Kammaras.
18. Khatfis—Khatti, Kommaro and Lohara.
19. Kodu.
20. Kommar.
21. Konda Dhoras.
22. Konda Kapus.
23. Kondareddis.
24. Kondhs—Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondh and Yenity Kondhs.
25. Kotia—Bartika, Benthoriya, Dhulia or Dulia, Holva Paiko, Putiya, Sanrona and Sidho Paiko.
26. Koya or Goud with its sub-sects, Raja or Rasha koyas, Lingadhari koyas, Koyas (ordinary) and Kottu koyas.
27. Madigas.
28. Malas or Agency Malas or Valmikies.
29. Malis—Korchia Malis, Paiko Malis and Pedda Malis.
30. Mauna.
31. Manna Dhora.
32. Mukha Dhora—Nooka Dhora.
33. Muli or Muliya.
34. Muria.
35. Ojulus or Metta Komsalies.
36. Omanaito.



37. Paigarapu.
38. Palasi.
39. Palli.
40. Pentias.
41. Porjas—Bodo, Bonda, Daruva, Didua, Jodia, Mundili, Pengu, Pydi and Saliya.
42. Reddi or Dhoras.
43. Rolli or Saohandi.
44. Ronas.
45. Savaras—Kapu Savaras, Khutto Savaras and Maliya Savaras.

## PART II

### *Bombay*

- |                    |  |                  |
|--------------------|--|------------------|
| 1. Barda.          | 9. Gond.                                     | 16. Patelia.     |
| 2. Bavacha.        | 10. Kathodi, or Katkari.                     | 17. Pomla.       |
| 3. Bhil.           | 11. Konkna.                                  | 18. Powara.      |
| 4. Chodhra.        | 12. Koli Mahadeb.                            | 19. Rathawa.     |
| 5. Dhanka.         | 13. Mavchi.                                  | 20. Tadvi Bhill. |
| 6. Dhodia.         | 14. Naikda or Nayak.                         | 21. Thakur.      |
| 7. Dubla.          | 15. Pardhi, including Advichincher or Phanse | 22. Valvai.      |
| 8. Gamit or Gamta. | Pardhi.                                      | 23. Verli.       |
|                    |  | 24. Vasava.      |

## PART III

### *Bihar*

A person shall be deemed to be a member of a backward tribe if and only if—

(a) he is resident in the Province and belongs to any of the following tribes :—

- |                 |               |                     |
|-----------------|---------------|---------------------|
| 1. Asur.        | 12. Gond.     | 23. Kora.           |
| 2. Banjara.     | 13. Gorait.   | 24. Korwa.          |
| 3. Bathudi.     | 14. Ho.       | 25. Mahli.          |
| 4. Bontkar.     | 15. Juang.    | 26. Mal Paharia.    |
| 5. Binjhia.     | 16. Karmali.  | 27. Munda.          |
| 6. Birhor.      | 17. Kharia.   | 28. Oraon.          |
| 7. Birjia.      | 18. Kharwar.  | 29. Parhiya.        |
| 8. Choro.       | 19. Khetauri. | 30. Santal.         |
| 9. Chik Baraik. | 20. Khond.    | 31. Sauria Paharia. |
| 10. Gadaba.     | 21. Kisan.    | 32. Savar.          |
| 11. Ghatwar.    | 22. Koli.     | 33. Tharu.          |

(b) he is resident in any of the following districts or police stations, that is to say, the districts of Ranchi, Singhbhum, Hazaribagh and the Santal Parganas, and the police stations of Arsha, Balarampur, Jhalda, Jaipur, Baghmundi, Chandil, Ichagarh, Barahabhum, Patamda Banduan and Manbazar in the district of Manbhum, and belongs to any of the following tribes :—

- |            |            |            |
|------------|------------|------------|
| 1. Bauri.  | 4. Bhumij. | 7. Rajwar. |
| 2. Bhogta. | 5. Ghasi.  | 8. Turi.   |
| 3. Bhuiya. | 6. Pan.    |            |

(c) he is resident in the Dhanbad sub-division or in any of the following police stations in the Manbhum district, that is to say, Purulia, Hura, Pancha, Raghunathpur, Santuri, Nituria, Para, Chas, Chandankiari and Kashipur, and belongs to the Bhumij tribe.

#### PART IV

##### *Central Provinces*

1. Gond.	13. Baiga.	25. Kol.
2. Kavar.	14. Kolam.	26. Nagasia.
3. Maria.	15. Bhil.	27. Sawara.
4. Muria.	16. Bhuinhar.	28. Korwa.
5. Halba.	17. Dhanwar.	29. Majhwar.
6. Pardhan.	18. Bhaina.	30. Kharia.
7. Oraon.	19. Parja.	31. Saunta.
8. Binjhar.	20. Kamar.	32. Kondh.
9. Andh.	21. Bhunjia.	33. Nihal.
10. Bharia—Bhumia.	22. Nagarchi.	34. Birhul (or Birhor.)
11. Koli.	23. Ojha.	35. Rautia.
12. Bhattra.	24. Korku.	36. Pando.

#### PART V

##### *Assam*

The following tribes and communities :—

1. Kachari.	10. Abor.
2. Boro or Boro-Kachari.	11. Mishmi.
3. Rabha.	12. Dafia.
4. Miri.	13. Singpho.
5. Lalung.	14. Khampati.
6. Mikir.	15. Any Naga or Kuki tribe.
7. Garo.	16. Any other tribe or community for the time being designated by the Governor in his discretion.
8. Hajong.	
9. Deori.	

#### PART VI

##### *Orissa*

A person shall be deemed to be a member of a backward tribe if and only if—

(a) he is resident in the Province and belongs to any of the following tribes :—

1. Bagata.	8. Konda-Dora.	15. Munda.
2. Banjari.	9. Koya.	16. Banjara.
3. Chenchu.	10. Paroja.	17. Binjha.
4. Gadaba.	11. Sacra (Savar).	18. Kisan.
5. Gond.	12. Oraon.	19. Koli.
6. Jatapu.	13. Santal.	20. Kora.
7. Khond (Kond).	14. Kharia.	

(b) he is resident in any of the following areas, that is to say, the Koraput and Khondmals Districts and the Ganjam Agency and belongs to either of the following tribes :—

1. Dom or Dombo.
2. Pan or Pano.

(c) he is resident in the Sambalpur district and belongs to any of the following tribes :—

- |            |                 |
|------------|-----------------|
| 1. Bauri.  | 4. Ghasi.       |
| 2. Bhuiya. | 5. Turi.        |
| 3. Bhumij. | 6. Pan or Pano. |

## STATEMENT V

## A

## EXCLUDED AND PARTIALLY EXCLUDED AREAS

## POPULATION (PROVINCIAL TOTALS)

	Area in Sq. Miles	Total Population	Aboriginal or Backward Class	Percentage
MADRAS	<i>Excluded Areas</i> <i>S.P. hills</i> 9.624 201½ <i>acres</i>	18,357	18,355	99.9
	<i>Partially Excluded Areas</i>	6,792.31	493,006	333,372* 67.6
BOMBAY	<i>Excluded Areas</i>			
	<i>Nil</i>			
	<i>Partially Excluded Areas</i>	6,697	1,125,471	663,628 58.9
	<i>Excluded Areas</i>	5,007	247,053	233,392 94.5
BENGAL	<i>Partially Excluded Areas</i>	2,518	977,655	180,112 19.4
	<i>Excluded Areas</i>			
UNITED PROVINCES	<i>Nil</i>			
	<i>Partially Excluded Areas</i>	12,250	202,000	143,600 71.1
PUNJAB	<i>Excluded Areas</i>	4,695	11,700	11,700 (TIBETANS) 100
	<i>Partially Excluded Areas</i>	<i>Nil</i>		

*Does not include the area of Sappura Hills  
Reserved Forest*

	Area in Sq. Miles	Total Population	Aboriginal or Backward Class	Percentage
BIHAR . . . . .	<i>Excluded Areas</i>			
	Nil			
	<i>Partially Excluded Areas</i>			
	32,458	9,750,846	4,451,109	45.6
CENTRAL PROVINCES AND BERAR	<i>Excluded Areas</i>			
	Nil			
	<i>Partially Excluded Areas</i>			
	18,632†	1,440,510	833,143	57.8
ASSAM . . . . .	<i>Excluded Areas</i>			
	18,593	450,756†	411,461‡	91.3
	<i>Partially Excluded Areas</i>			
	<del>9,297</del> 5,505	<del>702,364</del> 448,778	451,787	<del>64.3</del> 92.4
N. W. F. P.	<i>Excluded Areas</i>			
	210	56,655		
	<i>Partially Excluded Areas</i>			
	Nil			
ORISSA . . . . .	<i>Excluded Areas</i>			
	Nil			
	<i>Partially Excluded Areas</i>			
	<del>9,987</del> 20,548	<del>1,811,554</del> 2,939,416	<del>†108,472</del> 1,560,064	<del>42.4</del> 52.1
GRAND TOTAL	<del>117,146</del> 123,915	<del>17,297,927</del> 18,262,203	<del>6,361,161</del> 6,301,723	<del>■</del> 34.6

\*Includes 72,809 Backward Class—See Table B.

†This does not include the area of Sanjari in Drug District.

‡This gives 1931 figures for Lakhimpur Hill Tracts. (See Table K).

2. Does not include the area of Mikir Hills  
(Horiganj & Silsagan)

## STATEMENT V

## A-1

STATEMENT SHOWING THE TOTAL POPULATION AND TRIBAL  
POPULATION OF PROVINCES.

Name of Province.	Total Population	Tribal Population	Percentage
MADRAS . . . . .	49,341,810	562,029	1.1
BOMBAY . . . . .	20,849,840	1,614,298	7.7
BENGAL . . . . .	60,306,525	1,889,389	3.1
U. P. . . . .	55,020,617	289,422	.53
PUNJAB . . . . .	28,418,819	...	...
BIHAR . . . . .	36,340,151	5,055,647	13.9
C. P. AND BERAR. . . . .	16,813,584	2,937,364	17.5
ASSAM . . . . .	10,204,733	2,484,996	24.4
N.-W. F. P. . . . .	3,038,067	...	...
ORISSA . . . . .	8,728,544	1,721,006	19.7
SIND . . . . .	4,535,008	36,819	.81
AJMER-MERWARA . . . . .	583,693	91,472	15.6
ANDAMAN & NICOBARS . . . . .	33,768	11,076	32.8
BALUCHISTAN . . . . .	501,631	3	...
COORG . . . . .	168,726	19,723	11.7
DELHI . . . . .	917,939	Nil	Nil

## MADRAS EXCLUDED AREAS

1. Laccadive Group.  
2. The Amindivi Islands.  
*Laccadive Group.*—(Malabar Dist).

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
1. Androth . . . . .	1.7	3,119	3,119	100
2. Agathy . . . . .	1.07	1,641	1,641	100
3. Kalpani . . . . .	0.7	2,094	2,094	100
4. Kavarathy . . . . .	1.4	2,058	2,058	100
5. Begaram . . . . .	115 (Acres)	..	..	..
6. Tinnakkara . . . . .	76½ "	2	..	..
7. Parli . . . . .	10 "	..	..	..
8. Minicooy . . . . .	1.75 sq. miles	3,266	3,266	100
<i>Amindivi Islands.</i> (South Kanara Dist).				
1. Amindivi Islands . . . . .	3 sq. miles	6,177	6,177	100

*Madras Partially Excluded Areas**East Godavari Dist.*—

1. Bhadrachalam, Nugor, Chodavaram & Yellavaram Taluqas	3,133 sq. miles	186,546	117,046 (19,684*)	73.3
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*West Godavari Dist.*—

2. Poravaram Taluqa	543.31 sq. miles	85,023	22,231 (14,488*)	43.1
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*Vizagapatam Dist.*—

3. Vizagapatam Agency	3,116 sq. miles	221,437	139,641 (20,282*)	72.2
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## C

## BOMBAY

*Excluded Areas.*—Nil.*Partially Excluded Areas.*

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
<i>West Khandesh Dist.</i> —				
1. Shahada . . . . .	480	113,949	41,823	36.7
2. Nandurbar . . . . .	618	133,236	66,856	50.2
3. Taloda Taluks . . . . .	257	67,376	43,711	64.9
4. Navapur Petha . . . . .	374	64,661	55,717	86.2
5. Akrani Mahal . . . . .	926	29,236	19,229	95.0

*Mehwassi Chiefs.*—

1. Parvi of Kathi . . . . .	} 963 sq. miles	Recommendations of the Provincial Governments and the Government of India Section 91 of the Act, 1921 figures of Mewassi Estates. Total population 28,582; Backward 24,817, 1941 Census, total population 44,140, Tribes 37,795. Percentage 85.6.		
2. Parvi of Nal . . . . .				
3. Parvi of Singpur . . . . .				
4. Walsi of Gnahali . . . . .				
5. Wassawa of Chikhli . . . . .				
6. Parvi of Navalpur . . . . .				

\*Classed as backward.

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
<i>East Khandesh Dist.—</i>				
1. Satpura Hills Reserved Forest Area.	available			
Para. 101, p. 23 of the Recommendations of the Provincial Governments and Government of India Section 91 of the Act. Estimated population of aboriginals 50,000.				
<i>Nasik District.—</i>				
1. Kalvan Taluk . . . . .	524	74,402	37,247	50.1
2. Peint Petha . . . . .	436	57,835	12,251	21.2
<i>Thana District.—</i>				
1. Dahanu . . . . .	399	101,850	40,060	39.2
2. Shahapur Taluk . . . . .	607	80,345	27,559	24.2
3. Mokhada Petha . . . . .	263	35,560	30,176	84.9
4. Umbergaon Petha . . . . .	243	92,162	59,378	64.4
<i>Broach &amp; Panch Mahals Dist.—</i>				
1. Dohad Taluk . . . . .	338	122,146	86,564	70.9
2. Jhalod Mahal (Petha). (Source of information 1941 Census Report) . . . . .	269	67,573	55,262	81.8

## D

## BENGAL

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
<i>Excluded Areas :—</i>				
1. Chittagong Hill Tracts . . . . .	5,007	247,053	233,392	94.5
<i>Partially Excluded Areas :—</i>				
1. Darjeeling Dist. . . . .	1,192	376,369	141,301	37.5
<i>Mymensingh District—</i>				
1. Diwanganj . . . . .	292	118,265	30	.03
2. Sribardi . . . . .	258	112,872	1,436	1.3
3. Nalitabari . . . . .	273	111,776	9,041	8.1
4. Halvaghat . . . . .	164	93,006	20,404	21.9
5. Durgapur . . . . .	339	95,368	12,261	12.9
6. Kalma Danda . . . . .		69,999	5,639	8.1

Source of Information :—1491 Census Report.



## E

## UNITED PROVINCES

*Excluded Areas*—Nil.

*Partially Excluded Areas* :

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
<i>Dehra Dun District</i> —				
1. Jaunsar Bawar Pargana	483	56,000	53,600 (Estimated)	95.7
<i>Mirzapur District</i> —				
1. Portions of the Mirzapur Dist. South of the Kaimur Range .	1,767	146,000	90,000 (Estimated)	61.6

*Recommendations of the Govt. of Provincial Govts., India Report,*  
Source of Information :—Government of India Act, 1935 Excluded and Partially  
Excluded Areas, Section 91, reference page 18.

## F

## PUNJAB

*Excluded Areas*—

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
<i>Kangra District</i> —				
1. Spiti . . . . .	2,931	3,700	3,700 (Tibetans)	100
2. Lahaul . . . . .	1,764	8,000	8,000 (Tibetans)	100

*Partially Excluded Area.* -Nil.

Source of Information :—Government of India Act, 1935 Excluded and Partially Excluded Areas, Section 91.

## G

## BIHAR

*Excluded Areas*—Nil.

*Partially Excluded Areas.*

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
The Chota Nagpur Div. . . . .	27,011	7,516,349	3,321,224	44.2
Hazari Bagh Dist. . . . .	7016	1,751,339	478,253	27.3
Ranchi . . . . .	7159	1,675,413	1,173,142	70.0
<del>Palawan</del> Palawan . . . . .	4901	912,734	323,106	35.4
Man Bhum . . . . .	4131	2,032,146	678,126	33.4
Singh Bhum . . . . .	3605	1,144,717	668,597	58.4
The Santal Parganas Dist. . . . .	5,447	2,234,497	1,129,885	50.6

Source of Information :—1941 Census Report.

**POPULATION AND TRIBAL POPULATION OF EACH  
DISTRICT**

**CENTRAL PROVINCES AND BERAR**

(Table I, page 453 : Grigson : Aboriginal Problem).

District	Tribals of all religions, 1941	Total population 1941	Percentage
Saugor . . . . .	83,607	939,068	8·9
Jubbulpore . . . . .	199,839	910,603	21·0
Mandla . . . . .	302,918	504,580	60·5
Hoshangabad . . . . .	127,147	823,585	15·4
Nimar . . . . .	106,934	513,276	20·8
Betul . . . . .	167,447	438,342	38·2
Chhindwara . . . . .	384,681	1,034,040	37·2
Wardha . . . . .	50,530	519,330	9·7
Nagpur . . . . .	58,720	1,059,989	5·5
Chanda . . . . .	170,126	873,284	19·5
Bhandara . . . . .	111,461	963,225	11·6
Balaghat . . . . .	137,142	634,350	21·6
Raipur . . . . .	300,402	1,525,686	19·7
Bilaspur . . . . .	323,350	1,549,509	20·9
Drug . . . . .	192,285	928,851	20·7
Amraoti . . . . .	62,203	988,524	6·3
Akola . . . . .	34,028	907,742	3·7
Buldana . . . . .	19,357	820,862	2·3
Yeotmal . . . . .	1,58,494	887,738	17·8
Total—C. P.	2,716,589	13,217,718	20·5
Total—Berar	274,112	3,604,866	7·6
Total—C. P. and Berar	2,990,701 (a)	16,822,584	17·8

(a) Males : 1,474,908

Females : 1,515,793

2,990,701

NOTE.—The tribal population according to the 1941 census showed +56,600 in C. P. and—24,171 in Berar, over the 1931 figures, with a net increase of +32,429.

*Tribal population as compared to the total population in the Partially Excluded Areas  
(Vide Table No. II : Grigson : Aboriginal Problem : page 454).*

Tahsil	Area in sq. miles	Total population	Tribal population	Percentage
<i>Mandla District—</i>				
Mandla . . . . .	1,725	216,160	110,248	51·0
Dindori . . . . .	1,944	152,004	98,339	64·7
Niwās . . . . .	1,388	136,416	94,331	69·1
	<u>5,057</u>	<u>504,580</u>	<u>302,918</u>	<u>60·03</u>
<i>Betul District—</i>				
Bhainsdehi . . . . .	1,340	104,435	60,312	57·8
<i>Chhindwara District—</i>				
Chhindwara . . . . .	807	55,414	33,011	59·6
Amarwara . . . . .	790	38,409	29,281	76·2
	<u>1,597</u>	<u>93,823</u>	<u>62,292</u>	<u>66·4</u>
<i>Chanda District—</i>				
Garchiroli . . . . .	1,413	68,893	35,345	51·3
Sironcha . . . . .	2,600	46,138	32,476	70·4
	<u>4,013</u>	<u>115,031</u>	<u>70,821</u>	<u>61·6</u>
<i>Sataghat District—</i>				
Baihar . . . . .	1,456	112,607	63,591	56·5
<i>Drug District—</i>				
Sanjari . . . . .		82,202	51,452	62·6
<i>Bilaspur District—</i>				
Bilaspur . . . . .	1,073	131,699	58,377	44·3
Khatgora . . . . .	2,550	248,204	127,852	51·5
	<u>3,623</u>	<u>379,903</u>	<u>186,229</u>	<u>49·0</u>
<i>Amraoti District—</i>				
Melghat . . . . .	1,546	47,929	35,528	...
<b>Total—All Partially Excluded Areas</b>	<b>18,632</b>	<b>1,440,510</b>	<b>833,143*</b>	<b>75·5</b>

\*Out of this 305,983 "Tribal religion"—the rest represents the number returned as Hindu by religion.

J  
ASSAM

*Excluded Areas—*

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
<b>1. The North-East Frontier Tracts—</b>				
1. Sadiya . . . . .	3,309	60,118	39,974	66.5
2. Balipara . . . . .	571	6,512	3,812	58.5
3. Lakhimpur . . . . .	394	4,338	4,338	100.0
		(19,31)	(1931)	...
<b>2. The Naga Hills District—</b>				
1. Naga Hills Distt. . . . .	4,289	189,641	184,766	97.4
<b>3. The Lushai Hills Dist.—</b>				
1. Lushai Hills Dist. . . . .	8,142	152,786	147,042	96.
<b>4. The North Cachar Hills Sub-Division of the Cachar District—</b>				
1. North Cachar Hills Sub-division . . . . .	1,888	37,361	31,529	84.4
<i>Partially Excluded Areas—</i>				
1. The Garo Hills Dist. . . . .	3,152	233,569	198,474	84.97
2. The Mikir Hills. (Now- gong & Sibsagar). <i>availab</i>		149,746	149,746	100.0
3. The British portion of the Khasi and Jaintia Hills Dist. (other than the Shillong Municipality & Cantt.)		<del>6,145</del> 2,353	<del>319,040</del> 105,463	<del>32.6</del> 98.2
Source of Information :—1941 Census Report.				

## K

## NORTH-WEST FRONTIER PROVINCE

*Excluded Areas—*

## 1. Upper Tanawal in the Hazara District

Name of the Area	Area in sq. miles	Total population	Tribal or Aboriginal	Percentage
Amb. . . . .	174	47,916	See footnote below.	
Phulra . . . . .	36	8,739	Do.	

*Partially Excluded Areas :—Nil*

Note :—The position as regards the "Excluded Area" of N.-W. F. P. is given as follows in the Govt. of India Act, 1935 (Sec. 91) "Recommendations of Provincial Govt. and the Govt. of India".

"The only 'deregulationised' part of the Province is Upper Tanawal in Hazara Distt. The position of this area is defined in the Hazara (Upper Tanawal) Regulation of 1900 by which the jurisdiction of otherwise competent legislature is excluded and special judicial powers are given to the Chiefs of Amb and Phulra, the two States of which Upper Tanawal is composed.....The reason was not that the inhabitants of that area were backward, but that the Chief of Amb and the Khan of Phulra possess a peculiar status and jurisdiction and some means had to be found for excluding the control of their affairs from the ambit of the Local Legislature."

It is not definite whether the territorial limits of Amb and Phulra mentioned above are exactly those given in the tables of the Census Report 1941.

\* The area of the British portion of the Khasi and Jaintia Hills District includes Shillong Municipality and Cantt.

18  
L  
ORISSA

*Excluded Areas—Nil.*

*Partially Excluded Areas—*

Name of the Area	Area in sq. miles	Total population	Tribal or aboriginal	Percentage
<i>Outlact District—</i>				
1. Angul (Sub Div.) . . . . .	881	1,65,856	13,308	8.0
2. Dist. of Sambalpur . . . . .	<del>4,763</del>	1,182,622	232,095	19.0
3. The Ganjam Agency Tracts .	<del>5,419</del> 2,373	463,076	374,069	..

