CHANGING POWER STRUCTURE

The Mutiny had a subtle effect upon district administration. This led to a reaction in favour of the direct or personal system. The decade which followed the Mutiny was the heyday of Paternalism. In the non-regulation provinces the Commissioners and Deputy Commissioners resembled the old pre-British officials, the subadars and Tarafdars of Mughal times. They carried out all administrative orders, tried criminals, collected revenue and decided civil cases. They had a rough criminal code, but civil cases were settled by a mixture of custom, common sense, and a reference to standing orders. The first duty of the Deputy Commissioners was to be accessible, and there was no form of public activity which was outside his purview. During the twenty years which followed the Mutiny there was a rapid process of assimilation and unification throughout British India. The rule of law was soon established in the provinces, chiefly by the legislative activity of the Government of India, which from 1861 onwards poured out a series of enactments covering every aspect of Indian life. Subsequently the various activities of the District Officer were whittled away by the establishment of highly centralised departments, and later still by .

the transfer of certain powers to such elected bodies as municipalities and Local Boards. The District Officer had remained an important part of the administrative machine. He was responsible for the preservation of order, control of large revenue establishment, and wielded considerable influence and patronage, but the subadari system in its more extreme form was only extended to a segment of British India.

TOWARDS DECENTRALISATION

The Indian Councils Act of 1861 was followed by the passing of Land Revenue, Tenancy, and Forests Acts, and by the three great Codes - the Penal Code, the criminal Procedure Code, and the Civil Procedure code. All this legislative activity curtailed the executive authority of the District Officer, and his sphere of action was further reduced by the development of technical departments, not directly under his control and tending to become more and more centralised. But in the provinces the trend was towards decentralisation in the districts where the department at Provincial levels were entrusted with specialised functions. The net result of the system was that some of the functions that were hitherto vested in the District Officers, now passed under care of the specific departments. The heads of these departments were based in the Provincial capitals and, as a result, the centre of
authority shifted from the district to the Provincial headquarters. The district administration, instead of being centred in one man, was divided amongst a number of European heads of departments, nearly all of whom looked to their provincial headquarters for orders. The police Act of 1861 laid the foundation of the constabulary, based originally on the Irish model, with each district force under the command of a British superintendent of police. The crown Government showed none of the company's reluctance to increase European staff, and a number of new services were organised, India had never been flooded with minor European officials in the manner of the French colonies, and the whole European staff in civil employ had never exceeded thirty per million of the population, but the Heads of the Departments in each district remained predominantly British until the first world war. An Educational Department under the official Director of Public Instruction took the place of the amateur committees of pre-mutiny days. A public Works Department undertook irrigation work, roads, and buildings. The sanitary Boards founded originally in 1864 to look after the health of the European troops, were extended into a public Health Department. Agriculture, Forestry and railways all required specialised services. In this way the great bureaucracy

was built up and because jealousy was the besetting sin of all officials, there was continual friction between departments about their proper spheres. Departmentalism was the outstanding weakness of the new bureaucracy. Lord curzon fought against it with little success. He observed.

Departmentalism is not a moral delinquency. It is an intellectual hiatus - the complete absence of thought-or apprehension of anything outside the purely Departmental aspect of the matter under discussion.3

The division of authority, and the separate control from headquarters, discouraged initiative, and thus destroyed the great virtue of the personal and paternal method of administration.

REORGANISATION IN ASSAM

The Rule of Law was already in progress in Assam even when Assam was one of the commissioner's Divisions under the Presidency of Bengal. In consequence, newly constituted Departments had been extending their activities in Assam, proposals were on anvil to provide Assam for an elaborate administration. But the process of elaboration was very slow as Assam preferred to remain non-elastic particularly at the beginning of a new

career of Assam as a separate administration under a Chief Commissioner. This was evident when the Government of India in their Despatch in the Home Department No. 73 of 23 October 1873, on the subject of the proposed constitution of the Assam administration, expressed a desire to convert the then judicial Commissioner of Assam and the Judge of Sylhet into Divisional Commissioners, with full judicial powers, with a view to affording of the Chief Commissioner a responsible inspecting and controlling agency for the various departments under him. Col. Keating, the first Chief Commissioner of Assam, was, however, strongly opposed to the appointment of Divisional Commissioners and begged that he might be permitted to perform all the inspection duties himself, aided by his Secretary and an Assistant secretary. With much reluctance the Government of India acceded to the Chief Commissioner's wishes. Thus it was decided that Commissioners and Inspector General of Police and Jails would not be required for Assam, and the Chief Commissioner expected from the District Officers a higher degree of responsibility for the administration of the affairs of their districts than was generally expected from officers in charge of districts in other provinces.