Source of Information:—1941 Census Report

<i>4. Koraput district</i>	<i>9,875</i>	<i>1,127,862</i>	<i>940,632</i>	<i>83.4</i>
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## STATEMENT VI

## IMPORTANT TRIBES AND THEIR POPULATION

Name of the Tribe	Population in the Province	Population in the Excluded or Partially Excluded Area
<i>Madras</i>		
Jatapus . . . . .	56,651	12,453
Konda Dhoras . . . . .	98,747	19,843
Kondhs . . . . .	54,539	39,539
Koya . . . . .	95,633	91,279
<i>Bombay</i>		
Bhil . . . . .	568,576	568,576
Dhodia . . . . .	107,480	11,907
Dubla . . . . .	457,400	31,076
Thakur . . . . .	97,795	70,713
Varli (Worli) . . . . .	142,294	136,866
<i>Bengal</i>		
Chakma . . . . .	106,160	105,677
Munda . . . . .	101,479	} All } Bengal } figures } not available.
Oraon . . . . .	240,483	
Santal . . . . .	829,025	
Lushias . . . . .	Figures not available.	
Nagas . . . . .	<i>Do.</i>	<i>Do.</i>
<i>Bihar</i>		
Ho . . . . .	349,645	349,591
Kharia . . . . .	88,777	88,777
Kharwar . . . . .	77,702	67,520
Mahli . . . . .	60,385	58,960
Munda . . . . .	519,743	445,132
Oraon . . . . .	638,490	600,867
Santal . . . . .	1,534,646	1,370,362
Sauria Paharia . . . . .	58,654	57,212
Rhogta . . . . .	75,965	71,351
Bhumij . . . . .	152,992	152,991
Turi . . . . .	71,277	66,725
<i>Central Provinces and Berar</i>		
Gond . . . . .	2,068,179	1,279,177
Kawar . . . . .	106,077	74,095
Halba . . . . .	108,875	74,816
Pardhan . . . . .	121,494	73,030
Korku . . . . .	184,019	95,271
Kol . . . . .	93,944	15,964

Name of the Tribe	Population in the Province	Population in the Excluded or Partially Excluded Area
<i>Assam</i>		
Kachari <sup>1</sup>	428,733	428,733 Includes also Brahmaputra Valley.
Miri	106,950	106,950
Mikir	149,746	149,746
Garos <sup>2</sup>	226,273	226,273 Includes also
Lushai	142,302	142,302 Goalpara.
Naga <sup>3</sup>	280,370	280,370 Includes Manipur State also.
Angami	52,080	52,080
Ao	40,063	40,063
Lhota	19,374	19,374
Konyak	9,744	9,744
Rangma	4,968	4,968
Sama	35,741	35,741
Tangkhul	Not available.	-
Khasi	192,919	192,919
Synteng	63,741	63,741
Abhor	..	..
Lalung <sup>4</sup>	51,308	.. Nowgong only.
Rabha <sup>5</sup>	84,269	84,269 Includes Goalpara and Kamrup.
<i>Orissa</i>		
Jond	134,864	107,944
Khond (Kond)	436,260	222,917
Saora (Savar)	248,933	193,081
Santal	22,379	..

<sup>1</sup> Includes also those in the Brahmaputra Valley

<sup>2</sup> " " in Goalpara

<sup>3</sup> " " in Manipur State

<sup>4</sup> In Nowgong only.

<sup>5</sup> Includes Goalpara and Kamrup Rabhas.

## MADRAS—FACTUAL MEMORANDUM

### PUBLIC (POLITICAL) DEPARTMENT

The Excluded Areas in the Madras Province are the Laccadive islands including Minicoy (generally called the Laccadives) and the Amindivi islands (generally called the Amindivis), and the Partially Excluded Areas are the Agency Tracts comprising the extensive hilly regions of the Vizagapatam and the East and West Godavari districts.

#### *Excluded Areas*

##### *Historical background and how administered before and at present*

2. The Laccadive and the Amindivi islands are situated in the Arabian Sea some 100 to 200 miles off the coast of Malabar. The population of both the groups of islands is Muslim, their language is Malayalam (except in Minicoy where it is a primitive Singalese called Mahl) and their manners and customs are tribal and simple. Until recently they had no idea of property in land; their property consisted entirely of coconut trees or houses. There is now, however, a growing tendency to demarcate the ground and to define plots of trees by boundaries in documents. Their tenancy customs are peculiar and almost feudal in character.

3. The Amindivis were, from the early times, administered by the British on simple patriarchal lines. When the islands came under British administration the single 'Kariyakar' who had administered the group from Ameni under the Cannanore Rajas was replaced by a Monegar resident at Ameni. The Collector of South Kanara periodically visited the islands and administered them with the aid of the Monegar resident at Ameni. The Monegar was assisted by a Gumasthan or clerk and Karanis or peons posted on each of the smaller islands. The Scheduled Districts Act (Act XIV of 1874) was extended to the Amindivis by notification. But no notification under section 3 of the Act excluding any of the Acts applicable to the other parts of the Province was actually issued, and so the High Court held that both the Indian Penal Code and the Criminal Procedure Code were in force in the Amindivis. The Monegar on these islands was therefore regarded as a Deputy Tahsildar and in virtue of his office allowed to exercise Third Class powers under the Criminal Procedure Code. This position still continues. Appeals and revision petitions lie as laid down in the Code. The Monegar also tries a number of more serious offences such as defamation and adultery under the customary laws and exercises civil powers under Madras Regulation IV of 1816. He is still, as in olden days, assisted by a gumasthan at Ameni and a resident peon, or Karani, on each of the other islands.

4. A similar patriarchal system of administration was adopted by the British in the Laccadives also. When these islands were attached for arrears in 1854 and again in 1875 the British found that under the Cannanore Rajas there was an agent on each island called a Kariyakar, assisted by a gumasthan or a clerk. The Kariyakars were expected to act in conjunction with the Mookyasthans or Karanavans. None of the



Raja's agents, however, had either the prestige or the character to conduct proper administration; every one oppressed the people. In 1875, therefore, the British replaced all the Raja's Kariyakars by Amins. The islands finally came into the hands of the British only in 1909. The Amin on each island was, for conducting its affairs, given the aid of a gumasthan and required to consult the Karanavans. Since the passing of Regulation I of 1926 the Amin virtually exercises Third Class Magisterial powers and also tries petty civil cases. In more important cases appeals from him lie to the Collector of Malabar who usually delegates his powers to the headquarters Deputy Collector or to the officer periodically sent to inspect the islands. No appeal, however, lies from their decision to the Collector, but revision petitions are entertained by him. Appeals from the decisions of the Collector in original suits lie to the High Court. The actual procedure for administering civil and criminal justice in these islands was first laid down in a special enactment, Regulation I of 1912. By this Regulation the island law and procedure were to a certain extent legalised and codified.

5. The administration of the Laccadives and the Amindivis thus consists in essence in the maintenance of law and order and in the dispensation of a simple system of justice through the Monegar and the Amins. The work and conduct of these officials is inspected and corrected by Inspecting Officers who are usually the Revenue Divisional Officers or the Sub-Collectors deputed by the Collectors of South Kanara and Malabar. The Inspecting Officers, during their visits to the islands—which are made usually once in two years . . . , ascertain the condition and welfare of the islanders, decide appeals pending from the decisions of the Monegar and the Amins, redress the grievances of the people, if any settle their local disputes and, soon after the inspection is over, submit their report with their observations and suggestions through the Collectors to the Government.

*Aims of Government policy—Machinery to achieve the aims—Measure of success and extent of application of Provincial laws.*

6. As a result mainly of these inspections several measures have been from time to time suggested for improving the social and economic conditions in the islands. Some of these measures have been adopted while others of a more daring or novel nature have been given up as being inexpedient. The aims of the Government throughout have been to ameliorate and improve the condition of the islanders in all possible ways, but to do so gradually without in any way violently pushing them forward into the pale of modern civilization.

Nor has the Government been indifferent to the need for improving the economic condition of the islanders. The wealth of these people consisted, and still consists, almost entirely of the produce of the coconut trees which grow abundantly upon all the islands and yet they knew not and cared not to cultivate these trees properly. The Government have therefore again and again attempted to encourage the islanders to cultivate the trees on scientific lines and to provide improved facilities for marketing their produce.

7. The first Act of importance which affected the islanders was the Scheduled Districts Act XIV of 1874. This Act specified " the Laccadive islands including Minicoy " as one of the Scheduled Districts and gave the option to the local Government to extend the Act to these areas by a notification. Subsequently by Notifications under section 3 of the Act, the Government declared that the following Acts were to be in force in the islands :

- (1) The State Prisoners Act XXXIV of 1850 and III of 1858 by Notification No. 268 dated 9th July 1889,
- (2) The Lunacy Act XXXV of 1858, by Notification No. 285 dated 4th July 1898, and
- (3) The Civil Procedure Code, sections 23 to 43 only, by Notification No. 197 Judicial dated 11th February 1909.

The Government, however, at no time declared what *all* enactments were in force or what enactments were *not* in force with the result the High Court of Judicature at Madras held in 1910 that all the laws applicable to the main land were also applicable to the islands. It was thus that the Indian Penal Code and the Criminal Procedure Code were held to be applicable to the Amindivis.

8. In 1912 the Government thought it best to pass a special Regulation (Regulation I of 1912) defining the laws applicable to the islands. This Regulation made the following laws applicable to the Laccadives :

- (1) The Madras State Prisoners' Regulation II of 1819,
- (2) The State Prisoners' Act III of 1858, and
- (3) The Scheduled Districts Act XIV of 1874.

This Regulation also, to some extent, legalised and codified, as has already been stated, the law and procedure prevailing on the islands and laid down a set of simple rules for conducting the trial of civil and criminal cases on the islands. In 1926, however, the Government considered it desirable to introduce the Indian Penal Code and accordingly introduced it by passing Regulation I of 1926.

9. Then came the Montague-Chelmsford Reforms. Under the Act of 1919 the Government of India declared " the Laccadive islands, including Minicoy " (meaning thereby the Laccadives as well as the Amindivis) backward tracts and made the following exceptions in the application of the acts to the islands :

- (1) that neither the Indian Legislature nor the Madras Legislature had powers to make laws in them,
- (2) that the expenditure over them should be non-voted,
- (3) that no questions about them should be asked in the Legislature without the sanction of the Governor, and
- (4) that they should be administered by the Governor in Council, *i.e.*, that their administration should be treated as a reserved subject.

10. The next stage in the constitutional development started with the Indian Statutory Commission (Simon Commission). In view of the fact that there were practical difficulties in fitting the islands into the electoral arrangements they were declared as 'Excluded Areas' by an order in Council, dated 3rd March 1936 under section 91 of the Government of India Act of 1935. Under section 92 (1) of this Act no Act of the Federal Legislature or of the Provincial Legislature will apply to them unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that it shall in its application to them have effect subject to such exceptions and modifications as he thinks fit. Under section 92 (2) the Governor may make regulations for the peace and good government of the islands and by such regulations repeal or amend any act of the Federal or of the Provincial Legislature or any existing Indian law which is for the time being applicable; the regulations so made will however, have no effect until they are assented to by the Governor-General in his discretion. And under section 92 (3) the Governor is authorised to administer the islands in his discretion. Under section 72, 3 (e) the expenditure is charged on the revenues of the Province, i.e., it is non-voted. In effect this Act has placed the administration of the islands under the discretion of the Governor and repealed the Scheduled Districts Act of 1874.

11. As to the laws that are at present applicable to the Amindivis and the Laccadives the following are in force in both: the State Prisoners' Act III of 1858, the Indian Penal Code, the Registration of Foreigners' Act XVI of 1939, the Indian Coinage Act of 1906 and the Rules and Orders issued thereunder by the Madras Excluded Areas Coinage Regulation of 1940 and the Central Excise and Salt Act of 1944. During the last war certain Ordinance like the Currency Ordinance of 1940 and the Legal Tender (inscribed Notes) Ordinance of 1942, were also made applicable to both by notifications. Laws peculiar to the Amindivis are the State Prisoners' Act XXXIV of 1850, the Lunacy Act XXXV of 1858, sections 36 to 43 of the Civil Procedure Code; while the laws peculiar to the Laccadives are the Madras State Prisoners' Regulation II of 1819 and Regulation I of 1912 as amended by Regulation I of 1926 which lay down the special rules and procedure in the trial of civil and criminal cases.

#### PARTIALLY EXCLUDED AREAS

##### *Historical background and how administered before and at present*

12. These areas comprise the Agency Tracts so called from the fact of their having been administered for a long time through special 'Agents' to the Governor. They form an extensive region of mountains and forests and lie to the west of the districts of Vizagapatam, East Godavari and West Godavari. Originally they extended over 20,000 square miles of area but on the formation of the Orissa Province in 1936 about 13,000 square miles of this area were transferred to that Province so that their area at present is only 6,792 square miles. Their population is 4,93,026 and consists of various primitive tribes such as the Koyas, the Savaras, the Khonds, the Kondadoras, the Dombas, the Bagatas, etc. These

tribes are illiterate animists of nomadic habits addicted to shifting cultivation and very fond of drinking. They are simple ignorant people who by reason of their ignorance and excitable temperament have always been considered to require handling with tact and sympathy and, by reason of their backward condition, protection "from the subtleties of the law and the wiles of the more civilised traders and lawyers of the plains." Their country, though rich in forest, agricultural and mineral resources, has remained practically unopened and undeveloped, largely on account of its highly malarial climate.

13. When the British took over the agency tracts forming part of the Northern Circars they found that almost all of them were in the hands of zamindars and so, at the time of the permanent settlement, they settled with these zamindars for an annual peshkash. The tracts were however, so vast and inaccessible and peopled by tribes so rude and excitable that it was found impossible to govern them by the ordinary laws and by the ordinary system of administration adopted for the plains. Very soon a series of disturbances and rebellions (called fituris) broke out and made it necessary for the Government to devise some sort of special system of administration for these tracts. In 1835 Mr. Russell, who was sent out as a Special Commissioner to investigate into the causes of the disturbances and to suggest remedies, proposed that the tracts should be exempted from the jurisdiction of the ordinary courts and placed exclusively under the Collectors of the districts (of which they formed part) in whom should be vested as Agents to the Governor the entire administration of civil and criminal justice under such rules for their guidance as might be prescribed by Orders in Council. This was approved by the Government and accordingly India Act XXIV of 1839 was passed forming the basis of the system advocated by Mr. Russell. It was further enacted that the Collectors as Agents to the Governor should have the power of making commitments by warrant which was possessed by the Governor in Council by virtue of Regulation II of 1819 subject always to the orders of the Government in each case. Under each Agent were appointed some Assistant Agents, each in charge of a division and under each Assistant Agent were appointed several Sub-Magistrate-Munsifs. This machinery of administration has remained substantially unchanged even to this day. In the Agent are combined the functions of the Collector, the District and sessions Judge and the District Magistrate. In 1936, the Ganjam Agency having been entirely transferred along with a portion of the Vizagapatam Agency to the Orissa Province, the remaining Agency areas were reconstituted into three Agencies, the one under the Collector of Vizagapatam as Agent to the Government of Vizagapatam, and the other two under the Collectors of East Godavari, and West Godavari, as agents to the Government East Godavari, and West Godavari. As to the administration of justice, the Agents and his subordinates are required in criminal matters to follow the Criminal Procedure Code, but in civil matters they are required to follow a set of simple rules framed for their guidance and sections 36 to 43 of the Civil Procedure Code relating to the execution of decrees. While therefore in criminal cases there is an appeal from the decisions of the Agents to the High Court, in civil cases there is no appeal from their decisions to any higher authority.

*Aims of Government Policy—Machinery to achieve them—Measures of success and extent of application of Provincial Laws :—*

14. With the introduction of the political reforms of 1919 the authorities began to visualise the idea of improving more rapidly the condition of the hill men and of developing the economic resources of the Agencies and, as a result, an Agency Commissioner, Mr. Harris, was appointed in the place of the three Agents not only with a view to co-ordinating the administration of the Agencies upon a uniform pattern but also with a view to exploring the possibilities of developing their resources. But the post was subsequently abolished. The aims of the Government have been to open up the country as much as possible by improving the communications and to minimise the terrors of malaria with a view to economic development and at the same time to civilise the hill men, to educate them, to wean them from their wasteful habits and to teach them the proper methods of agriculture, to preserve their rights and privileges in regard to the unreserves and hill slopes and to protect them from exploitation by the plainmen. It has, however, not been possible to adopt any comprehensive scheme to achieve these aims. The field is vast and demands more money than what the Legislature can be induced to grant. Besides, progress in these directions is bound to be slow considering the general backwardness of the people, their ignorance, their superstitions and their antipathy to innovations. But still much spade work has been done. A number of road schemes for linking up important towns have been considered and some have been adopted. Several rural dispensaries and a few hospitals have been opened. Many schools, elementary, secondary and training, have been established. Several co-operative societies have been started to provide borrowing and marketing facilities. Efforts have been made to conserve important forests, to improve the cattle and to teach the hill men the modern methods of cultivation.

15. Politically the hill men are naturally backward. They are however an easily excitable people requiring careful handling on the part of the authorities. They have been known to rise again and again 'in fituri' when they have been subjected to oppressions and exactions. It is in order to protect them from the oppressions of the plain men that a special Act has been passed (The Agency Tracts Interest and Land Transfer Act I of 1917) prohibiting the alienation of lands belonging to them to non-hill men without the sanction of the Agent or the Assistant Agents. It is also in order to protect them from tactless and ill-considered actions of subordinate officials that all officers of all departments have been placed directly under the Agents and forbidden from introducing any new measures without their sanction. It is because of the peculiar excitable temperament of these backward people that whatever has been done in the Agencies has been done by persuasion and personal influence of the officers rather than by enactments or by any elaborate machinery of administration.

16. In regard to the constitutional position of the Agencies, Act XXIV of 1839 enabled the Government to constitute the Ganjam and Vizagapatam Agencies while the Scheduled Districts Act of 1874 enabled

them to constitute the Godavari Agency. The first Act authorised the Governor in Council to make separate arrangements for the administration of civil and criminal justice through Agents under such rules as he might deem proper for their guidance. The second act applied to all the three Agencies. It authorised the Local Government, by notifications issued from time to time, (1) to declare what enactments are actually in force in any of the Agency Tracts, (2) to declare of any enactment that it is not actually in force in them and (3) to make rules for their administration. As has been stated already, while the rules for the administration of the Godavari Agency were issued under this Act, the rules for the administration of the Ganjam and Vizagapatam Agencies were issued under the Act of 1839. Notifications were also issued from time to time under these Acts specifying the laws applicable to the Agencies.

17. The next constitutional change came with the Montague-Chelmsford Reforms. The Madras Government recommended that the Agency Tracts should be treated as 'backward tracts' and should be excluded from the jurisdiction of the Reformed Provincial Government. They, however, added that, if it should be found in future that any portions of these tracts could be excluded from the 'backward tracts', they would be so excluded and brought under the jurisdiction of the Reformed Government.

Shortly afterwards, the Government of India Act of 1919 was passed. By section 52-A (2) of this Act the Governor-General was authorised to declare any territory in British India to be a 'backward tract' and to direct by notification that the Act should apply to that territory subject to such exceptions and modifications as might be prescribed in the notification. A notification was issued in 1921 by the Government of India under that Section declaring the Agency Tracts as 'backward tracts' and making their administration a reserved subject. The Agencies were also included in the electoral constituencies of Ganjam, Vizagapatam and Godavari districts and special representation was given to them by a nominated member on the Legislative Council.

18. Then came the Indian Statutory Commission of 1927 (the Simon Commission). When the Government of India Bill took shape, the Agency Tracts were classified in it as 'Partially Excluded Areas'. This classification was maintained in the Government of India Act of 1935 also. Under Section 91 (1) of this Act His Majesty, may, by order in Council, declare any area to be a 'Partially Excluded Area'. Under Section 92 (1) the executive authority of the Province extends to the Agency Areas but no Act of the Federal Legislature or of the provincial legislature shall apply to them unless the Governor by public notification so directs; and the Governor may, in giving such a direction with respect to any Act, direct that the Act shall in its application to the area or to any specified part thereof have effect to such exceptions or modifications as he thinks fit. Under Section 92 (2) the Governor may make regulations with the assent of the Governor-General for the peace and good government of the Agency Areas and any regulations so made may repeal or amend any Act of the Federal Legislature or of the Provincial Legislature or any existing Indian Law which is for the time being applicable to them.

Expenditure for the administration of the Agency Areas is votable but the Governor can under section 80 (1) restore grants which may be withheld. It should also be stated here that for electoral purposes all the Agency Tracts were constituted into one special constituency called the 'backward tribal constituency'. One seat in the Provincial Legislative Assembly was allotted to that constituency to be filled by a member of the backward tribes elected by the qualified voters of the backward tribes of that constituency.

19. In regard to the laws applicable to the Agencies there has been a lot of confusion and controversy as to what laws are applicable to them and what are not. In order to clarify matters in 1898, after prolonged correspondence with the Government of India, a series of notifications specifying the laws applicable to the Agency areas were issued under the Scheduled District Act. But even this was considered to be not conclusive, not decisive on the point whether enactments not included in the notifications were or were not in force in the Agencies. When the Agency Commissioner was appointed in 1920 the advisability of issuing a consolidated code of laws applicable to the Agencies was discussed but it was found impossible to issue such a code because of the uncertainties surrounding the scope of the several Acts. It was then resolved that the best course to adopt was to leave matters as they were and to decide the applicability or otherwise of any particular enactment as and when the occasion arose. After the 1935 Act several notifications have been issued by the Governor extending particular Acts passed after 1935 to the Agencies like to Madras Agriculturists Relief Act 1938, the Madras Tobacco (Taxation of Sales and Licensing) Act 1939, the Madras Public Health Act 1939, the Indian Income Tax (amendment) Acts of 1939 and 1940, etc.

## BOMBAY—FACTUAL MEMORANDUM

The Province of Bombay ranks third among the Provinces in India in point of the number of aboriginals it contains. Before 1936 no part of the Province was a backward tract under Section 52-A of the Government of India Act, 1919, nor was any part of the province included in the draft sixth Schedule of exclusion or partial exclusion.

2. In the amendment proposed to the Government of India Act, 1919, it was proposed that the West Khandesh district, the Satpura Hills reserved forest areas of East Khandesh, the Surat and Thana districts and the Dohad and Jhalod talukas of the Panch Mahals district should be declared as partially excluded areas. The Government of Bombay however reported in 1935 that except the Mewasi estates and the Akrani Mahal in the West Khandesh district there is no area in the Province which should be treated as an excluded or partially excluded area as in their opinion protection of a limited kind would involve isolation or segregation or would cut off the Bhils from the sale of their produce or credit facilities. The Government of Bombay recommended that the area comprising the Mewasi estates and the adjoining Akran Mahal, to the former of which the scheduled Districts Act, applied, should be a partially excluded area.

3. To understand clearly the administration of the Aboriginal and Hill Tribes it would be necessary to know the various measures already taken and being taken by the Government of Bombay to improve the educational, economic and social condition of the backward classes of which there are three recognised divisions, namely, the scheduled castes, the Aboriginal and Hill Tribes and other Backward Classes (educationally and economically backward). Under the Government of India (Excluded and Partially Excluded Areas) Order, 1936, the following areas of the Bombay Presidency have been declared as partially excluded areas :

<i>District</i>	<i>Northern Division Talukas, Mahals, Pethas</i>
i. Panch Mahals.	Dohad and Jhalod talukas.
ii. Thana.	Dahanu, Shahapur and Umbergaon talukas and Mokhada Peta. <i>Central Division.</i>
iii. East Khandesh.	Satpura Hills reserved forest areas.
iv. West Khandesh.	Shahada, Nandurbar and Taloda and Nawapur talukas and Akrani Mahal and the villages belonging to the following : Mehwassi Chiefs, viz. <ol style="list-style-type: none"> <li>1. the Parvi of Kathi,</li> <li>2. the Parvi of Nal,</li> <li>3. the Parvi of Singpur,</li> <li>4. the Walvi of Goahali.</li> <li>5. the Wassawa of Chikhli.</li> <li>6. the Parvi of Navalpur.</li> </ol>
v. Nasik.	Kalwan and Peint talukas.



Section 91-92 of the Government of India Act, 1935, deal with the administration of "excluded" and "partially excluded" areas. Under section 52 (e) of the Act, the securing the peace and good Government of the Partially Excluded Areas is a special responsibility of His Excellency the Governor.

4. Government had appointed in the past two Committees the State Committee and the MacLachlan Committee and had also placed Mr. D. Symington, C.I.E., I.C.S., on special duty to study the general problem of uplift of backward classes and make recommendations for the improvement of their condition. The work of these is briefly described below :—

*In 1928.*—Government appointed a Committee under the Chairmanship of Mr. O. H. B. Starte, I.C.S., in acceptance of the Resolution moved by Dr. P. G. Solanki and passed by the Legislative Council with the following terms of reference :—

"To enquire into the educational, economic and social condition of the Depressed Classes (Untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift."

The Committee submitted its report in 1930 making recommendations for the amelioration of the Backward Classes suggesting measures for their educational, economic and social development and to secure separate representation in the Legislative Council and adequate representation of these classes in municipal, local and school Boards and in the Grama Panchayats. A summary of the main recommendations of this Committee and the action taken thereon is appended. (Appendix A.)

5. *In 1938.*—As a consequence of the responsibilities placed upon His Excellency the Governor for the administration of the partially excluded areas under Section 92 of the Government of India Act, 1935, Government appointed Mr. D. Symington, I.C.S. as Enquiry Officer to suggest measures for improvement of conditions of Bhils and other Aboriginal and Hill Tribes in those areas. In his report Mr. Symington suggested that the state ought to take an entirely new view of the problem of the aboriginals and, instead of relying on the forces of time and example, should adopt active measures designed both to free him from the tentacles of his exploiters and to educate him to become an intelligent and useful member of the community. His recommendations include suggestions for very stringent restrictions on Sawkars, for the composition of debts, for a new system of agricultural credit, for regulations regarding tenancy and certain kinds of wages, for a reversal of the excise policy, for compulsory education for the abolition of local self Government on an elective basis in these areas, for social uplift and propaganda work and to provide the machinery required for certain of these proposals. A statement showing the main recommendations of Mr. Symington and the action taken therein is appended (Appendix B).

6. *In 1942.*—Government appointed an *Ad Hoc* Committee under the Chairmanship of Mr. D. MacLachlan, C.I.E., I.C.S. (then Commissioner, C.D.) to consider the ways and means for improvement of Backward Classes and to suggest how best a sum of *Rs. 25 lakhs* earmarked for the purpose from the Special Development Fund could be utilised. On the recommendation of the Committee the amount was utilised for basic schemes to promote education, agricultural and industrial improvements and to spread medical facilities. A statement containing the main recommendations of the Committee and the action taken thereon is appended (Appendix C).

7. In consequences of the various recommendations made for the uplift of backward classes the following special officers have been appointed to look after the interests of Aboriginal and Hill Tribes in the partially excluded areas—

1. The Special Officer for Bhil Uplift in West Khandesh.
2. The Special Officer for the protection of Aboriginal and Hill Tribes in the Thana, Kolaba and Nasik districts.
3. One Assistant Special Officer to look after interests of the aboriginal and hill tribes in the Peint, Kalwan, Dindori and Baglan talukas of the Nasik district.
4. Three Local Assistants (one for Kolaba district and 2 for Thana district).
5. Prant Officer and Aborigines Welfare Officer for Dahanu Prant, the Thana District.

Besides this the interest of the aboriginal tribes living in these areas is watched generally, along with that of other backward classes, by the Backward Class Officer and the Backward Class Board. There are also non-official bodies such as the Bhil Seva Mandal, Adivasi Seva Mandal, Bhil Seva Dal, etc. which work for the amelioration of the aboriginals in these areas.

8. The general nature of work which the Backward Class Department does for the amelioration of the condition of the Backward Classes (including the aboriginal and Hill Tribes) is indicated below :—

- (1) Work to stop the dedication of girls as deodasis which is prevalent among some backward classes ;
- (2) to implement the policy of the complete removal of untouchability so far as the exercise of public and civil rights is concerned ;
- (3) to carry on propoganda for the amelioration of the condition of the backward classes—
  - (a). by advising them—
    - (i) to send their children to school ;
    - (ii) to become temperate ;
    - (iii) to learn cleanliness ;
    - (iv) to give up extravagant habits and improve their economic condition.

The Backward Class Department continues to do useful work for the uplift of the aboriginal and hill tribes. During the year 1944-45 a grant-in-aid aggregating Rs. 30,600 was paid to 21 hostels in the province having mostly children of the aboriginal tribes. Besides, annual grants aggregating approximately Rs. 5,000 were paid to various institutions working for the uplift of aboriginal tribes. This Department watches the progress of action taken by various Departments in carrying out Government's orders issued on the recommendations of the *Ad Hoc* Committee as also the progress of expenditure incurred. The Special Officer and Assistant Special Officers look to the interests of the Backward Classes. They see that the forest labourers get their minimum daily wages fixed by Government and explain to the backward class tenants the provisions of the Bombay Tenancy Act etc.

9. Equally encouraging has been the work done for the backward tribes through Cooperative Societies. In the following tracts comprising the backward

areas, attempts are being made to improve the economic condition of Bhills and the aboriginal tribes through cooperative efforts by provision of special staff, grant of subsidies etc.—

(1) Dohad and Jhalod talukas in the Panch Mahals.

(2) Nandurbar, Taloda and Navapur talukas in the West Khandesh district.

(3) Mandvi taluka in the Surat district.

(4) Peint, Baglan and Kalwan talukas in the Nasik District.

In the Panch Mahal tracts the number of Cooperative Societies as on 30th June 1945 was 100, with a membership of 5,774/-. With the application of the Bombay Agricultural Debtors Relief Act to this area it is noticed that there is an increased demand for loans from cooperative societies and during the year 1944-45, fresh finance increased from Rs. 1,95,550 to Rs. 2,222,297. The total working capital was Rs. 2,52,570. In the West Khandesh tracts there are 37 cooperative societies with a total membership of 876 as on 30th June 1945 and a special sub-auditor has been appointed to supervise the work of these societies. The total working capital of these societies was Rs. 1,06,090. The Bombay Agricultural Debtors Relief Act has been made applicable to these tracts and arrangements for crop-finance, recoveries, etc., have been made under the guidance of the special Sub-Auditor. In 1944-45, advances amounting to Rs. 80,033 were made, while the recoveries amounted to Rs. 61,760. For supervision over societies in the Backward tract of Mandvi taluka in the Surat district, Government has sanctioned a special supervision officer at Mandvi. He has been able to effect considerable improvement in the position of societies in that area. Arrangements for supervision of cooperative societies in Dindori, Peint, Kalwan and Beglan talukas have been made and a special Sub-Auditor has been appointed to be in charge of these arrangements.

10. Apart from the work done by the Cooperative Societies, it has been the policy of Government to provide grain advances to the people in backward areas by a simple system of grain banks, worked by Village Talathis and Patils. Government has also withdrawn the ban imposed on the registration of grain banks under the Bombay Cooperative Societies Act. During 1943-44, Government sanctioned grants amounting to Rs. 1,18,360 in the aggregate, to be placed at the disposal of the Collectors of Thana, Poona, West Khandesh and Satara for opening grain depots in areas inhabited by backward classes. A special grant of Rs. 6,000 was also placed at the disposal of the Collector of Broach and Panch Mahals for same purpose. In so far as these tracts of the West Khandesh district are concerned Government has also approved the conversion of 30 selected grain depots and distribution centres into grain-cum-commodity depots, which would be linked up with Nandurbar Purchase and Sale Union and its Branch at Navapur, so that the surplus grain of the depots would be sold and the commodities required by the depots would be obtained through Union.

11. Government has under consideration the following schemes for the backward areas in this Province as a part of the post war plan—

	[Estimated cost (in round figures)]
(i) Village Water Supply Scheme [ . . . . .	30,00,000
(ii) Minor Irrigation Scheme. . . . .	40,00,000
(iii) Village Road Scheme . . . . .	5,00,000

In addition to the above scheme more schemes are being investigated by the Chief Engineer, Post-War Reconstruction in consultation with District Rural Development Boards.

In 1943-44 Government earmarked a sum of Rs. 25 lakhs out of the Special Development Fund for educational improvements and the uplift of the backward classes. Out of the provision of Rs. 25 lakhs thus earmarked about Rs. 8 lakhs have so far been spent and for 1946-47 it is estimated that a sum of about 5 lakhs will be spent. So till the end of this year it is expected that the total amount expended will be about 13 lakhs, leaving a balance of Rs. 12 lakhs, which can be spent till the end of 1947-48.

12. The Western India Adivasi Workers Federation has prepared a report for the amelioration of Backward Classes and the Parliamentary Secretary to the Minister for Industries and Backward Classes has prepared schemes costing Rs. 2.1 crores non-recurring and Rs. 1.4 crores recurring during five years. It is proposed to provide lump amounts of rupees one crore for the development of the Backward Areas and the amelioration of the Backward Classes throughout the Province and to prepare schemes for the purposes. Details of these schemes, have been worked out and are attached as appendix (D).

13. Section 91 of the Government of India Act, 1935 relates to excluded and partially excluded areas. There are no excluded areas in this Province. The total aboriginal and hill tribe population, including persons returned as belonging to "Tribal" religions, in British Districts of the Bombay province according to the Census of 1941 is 16,14,298 i. e., about 6 per cent of the total population.

It is distributed as follows :—

West Khandesh	.	.	.	.	.	.	.	357,719
Surat	.	.	.	.	.	.	.	320,575
Thana	.	.	.	.	.	.	.	267,130
Brich and Panch Mahals	.	.	.	.	.	.	.	268,617
Nasik	.	.	.	.	.	.	.	167,280
Ahmednagar	}	from 61,000 to 37,000 each.						
East Khandesh								
Poona								

Elsewhere the figures are negligible with the important exception of Kolaba (60,000). The partially excluded areas account for not more than 39 per cent. of the aboriginal and hill tribes of the Province.

14. Sub-section (2) of section 91 of the Government of India Act, 1935, provides for the gradual conversion of an excluded area into a partially excluded area and of a partially excluded area into an ordinarily administered area. From this it appears that the intention is not to preserve these areas and these people as museum pieces but to raise them to the level of, and integrate them with, the rest of the Province.

In practice the partially excluded areas have been treated as part of the Province and all laws applicable to the Province generally have been made applicable to them without modification. In the opinion of this Government there is no need to continue any special constitutional arrangement for any of these areas and it is undesirable to differentiate these areas legally from the rest of the Province. The policy of this Government is however, to develop the backward areas by the provision of special grants and through the Backward Class Board to take such administrative measures as

will assist these areas to reach the level of the rest of the Province. There would be no advantage in keeping the inhabitants of the backward areas in a condition of isolation even if it were possible to do so, and the view of this Government is that if they are helped financially and educationally they are quite capable of rising to the general level. They are at present handicapped by poverty and illiteracy but do not suffer from any innate disability to reach a reasonable standard of civilization. There is at present one seat in the Bombay Legislative Assembly reserved for a representative of Backward Tribes and this reservation may be continued under the new Constitution.

## APPENDIX A

### MAIN RECOMMENDATIONS OF THE STATE COMMITTEE AND ACTION TAKEN THEREON BY GOVERNMENT

#### *Action taken*

#### Recommendation

*Primary Education for Depressed Classes in Common Schools.*—Government issued orders that no disability of any kind should be imposed on the children of the Backward Classes in any school conducted by a public authority and that all schools located in temples should be removed to accessible buildings and that no grant-in-aid should be paid to privately managed institutions which do not admit Depressed Class children.

*Hostels for Depressed Class Students.*—Government maintains a hostel for Depressed Classes students at Poona; there is another hostel for them aided by Government at Ahmedabad.

*Recommendations for Improvement of Educational, Economic and Social Conditions. Also regarding Land Grants, Excise Policy, etc.*—Government has directed that there should be:—

- (1) equality of treatment for all classes of children in Government aided educational institutions ;
- (2) encouragement be given to common schools as opposed to separate schools for Depressed Classes ;
- (3) more frequent interchange of teachers between the common schools and the separate schools ;
- (4) abolition of the practice of labelling schools as 'Depressed Classes' schools or 'Low Caste' schools ;
- (5) recruitment of teachers belonging to the Aboriginal Tribes to Vernacular Training College for training, with a view to their employment in schools intended mainly for the children of these classes ;
- (6) grant of special promotions to teachers taking special interest in the education of Backward Class children ;
- (7) grant of additional scholarships in Primary schools, and
- (8) increase in the number of teachers belonging to Backward Classes in Primary schools.

*Appointment of Backward Class Officer.*—On the recommendation of this Committee the Government has appointed a Backward Class Officer

to watch over the interests of the Backward Classes and Aboriginal Tribes and to see that their progress is continuous and their rights are upheld. Government has decided to reduce any discretionary grants allowed to Primary and Secondary schools under their control, or Maintained by Municipalities or Local Boards or other Government aided institutions in which admission is refused to children of the Depressed Classes, on the ground of custom religion or orthodoxy of the Hindus.

Government has also issued instructions that no distinction should be made in Government and aided hospitals and dispensaries in the treatment of patients belonging to the Depressed Classes on the ground of custom, religion or orthodoxy of the Hindus.

The request from the local bodies for assignment of Government lands for wells, tanks, dharma shalas, etc., should not be granted except on the condition that all classes alike will have equal facilities for using such wells; tanks, etc. The measures suggested by the Committee to erect Notice Boards near all the public wells and other public buildings has been accepted by Government and Local Boards have been directed to give effect to these suggestions. Certain percentage of places in the Secondary schools in Government professional colleges and primary training institutions, have been reserved for candidates belonging to the Backward and Depressed Classes.

## APPENDIX B

### RECOMMENDATIONS MADE BY MR. SYMINGTON AND THE ACTION TAKEN THEREON

(1) *Grant of Land in the Partially Excluded Areas to Backward Classes.*—Lands in the Partially Excluded Areas are granted to the members of the Aboriginal and Hill Tribes except those lands in Khandesh, where a share of new grants is to be given to those who do not belong to the Aboriginal and Hill Tribes. The Collectors of other districts can grant such share to non-aboriginal tribes also wherever they think that such grant is in the general interest of these tribes.

Preferential treatment is accorded to members of Aboriginal and Hill Tribes in regard to the grant of waste lands outside the Partially Excluded Areas, provided they are solely used for Agricultural purposes. Other Backward Classes, Christians and Mohamedan Bhils are also eligible for the grant of land.

(2) *Occupancy Charges.*—The Aboriginal and Hill Tribes are granted waste lands for cultivation free of occupancy price, if the plight of the grantees is likely to lead them to sowkars for payments of occupancy price. In other cases, the lands are granted to members of these tribes on moderate occupancy price terms. In cases where the Collector of the District thinks it inadvisable to grant land on occupancy rights, the lands are granted on annual leases for rent equal to assessment for two or three years and then the occupancy is granted to them if the lessee proves satisfactory.

(3) *Grant of Forest Lands.*—Forest lands are also granted on the same principles as those for revenue lands.

(4) *Rates of Payment to Coolies and Carters and Maintenance of Muster Rolls.*—The rate of payment of wages to coolies and carters are controlled

and muster rolls kept in the coupes of Nawapur, Nandurbar and Taloda and some parts of Khandesh where big coupes are taken up by contractors.

(5) *Forest Privileges.*—The tribes in Khandesh are allowed to remove deadwood from the unsold coupes for their own use free of charge at the rate of 6 pies per head-load for sale. The unsold coupes may be granted to the tribes who manufacture charcoal. They are permitted to cut down and remove fuel for which there is no market provided they follow proper sylvicultural methods.

(6) *Conversion of Lands granted on Old Tenure into New Tenure.*—The land granted to these tribes in Thana Nasik and Panch Mahals on old tenure are converted into new tenure land.

(7) *Minimum Wages for Labourers employed in Forest Department.*—Minimum wages have been prescribed for labour employed in the Forest Department.

(8) *Rural Credit System.*—As regards the recommendation that there should be an alternative system of rural credit for the West Khandesh areas to be controlled by the Co-operative Department, Government held that there was no reason why a co-operative organization should not be as successful in West Khandesh and Thana as it had already shown signs of becoming in Dohad and Jhalod. Protection against the unfair competition of the money lender is essential, but it is hoped that the Money Lenders' Act will provide this.

(9) *Co-operative Societies for the Tribes.*—The Co-operative method is educative and gives scope for non-official assistance. Non-officials who are interested in the uplift of their fellow countrymen can teach the Bhils to be self-reliant and assist them to form Co-operative Societies. Government is also discharging its duty of providing proper guidance and adequate supervision.

(10) *Grain Depots.*—The grain depots in the Thana District have been developed on uniform basis so as to reach all villages in the Partially Excluded Areas in the district. The system of grain depots has worked most successfully in a limited area, and expansion is making headway. The profits of Grain Banks are used to reduce the rates of interest charged and to finance development of the Grain Bank System, and not to pay for education as suggested by Mr. Symington. The Special Officer appointed in West Khandesh was asked to give special attention to the question of taking similar steps in that District. Village Improvement Associations also attend to the development of the system. The desirability of making the Grain Banks as co-operative as possible has been kept in view.

(11) *Establishment of Shops in Backward Areas.*—The establishment in the Backward Areas of shops to sell blankets, saris, dhotis, chillies, salt and other articles at fair rates is very desirable and the Special Officer for West Khandesh and other Welfare Officers under him have been entrusted with this responsibility for organisation of such shops in different areas. Government has directed that the conducting of such shops should be undertaken by non-officials.

(12) *Composition of Debts by Regulation.*—The compulsory composition of debts by regulation is covered by the Debt Conciliation Act.

(13) *Prohibition.*—Government is strongly of opinion that prohibition must be introduced in these areas if the economic and social condition of the Bhils is to be improved. As a matter of fact a start has already been made by closure of a number of shops, particularly in Taloda taluka. The organization of counter attractions is one of the important duties of the Special Officer since the Bhils can only be weaned from drink if he is given something else to interest himself in its place. Propaganda work in favour of temperance is also being carried on.

(14) *Education.*—Schemes for the expansion of primary education with a view to introduce eventually compulsory primary education all over the Province and also for fostering adult education and the removal of mass illiteracy on a Province-wide scale have already been launched with special emphasis on the educational uplift of the Backward Classes including the Aboriginal and Hill Tribes.

(15) *Jurisdiction of Local Boards.*—The jurisdiction of the Local Boards has been retained over the Partially Excluded Areas. Every effort is being made by the officers concerned to increase the recruitment of Aboriginal and Hill Tribes in the Police, Forest and Excise Departments. No registration fees are paid by persons bringing their carts for carting work. Each taluka and petha in the Partially Excluded Areas is equipped with at least one teaching medical-cum-propaganda outfit. Committees of officials and non-officials have been appointed for co-ordination of all social services and propaganda work.

Government has also ordered that these decisions should be regarded as applicable so far as may be to all Bhils and members of the Aboriginal and Hill Tribes and not merely to those of them who live in the Partially Excluded Areas.

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## APPENDIX C

### RECOMMENDATIONS OF THE AD HOC (MACLACHLAN COMMITTEE) AND THE ACTION TAKEN THEREON BY GOVERNMENT

#### *Action taken by Government*

#### Recommendations

(1) *Model Agricultural Projects.*—Three model agricultural projects, on the lines of that being carried out at Mirakhedi in Dohad taluka, have been started one in each of the Districts of Thana, West Khandesh and Kolaba.

(2) *Taluka Demonstration centres.*—Of the 20 taluka demonstration centres which have been established, 6 are in the Thana District, 8 in the West Khandesh District and 6 in the Kolaba district. The question of improving the working of these centres and making them more useful is being considered separately.

(3) *Premium Cow Scheme.*—The premium cow scheme for cattle breeding, increasing milk production and promoting the dairy industry has been introduced at two centres one in each of the Thana and West Khandesh Districts.

(4) *Central Poultry Farm.*—One central poultry farm in each of the Thana and West Khandesh Districts has been set up.



(5) *Centres for Sheepbreeding and Wool Production.*—One centre for sheep farming has been opened at Malegaon, in Nasik district and another has been opened in Bijapur district.

(6) *Agricultural Development Fund for Backward Classes.*—An Agricultural Development Fund for Backward Classes has been established in each Division to provide grants-in-aid, tagai advances etc., to Backward Class agriculturists to enable them to improve their lands and purchase better implements and seed.

(7) *Scholarships for Students.*—Of the five scholarships and free student-ships for the degree course at Poona Agricultural College now reserved for the intermediate and Backward Classes and muslims, three have been reserved for backward class students only, and two more scholarships are to be provided for Backward Class students together with exemption from fees. The value of all the scholarships for the Backward Classes has been raised to Rs. 40—each a month. At each of the four courses of 3 to 12 months duration at the Poona Agricultural College two scholarships of the value of Rs. 30 a month have been provided for Backward Class students. Of the scholarships of Rs. 15 a month provided for the nine months' training at the Ganeshkhind Horticultural Class 10 are to be reserved for Backward Class students and the value of these scholarships has been raised to Rs. 20 a month.

Eight scholarships of Rs. 20 a month are to be provided for Backward Class students at the Poultry Training Class at Kirkee, and four at Rs. 15 a month at each of the classes at Dhulia and Dharwar.

Four scholarships of Rs. 15 a month for two years for Backward Class students have been provided at each of the Agricultural Schools at Dhulia and Devihosur.

The two scholarships of Rs. 25 a month now provided for scheduled class students at the Bombay Veterinary College have been made available to all Backward Classes and the value of the scholarships has been raised to Rs. 30 a month. One more scholarship of Rs. 30 a month is to be provided together with exemption from fees.

(8) *Hostels.*—The hostels for Backward Classes attached to the central primary schools have been expanded by providing more stipends for boarders and making grants for the rent of additional accommodation. 25 new hostels for Backward Class students attached to selected central primary schools have been opened.

(9) *Payment of Teachers in Schools.*—Teachers serving in primary school conducted by voluntary agencies in backward areas which are lacking in amenities and have a bad climate are paid an allowance of Rs. 3 p.m. per teacher.

(10) *Conversion of Primary School into Agricultural Bias School.*—It has been decided to convert 50 primary schools into Agricultural Bias Schools provided there is hostel accommodation for Backward Class students in these schools.

(11) *Stipends for Backward Class Teachers under Training.*—The value of stipends provided for the Backward Class Teachers under training has been raised from Rs. 5 to Rs. 10 per mensem and 20 additional sets of stipends (10 for women and 10 for men) have been provided for such teachers. These additional sets have been awarded for the full course of training namely two years for men and three years for women.

(12) *Mid-day Meals for Aboriginal and Hill Tribe Pupils.*—Free mid-day meals have been provided for Aboriginal and Hill Tribe pupils of three selected Central Primary Schools in each of the districts of Panch Mahals, Surat, Thana, East Khandesh and Nasik, at a cost of 1 anna per child per day.

(13) *Measures for Promotion of Education.*—(1) Prizes are being awarded to students passing the following examination :—

- (1) Prizes—
- (2) Bonus to teachers—

Examination	Prize. Rs.
(i) Primary school certificate examination . . . . .	5
(ii) Standard VI . . . . .	3
(iii) Standard V . . . . .	2
(iv) Standard IV . . . . .	1

(2) Bonus of Rs. 5 is being paid to the teacher for every child belonging to these tribes who passes the Primary School Certificate Examination. In the case of girls of these tribes passing this examination Rs. 10/- is being paid.

(14) *Vocational Training for Teacher in Backward Class Areas.*—A refresher course for the teacher is held and every teacher attending this course is paid Rs. 10/- as temporary allowance to meet travelling expenses for attending it. The persons selected for conducting the course are paid an allowance of Rs. 20/-.

(15) *Free Studentship in Secondary Schools.*—Free studentships are granted for all boys of Aboriginal Hill Tribes and Backward Class girls in Secondary schools. The free studentship depends upon proper progress in studies and students who fail to pass in any year are liable to lose his free-ship unless good cause is shown.

(16) *Scholarships in Vocational High Schools.*—25 scholarships tenable for 4 years at Rs. 7 p.m. are provided for Backward Class pupils studying in the Vocational High Schools.

(17) *Reservation of Seats at the Engineering College, Poona.*—7 seats for Backward Classes have been reserved out of the total 25 seats reserved for intermediate and Backward Classes.

(18) *Scholarships for Diploma Courses.*—Four sets of scholarships tenable for three years each are provided at the Engineering College, Poona. 2 for the diploma course for mechanical engineering and 2 for the overseers' diploma course.

(19) *Scholarships for Medical Courses.*—The value of the scholarships for the L.C.P.S. Course has been raised from Rs. 15 to Rs. 25 per mensem. One additional set of scholarships of the value of Rs. 25 p.m. open to all Backward Classes has been provided for the L.C.P.S. Course. One set of scholarship of Rs. 40 p.m. for the M.B.B.S. Course has been provided for the Backward Class students.

(20) *Scholarships for Books, Payment of Examination Fees etc.*—Scholarships for books, etc., are being granted freely to the students of the Backward Classes.

## APPENDIX D

BACKWARD CLASSES, BOMBAY PROVINCE  
IMPROVEMENT OF—FACILITIES FOR—

## EXTENSION AND EXPANSION PROGRAMME

The following programme is based on the assumption that about rupees one crore will be available for this purpose during a period of five years. The schemes outlined below are in connection with Government's educational drive for literacy amongst the Backward Classes, the raising of the general level of education amongst them and attempts to fit them through their education to take part in the future agricultural, industrial and commercial development of the Province, together with efforts to improve their general standards of health and well-being, and the surroundings in which they live.

## I. A.—EDUCATION (PRIMARY)

- (1) *Literacy and educational drive, assuming the introduction of compulsory primary education for all Backward Class children between the ages of 6 and 12.*

Suitable areas in each district for this purpose may be selected preferably in areas where there is a considerable population of Backward Classes. It will be necessary to provide free stationery and books etc. for Backward Class primary school pupils at about Rs. 10 per annum per pupil if not for all primary classes. It may be that in the case of children of Backward Class communities attending school beyond that age when they would normally be contributing some trifling earnings to the family that some form of subsidy to their parents towards their actual maintenance may prove necessary also.

- (2) *Expansion of Hostels.*

Existing stipends in the hostels attached to Central Primary Schools may be increased to provide accommodation for more Backward Class pupils.

- (3) Opening of new hostels for Backward Class students attached to selected Central Primary Schools.

- (4) Conversion of more ordinary primary schools in selected areas into Agricultural or Industrial Bias Schools specially when hostels are attached to such schools.

- (5) More monthly scholarships for Backward Class pupils in higher primary schools.

- (6) Entertainment of Organiser by each District School Board for increasing the attendance of Backward Class children in primary schools.

- (7) Increase in the rate of existing stipends from Rs. 10 to Rs. 15 and provision for additional stipends for Backward Class primary teachers under training. Increase in the number of Training Colleges for primary teachers appears to be necessary.

- (8) Facilities should be provided in 50 selected primary schools in the Province to impart elementary training in industrial subjects such as (a) wood turning, (b) toy making and lacquering, (c) handloom weaving, (d) dyeing, printing newar and tape making, (e) elementary tailoring, (f) bamboo and cane work, (g) elementary compositing and book-binding, (h) rope making, (i) pottery, (j) paper cutting such as flowers, garlands etc.

The Backward Class children attending the various training courses should be provided with suitable scholarships.

(9) Child careers at school, it is possible, are interfered with by ill health and unsatisfactory nourishment. This may be combatted by provision for mid-day meals and/or daily milk supplies.

(10) Supply of clothes to school children.

(11) Extension of literacy circulating libraries, magazines, etc., together with night school classes and adult literacy classes, including visual instruction films and the provision of centres through which the broadcasting of educational programmes could be made by wireless.

(12) Bad climate allowance to teachers.

Present rate of Rs. 3 p.m. to be increased to Rs. 5 p.m.

(13) Prizes to teachers and pupils.

(14) *New Agricultural Boarding Schools*—One in Panch Mahals District, and one in Partially Excluded Areas of West Khandesh district and one in Thana District, which should be free to Backward Class pupils. The pupils should be given scholarships. Scholarships of Rs. 15 p.m. for 20 pupils in each school.

(15) *Craft Schools*.—Organisation of post primary craft schools, including short courses and night school work in crafts—2 in Gujrat, 2 in Maharashtra and 2 in Karnatak, with scholarships for the Backward Classes.

#### I. B.—SECONDARY EDUCATION.

(1) Free studentships for all Backward Class boys in secondary schools. Raising the rate of present scholarships.

(2) Provision of more scholarships for Backward Class pupils in Vocational and Agricultural High Schools. 50 additional sets of scholarships tenable for 2, 3, 4 years at Rs. 15 p.m. each should be provided.

(3) Raising the existing rates of scholarships and providing additional sets of scholarships for Backward Class pupils in secondary schools.

Middle Schools	Upto	100	additional sets
High Schools	"	100	"

(4) Provision of new hostels for Backward Class girl students in higher primary and secondary schools, at a rate of, say, 1 or 2 for each type of school each year.

#### I. C.—HIGHER EDUCATION.

(1) Additional sets of scholarships for Backward Class pupils should be provided to the Engineering College, Poona, 2 for the diploma course for Mechanical Engineering and 2 for the Overseer's course.

(2) Free studentships to Backward Class pupils in Arts, Science and Professional Colleges, including Veterinary, Medical and Law.

(3) Annual provision for distribution of lump sum scholarships for purchase of books, stationery, etc., and for payment of examination fees should be further increased by Rs. 15,000 per year.

(4) Provision of scholarships for training Backward Class candidates in Tata School of Social Sciences should be made.

(5) Provision of scholarships for Backward Classes, overseas studies; 2 sets tenable for 2, 3, 4 years, according to the course.

(6) Increasing the existing number of scholarships in Arts, Science and Professional Colleges by 50% and raising the rate to Rs. 30 p.m.

(7) Increase in the capitation rate of the existing hostels recognised by the Backward Class Department.

## II.—MATERIAL IMPROVEMENTS.

### A.—Facilities for Agricultural Courses.

(1) *Agricultural College, Poona.*—Provision for increase of number of scholarships with freeships for the degree course for Backward Class students.

(2) More scholarships for Backward Classes for the short courses should be provided.

(3) The number of scholarships for Backward Classes in Agricultural Schools at Dhulia and Devihosur should be increased.

### II. B.—TRAINING IN PROFESSIONS AND TRADES.

(1) *Accountancy.*—10 students may be trained in Accountancy each year.

(2) *Secretarial practice.*—10 students may be trained each year in this respect.

(3) *Architecture.*—10 scholarships for Backward Class pupils receiving training in Architecture may be provided.

(4) *Dentistry.*—10 Backward Class students may be trained in Dentistry every year.

(5) *Draughtsmanship.*—5 Backward Class students may be trained in this subject annually in a recognised institution.

(6) *Forestry.*—5 Backward Class students may be trained in this subject annually in a recognised institution.

### II. C.—SPECIALISED JOBS FOR WOMEN.

(1) *Nursing.*—Provision for training suitable Backward Class girls, at least 10 for each district, in B. P. N. A. course should be made every year.

(2) *Public Health Service.*—Provision for training suitable Backward Class girls at least 5 for each district in Infant Welfare and Public Hygiene should be made every year.

(3) Provision of apprentice scholarships for training suitable Backward Class girls for making them fit for taking up jobs in Government services and firms, post office, telephone exchange work, typing, etc., may be made.

## III—INDUSTRIAL IMPROVEMENTS,

### A.—Training in Trades.

(1) The setting up of a Central Technical Institute to which other institutes in the mofussil would be affiliated and which may serve as an examining body for them all, in Bombay seems worthy of consideration.

(2) More peripatetic training parties should be started in suitable areas for the following trades:—(a) cotton weaving school, (b) tanning, (c) cane and bamboo work, (d) carpentry and wood turning work, (e) fibre work,

(f) leather work, with proper scholarships and subsidies after training to start these cottage industries.

(3) Industrial Multi-purpose Societies — One for each area should be started for the trained workers after a period of one year to provide them with facilities for the supply of raw materials, supervision in the production of finished goods and the marketing of their products.

(4) Grain depots to be further developed into general depots providing for the needs of Backward Class borrowers and depots for other commodities should be opened in suitable places.

(5) Development of societies for marketing products such as leather articles prepared by Backward Classes and for providing them with raw materials for the purpose.

(6) Establishment of a hostel attached to the Training School at Bandra.

(7) Suitable subsidies for the trained candidates to start their own business.

### III. B. VOCATIONAL TRAINING.

(1) Additional sets of scholarships should be provided for training of Backward Class candidates in technical subjects such as (a) carpentry, (b) Smithy, (c) mechanical and electrical engineering, (d) radio technology, etc.

(2) Provision of apprentice scholarships in offices, industrial concerns etc. (including pharmaceutical and textile specialisation, compounders, vaccinators, sanitary inspectors, etc.).

### IV. AGRICULTURAL IMPROVEMENTS.

(1) An experiment in joint farming on co-operative lines may be tried at more suitable centres in each district.

(2) The "Premium Cow Scheme" for the breeding of cattle, for increasing milk production and promoting the dairying industry should be introduced in more villages and the Backward Class villagers should be encouraged and helped to take advantage of the scheme.

(3) Central Poultry Farms should be established in selected areas—one in each district.

(4) Supply of seeds, manure and agricultural implements at concessional rates to the Backward Class agriculturists.

(5) Grants of available forest lands should be given only to the Backward Class villagers of that village and it should be on new tenure with nominal occupancy price.

(6) Special steps to see that Backward Classes get the benefit of Tenancy, Agricultural Debtors Relief Acts and other concessions granted under these Acts.

### V. HEALTH IMPROVEMENTS.

(1) Adequate provision for the extension of Village Aid Scheme should be made.

(2) Opening of Cottage Hospitals in partially excluded and backward areas—10 in the beginning.

(3) Schemes for better housing :—Provision for better village sites, improvement in the type of houses and proper layout of village sites and streets and open spaces, etc., are necessary for improving the Backward Classes. Each family should have a plot ; if necessary, new gaothans may be established.

### VI. WATER SUPPLY.

Adequate provision for drinking water in every village should be made for Backward Classes.

### VII. HOUSE BUILDING SOCIETIES.

With the object of enabling all to own their own houses and to take a pride in them, building societies should be started in about 50 selected centres in the Province. Each society should be advanced a loan free of interest to the extent of Rs. 10,000 in each case to be repaid within a period of 20 years.

### VIII. TAGAI LOANS.

Interest free loans to Backward Classes to become small scale land proprietors.

### IX. PROPAGANDA.

(1) Voluntary agencies should be liberally encouraged for doing propaganda work among Backward Classes, specially for the removal of untouchability.

(2) Special help should be taken by way of village broadcasts.

### X. GENERAL.

Adequate staff for supervising and organising various schemes.

### XI. STAFF.

One Special Assistant Backward Class Officer under Backward Class Officer to be in-charge of watching how the above various schemes are progressing with one head clerk, 2 clerks and one clerk-typist.

One Welfare Officer for each district of the grade of the scale of Assistant Deputy Educational Inspector to watch all the schemes.

Three Aboriginal and Hill Tribes Officers— 1 for Panch Mahals and Surat Districts, 1 for Thana, Kolaba and Nasik Districts, and one for Khandesh Districts, of Assistant Backward Class Officer's grades.

**BACKWARD CLASSES, BOMBAY PROVINCE**  
*Improvement of—facilities for—Extension and Expansion Programme.*

	Per year	For 5 years	Non-recur- ring
	Rs.	Rs.	Rs.
<i>I. A. Education (Primary).</i>			
(1) Supply of books, stationery etc. for each B. C. primary pupil in higher classes at Rs. 10 p.m.	50,000	2,50,000	..
(2) Additional stipends			
No.      Rate			
200 × 10 × 12.      24,000			
<i>House rent</i>			
Places      Rate.			
15 × 15 × 12      2,700	26,700	1,33,500	..
(3) Opening of 25 new hostels	94,000	4,70,000	7,500
(4) Conversion of 50 more ordinary primary schools into agricultural and industrial bias schools.	25,000	1,25,000	50,000
(5) 100 additional sets of scholarships at increased rates. One set should consist of three scholarships as under			
Std. V Rs. 4 p.m.      .      .      .      .      .			
Std. VI Rs. 5 p.m.      .      .      .      .      .	15,000	75,000	..
Std. VII Rs. 6 p.m.      .      .      .      .      .			
(6) Appointment of B. C. Organisers by D. S. Bs. to supervise and increase the attendance of B. C. children. One organiser for each district. 11 × 1000 approx.	11,000	55,000	..
(7) 50 additional sets of stipends. 30 for men and 20 for women tenable for 2 and 3 years respectively.	14,400	72,000	..
(8) Provision in 50 selected primary schools to impart elementary training in industrial subjects.	70,000	3,50,000	2,50,000
(9) Provision for midday meals. Rs. 5000 × 10 districts.	50,000	2,50,000	..
(10) Supply of clothes to school children. 200 in each district. 200 × 19 — 3800. Say 4000 × 10	40,000	2,00,000	..
(11) Measures for the continuation of literacy etc. (libraries, adult classes etc.).	10,000	50,000	..
(12) Bad climate allowance to teachers			
Increase      7,000			
Allowance for			
500 more teachers      25,000	32,000	1,60,000	..
(13) Prizes to teachers and pupils in the remaining 14 districts at Rs. 2000 for each district.	28,000	1,40,000	..
(14) Scholarships in new Agricultural Boarding Schools (30 × 15 × 12).	5,400	27,000	..
(15) Scholarships in craft schools (30 × 15 × 12)	5,400	27,000	..
Total	4,76,000	23,84,500	3,07,500
<i>I. B. Secondary Education.</i>			
(1) Free studentships in non Government Secondary schools (scholarships in lieu of free studentships may be given).	1,00,000	5,00,000	..
(2) Scholarships in Vocational High Schools 50 × 4 × 15 × 12.	36,000	1,80,000	..
(3) Additional sets of scholarships for B. C. pupils in secondary schools, middle school 100 additional sets and raising the existing rate of scholarships.			
100 × 3 × 8 × 12      .      .      .      .      .      28,000			
High Schools 100 sets.      .      .      .      .      .	86,400	4,32,000	..
100 × 4 × 12 × 12      .      .      .      .      .      57,600			
(4) Opening of 12 new hostels for B.C. girl students 12 × 4000.	48,000	2,40,000	..
Total	2,70,000	13,52,000	..



	Per year	For 5 years	Non-recur- ring
	Ra.	Ra.	Ra.
<i>I. C. Higher Education.</i>			
(1) 4 sets of scholarships in the Engineering College, Poona.	3,600	18,000	..
(2) Free studentships to B.C. pupils in Arts Science and professional Colleges. The extent, to which the expenditure is incurred at present i.e., 25,400 should be double in the first place.	25,400	1,27,000	..
(3) Lump sum scholarship— further increase .	15,000	75,000	..
(4) Provision of 3 sets of scholarships in the Tata School of Social Sciences, Bombay 6 × 40 × 12.	2,880	14,400	..
(5) Scholarships for B. C. students for overseas studies.	8,000	40,000	..
(6) Increase in the number of existing scholarships. 20 × 4 × 30 . . . . . 2,400	} 3,520	17,600	..
Increase in the rate of existing sholarships. 56 × 4 × 5 . . . . . 1,120			
(7) Increase in the existing capitation rates for providing better food etc.	50,400	2,52,000	..
Total .	2,38,400	11,92,000	..

## II. A. Material Improvements

### *Facilities for Agricultural Courses*

(1) 3 additional sets of scholarships of Rs. 40/ p.m. with free studentships attached to them for degree course in the Agricultural College, Poona.						
Scholarships	Rate	Months				
3 × 3 × 9 ×	40 ×	12		4,320	21,600	..
(2) 10 more scholarships at Rs. 30 p.m. for short courses at the Agricultural College, Poona.						
10 × 30 × 12 . . . . .				3,600	18,000	..
Horticultural Training Class Ganeshkhind.						
5 Sch. × Rs. 30 × 9 ms. . . . .				1,350	6,750	..
Poultry Training Classes :—						
Centre	Sch.	Rate	Months.	Total		
Kirkee	4 ×	30 ×	12	1,440	} 3,360	18,800
Dhulia	4 ×	20 ×	12	960		
Dharwar	4 ×	20 ×	12	960		
For 3 more centres . . . . .				3,360	16,800	..
(3) Additional scholarships at the Agricultural Schools at Dhulia and Devihosur.				1,920	9,600	..
Sets.	Yrs.	Rs.	ms.			
4 ×	2 ×	20 ×	12			
Total				17,910	89,550	..

### *II. B. Training in professions and trades*

(1) 10 scholarships for B. C. pupils receiving training in Accountancy.						
10 × 30 × 12 . . . . .				3,600	18,000	..
(2) 10 scholarships for pupils for training in Secretarial work.						
10 × 30 × 12 . . . . .				3,600	18,000	..
(3) 10 scholarships for training in architecture.						
10 × 30 × 12 . . . . .				3,600	18,000	..
(4) 10 scholarships for trainnig in Dentistry.						
10 × 30 × 12 . . . . .				3,600	18,000	..

	per year	For 5 years	Non-recurring
(5) 5 scholarships for training in Draughtsmanship. 5 × 3 × 12	1,800	9,000	..
(6) 5 scholarships for training in Forestry. 5 × 30 × 12.	1,800	9,000	...
Total . . .	18,000	90,000	...
<b>II. C. Specialised jobs for women.</b>			
(1) Training in Nursing; Girls. Dista. Rate. Months. 10 × 19 × 25 × 12	57,000	2,85,000	...
(2) Training in Infant Welfare and Public Hygiene. 5 × 19 × 25 × 12	28,500	1,42,500	...
(3) Provision for apprentice sholarships for B.C. girls. 50 × 25 × 12.	15,000	75,000	..
Total . . .	1,00,500	5,02,500	...
<b>III. Industrial Improvements.</b>			
<i>A. Training in Trades.</i>			
(2) Starting of 14 more peripatetic training parties. . .	55,000	2,75,000	...
Scholarships to trainees in above parties. . .	7,200	36,000	...
Subsidy to trainees for starting industries. . .	20,000	1,00,000	...
(3) 5 Industrial Multi-purpose Societies. Capital at Rs. 2,000 per society . . .	10,000	50,000	...
(4) 50 grain depot to be developed into multi-pur- pose societies in suitable centres. 50 × 2000	1,00,000	5,00,000	..
(5) Development of societies for marketing pro- ducts. 20 × 2000	40,000	2,00,000	...
(6) Hostel attached to the Tanning School, Bandra .	21,200	1,86,000	...
(7) Subsidy for starting business. 50 × 200 . . .	5,000	25,000	...
Total . . .	2,58,400	12,92,000	...
<b>III. B. Vocational Training</b>			
(1) Additional provision for vocational training 20 sets × Rs. 6 × 12 months. 1440 10 sets × Rs. 5 × 12 months. 600	2,040	10,200	...
(2) Apprentice scholarships. 100 × Rs. 25 × 12 . . .	30,000	1,50,000	...
Total . . .	32,040	1,60,200	...
<b>IV. Agricultural Improvements</b>			
(2) Premium Cow Scheme in 2 selected areas of about 20 villages in each district may be started in 5 districts. . . . . Each district 5400 × 5.	27,000	1,35,000	...
(3) Central Poultry Farms—one in each district. . .	25,000	1,25,000	...
(4) Supply of seeds, manure etc.—lump grant. . .	10,000	50,000	...
Total . . .	62,000	3,10,000	...
<b>V. Health Improvements</b>			
(1) Village Aid Scheme 100 centres × 17 districts at Rs. 40 each centre.	68,000	3,40,000	...
(2) Cottage Hospitals—10 Provision of 10 beds in each.	36,000	1,80,000	10,000
(3) Acquiring lands for house sites and disposing them at cheaper occupancy rates on new tenure etc. 500 plots × Rs. 100 each.	50,000	2,50,000	...
Total . . .	1,54,000	7,70,000	10,000

	per year	For 5 years	Non-recurring
<b>VI. Water Supply.</b>			
Water Supply—lump provision . . . . .	50,000	2,50,000	...
<b>VII. Building Societies.</b>			
Building Societies. 50 × Rs. 10,000 Capital . . . . .	5,00,000	25,00,000	...
<b>VIII. Tagai Loans.</b>			
Interest free loans to B.Cs. to become small scale land proprietors. Rs. 20,000 for each division.	60,000	3,00,000	...
<b>IX. Propaganda.</b>			
(1) Additional grant in-aid to voluntary agencies . .	25,000	1,25,000	...
(2) Village broadcasting . . . . .	60,000	3,00,000	...
<b>Total</b>	<b>85,000</b>	<b>4,25,000</b>	<b>...</b>

<i>Summary</i>	Rs.	Rs.	Rs.
I. A. . . . .	4,76,900	23,84,500	3,60,500
B. . . . .	2,70,400	13,52,000	..
C. . . . .	2,38,400	11,92,000	..
II. A. . . . .	17,910	89,550	..
B. . . . .	18,000	90,000	..
C. . . . .	1,00,500	5,02,500	..
III. A. . . . .	2,58,400	12,92,000	..
B. . . . .	32,040	1,60,200	..
IV. . . . .	62,000	3,10,000	..
V. . . . .	1,54,000	7,70,000	10,000
VI. . . . .	50,000	2,50,000	..
VII. . . . .	5,00,000	25,00,000	..
VIII. . . . .	60,000	3,00,000	..
IX. . . . .	85,000	4,25,000	..
<b>Grand Total.</b>	<b>23,23,550</b>	<b>116,17,750</b>	<b>3,17,500</b>

*Constituent Assembly: Advisory Committee to be set up for recommendations on the rights of citizens and on the administration of Tribal and Excluded areas: Memorandum on the aboriginal problem in the Central Provinces and Berar.*

## PART I

*Question (a)*

Historical background from the constitutional and administrative points of view: how were the present Excluded and Partially Excluded Areas administered before the Act of 1919, how were they dealt with under section 52-A of the Government of India Act, 1919, and how are they being administered at present ?

1. No areas in the Central Provinces and Berar are totally *excluded* under the Government of India Act, 1935.

2. Under the Government of India (Excluded and Partially Excluded Areas) Order, 1936, the following areas are *partially excluded* :

In the Chanda district, the Ahiri Zamindari in the Sironcha tahsil and the Dhanora, Dudmala, Gewardha, Jharapapra, Khutgaon, Kotgal Muramgaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon Pai-Muranda and Potegaon Zamindaris in the Garchiroli tahsil.

The Harrai, Gorakghat, Gorpani, Batkagarh, Bardagarh, Partapgarh (Pagara), Almod and Sonpur Jagirs of the Chhindwara district and the portion of the Pachmarhi Jagir in the Chhindwara district.

The Mandla district.

The Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of the Bilaspur district.

The Aundhi, Koracha, Panabaras and Ambagarh Chauki Zamindaris of the Drug district.

The Baihar tahsil of the Balaghat district.

The Melghat taluq of the Amraoti district and the Bahinsdehi tahsil of the Betul district.

3. The total population and the tribal population of each district in the province is shown in *Appendix I*. According to the 1941 census, out of the total provincial population of 16,822,584, tribals of all religions (2,990,701) constituted 17·8 per cent, and only 833,143 were in the Partially Excluded Areas which had a total population of 1,440,510—*Vide Appendix II*.

4. 32 tribes have been classified as aborigines, *vide Appendix III*. None of the tribes are primitive in the sense in which the term 'primitive' is understood in Australia or North America. The Gonds who constitute the bulk of the aboriginal population were the ruling race over substantial areas of the province in recent historical times. Of their rule, a quotation from paragraph 42 of the Chanda district Gazetteer will be found to be of interest :

“Originally petty chiefs of a savage tribe, they spread their sway over a wide dominion, reclaiming and peopling the wild forests in which they dwelt, and, save a nominal allegiance

to the Delhi throne, preserving their soil for several centuries inviolate from foreign rule. When at length they fell, they left, if we forget the few last years, a well-governed and contented kingdom, adorned with admirable works of engineering skill, prosperous to a point no after-time has reached."

The views of experienced administrators on the question of constitutional safeguards for the aborigines of this province have to be considered, therefore, in this historical context.

5. "The Indian Statute Book has from the earliest times contained deregulationizing enactments, *i.e.*, enactments barring, completely or partially, the application in the more backward and less civilised parts of the country of the ordinary law, which was at first contained in the old regulations. These enactments took varied and sometimes very complicated forms, so that, in course of time, doubts arose, and it became occasionally a matter of considerable difficulty to ascertain what laws were and what were not in force in the different "deregulationized" tracts. The main object of the Scheduled Districts Act of 1874 was to provide a method of removing these doubts by means of notifications to be issued by the Executive Government. The preamble refers to the fact that "various parts of British India had never been brought within, or had from time to time been removed from, the operation of the general Acts and regulations, and the jurisdiction of the ordinary Courts of Judicature"; that "doubts had arisen in some cases as to which Acts or regulations were in force in such parts, and in other cases as to what were the boundaries of such parts"; and that "it was expedient to provide readier means for ascertaining the enactments in force in such territories and the boundaries thereof, and for administering the law therein." The Act then proceeds to specify and constitute a number of deregulationized tracts as "scheduled districts", to give the power of declaring by notification what enactments are, or are not, actually in force in any scheduled district, and to provide for extending by notification to any "scheduled district" with or without modifications or restrictions, any enactment in force in any part of British India at the date of the extension. The Act also gives powers to appoint officers for the administration of a Scheduled District, and to regulate their procedure and the exercise of their powers therein, and also to settle questions as to the boundaries of any such tract." (*Sir Courtney Ilbert: Government of India, 1907, 2nd edition.*)

The Act was brought into force in the Central Provinces by notification No. 449 dated the 10th April 1878. A list of Acts declared to be in force in, or extended to the Scheduled Districts, in the province was also

published at the same time. Twenty-three Zamindaris in Chhattisgarh, twenty Zamindaris in Chanda and eleven Jagirdaris in Chhindwara were declared "Scheduled Districts" in the C. P. Between then and the 1st April 1937, the date of coming into force of the Constitution Act of 1935, when the Scheduled Districts Act lapsed [*Vide*: Government of India (Adaptation of Indian Laws) Order, 1937], no further notifications under the Act appear to have been issued. On the other hand, when the question was examined in 1935, a definite statement was made that the areas were not treated differently from the rest of the province in the matter of legislation, that no laws were inapplicable to them by reason of their being scheduled and that no officer had been appointed under section 6 of the Act.

6. The position was not affected by the Morley-Minto Reforms, but the Montford Report (paragraph 199) suggested that the typically backward tracts should be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the Province. Under section 52-A(2) of the Government of India Act, 1919, the Governor-General-in-Council was given the power to declare any territory in British India to be a backward tract, and to direct that the Government of India Act shall apply to such territory subject to such exceptions and modifications as may be prescribed. The power was also given to exclude that territory from the operation of the whole or any part of the Acts of the Indian or Provincial Legislature. Certain areas were excluded from the electoral constituencies, but no part of the C. P. was notified as a backward tract, because it was impracticable to provide for the separate administration of areas designated backward tracts. As this Government pointed out in its letter of the 21st November 1918 to the Government of India :

"Paragraph 199 of the Report (Montford Report) 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 is really involved."

Even the areas scheduled under the Act of 1874 continued to be jointly administered with the rest of the province.

7. The constitutional position of the areas predominantly populated by aborigines at the time of the visit of the Simon Commission is summarised in paragraph 91 of their report (Vol. I) in the following words :

“If the feudatory States be omitted, one-fifth of the Central Provinces is Government reserved forest. Leaving out both the feudatory States and Berar, one-quarter of the remaining territory is not subject to the Reforms. In these “excluded areas” the Scheduled Districts Act reserves to the Executive the sole power of deciding what laws shall be applied, but they are not “backward tracts” in the constitutional sense. These territories do not form part of any constituencies, but are subject to the authority of Ministers and have recently been included within the areas of operation of the provincial Local Self-Government Act. Their extent was diminished in 1926 when the Mandla district, formerly an excluded area, was formed into a constituency returning a member to the Provincial Legislature, and we have been informed by the Provincial Government that all these excluded areas are now fit to be treated as part and parcel of the rest of the province.”

When formulating the views of the Provincial Government regarding the evidence to be tendered to the Simon Commission, the late Sir Hyde Gowan as Chief Secretary observed :

“On the question as a whole, I would put forward the view that as the Local Self-Government Act extends now to the whole province, there is no reason why the provincial franchise should be withheld from any part. The argument that because a tract is poor and backward and voters are few it should not be enfranchised is of no great weight. No one will be harmed by the addition of these tracts to existing constituencies.”

Sir Arthur Nelson the then Revenue Member endorsed this view and remarked :

“The excluded areas are no more backward than some of the enfranchised tracts and it is impossible to make out a case for their continued exclusion.”

The Commission, however, observed (paragraph 128-Volume I) :

“The question now arises what arrangements should be made for the backward tracts in connection with the constitutional changes which we are proposing. . . . we would suggest, however, that they should be known in future not as “backward tracts” but as “excluded areas”. The stage of development reached by the inhabitants of these areas prevents the possibility of applying to them methods of representation adopted elsewhere. They do not ask for self-determination, but for security of land tenure, freedom in the

pursuit of their traditional methods of livelihood, and the reasonable exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbours."

"Paragraph 129.... Only if the responsibility for the backward tracts is entrusted to the Centre, does it appear likely that it will be adequately discharged."

The Central Provinces Government did not agree with the Commission and informed the Government of India (Paragraph 22 of this Government letter No. R.15-IV dated the 12th August 1930):

"....*The Indian Members*, the Hon'ble Mr. Tambe, Home Member and the Hon'ble Rai Bahadur Bose, at the moment the sole Minister.... are also opposed strongly to any form of separate electorates, and are *against any further creation of classes such as the jungle people*, or weightage for big land owners."

8. The Round Table Conference (IRTC, Third Session: November—December 1932: Head C) reported:

".... Finally, it may be necessary to impose upon the Governor a special responsibility for the administration of certain excluded areas, if, as seems probable, the arrangements for the administration of excluded areas involve their classification into two categories, one of which would be placed under the exclusive control of the Governor and the other made subject to ministerial control, but with an over-riding power in the Governor obtained in the manner explained in earlier paragraphs of this Report through his special responsibility."

The white Paper accepted these recommendations and provided:  
"Excluded Areas"

"106. His Majesty will be empowered to direct by Order in Council that any area within a province is to be an "Excluded Area" or a "Partially Excluded Area", and by subsequent Orders in Council to revoke or vary any such Order.

"107. In respect of Partially Excluded Areas the Governor will be declared to have a special responsibility....etc....etc."

9. Before the Joint Parliamentary Committee, Dr. Hutton contended that the primitive hill and forest tribes in all parts of India differed from their neighbours in the plains in racial and social organisations, in communal and domestic habits, in religion (very largely) and in their general attitude towards, and philosophy of, life and that consequently they could not be conveniently included in the same system. Wing-Commander James suggested that assimilation and absorption would be accelerated through "exclusion", as otherwise, in his view, they would absolutely certainly



be starved by the rest of the province. He would leave the backward tracts to fuse themselves at any time afterwards, if they wished to do so, of their own motion.

10. The following questions and answers during the examination of the Secretary of State by the Joint Parliamentary Committee (October 1933) will be of interest :

*“Mr. M. R. Jayakar : 13,415 :* May I mention in this connection that although there is a feeling in India that proposal 106 to 109 of the White Paper withdraw from the influence of the Legislative Council large tracts ~~and~~ large numbers of people who are unfortunate Indians and who are in a backward state of civilisation, may I assure him that if he goes on still adding to this principle by giving the power to the Governor under paragraph 70 (that is, corresponding to section 52 of the Government of India Act 1935) to deal as a special responsibility with Backward Tracts which are not declared to be Partially Excluded Areas, that feeling will be considerably increased ?

*Secretary of State :* We have tried to take into account every point of view, and I am aware that there has been considerable nervousness in India as to the extent of these areas....

*Mr. M. R. Jayakar : 13,421 :* My difficulty is that I am not quite easy in my mind in assuming that the local Legislatures would be indifferent to or unmindful of the special protection which these tribes desire. After all, these Acts are the Acts of the local Legislature ?

*Secretary of State :* Yes ; let me disabuse Mr. Jayakar of any idea that he may have in his mind that this implies distrust of an Indian Legislature because it is an Indian Legislature. My distrust goes a good deal further than that. My anxiety is to prevent politicians, British Indians or anybody else, interfering with people whose conditions are so different as to make the political conditions really inapplicable to them.....

*Mr. M. R. Jayakar : 13,422 :* But perhaps the Secretary of State is not aware that many of the class called politicians have been the prime movers in starting societies for the regeneration of these backward classes ?

*Secretary of State :* That is certainly so, but the natural inclination... of any democratic legislature is to attempt to impose uniformity upon everybody else and it is just this attempt to impose uniformity that does make the trouble with people who are really living in quite a different world.”

11. The provisions in the Government of India Bill which followed were based on the recommendations of the Joint Parliamentary Committee in paragraph 144 of their Report, and during the debate (in Parliament) that ensued, the Secretary of State was of the view :

“...It might well be that in the course of time, even though the more conservative of us might not wish to see it, that changes will take place in some of these areas. There is bound to be infiltration from one district to another, and in the course of time we may be able to bring certain of these districts under the ordinary administration.”

The Sixth Schedule to the Government of India Bill, which was later replaced by the Excluded and Partially Excluded Areas Order in Council, came under discussion in Parliament in May 1935, and it is significant to note that no area in this province was put in either part—Excluded or Partially Excluded. In the course of the debate, Mr. Attlee referred to the overwhelming evidence which indicated that these people must be protected and that they were far more liable to exploitation. Sir Reginald Craddock former Chief Commissioner of the Central Provinces, stressed the need for further examination with a view to extending the list of areas to be excluded or partially excluded. The following statement made by the Under Secretary of State is relevant to the consideration of the question :

(Parliamentary Debates : Volume 301 : column 1398): In considering the Central Provinces we see most clearly the difficulty of picking out certain of these aboriginal areas and attempting to make them into partially excluded areas. In certain districts of the Central Provinces although the aboriginals are found in preponderating numbers in certain parts unmixed with the rest of the population, for the most part you will find a pocket here and a rather larger number there, and it is extremely difficult to pick out a district like the Melghat tahsil of the Amraoti district which is a very small area in which there are but a small number of aboriginals who are mixed with the rest of the population.... While we do not for a moment deny the importance of special measures for these areas, if we have to choose between assimilation or segregation, we go on as before with assimilation. Segregation, we feel, may not in every case meet the proper desires and needs of such areas.... But it would be disastrous at this stage to take any step which could alienate the public opinion of what may be called the advanced communities in India whom we wish to interest in the welfare of the backward areas.”

12. The pressure in Parliament compelled the Secretary of State to undertake, in the light of the amendments sought to be made, *de novo* examination of the lists for total or partial exclusion. The areas in the

Central Provinces which, the Secretary of State said, he would be urged to include in the Schedule were (as suggested in the amendment proposed by Mr. Cadogan, MP : Parliamentary Debates : Volume 301, 1934-35 : 10th May 1935) :

“ Addition of following new areas to part I : Excluded Areas ”.....

“ Dindori tahsil, Mandla district and Garchiroli tahsil, Sironcha tahsil and Zamindaris and Ahiri Zamindaris of Chanda district, in C. P.”

“ Addition of following new areas to part II : partially Excluded Areas ”.....

“ Seoni district.

Chhindwara district.

Such areas of Mandla district as are not totally excluded.

Such areas of Chanda district as are not totally excluded.

The Harsud tahsil of Nimar district.

The Betul and Bahinsdehi tahsils of Betul district.

Raipur district except Raipur and Baloda Bazar tahsils and Puhsar Biliagarh Katgi and Bhatgaon Zamindaris.

Sanjari tahsil Zamindari of Drug district.

Bilaspur district except Bilaspur tahsil Knaisa and Janjgir tahsils.”

This Government protested vehemently and, *vide* its telegram No. C-146-R, dated the 18th April 1935 to the Government of India, said :

“ Exclusion now would be a retrograde measure and cause much resentment ..... Difficulties of separate administration would be considerable..... Proposals for inclusion of areas in Part II appear to have been made by persons unfamiliar with present conditions of province. ....

(As Mr. afterwards Sir Eyre Gordon put it : “ Part II as suggested is amazing. The proposals must have come from some one who left the province last century ” !)

“ ..... Separate administration of these areas would in the opinion of the Governor-in-Council be unworkable from practical point of view and would render Reforms Scheme for rest of province ludicrous. Strong opposition from public would be inevitable.”

The Government of India were also of the opinion that any proposed change in the “ Sixth Schedule ” as presented to Parliament should be resisted, and added in their telegram to the Secretary of State, No. R. 1051, dated the 25th April 1935 :

“ Our aim should be not to retain aboriginal areas concerned as picturesque survivals but to secure their development by absorbing them with the rest of the community. The process of assimilation is going on and to put an obstacle in its way would be a retrograde step.”

The late Sir Hyde Gowan (Governor) held very definite views on the subject :

“ I think we should be careful how we disturb contentment. Its pathos is apt to be more distressing to the onlooker than to the subject ! ”

“ I personally am not prepared to subscribe to the idea which runs through the whole of the India Office letter, namely, that the welfare of the aborigines cannot be entrusted to the new Government, and that the Governor must be constituted their special King, Protector and Defender of the Faith.”

“ As I have said before, my own view is that the aboriginal problem in India is entirely different to the same problem in countries like North America or Australia, and that its solution lies in absorption and not in segregation.”

Ultimately, however, the hands of the local Government were forced and the following areas recommended for partial exclusion (letter No. C. 1747-853-R, dated the 11th October 1935) :

Ahiri Zamindari of the Chanda district.

The Zamindaris of the Garchiroli tahsil of the Chanda district.

The Chhindwara Jagirdaris of the Chhindwara district.

The Dindori and Niwas tahsils of the Mandla district.

The Satgarh (comprising seven Zamindaris) in the Bilaspur district.

The Aundhi, Koracha, panabaras and Ambagarh Chowki Zamindaris of Drug district.

The Melghat of the Amraoti district in Berar.

*No area was proposed for total exclusion* —In formulating the above proposals, the criterion kept in view was :

“ When an area contains a preponderance of aborigines or of very backward peoples, is of sufficient importance to make possible the application to it of special legislation, and is susceptible, without inconvenience, of special administrative treatment, you (this was addressed to district officers) should consider whether it should be recommended for partial exclusion. The suggestion has been made to this Government that all areas in which it has applied or withdrawn or has appointed officers for administration under the Scheduled Districts Act, should be included automatically in the list of partially excluded areas. No such areas exist in this province, and your proposals must be based solely on your opinion of the best method in which to protect the interests of the aborigines.”

applied to the Partially Excluded Areas. The provisions contained in the Amending Act of 1938 were brought into force in the Partially Excluded Areas, through this Regulation.

- (iii) *Regulation I of 1944* : C. P. and Berar Indian Finance and Excess Profits Tax Validating Regulation : This Regulation was merely to remove doubts in regard to the retrospective application of the Indian Finance Act, Excess Profits Tax etc.

17. Towards the end of 1938, the Honourable the Prime Minister took up the problem of the aboriginals for investigation but there was no time to formulate policies before the resignation of the Ministry in November 1939.

18. In March 1940, Sir Francis Wylie, the Governor, undertook an intensive tour in the interior of the Balaghat and Mandla districts and recorded a minute on the condition of the aboriginal tribes in which he observed :

“ The truth is that our aboriginal tribes get no concerted attention from the administration. Some of our officers are interested in them, others are not. The aboriginals of the C. P. and Berar again belong to a number of different tribes. What may be suitable for the Gonds and Baigas of Baihar or Dindori may be unsuitable for the Korkus of the Melghat or the forest tribes of Chanda. Because we have no considered policy as regards these areas again their needs tend to get crowded out by the more clamant demands of the developed parts of the province. This is a state of affairs which is most unjust to the tribes concerned and very discreditable to the Provincial Government. I am certain that the time has come when a special effort must be made to place this whole question on a more satisfactory basis. ”

As a result, Mr. W. V. Grigson was appointed Aboriginal Tribes Enquiry Officer. He reported on Mandla and Balaghat separately and followed these reports with his final report : “ The Aboriginal Problem in the Central Provinces and Berar (1943) ”. This report had to be shelved for the time being because of the war. It may be mentioned, however, that when commenting on some of the recommendations of Mr. Grigson for the “ educational ” uplift of the aborigines, Sir Henry Greenfield, Revenue Adviser remarked :

“ Mr. Grigson is not an educationist and some of his ideas are definitely wrong. His enquiry has focussed attention on the aboriginal problem but his theories with regard to its solution need very careful examination. The chief fallacy is to try to combine education of the Gond with retention of his primitive simplicity. The two are mutually inconsistent. ”

The Provincial Government, nevertheless, proposes to bear in mind the many useful suggestions made by Mr. Grigson in his report, when taking final decisions on the difficult subject of treatment of the aboriginal areas in this province.

19. Soon after resumption of office, the Ministry took up the question of aboriginal welfare and deputed Sjt. A. V. Thakkar, Vice-Chairman of the Servants of India Society, to visit the districts having a fairly large aboriginal population for acquainting himself with all questions relating to aboriginal welfare with a view to making recommendations for the consideration of Government. On his suggestion, a post of Provincial Organiser, Backward Areas, has already been created, and Sjt. P. G. Vanikar of the Gond Seva Mandal, Mandla, has been appointed to the post, with the needed initial staff. He is engaged in working out schemes for the utilisation of the substantial provision made in the current years' budget under "Development Schemes" (about five lakhs). Sjt. Thakkar has also prepared a five-year plan for the betterment of the condition of the people in the backward areas. It is under the consideration of Government. An outline of the schemes recommended by him is given in the concluding portion of this memorandum.

### PART III.

#### *Question (c).*

"What should be the aims of Government policy in future and what would be the best administrative method which will enable these aims to be reached? In particular, should these arrangements come within the purview of the Provincial Group or Union Constitution?"

20. The frequently posed question in respect of the problem of the aboriginals is "*Isolationism*" or "*absorption*"? Successive administrators of this province have consistently favoured the aim of "absorption" and anthropologists like Grigson and Verrier Elwin are not opposed to this view. The problem is not what should be the ultimate fate of these people but at what pace the process of absorption can proceed without what Verrier Elwin calls "loss of nerve", and without, as Sjt. A. V. Thakkar says, exposing them to the dangers of exploitation by the comparatively more advanced sections of the population of the province. To quote Sjt. A. V. Thakkar (*Problems of Aborigines in India, 1941*):

"Safeguards may be instituted to protect the aborigines from exploitation by the more advanced people of the plains, as has been done with regard to non-alienation of land. But to keep these people confined to and isolated in their inaccessible hills and jungles is something like keeping them in glass cases of a museum for the curiosity of purely academic persons..... A healthy comradeship should develop between the aborigines and the non-aborigines and each should profit culturally from the other and in course of time work hand in hand for the welfare of India as a whole..... Separatism and isolation seem to be dangerous theories and they strike at the root of national solidarity."

21. The Provincial Government accepts these views and considers, as at present advised, that the method of approach outlined by Sjt. A. V. Thakkar in his five-year plan, which is already before Government, is a suitable means for achieving this aim. Sjt. Thakkar's plan follows the principle that "the welfare plan must be comprehensive and must embrace along with economic betterment, the important questions of their education, health (medical and water supply) and communications, always keeping in view the fact that the tribal people are a sensitive people whose traditions and history are of no mean order and whose culture and life have a distinctive character of their own." He proposes to divide the backward areas of the province where the aboriginal tribes predominate into ten contiguous zones with more or less equal population, each zone having a District Advisory Committee with the Deputy Commissioner (of the district in which the District Organiser has his headquarters) as President and the District Organiser as Secretary. He also proposes the constitution of a Provincial Advisory Board with the Minister-in-charge as President and the Provincial Organiser as Secretary. He proposes to start ten primary schools every year in each of the ten zones, each with four classes and two teachers teaching a syllabus modified to suit aboriginal conditions. Pupils are to spend half their time in doing manual work. Middle Schools are to be started at the rate of one with three teachers to every ten primary schools and would have free hostels attached to them. 75 per cent of the places in the hostels and of the scholarships are to be reserved for aboriginal tribes, only the remaining 25 per cent being made available for pupils of other castes residing in those areas. Girls' education is to proceed *pari passu*. Multi-purpose co-operative societies at the rate of one society for 5000 souls are to be organised. Each school is to be provided with a chest of simple medicines which will be dispensed by the teacher-in-charge. At least ten wells are to be sunk in each area every year for the next five years. Means of communications are to be developed on a wider scale.

22. The questions confronting the administration in regard to these areas do not differ in kind from the problems which confront it in regard to the rest of the province. The difference is only one of degree. The essential problem is not to devise entirely new administrative measures for the improvement of the condition of the aborigines but to modify the measures applicable to the other areas, in matters of detail, to suit the comparative backwardness of these people and to ensure that the pace of reform does not outrun their capacity to benefit by it. This requires detailed scrutiny and constant control of every aspect of administration which no agency outside the province can be expected to undertake and even if such an agency were to be set up, it would have to work with and largely through the Provincial Government. It is essential, therefore, in the interest of the aborigines themselves to entrust the administration of these areas to the Provincial Government.

Chief Secretary to Government C. P. and Berar.

## APPENDIX I.

*Population and tribal population of each district, Central Provinces and Berar*  
(Table I. page 453 : Grigson : Aboriginal Problem)

District	Tribals of all religions, 1941	Total population, 1941	Percentage
Saugor . . . . .	83,607	939,068	8.9
Jubbulpore . . . . .	199,839	910,603	21.9
Mandla . . . . .	302,918	504,580	60.5
Hoshangabad . . . . .	127,147	823,585	15.4
Nimar . . . . .	106,934	513,276	20.8
Betul . . . . .	167,447	438,342	38.2
Chhindwara . . . . .	384,681	1,034,040	37.2
Wardha . . . . .	50,530	519,330	9.7
Nagpur . . . . .	58,720	1,059,989	5.5
Chanda . . . . .	170,126	873,284	19.5
Bhandara . . . . .	111,461	963,225	11.6
Balaghat . . . . .	137,142	634,350	21.6
Raipur . . . . .	300,402	1,525,686	19.7
Bilaspur . . . . .	323,350	1,549,509	20.9
Drug . . . . .	192,285	928,851	20.7
Amraoti . . . . .	62,203	988,524	6.3
Akola . . . . .	34,028	907,742	3.7
Buldana . . . . .	19,387	820,862	2.3
Yeotmal . . . . .	1,58,494	887,738	17.8
Total C. P. . . . .	2,716,589	13,217,718	20.5
Total Berar . . . . .	274,112	3,604,866	7.6
Total C. P. and Berar . . . . .	2,990,701 (a)	16,822,584	17.8
(a) Males . . . . .	1,474,908		
Females . . . . .	1,515,793		
	2,990,701		

NOTE.—The tribal population according to the 1941 census showed +56,600 in C. P. and —24,171 in Berar, over the 1931 figures, with a net increase of +32,429.



## APPENDIX II

*Tribal population as compared to the total population in the Partially Excluded Areas ; (Vide Table No. II ; Grigson ; Aboriginal Problem . Page 454)*

Tahsil	Total population	Tribal population
<i>Mandla district—</i>		
Mandla . . . . .	216,160	110,248
Dindori . . . . .	152,004	98,339
Niwas . . . . .	136,416	94,331
	<u>504,580</u>	<u>302,918</u>
<i>Betul district—</i>		
Bhainsdehi . . . . .	104,435	60,312
<i>Chhindwara district—</i>		
Chhindwara . . . . .	55,414	33,011
Amarwara . . . . .	38,409	29,281
	<u>93,823</u>	<u>62,292</u>
<i>Ohanda district—</i>		
Garohiroli . . . . .	68,893	35,345
Sironcha . . . . .	46,138	32,476
	<u>115,031</u>	<u>70,821</u>
<i>Balaghat district—</i>		
Baihar . . . . .	112,607	63,591
<i>Drug district—</i>		
Sanjari . . . . .	82,202	51,452
<i>Bilaspur district—</i>		
Bilaspur . . . . .	131,699	58,377
Khatgora . . . . .	248,204	127,852
<i>Amraoti district—</i>		
Melghat . . . . .	47,929	25,528
<b>Total All Partially Excluded Areas . . . . .</b>	<b>1,140,510</b>	<b>833,143*</b>

\*Out of this 865,983 " Tribal religion "—the rest represents the number returned as Hindu by religion.

## APPENDIX III

*List of Aboriginal Tribes in the Central Provinces and Berar*

(From Sjt. A. V. Thakkar's Report.)

- |                     |                |
|---------------------|----------------|
| (1) Gond.           | (17) Baiga     |
| (2) Maria.          | (18) Kolam.    |
| (3) Bhattra.        | (19) Bhil.     |
| (4) Parja.          | (20) Dhanwar.  |
| (5) Koya.           | (21) Sawara.   |
| (6) Muria.          | (22) Bhaina.   |
| (7) Pardhan.        | (23) Kamar.    |
| (8) Ojha.           | (24) Majhwar.  |
| (9) Korku.          | (25) Bhuniia.  |
| (10) Kawar.         | (26) Oraon.    |
| (11) Halba.         | (27) Nagarchi. |
| (12) Kol.           | (28) Kharia.   |
| (13) Andh.          | (29) Bhuinhar. |
| (14) Binjwar.       | (30) Nagasia.  |
| (15) Bharia-Bhumia. | (31) Saunta.   |
| (16) Koli.          | (32) Korwa.    |

## PUNJAB—FACTUAL MEMORANDUM

### FACTUAL MEMORANDUM ON THE EXCLUDED AREAS OF SPITI AND LAHOUL.

#### 1. HISTORICAL BACKGROUND

Lahoul and Spiti are properly Tibetan countries which originally had no connection with India and were included in the Empire of Great Tibet. In the 10th century on the break-up of this Empire when the independent kingdom of Ladakh was formed, Lahoul and Spiti were the eastern-most provinces of this kingdom. In 1687-88 Ladakh began to pay a small tribute to the Governor of Kashmir as representative of the Emperor of Delhi in return for the aid given against an invasion of the Tartars. After the break up of the Delhi Empire the Rajas of Ladakh continued to pay the tribute to the Sikh Governor of Kashmir. Lahoul, however, had broken away from Ladakh somewhere in the 17th century and become an independent kingdom being governed by Thakurs or petty barons of small clusters of villages. Tributes were, however, levied by the Raja of Chamba and subsequently by the Raja of Kulu till 1846 when Lahoul passed under British rule together with Kulu, to which it was subject. Spiti remained a province of Ladakh the actual administration, however, being left to the local Wazir and other hereditary officers of Spiti, who again were completely controlled by the parliament of local headmen. After the Sikhs had annexed Kulu in 1841 they sent up a force to plunder Spiti. Annexation of Spiti, however, did not take place till 1846 when on the cession of the trans-Sutlej States after the First Sikh War the British Government added Spiti to Kulu.

Before British rule the Thakurs in Lahoul were allowed to exist supreme in their own estates but they had to pay a heavy annual tribute. In the rest of the country where the Thakurs had been extinguished the Raja took their place in the area known as *khalsa*. The Sikhs collected the cash and grain from the *khalsa kothis* and tributes from the Thakurs as before. When the British took over a cash assessment was imposed, but the collection of old cesses continued by the Thakurs in the jagir areas and the *khalsa* ones by the Negi. This Negi was appointed by the British Government in place of the Wazirs appointed by the Rajas, and at first a Brahmin was appointed. Subsequently, however, the Negi was dismissed and one of the Thakurs was appointed Negi. This Thakur was popularly known as Wazir and came to be known as such in official correspondence. He continued to pay the fixed assessment and administer the country though his official status was no more than that of a local headman. Similarly in Spiti the cash assessment was paid to the representative of the Government, who was for the first three years after annexation a Wazir of the Bushahr Raja and after that the hereditary Wazir of Spiti commonly called the Nono. Besides this various monasteries in Spiti had amounts assigned to them and these were collected by the monasteries direct.

Until very recently Lahoul was therefore administered through headmen called lambardars all of whom were subordinate to the Negi or Wazir who was the headman for the whole valley. Six per cent of the revenue was shared between the Negi and the lambardars. The Negi, belonging to the leading Thakur family of the valley, enjoyed magisterial powers and was remunerated by an extensive revenue assignment in addition to his share in the revenue.

He also had powers to grant permission to break up new land. In Spiti similar powers were enjoyed by the Nono, as the Wazir, assisted by headmen of villages and of groups of villages. The headmen of groups of villages known as *Kothis* get fixed assignments while the Nono gets 5 per cent of the land revenue. Forced labour or *begar* was common till formally abolished by the Punjab Government a few years ago. It, however, still remains in practice in Spiti.

In Lahoul a change was made in 1941 when a stipendiary magistrate of the rank of Naib Tahsildar was posted to the valley for the summer months and a police post was also opened subsequently. The occasion for this was provided by the insanity of the Wazir. In Spiti on the other hand the arrangements continue as before.

## - 2. GENERAL BACKGROUND

(a) *Lahoul*.—Lahoul comprises an area of 2,255 square miles separated from the rest of British India by mountains with an elevation of 18,000 feet, the lowest point being the Rohtang Pass at 13,000 feet. The total cultivated area is now 3,028 acres besides 3,596 acres of irrigated hay fields. The land revenue is Rs. 5,762. The population at the census of 1941 was 9,017 as compared with 5,860 in 1881. Most of the cultivated area is under wheat, barley and buckwheat. Nearly 200 acres are under *Kuth*, which was introduced from Kashmir some 20 years ago. *Kuth* has a large export market and the value of this crop in 1946 was estimated at Rs. 2 lakhs. There are in addition vast grazing areas. Blue pine and pencil-cedar grown in the forests provide timber while willows and poplars introduced by the Moraivian Mission in the second half of the 19th century provide firewood as well as fodder. There are now 2 middle schools and 5 primary schools in Lahoul valley though the only high school is situated at Sultanpur—69 miles from the headquarters of the valley at Kyelang. There are no industries in the valley, but many Lahoulis engage in trade as the main trade route from Yarkand to the Punjab passes through the valley. Besides *Kuth* the other item of trade is wool which is imported from Tibet and re-exported to the Punjab. There is one hospital at Kyelang. Over 200 men have joined the army while 3 members of the Thakurs' families have obtained King's Commissions. A bridle road is maintained by the Punjab Public Works Department from the Rohtang Pass to the border of Ladakh and it remains open for about 5 months in the year. Another route is through Chamba State and remains open for most part of the year. A third route into Spiti via the Baralacha Pass remains open for about 4 months in the year. The main elevation of Lahoul valley is 10,000 feet, the climate is healthy and the rainfall is small.

(b) *Spiti*.—Spiti covers an area of 2,522 square miles with a population of 4,000 in 1941 compared with 2,862 in 1881. The total cultivated area is 2,365 acres. The land revenue is Rs. 753. The main elevation of the villages in Spiti is 12,000 feet while several villages are as high as 13,000 or 14,000. It is surrounded on all sides by mountains with a main elevation of 17,000 to 18,000 feet. There are 3 primary schools in Spiti which do not flourish. There are no exports and many necessities of life have to be imported from Bushahr State or from Kulu. There are a number of monasteries in allegiance to the Lama of Tibet. In contrast with Lahoul, where Hinduism has made some progress in recent years, Spiti has few traces of Hinduism. There is also a dispensary at Kaza.

*Administrative Policy.*—In the past as a general rule the policy has been to leave the excluded areas of Lahoul and Spiti to themselves. After the passing of the Act of 1935, however, efforts have been made to develop these areas and open them out to the rest of the world. This movement arose on account of the prosperity which came to Lahoul with the development of the cultivation of Kuth. District Officers have in the last few years regularly visited Lahoul and Spiti and many proposals for development have been drawn up. The areas are governed by the Spiti and Lahoul Regulations, 1942 (Punjab Regulation No. 1 of 1942). This Regulation applies to Spiti the Spiti Regulation of 1873. It also gives a list of enactments applicable elsewhere in the Punjab which have been applied to these areas. The list of enactments applicable to the excluded areas has been added to from time to time since then. The present position is that the most important enactments are now in force in the excluded areas of Lahoul and Spiti without modifications, but several agrarian laws have not been applied to these areas particularly to Spiti. The Spiti and Lahoul Laws Regulation, 1942, as amended from time to time, forms Annexure\* I to this memorandum.

*The Future.*—So far as Lahoul is concerned considerable progress has been made during recent years. The people are well-to-do and they are in contact with other parts of the Punjab. Their standard of life and their knowledge of the world in general is in no way inferior to that of the people in the adjoining territory of Kulu and Kangra. It is time therefore that Lahoul is no longer considered an excluded area but is brought under the general system of administration prevailing elsewhere in the province. Spiti with its small population is still very far apart. The country has still to be opened up by the construction of new means of communication, new schools have to be opened and attempts made to increase the area under cultivation. On account of its inaccessibility it cannot be brought under the normal system of administration. It is suggested therefore that Spiti should remain the special responsibility of the Provincial Government.

His Excellency the Governor of the Punjab appointed a Development Committee for Spiti and Lahoul in May 1946. The proceedings of that Committee form Annexure\* II to this memorandum. A brief bibliography forms Annexure\* III.

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\*Not printed.

MEMORANDUM ON THE ADMINISTRATION OF "EXCLUDED"  
AREAS IN THE NORTH-WEST FRONTIER PROVINCE.

The preamble of the Scheduled Districts Act, Act No. XIV of 1874, indicates that it originated not so much from a consideration of the backwardness of the areas affected as in some cases perhaps from historical reasons connected with the date or method of annexation, and that it was in the main in the nature of a validating Act. Whatever was the intention of legislatures, all the present Districts of the North-West Frontier Province are included as "Scheduled Districts" in Schedule I of the Act, and the Government of India Act, 1870 (33 Vict., c. 3), which was re-enacted with modifications in the Government of India Act, 1915, was applied to these territories. Notifications were in fact issued under the Scheduled Districts Act in respect of the Districts of Hazara, Peshawar, Kohat, Bannu and Dera Ismail Khan (page 129 of the Punjab and North-West Frontier Code, Volume III) and particular Regulations affecting the North-West Frontier Province in general (such as the Frontier Murderous Outrages Regulation of 1901) were brought in under this Act (*vide* foot-note at page 25 of the Punjab and North-West Frontier Code, referred to above). From the heading of the Hazara Upper Tanawal Regulation, 1900, it appears however that this was enacted under the ordinary powers given by the Government of India Act of 1870.

The territories covered by the Hazara (Upper Tanawal) Regulation, 1900 are :—

- (a) "Upper Tanawal" means the territories constituting the estate of the Chief of Amb and described in Part I of the Schedule ;
- (b) "Phulera" means that portion of Upper Tanawal which is described in Part II of the Schedule ;
- (c) "the Chief of Amb" means the person for the time being appointed and recognized by the Government as the Chief of Upper Tanawal ; and
- (d) "the Khan of Phulera" means the person for the time being appointed and recognized by the Government as the Chief of Phulera.

It was with the object of the better administration of these territories that the Regulation was brought into force.

In order to trace the past history of this area it is necessary to know whether the Sikhs conquered and annexed Upper Tanawal and the British Government, as their successors, had a right to it. This question was raised in the revision side Criminal Case No. 349 of 1877 in the Chief Court of the Punjab, an extract from which is reproduced below :—

"The Deputy Commissioner of Hazara, Major Becher, however, dissented from the view that Upper Tanawal was an in-

tegral part of British India, and this led Sir Herbert Edwardes to go more fully into the question. He wrote :—

‘But the real question is, did the Sikhs conquer and annex Upper Tanawal? If they did we are their successors. If they did not, then, indeed, Upper Tanawal stands on the same basis as Amb, which is Trans-Indus, for that has confessedly remained independent.’

The Commissioner held that the Sikhs did undoubtedly conquer Upper Tanawal and, after describing the circumstances, he concludes thus :—

These historical facts prove that the Sikhs took and held Upper Tanawal, or in other words Jehandad Khan’s Cis-Indus patrimony was in the Sikh time as much a portion of the Hazara Province and the Sikh territory as the other Frontier tracts of Agrora, Kaush and Kahgan.’

That being the case, it is now an integral portion of the present Hazara District and British territory’ ”

It will thus be seen that it was not on account of consideration of backwardness of the areas affected as for historical reasons that Upper Tanawal was declared to be a backward tract, as notified in the Government of India, Foreign and Political Department Notification No. 498-F., dated the 5th September, 1933. It cannot thus be said with strict truth that Upper Tanawal or the inhabitants thereof are more particularly backward than their neighbours and the real justification at the back of the notification is absent here. There was no question of protection of aborigines or of persons of a different kind of civilisation such as the Buddhist inhabitants of Darjeeling from being swamped out by their more sophisticated neighbours. The Government’s only object in making special Regulation for Upper Tanawal in the past was and is to preserve the peculiar status and jurisdiction of the Chief of Amb and the Khan of Phulera and has no reference to the peculiar backwardness or otherwise of the inhabitants of those “Estates” as compared with their neighbours a few miles off.

As indicated in our telegram No. 601-TBI., dated the 27th November, 1946, nothing in the foregoing should commit the Provincial Government in regard to their recommendations for the future which will follow as soon as certain matters in regard to Jagirs, etc., have been more closely examined.

## BENGAL—FACTUAL MEMORANDUM

### BENGAL

#### MEMORANDUM ON THE ADMINISTRATION OF THE EXCLUDED AND PARTIALLY EXCLUDED AREAS IN BENGAL

1. The only excluded area in the province of Bengal is the Chittagong Hill Tracts and the partially excluded areas consist of the district of Darjeeling and the police-stations of Dewanganj, Sribardi, Nalitabari, Haluaghat, Durgapur and Kalmakanda in the district of Mymensingh commonly known as Sherpur and Susang Parganas, *vide* the Government of India (Excluded and Partially Excluded Areas) Order, 1936. These are dealt with seriatim below :—

#### 1.—EXCLUDED AREA

##### CHITTAGONG HILL TRACTS

*Historical background from the constitutional and administrative points of view.*

2. The area is bounded on the north by the Tripura State, on the east by the Lushai Hills and the Arakan Hill Tracts and on the south by the Burmese district of Akyab. The north, east and south boundaries of the district are provincial boundaries, the western boundary is the district of Chittagong.

3. The area of the Tracts is 5,007 square miles and the total population is 247,053 according to the latest census. The population is divided into Chakmas, Burmese Maghs, Tripuras, Mros, Lushais and Kukis, Bengali Hindus and Muslims, etc.

4. There are no large scale industries in the Tracts but the hill people make their own cloths and display some skill in making baskets and other things from the bamboo.

5. The occupation of the people is generally agriculture—jhuming and plough cultivation. The jhuming population is an uncertain factor being nomadic in their habits, passing from the hill-tracts to the Tripura State, from there to the Lushai hills and *vice versa*. They move about accordingly as facilities for jhuming are best in one hill district or another. They revolt at any kind of drudgery and lack the concentration of purpose and the patience to be able to make a success of anything and are content to live a happy-go-lucky life in their hills.

6. Each tribe in the Tracts has its own tribal custom regarding marriage, death, ceremonies and all the tribes are highly superstitious.

7. The economic condition of the people varies not only from year to year but also from one season of the year to another as it generally depends upon the produce of cultivation. The condition of the people is dependent on their character and habits, notably their aversion to labour, their improvidence and their inability to cope or strike a fair bargain with the Bengali Mahajan.



Such trade as exists in the Tracts is almost entirely in the hands of Bengalees from Chittagong, the sale of paddy and cotton, the marketing of forest produce are controlled by the financiers of the plains. There are very few hillmen with sufficient capital for trade of any kind, and they have a natural prejudice against leaving their hills and busying themselves in the intricacies of commerce. They are naturally indolent and improvident and seem to have no desire to undertake any commercial operations except the simplest. They are thus exploited, which is an economic problem.

8. There is a general absence of large tracts of level land, the areas are sloping and hilly and are generally jhumed. The soil of the Tracts is of a sandy character and unsuitable for terracing. In the valleys however the soil is rich, being fertilized from time to time by deposits of silt from the streams which issue from the hills. The climate of the Tracts is unhealthy and malarious; extremes of temperature are rare but humidity is excessively high. At the time of onset of the rains and just before the cold weather sets in, the Tracts are liable to severe storms and cyclones.

9. The area is not served by any railway. There are also no good all-weather roads and the river Karnafuli with its tributaries serves as the main channel of communication for trade and other purposes.

10. The Tracts are divided into two subdivisions—Rangamati and Ramgarh—each of which is in charge of a Subdivisional Officer directly responsible to the Deputy Commissioner for the administration of his subdivision.

11. Government is the proprietor of all land in the Tracts excepting four grants in fee-simple. There are no tenure-holders in the sense in which the word is used in other districts. No lessee is permitted to hold more than 25 acres of land in all whether under one lease or more than one. Leases are granted only to hillmen provided that non-hillmen of the cultivating classes actually resident in a village may get leases in that village up to a maximum of 25 acres. No lessee or sub-lessee is allowed to transfer by sale, gift or a mortgage the whole or any part of his holding without the previous sanction of the Deputy Commissioner. As regards heritability of grants of land the principle adopted in the Tracts is to accept the normal heir if he is resident and suitable but to prefer another relative if the legal heir is non-resident and in the absence of any relative, to resume and settle with others. For hill-men the ordinary customary laws of inheritance are generally followed.

12. The Chittagong Hill Tracts were included in Appendix B to the Scheduled Districts Act, 1874. Under the Government of India Act, 1915, the laws of the Tracts were framed by the regulations of the Governor-General in Council under section 71 of the Act. At the time of introduction of the Montagu-Chelmsford reforms scheme, the Provincial Government recommended total exclusion on the grounds that the Tracts were in fact already excluded from the purview of the Bengal Legislative Council, that they were expressly excluded from the landholders and Muhammadan electorates, that the Tracts had no District Board

or Municipality and had no representative of any kind on the Council and that the people were primitive and there could be no doubt that the Tracts should be accorded special treatment. This was accepted by the Secretary of State and the Tracts were treated as backward Tracts under section 52A(2) of the Government of India Act, 1919.

13. Prior to the introduction of Provincial Autonomy under the Government of India Act, 1935, the local officers as well as the local Chiefs were all in favour of total exclusion on account of the primitive character and the backwardness of the inhabitants, their relatively simple system of life and Government, and the danger of exploitation from outside. The Provincial Government would have supported this view were it not for the fact that the Hill Tracts were not self-supporting financially. They thought that the fact that the province would be required to contribute from general revenues a sum of about Rs. 2 lakhs a year towards the cost of general administration of the Tracts probably for many years made it desirable that the Tracts should not be totally excluded from the general administrative system of the province. Moreover, the Tracts were surrounded by more advanced areas and would eventually be assimilated to the rest of the province. Hence it was desirable that the Tracts should be included within the orbit of ministerial responsibility from the beginning of the reformed government, provided this inclusion did not involve representation in the legislature at that stage and subject of course to the special responsibilities of the Governor. The Government of Bengal accordingly recommended that the area should be classed as "partially excluded" and at the same time the introduction of a representative system should be delayed till such time as the Provincial Government thought the stage of development of the Tracts justified it. But in case classification as "partially excluded" did of necessity involve representation, then in spite of the obvious difficulty which would follow if the money required for the administration of an "excluded area" was to be found from Provincial funds although the Ministry and the Legislature would have no responsibility in respect thereof, the Provincial Government recommended total exclusion.

14. With the introduction of Provincial Autonomy in 1937, the Chittagong Hill Tracts are accordingly being treated as an excluded area, *i.e.*, although the executive authority of the Province extends to the area, yet no Act of the Federal or Provincial Legislature applies to it unless the Governor by Public notification so directs. The Tracts are administered under the provisions of the Chittagong Hill Tracts Regulation of 1900 and certain other regulations made since 1937.

*Aims of Government policy in the administration of the Tracts.*

15. Government policy in the administration of the Chittagong Hill Tracts has been conditioned by the fact that in the comparatively small area of some five thousand square miles the ethnical range is very wide. The hilly areas are peopled by a number of Indonesian races, primitive animists with no known historical traditions called collectively *Toungtha* or Children of the Hills, while in the valleys and plains the predominant races, the Maghs and the Chakmas, come of stocks which can trace a historical ancestry of a number of generations, derived largely from Arakan with, in the case of Chakmas, some strong Indian admixture : these valley dwellers are collectively known as *Kyounghtha*

or Children of the River. Practically the whole area of the District is comprised in three Chieftainates, those of the Bohmong, the Chakma Chief and the Mong Raja, but these divisions are territorial rather than racial and each comprises within its limits both Children of the Hills and Children of the River.

16. The administration of an area of so varied a stock with such primitive elements has necessarily been reduced to simplicity. In matters where tribal customs are involved and also in petty local disputes the village headmen and the Chiefs have been empowered and encouraged to exercise jurisdiction, while in the field of normal civil, criminal and revenue jurisdiction, simplicity and despatch have been the target. This had been aimed at with reasonable effectiveness by the enactment of a comprehensive Regulation (Chitagong Hill Tracts Regulation I of 1900) "to declare the law applicable to and to provide for the administration of the Chittagong Hill Tracts", which in its two main divisions covers the appointment and powers of the executive officers in these Hill Tracts, and regulates certain specific matters connected with public order, namely fire-arms, drugs and liquor. The rest of the administrative field is covered in two ways: firstly by specifying in a schedule attached to the Regulations a list of the enactments to be deemed to be in force in these Hill Tracts to the extent and with the modifications set forth in the said schedule: the original list in the schedule has from time to time, as occasion arose, been added to under a power conferred by the Regulation itself. Secondly, also by a power conferred by the Regulation, a set of Rules for the administration of the Chittagong Hill Tracts has been framed "for carrying into effect the purposes of this Regulation". On this basis supplemented by one special Regulation dealing with the discipline of the quasi-military Frontier Police of the Chittagong Hill Tracts, the whole of the administration of the area is carried out.

17. In effect therefore apart from the jurisdiction of the Chief and Headmen the great bulk of the code applying to the administration of this area is covered by the Chittagong Hill Tracts Regulation and its schedule. The latter has of recent years swollen from comparative simplicity to a very considerable bulk, mainly for two reasons, namely—

- (a) temporarily, by the inclusion of a large number of war-time ordinances rendered specially necessary as the Japanese were for a short time in actual occupation of a small area in this district, and
- (b) permanently, owing to the beginnings of organised industry and trade in the areas adjacent to the Regulation Districts of the Province.

There are for example one or two tea gardens and some established businesses in timber and general merchandise. This has necessitated the application by Ordinance to these Hill Tracts of such acts as the Indian Tea Control Act, the Reserve Bank of India Act, the Indian Financial Act (in a limited form) *et hoc genus omne*.

It will therefore serve the purposes of a concise conspectus of the administration not to attempt to particularise the large list of enactments

in force here, some of them ephemeral in nature, but to give a bird's eye view so far as is possible, of the principles on which the administration is carried out by virtue of the Regulation, its schedules and the rules framed under it.

18. The Deputy Commissioner is the head of the administration, and in the words of the Regulation is vested with the power of general administration in criminal, civil, revenue and all other matters. He is assisted by an Assistant Commissioner at present deputed from the Indian Police Service and exercising particular supervision over the police force, a small staff of Deputy and Sub-Deputy Magistrates and Collectors temporarily deputed from their respective provincial services, and a small number of subordinates in technical matters such as public health, roads and buildings, and agriculture. Recently a small cadre of suitable officers of hillman extraction has been brought into being as a liaison between the Deputy Commissioner and the hillmen.

19. The Commissioner is the Sessions Judge of a sessions division comprising the district of the Chittagong Hill Tracts, and also exercises all powers of a High Court for all purposes of the Criminal Procedure Code so far as it applies, except in respect of death sentences.

20. Power of revision of all orders of all authorities in the Hill Tracts is vested in His Excellency the Governor in the exercise of his discretion, and he alone can confirm a death sentence or exercise the prerogative of mercy. His adviser for these purposes is the Member of the Board of Revenue, Bengal except in the matter of confirmation of death sentences; in these cases the Judicial Secretary advises him usually after giving a hearing to a lawyer on behalf of the condemned man.

21. This is the framework of the structure of the administration; the details are contained in the Regulation and some fifty-five Statutory Rules as referred to above. Obviously it is impossible to particularise them in anything shorter than a treatise. The underlying principle is, so far as may be, personal touch between the administrators and the Chiefs, headmen, and villagers, together with summariness of procedure so far as is consistent with justice. In revenue matters, particularly in the tenure of land, the protection of the interest of the hill people as against the more sophisticated incomers from outside the district, is enjoined on the administrators and is made enforceable by detailed rules, while by similar rules the incidence of the land tax is fixed and the profits therefrom are distributed between Government, the Chiefs and the collecting agency of the village Headmen.

22. This system retaining as it does a considerable measure of archaic simplicity appears to suit the people of the Hill Tracts, and such protests against any detail of it as are from time to time voiced, generally come from one or more of the Chiefs and are based either on financial grounds or the not unnatural wish to maintain their own prestige. Obviously of course in a personal system of this nature, the personality of the Deputy Commissioner, his willingness and ability to tour throughout his almost roadless jurisdiction, and his understanding of the people are factors of paramount importance and must continue to be so as long as the system prevails.

## II. PARTIALLY EXCLUDED AREAS

## A: Darjeeling District

23. The area of the district is 1,192 square miles. It consists of four subdivisions, *viz.*, Sadar, Kurseong, Kalimpong and Siliguri, first three being situated on the hills and the last on the plains.

The district consists of 6 towns and 578 villages and its total population is 376,369 of which 199,891 are males and 176,478 females. The urban population is 58,164 (33,495 males and 24,669 females) and the rural population is 318,205 (166,396 males and 151,809 females). The population is mainly composed as follows :—

	Total.	Male	Female
Buddhists . . . . .	42,575	21,966	20,609
Tribal . . . . .	141,301	73,811	67,490
Hindu . . . . .	178,496	96,147	82,349
(Scheduled Castes) . . . . .	(28,922)	(15,918)	(13,004)
Muslims . . . . .	9,125	5,513	3,612
Indian Christian . . . . .	2,599	1,244	1,355
Anglo-Indian . . . . .	1,109	570	539
Other Christians . . . . .	984	521	463

24. The most important industry in the district is the manufacture of tea. Next in importance is the manufacture of Cinchona. The Cinchona plantations comprise mainly the Rangjo valley block, the Raueng valley block and the Rangpo valley block. Beer is also manufactured in the district. The most important of the native industries is weaving, coarse cotton cloth being woven by all the aboriginal races. There are other industries of small importance. In the Tarai ordinary coarse cloth gunny bags, mustard oil and common pottery form the chief articles of manufacture. In the hills the artisans manufacture on a small scale articles such as the baskets, trays; ropes, axes, chisels, hammers, spades, blankets, *Kukris* (with sheaths), shoes, earthen pots and bamboo mats. Mineral products of the district include coal, iron, and copper but none of them appear to repay the expense of exploitation.

25. The great majority of the population are dependent on agriculture either as cultivators, tilling their own fields or as labourers employed in the tea gardens. The industrial classes are relatively unimportant; only 7 per cent. of the total population being engaged in normal industries. Of these, 60 per cent. are workers who are distributed over various occupations such as tailors, carpenters, masons, wood-cutters, etc. The commercial and professional classes are still smaller and account for only 1 per cent. of the population.

26. In the hills the absence of certain functional castes and in particular of the sweeper and washerman castes, is very noticeable. All the washermen and sweepers are men from the plains, the municipal sweepers in Darjeeling town being recruited from the State of Alwar. There are several other occupations which the hill people have failed to take up, such as those of barbers and carpenters. In the villages one member

of the household will usually shave the others, but in the town the barbers work is done entirely by Beharis. Similarly they have not yet taken to carpentry work which is done by Chinamen and carpenters from the plains of India. This is more surprising as they have learnt brickmaking and masonry and these new industries are now common to all castes. Certain occupations are confined to specified functional castes, such as Sakris or cobbler caste, who make native shoes and sheaths for *kukris*, the Kumal Newars or potters, who are the only makers of earthen pots, and the Kamis and Bhama Newars who manufacture metal wares and perform blacksmith's work. They are all low castes and their works will not be taken up by members of other castes.

27. The population of Darjeeling is exceedingly heterogeneous. There are Nepalese, Lepchas, Bhutias, Tibetans, Marwari, Jews, Bengali, Hindusthani, Punjabi, Chinese, etc. The dominant race is the Nepalese. The caste system is by no means strict among the Nepalese domiciled in Darjeeling where the Brahman may be found working as a cultivator, a labourer or even as a *sais*. There is an extraordinary laxity in ceremonial observance, they will eat and drink things which are an abomination to the orthodox Hindu of the plains and many of them are great flesh-eaters, relishing even beef and pork.

28. In shape the district resembles an irregular triangle of which the apex projects into British territory while the base rests on Sikkim. It is a frontier district running up between Nepal and Bhutan and stretching from the plains of Bengal on the south to the State of Sikkim on the north. The British frontier is demarcated from the latter state by a series of rivers and mountain torrents, Nepal on the west by the lofty Singalila chain of mountains, and from Bhutan on the north-east by the Jaldhaka river, while its south-eastern and southern boundary marches with the British districts of Jalpaiguri and Purnea.

29. The district has for many years past made rapid strides in prosperity, and as a rule the people are very well off. In the hills they are blessed with an abundant rainfall and are immune from famine; there is a great demand for labour; wages are higher than in any other part of Bengal; and generally speaking there is no district in the Province where the people are so well-to-do.

30. Under the Morley-Minto reforms, the district of Darjeeling was governed not by regulations, as in the case of the Chittagong Hill-Tracts, but by the ordinary law, subject to the provisions of the scheduled Districts Act. It had, it is true, special rent and revenue law and executive officers performed the duties of civil courts, but so far as the general law was concerned, it did not differ very much from the rest of the Presidency. It had representation in the Legislative Council. Darjeeling and Jalpaiguri between them elected a member to represent the tea planting community. It was included in the landholders, Muhammadan and Municipal electorates of the Rajshahi Division. There was no District Board in Darjeeling.

31. At the time of introduction of the Montagu-Chelmsford reforms scheme the Provincial Government recommended the exclusion of Darjeeling from the jurisdiction of the reformed Government on the ground

that it being almost entirely a hill district, its population had no affinity whatever with Bengal and even if they were represented in the new Legislative Council, they would be absolutely swamped. Its position further as a frontier district abutting on Sikkim and Bhutan and the fact that the main road from Bengal to Tibet passes through the district, its strategic position alone would justify special treatment. Moreover the local officers, the principal associations and the hillmen themselves were in favour of the exclusion of the district. Although at first averse to this proposal, the Secretary of State eventually agreed to the exclusion of the district purely as a provisional measure pending consideration of a contemplated scheme of local self-government for the district. In 1922 a memorial was thereupon submitted to the Viceroy, but the Government of India expressed agreement with the Provincial Government that the district should not be included within the Reforms Scheme pending experience of the working of the local self-government scheme which had been in operation in the district since April that year.

32. The alternatives put forward in the Simon Commission's report were (i) constitutional amalgamation with the rest of the province and (ii) exclusion from Bengal and the placing of the district under the administrative authority and control of the Government of India, the Governor of Bengal acting as its agent.

As regards the second alternative, the Provincial Government did not consider that the claims of the district of Darjeeling for special treatment would stand much chance of being favourably considered in the Federal Assembly to which 11 members would be nominated to represent the backward tracts. In their opinion Darjeeling had always been an integral part of Bengal, the whole administrative machine was linked up with that of Bengal, officers were interchangeable and local problems were familiar to the Secretariat. From an administrative point of view therefore the difficulties of exclusion were enormous unless the staff required for the district were found as at that time from Bengal, and if this were done, it was difficult to see the advantage in excluding the district. The other difficulty pointed out was that Darjeeling was the summer capital of the Government of Bengal and that it would be inconvenient for the Government to have its capital in an area over which it had no ultimate control. In addition there were difficulties connected with the properties like the cinchona plantations or institutions like the European Schools which were situated in the district but which really were the concern of the whole province. For these reasons the proposal was opposed by the Provincial Government.

As for the first alternative, the people who advocated exclusion at the time of the introduction of Montagu-Chelmsford reforms were in favour of the district being treated exactly as any other district in Bengal. The dangers apprehended from inclusion within the Provincial Administration by the Darjeeling Planters' Association that their peculiar and minority needs could never be adequately represented nor the district's natural aptitudes be given scope for expression were not real. On the other hand the advantages to be gained from inclusion were considerable. The educated portion of the local community resented being

treated differently from the educated community in other parts of Bengal and they considered that their interests had not been duly considered owing to the fact that they were unable to raise questions concerning them in the Provincial Legislative Council, and that during the period of administration by the Governor-in-Council sufficient progress had not been made in providing them with facilities for higher education. They hoped that if the district were given representation in the Provincial Council, they would stand a chance of having these needs attended to. This feeling was not confined to the educated community alone but the views were shared by the other sections, such as the considerable body of retired soldiers also. The Government of Bengal therefore after full consideration recommended that it was no longer necessary to treat the district as a backward tract. They felt however that safeguards were necessary in the interests of the great bulk of the hill people and hence recommended to treat the district as a "partially excluded area" The recommendation was accepted by the Secretary of State.

33. With the introduction of Provincial Autonomy in 1937, the Darjeeling district is accordingly being treated as a "partially excluded area" *i.e.*, although the executive authority of the Province extends to it, yet no Act of the Federal or Provincial Legislature applies to it unless the Governor by public notification so directs. It is represented in the Provincial Legislature.

*B. Police-stations of Dewanganj, Sribardi, Nalitabari, Haluaghat, Durgapur and Kalmakanda of the Mymensingh District.*

34. According to 1931 Census the area of these police-stations is 1,003 square miles as follows :—

	Sq. miles
Dewanganj . . . . .	166
Sribardi . . . . .	119
Nalitabari . . . . .	207
Haluaghat . . . . .	164
Durgapur . . . . .	187
Kalmakanda . . . . .	160
	1,003

The population of these police-stations according to the 1941 Census is noted below :—

	Total population			Hindu population			Muslim population		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Dewangani . . . . .	61,394	56,371	118,265	5,781	4,443	10,224	55,530	52,403	107,938
Sribardi . . . . .	58,468	54,404	112,872	7,475	6,212	13,637	50,241	47,490	97,731
Nalitabari . . . . .	57,963	53,813	111,776	19,014	16,613	35,627	34,182	32,847	67,029
Haluaghat . . . . .	48,592	44,474	93,066	11,489	9,734	21,223	26,025	24,495	51,420
Durgapur . . . . .	50,405	44,963	95,363	13,298	10,844	24,142	30,153	27,720	57,873
Kalmakanda . . . . .	37,115	32,884	69,999	13,842	11,741	25,583	20,234	18,185	38,419
<b>TOTAL . . . . .</b>	<b>313,937</b>	<b>287,409</b>	<b>601,346</b>	<b>70,899</b>	<b>59,587</b>	<b>130,486</b>	<b>217,265</b>	<b>208,145</b>	<b>420,410</b>



(a) The historical background of the Partially Excluded Areas from a constitutional point of view may be more fully studied from the extracts which have been prepared from former Administration Reports. Briefly, it may be related to the fact that the hill and submontane areas were still sharply divorced from the plains districts when the constitutional history of Assam began with the creation of the province in 1874, and when it took the first step in the direction of democratic self-Government, in the formation of a Legislative Council in 1912. The main reasons for this divorce were the facts that the hills were uncongenial to the great masses of the population of India, and that the hill people were of an exclusive and often predatory character. This division was as sharply marked in the case of the Khasi and Garo Hills, the people of which remained liable to violent expressions of antipathy towards their neighbours in the plains during a large part of the nineteenth century, as in that of the fully Excluded Areas of the Naga and Lushai Hills. It was natural, therefore, that the first tentative steps in the way of abandonment of personal rule, to which the whole of Assam had been accustomed for centuries, should be taken in the plains districts, where the indigenous forms of personal rule had, after generations of internecine conflict, yielded to the advance of an alien power. Indigenous forms of self-government in the village communities of the hills, on the other hand, remained as vital as ever, and still do so in so far as the influence of Christianity had not weakened or modified them. As a result the form of administration has throughout been that of personal rule. All threads run into the hands of the District or Sub-divisional Officer, and the machinery of administration has represented merely a series of links, (if even that) between him and the village community. His power and influence have depended upon the intimacy of the personal relation varying from that of the Deputy Commissioner of the Khasi Hills, who combined in the same office of the character of Political Officer for the Khasi States—with, until latterly, little to distinguish these two aspects of a dual personality whether for himself or for those with whom he had to deal—to the relations between the Mikirs of the Mikir Hill Tracts and the Deputy Commissioner of Nowgong or the Sub-divisional Officer of the Golaghat in whose jurisdiction they lay, and who were too far distant for any relations worth the name to exist at all, unless it be by way of an occasional tour or the hurried examination of litigating parties at headquarters. It appears noticeable that while some progress may have been achieved in the direction of integration, such as the fostering of tribal councils, the subsequent history of such developments appears to be confined to the Excluded Areas, where a stimulus was intentionally applied.

The Tracts concerned were all declared Backward Tracts under section 52A of the Government of India Act, 1919. The only serious proposal for modifying this constitutional divorce concerned the Barpathar and Sarupathar mauzas of the Mikir Hills, which contain a preponderant proportion of mixed peoples of the ordinary plains stocks.

This came to a head after the introduction of the Act of 1935, and the rather high-powered machinery which must be put into action before such a change can be made under this enactment has prevented progress with this change.

In the Khasi and Jaintia and the Garo Hills Districts a Civil Surgeon is in charge of Medical and Public Health administration, but the Deputy Commissioner includes among his duties the general charge of communications, public works, Excise, Police, and educational work. Until recently the Deputy Commissioner of the Khasi and Jaintia Hills was also in direct charge of Forests. The departmental codes generally provide for the ultimate responsibility of the Deputy Commissioner even when there is a separate district head of the department, and consequently for the adjustment of his relations with the latter.

(b) The aims of Government when the Partially Excluded Areas were created must be assessed from the published literature; of which extracts have been prepared. The following passages may be quoted :—

From the recommendations of the Government of Assam to the Simon Commission—

“ The present artificial union should be ended. The backward tracts should be excluded from the Province of Assam and administered by the Governor in Council, as agent for the Governor-General in Council, and at the cost of the central revenue. . . . . The time may soon come when that frontier will become no less, if not more, important for the defence of India than the North-West Frontier ”.

From the report of the Simon Commission—

“ They do not ask for self-determination, but for security of land tenure, freedom in the pursuit of their traditional methods of livelihood and the reasonable exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbours.

“ The responsibility of Parliament for the Backward Tracts will not be discharged merely by securing to them protection from exploitation and by preventing those outbreaks which have from time to time occurred within their borders. The principal duty of the administration is to educate those peoples to stand on their own feet, and this is a process which has scarcely begun. . . . . Co-ordination of activity and adequate funds are principally required. The typical backward tract is a deficit area, and no provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements. Expenditure in the tracts does not benefit the areas from which elected representatives are returned. . . . . Only if responsibility for the backward tracts is entrusted to the Centre, does it appear likely that it will be adequately discharged. ”

From the report of the Joint Select Committee of Parliament :—

“ It is proposed that the powers of a provincial legislature shall not extend to any part of the province which is declared to be an “ Excluded Area ” or a “ Partially Excluded ” Area. In relation to the former, the Governor will himself direct and control the administration : in the case of the latter he is declared to have a special responsibility. In neither case will any Act of the Provincial Legislature apply to the Area, unless by direction of the Governor, with any exceptions or modifications which he may think fit. The Governor will also be empowered at his discretion to make regulations having the force of law for the peace and good government of any Excluded or Partially Excluded Area. . . . . The application of acts to, or the framing of regulations for, Partially Excluded Areas is an executive act which might appropriately be performed by the Governor on the advice of his Minister, the decisions taken in each case being, of course, subject to the Governor’s special responsibility for P. E. Areas, that is to say, being subject to his right to differ from the proposals of his Ministers if he thinks fit ”.

It may therefore be succinctly stated that, constitutionally speaking, the aims in relation to the backward tracts so far as these were made, Partially Excluded Areas were the preservation of what the Assam Government had called a “ rather patriarchal system, ” a cautious association of these areas with the Provincial Legislature, through elected representatives, and with the Executive Government at Provincial Headquarters, and an attempt to improve the economic and social conditions of the areas in the face of indubitable financial obstacles. It is immediately apparent—in relation to all these considerations—that a major point of difference between an Excluded and a Partially Excluded Area lay in the fact that the former have, and the latter have not, a separate budget.

It is not easy to assess, on a factual and objective basis, the degree of success attained with these objectives. To analyse one factual category to which attention has been drawn, namely the application of laws in force in the remainder of the province, the position is broadly as follows :—

Of All-India laws enacted prior to 1920, the following important items of the general law have no validity in the Partially Excluded Areas, the principle followed being that it is better to recognise together with customary law the spirit of such general laws than their detailed provisions :—

- The Code of Civil Procedure.
- The Code of Criminal Procedure.
- The Transfer of Property Act.
- The Indian Evidence Act.
- The Registration Act.
- The Limitation Act.

All-India Acts passed before 1920 which were not specifically barred are nominally in force in the Partially Excluded Areas, but it does not follow that they are known or affect the ordinary life of the people

The Indian Penal Code itself, though not superseded, is supplemented by tribal law. The position is indeed one of much complexity; enactments once barred were sometimes again expended, either *in toto* or in a modified or restricted form. An example of this is to be found in the Court-fee and Stamp Acts, which were applied to the K. & J. Hills mainly to regulate the transactions of persons not native to the district. The Police Act and Arms Act have a similarly complicated history. Of the pre-1920 provincial legislation the Land and Revenue Regulation applies in the Mikir Hills, but only in a very restricted form to other P. E. Areas. The Forest Regulation, which was not extended to the Lushai Hills, applies to the P. E. Areas, while the Excise Act applies elsewhere but in the K. & J. Hills was replaced by a body of executive orders (no doubt in order to assimilate conditions in the States and in British territory). The power to enact rules for the backward tracts under the Scheduled Districts Act was almost exhausted with the Rules for the administration of Justice and Police, which differ for each district but have close resemblances, particularly the ascription of all judicial authority to the Governor, the Commissioner, the district executive and the village courts.

During the period 1920-37 the provision for adaptation of Central enactments was comparatively little used, and the Factories Act, as an instance, is nominally in force, for which reason it has been a virtual necessity to apply amending acts. In general, such legislation has either been allowed to take force in view of administrative requirements which have little relevance to the bulk of the population or simply *per incuriam*, but it seems safe to say that such legislation would be ineffective in so far as it ran contrary to custom. Provincial legislation, on the other hand, which required a specific act of extension, was normally not applied to P. E. Areas, e.g., the Primary Education Act, Rural Self-Government Act, Opium-Smoking Act, Pure Food Act, Births and Deaths Registration Act, the Criminal Law Amendment Acts and the Debt Conciliation Act.

From 1937 onwards, when a specific direction became required for the application of Central legislation, while provincial legislation must take the form of Regulations framed by the Governor, more care had necessarily to be taken in the examination of all-India measures. Action has been co-ordinated in respect of Excluded and Partially Excluded Areas, and in general it may be said that it has been similar in both, the difference being that extensive adaptation of Central enactments has been necessary only in the Excluded Areas (Mainly to vest authority in the Governor acting in his discretion and in the executive). An example is the Motor Vehicles Act of 1939, but whereas the bulk of emergency war-time legislation had also to be applied to P. E. Areas, the tendency has been to apply the substantive law only where a proved need or advantage existed. The power to frame Regulations has been little used in respect of Partially Excluded Areas\*.

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\*I of 1942—Post Office rates.

IV of 1943—Inter-transfer of criminal cases in Mikir Hills.

II of 1943—Mikir Hills Vaccination.

III of 1943—Mikir Hills—Births and Deaths Registration.

VI of 1943—Execution of Decrees in K. & J. Hills.

VII of 1943—Attachment of Salaries in execution, K. & J. Hills.

I of 1946—Appointment of Additional Deputy Commissioners and transfer of cases.

The obscurity in regard to the substantive law is perhaps the chief feature of administration in the P.E. Areas to attract notice in the reformed legislature, though in effect interest resolved itself only into a demand for reform in the town of Shillong, which is not such an area but a problem to itself. Elected representatives of the Areas have of course played a part both in political development (where they joined hands with representatives of the Tribal people of the plains) and in material progress ; but their direct influence in the latter direction could be but small. Indeed, owing to the difference in the financial and budgetary sphere to which allusion has been made, it must probably be said that the Partially Excluded Areas have lagged behind the Excluded, and also behind the more highly organised districts, in respect of concrete benefits in the fields of communications, medical aid, education and agricultural development. Quite certainly the Mikir Hills have notoriously suffered from neglect, and the protection from exploitation for which their special place in the constitution was intended has proved in effect only a divorce from the paternal care of the executive on the one hand and from all the organized activity that distinguishes a regular district on the other. Interests, cultivated by the elected representatives, have been but spasmodic, and although the Mikir Hills is generally acknowledged to be the most backward area of the province and its people the worst sufferers from all forms of economic exploitation, it is only recently that the establishment of a subdivision as the first step towards economic progress has been actively taken up.

The principal event of special importance to the P.E. Areas was a conference summoned in 1939. The gist of the resolutions and the decisions of Government thereon may be tabulated as follows :—

<i>Resolution</i>	<i>Decision</i>
<p>No. 1.—That the Chin Hills Regulation (which empowers the district executive to control residence of persons not indigenous to the area, or acquisition by them of landed property) should be abolished.</p> <p>(NOTE.—There are similar provisions in a Garo Hills Regulation. The Chin Hills Regulation also includes a provision for taxation which has been used as the basis for certain imposts in Excluded Areas).</p>	<p>The elected representatives not being unanimous in favour of this recommendation, and need being felt for some even though more enlightened, legislation to secure the areas against penetration by economically stronger elements, the matter has been kept pending for fuller examination.</p>
<p>No. 2.—That excepting the Khasi and Jaintia Hills the areas should be brought under the superior jurisdiction of the Calcutta High Court, though the existing village courts and modes of determining disputes should be allowed to continue.</p>	<p>It was felt that if the K. &amp; J. Hills, educationally the most advanced of the P.E. Areas was not ripe in the opinion of its elected representatives for such a course, this would be premature.</p>
<p>No. 3.—That the Barpathar and Sarupathar <i>mauzas</i> in the Mikir Hills should be exercised from the P.E. Area.</p>	<p>This is approved, but the consent of Parliament could hardly be obtained during the pre-occupations of war, and a more comprehensive alteration of the constitutional position is now likely.</p>

- No. 4.—A modified form of No. 2, with the proviso that the customary law in respect of inheritance, marriage, divorce, rights in common land, grazing and fishing etc. should remain intact. The “ etcetera ” is pregnant, and the obvious intention of the proviso would involve immense complications unless and until the customary law is fully analysed and codified.
- No. 5.—Irrelevant, as applicable only to the town of Shillong, headquarters of the Provincial Government and mainly inhabited by non-Khasis, which is not a Partially Excluded Area.
- No. 6.— Ditto, drawing attention to the complications besetting the administration of justice in Shillong, which is composed one-fourth of British territory and three-fourths of State territory. This raises the question of amendment of the Rules for administration of Justice and Police, which are applicable to the town of Shillong so far as regards civil justice—see item 8.
- No. 7.—First part. Recommending that there should be no impediment on the appearance of legal practitioners in all courts. Second part applies only to Shillong.
- No. 8.—The Administration Rules should be amended and liberalized. The need for liberalization of the rules is fully recognized, but action has been postponed first owing to the pre-occupations of the War, and now by the imminence of far wider and more comprehensive constitutional changes.

*Memorandum by the Hon'ble Srijut Gopinath Bardoloi, Premier of Assam.*

Having disposed of the historical background of the people of the partially and fully\* excluded areas and also the present system of Government (which was furnished by the Chief Secretary to the Government of Assam in his letter No. HPT. 43/46, dated the 9th December 1946) it is necessary now for us to consider what their future constitution should be and how they should be connected with the Government of the Province or the Centre. Before however going to do so it would possibly be appropriate to consider what advance these people have made during the present rule. It is hardly necessary for us to note that till lately the political consciousness of either partially excluded areas or the excluded areas was more or less negligible. If there was any politics at all, it was the politics of the district officer who, for obvious reasons, did not want the people to be moving with the politics of the day. All avenues through which the freedom movement of India could go into these areas were completely closed by these district officers and whenever any individual either in the hills or from the outside wanted to propagate these ideas among the people he was severely dealt with. The result was that although the partially excluded areas enjoyed representation

\*Govt. of India have submitted a memorandum to the Constitutional Adviser.

in the Legislative Assembly none except the Shillong Constituency—which has a large number of voters from outside—could effectively ventilate their grievances inspite of political disabilities from which they suffered. So far as the excluded areas are concerned little was known to the outside world and the Deputy Commissioners of these areas could subject, of course, in some instances to the maintenance of village autonomy, do whatever they liked. Good officers undoubtedly carried on a sort of a benevolent rule for these tribal people but till lately it was the policy of the Government of Assam to send only such officers to these hills as could not reconcile themselves to the rule of Government by popular Ministers. Necessarily, the freedom movement from outside could not reach these areas and these tribal people had no other field for political thinking or activity beyond the politics of their own village or the clan to which they belonged.

The war had brought about a marvellous change even among the people of the hills ; and in places like the Naga and the Lushai Hills, where the people had actually borne the brunt of war or were immediately near the scene of the war they were visibly affected by the strenuous life they had to live for their own existence and for the protection of all that they held dear. It is not known what would have been the feeling among these hills people if the British Government's present declaration regarding their desire to quit was not made known to them. But in the understanding that the British Government are retiring from India and are leaving people free to frame their own constitution, a new wave of political consciousness of unprecedented intensity has spread over the whole of excluded and partially excluded areas. Everywhere one finds in these people a strong desire to govern themselves, form themselves into larger units and to establish some kind of political machinery through which they could not only express themselves but also relate themselves to provincial Government or the Central Government.

On the broad principles of self-determination it is these people who should have the say regarding what their future should be. But certain facts which are always lost sight of by every enthusiastic advocate of freedom deserve to be stated in order that an appropriate view can be taken on this very important question. I am disposed to think that it would give us a better analysis of the political condition of these tribes if we treated them separately according to the geographical position they occupy and to the various degrees and stages of civilization in which these tribes are found.

*Tribes in the North of the Brahmaputra.*—To begin with the tribes in the north of the Brahmaputra who are living in and at the bottom of the Bhutan Hills—the Akas, the Daflas, the Hill Miris and the Abors. It is possibly too premature to think for them a system of representative Government or any kind of Government which would approximate such a system. What is more, any attempt to interfere with their mode of life would be extremely resented by some of these tribes. The policy of Government whether Central or Provincial—should be one of peaceful

relationship with these tribes with a view to gradually spread the benefits of education, communication and possibly sanitary and medical relief measures to them.

In discussing their conditions one very important point must strike any thinking person : Which Government—whether Central (as it is now dealing) or Provincial Government should deal with these people ? Most of them do not live within the present British boundaries and live in a sort of non-man's land over which the authority of the British Government is often times disputed. To us, it seems that none but the Provincial Government should be allowed to deal with these people. They live on the provincial boundaries ; if these people live a life of savagery, it is the people of the province who will be affected thereby. And the necessity for peaceful relationship with such neighbours will be realised more by the province than by an agency which is so far away from them. It is true that the financial capacity of the province for dealing with these things may not be adequate. But in whichever way the finances are found for them the administration of these areas, if it is to be any administration at all, must be left with the people who know something about the habits of these people, and who could therefore deal with them for the establishment of a happier relationship between them and their neighbouring people of the plains. It may be argued by some that the present policy of the Government of India has been a successful one in as much as the people of the province have been protected from the inroads of these rude people. Secondly, it might also be argued that as these people inhabit the frontier of India the responsibility of administering these places should rest with the Government of India. As against this argument it can be pointed out that the policy pursued by the Government of India so long has been one of keeping these people in fear and submission, in other words, a policy of violence. But what according to us the Government should aim at is the establishment of friendly relations with these neighbours of the province instead of one of intimidation and force against these people. Secondly, if properly authorised and directed, the provincial frontier can as well be guarded by the province. Past history of Assam show that while there might have been occasional raids by some of these people, the relationship between these tribes and the people of the plains was generally peaceful.

But what should be provincial agency through which this administration shall have to be done—whether they should be done by the Governor with the aid of Advisors as now, or through the Ministry with responsibility to the legislature or with an agency between these two extremes, must be a matter of detail and should be determined in the light of what the future constitution of the provinces will be.

*Tribes in the South of the Brahmaputra.*—As regards the tribes in the south of the Brahmaputra starting from the west it would be seen that the hills from the east upto the Garo Hills are inhabited by the following tribes :—

1. The Nagas,
2. The Lushais,
3. The Kukis,



4. The Kacharis,
5. The Jaintias and Khasis, and
6. The Garos.

*The Nagas.*—The Nagas again are divided into the following tribes :—

1. Koniak,
2. Ao,
3. Lota,
4. Sema,
5. Angami,
6. Zema.

The Nagas really means only conglomeration of various tribes which were known to the people of Assam as Nagas. The Nagas although vastly dissimilar between one tribe and another have certain things common among all the tribes. They have strong village organisation— in some cases the jurisdiction extending over the whole tribe through which they govern the conduct of all the affairs of their life. Before the British came they did administer the entire communal life of the people. It is true that in doing so one village had to fight against another and one tribe did carry on fight and forays against another but even to-day excepting for the trial of the highest offences which are done by the British Officers and possibly settlement of some disputes which on account of their intricacies have got to come to the British Courts, all other functions of the society are administered by the village council of these various tribes (Koniak, Ao, Lota, Sema, Angami & Zema). The prominent among the Naga tribes are of course Aos and the Angamis. Their method of administration of their own affairs is something in which there is much to learn even for more civilised people. The total population of these Nagas are only a little less than 2 lacs including all the tribes. They all speak different dialects with a common lingua franca in broken Assamese. So far as the Aos, Lotas and the Semas are concerned, they are on the border of the plain district of Sibsagar and possibly a small portion of Dibrugarh also. Being in the neighbourhood of plains districts they have thus developed some political consciousness and have felt the atmosphere of the freedom movement which is pervading in the plains. The entire body of Nagas are now trying to have a National Council to co-ordinate the activities of various Naga Tribal Councils which in turn is being organised to establish themselves as representative organisations of the various tribes. The institution has not yet assumed the solidarity and thoroughness of a political organisation like the congress ; but already they have started the organisation with a view to take charge of the administration of the entire Naga people. In their various resolutions they have shown desire to be with the province of Assam with representation in the provincial legislature ; but like all other hill tribe organisations they are not aware that if they have to be properly educated, if they are to have good communication, sanitation and medical relief, the cost of administration would be very much more than what their country at present produces or is likely to produce in the

near future. A number among them, however, think that the province of Assam or the Government of India through the province should be finding this money for their development and benefit and that unless this is found, their independence would mean nothing else but stagnation.

*The Kukis.*—Another tribe of considerable population are the Kukis—certain population of which live in British territories but a very much larger number of which live in the State of Manipur. The method of their local administration is through the hereditary chiefs. I do not propose to take their cases at length in view of the fact that the consideration of the same would also require discussion regarding the State of Manipur.

*The Lushais.*—In the Southern boundary of the province with the Chin Hills in the east live the Lushais. Their total number will be in the neighbourhood of 1,50,000. The percentage of literacy of the Lushais are about the highest in India and the credit of this high literacy must be given to the work of the missionaries. The Lushais are a very intelligent lot of people and the youngmen are fully conversant with the political situation of the world of to-day. Like the Nagas they were near the scene of last war-fare and had seen modern machineries and equipments which were so largely used in connection with the war. The method of village government in the Lushai hills has been through the hereditary chiefs. The younger generation do not want to tolerate this hereditary chieftainships and want to substitute this Government by a kind of republican administration: The older people however are conservative and would not like to give up their old ways of rule. The Lushais have also formed an organisation known as Mizo Union. They claim that the Lushais should be given the right of governing themselves as a kind of autonomous unit subject to their being joined with the provincial legislature through some kind of representation.

*North Cachar Hills*—In between these two territories are the Kacharis of the North Cachar Hills. They are not a very large number of people—not more than 16,000 in all—but they inhabit with other hill tribes a large amount of territory and are only a branch of the same great Kachari stock which pervade throughout the plains of Assam. The Kukis and other people of the North Cachar Hills have also shown a keen desire to be with the Assam Provincial Legislature subject to the reservation of certain rights for their own protection in the hills where they live and they are that (i) no people from outside should have settlement of land in this hill area, (ii) that they should find adequate representation in the services and (iii) that special facilities should be given to them for education, etc.

It should be pointed out in this connection that even during the last reforms the question as to whether these hill tribes should be included within the sphere of the provincial legislature was discussed. So far as the Naga and the Lushai Hills are concerned, the people of the plains themselves showed unwillingness to include them on the ground that it would be much expensive for the province to maintain these territories within their legislative sphere. But so far as the North Cachar Hills people are concerned it was almost a settled fact that they would be treated as partially excluded area. But at the ultimate stage of constitution making they were also dropped from that position.]

From a summary of the situation of the excluded areas, it can be put down as a general proposition that all the hill areas are willing to come within the sphere of provincial legislature subject to their retaining some degree of local autonomy and a kind of local administration for them. Many questions regarding the nature of education that is to be imparted there, the medium of languages through which they should be imparted will of course be there ; but broadly speaking it can be asserted that the people of the hills are willing to co-operate with the people of the plains not only for the administration of their own areas but also for the joint administration of the province as a whole. On the side of the people of the plains a broader sympathy has dawned in the minds of the people to include them as part of a composite Assam. They are as willing to allow some local autonomy to these hills and are prepared to share the administration with them. This is in reference to the excluded areas and other areas which are not directly administered by the British Government.

*The Partially Excluded Areas.*

The Partially Excluded Hill Areas, are (1935 Act) as follows :—

- (1) Mikir Hills,
- (2) Khasi & Jaintia Hills, and
- (3) Garo Hills.

In reply to letter No. CA/16/Gen./46, dated the 7th October, 1946, from the Secretary to the Constitutional Adviser, Government of India, to all Provincial Government. the Chief Secretary to the Government of Assam in his letter No. HPT. 43/46, dated the 9th December 1946 to the Secretary to the Constitutional Adviser, Government of India, New Delhi, has given a picture of the factual position of these Partially Excluded areas. It has been shown there that on account of the duality of administration by the Governor on the one hand, and remotely by the Ministry on the other, the administration in the Garo Hills and the Mikir Hills has not tended to any manner of progress. The Heads of Departments have not taken the necessary interests in these areas and the elected members of the legislature from those areas have not been able to bring that pressure either on the Governor or the Ministry in order to secure for those whom they represented such progress as was reasonably to be expected during the last 10 years of administration ; nay, in these two hill areas the progress has been even slower than in the fully excluded areas.

Some attempt was made in the year 1939 by the Congress Coalition Government to reform the judicial machinery operating in these areas during that time and delimiting certain areas for bringing under provincial administration but with the resignation of the Ministry and possibly also due to the advent of war the whole thing failed.

*The Mikirs.*—From historical background furnished in the note of the Chief Secretary, Assam, as also from a survey of the present condition of the Mikir Hills, it is clear that unless the whole area in which the Mikirs

live is brought under the administration within the province there is not much chance of its improvement. Here also some adequate safeguards for the protection of the people in those areas must be provided. No outsider should be allowed to hold land in those areas. Special attention must be given to their education. The area must be put under communication with the outside world. The people themselves must be taught improved methods of cultivation. But broadly speaking, the improvement of the Mikir Hills, seems to me, more or less like the improvement of a backward area or a backward people and it seems to me that with the present attitude of the people of the plains towards the people of these areas, other Provincial Governments with the representatives of the people of these hills could adequately do the needful for them. The population of Mikirs distributed over different areas will be a little over one lac and a half. They are represented by one member in the Provincial Legislature at present.

*The Garos.*—Regarding the question of Garo Hills, they have a system of land administration through the "Nokmas" who were supposed to be the full owners of the land. With the extension of the British Rule in this area, the powers of the "Nokmas" have been somewhat limited and their right to forest produce has also been curtailed to the extent of a percentage of royalty for forest produce in their land. To this originally, they did not voluntarily submit, but at present they have reconciled themselves to this lot. The Garo Hills are rich in minerals, in coal deposits and raw materials for cement, and, if communication of the Garo Hills could be improved, there are enough resources to make the district as well as the people self-supporting. Subject, therefore, to some guarantee for the maintenance of some kind of local self-Government which they are now having, the Garo Hills can easily be formed part of the administration of Assam. The population of the Garo Hills is a little over 2 lacs and are at present represented by 2 members in the Provincial Legislature.

*The Khasi and Jaintia Hills.*—The Khasi and Jaintia Hills, however, stand on quite a different footing. The Jaintia people are slightly different from the Khasis; but during the last so many years of British rule the two peoples have welded themselves as if into one, although in past history Jaintia was perhaps a more important State than the Khasi State. The difficulty of homogenous administration at present has been that nearly 3/5ths of the population of the Khasis live in the States while over 2/5ths are distributed between the States and the Jaintia Hills who may all be considered to be in the British territory. Both the Khasis and the Jaintia peoples have exceptionally good democratic institutions, which they govern themselves to the extent of almost all the business of their life excepting perhaps interstate relationship and disposal of cases involving death sentences both of which functions are done by the Political Agent and the Deputy Commissioner of the K. & J. Hills (The Political Agency has since been decentralised). The British area among the Khasi and Jaintia Hills being Partially Excluded areas, they are sending two representatives to the Assam Legislative Assembly between the Khasi and Jaintia States. With the freedom movement spreading over the

country the Khasis look forward to a kind of federated state among themselves in which the 25 Khasi States would be welded into one central federal state and that this state should have some relationship with the Government of Assam in reference to education, communication, sanitation, etc. They claim for the Khasi and Jaintia Hills a kind of independence to be limited only by that kind of relationship. Rev. J. J. M. Nichols-Roy who is a Minister of the Government of Assam has submitted a memorandum to the Cabinet Mission which is annexed herewith in order to show the feelings which he and the Khasis cherish about their future. The note also contains references to future of other hill tribes which will be deserving of notice. From our standpoint it can be conceded that even more than the people of the Lushai and the Naga Hills, the Khasis have a better claim to some kind of autonomy.

But what autonomy should be in reference to all the Hills should be determined by a mixed committee of the Hills representative and the plains representatives who should, if possible, be members of the Advisory Committee. The same thing may be done by co-opting into the Advisory Committee of certain members of at least the three important tribes, such as, the Nagas, Lushais and Khasis and by examination of representative people from amongst all the hills people referred to in these notes I am further of opinion that at least one representative from the Plains Tribals must be taken in the Advisory Committee to help in the understanding of the problems of the Plains Tribals of Assam.

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