4. H.P.(EstbMB), August 1976, No.98, G.f.t, inc. to Secy, of state for India, No.191 of 19 June, 1876.
5. Ibid.,
6. ASR, H.P.(A), July 1875, Secy. C.C. to All D.Cs, Circular No.5 (Judicial) of 24 June, 1875.
The Secretary to the Chief Commissioner wrote.

He (Chief Commissioner) will have to consult you, where in other provinces he would be able to command the advice of various highly placed officers. He will have to look to you to perform some of the duties performed in other provinces by inspecting officers. He will have to rely upon your supplying, to some extent, the place of commissioners and the Head of Departments who have been for the present dispensed with.7

The gradual process of assimilation and unification in regard to pattern of administration throughout British India suffered a temporary set-back in Assam. After two years of experiment, however, the plan of leaving all the inspection work of the province to the Chief Commissioner himself, unaided by Commissioners and Heads of Departments, could not be pronounced a success. Experience had shown it to be impossible for him to carry on the administration of Assam with any degree of vigour under such an arrangement* the defects of which were prominently shown in the enquiries which the Government of India caused to be made into the case of Stevens, reported in their Despatches in the Home Department No. 35 of 1875 and No.4 of 1876.8 P.R.Cockerell, who was entrusted with that inquiry, was strongly of opinion that closer supervision, both of the District Officer and more specially of the police, was essential to a proper administration of the province.

8. H.P-.(Estab.)(B) , August 1876, No.98.
9. Ibid.
Assam gradually rolled into the regular system of administration as practised elsewhere in British India being duly participated by the Commissioners and Heads of Departments of both technical and non-technical nature. It had its corresponding effect on the district administration. The District Officer remained there an important part of the administrative machine only. This was all concerning the plains districts of Assam. But the prevailing situation in the Hills and Frontier tracts of Assam was somewhat different. Unlike the plains districts the government allowed the concentration of all powers and authorities in the hands of District officers being unhampered by the interference of commissioner and provincial Heads of Departments. The so-called Subadarl system of district administration in its extreme form was extended to the Hill Districts and Frontier Tracts. This was evident in the observation of Major Mecall, Deputy Commissioner of Khasi-Jaintia Hills district, on the role and position of a Deputy Commissioner in a District like his:

It is no longer fair for the Khasi and Jaintia Hills, to force upon us the preservation of a system which imposed all executive and administrative functions on a District Officer 40 or more years ago, even where this may still be possible in the Naga, Lushai, and other Hills, which are remotely placed and which do not have the implications of the largest Municipal area of the province, the Seat of Government, and a large concentrated population* worthy in itself of a special town Magistracy.*

10. ASR, File No. AAI - 4, 1944.
POLICE

Under the native governments that preceded the British there was, outside the towns, hardly any police at all, and the responsibility for preserving peace and for the detection of serious crimes rested on the proprietors of land. Lord Cornwallis had taken the management of the 'police' into government's hands, and introduced the ThanaDar system with Indian darogas in charge of each police district, but the rank and file of the police force was the village watchmen, "an enormous ragged army what eat up the industry of this province. The idea of an organised disciplined body of men had hardly been conceived in any part of the world. It was considered a great innovation when Sir Robert Peel reorganised the London Metropolitan Police in 1829, the year after Lord William Bentinck had become Governor General, and England had her first 'Peelers'. In 1830 few governments thought it their duty to provide a patrolling police force with recognised stations, any more than they would have thought it incumbent upon them to provide universal juvenile education. Regular policemen were first found necessary in the large cities, but in other countries, as in India, the expenses were entirely defrayed by the residents. The extension of this system into country districts, and the

co-ordination of the various forces, had proved a very slow process which was far from complete even in countries like the United states, where a sheriff might still have to summon a posse of fellow citizens to pursue a criminal. Lord Bentinck did not alter the Thanadari system, but he reorganised what he described as a flying squad to deal with the specific crimes of Thagi and decoity. His successor, Lord Aulcland, improved the pay and standing of the Darogas, but the village watchmen remained dependent upon the other villagers for their support, and shortly before the Mutiny it was recognised that, while the special department was doing excellent work, the Thanadari system was functioning badly.

The system under which the police was administered differed in different provinces and varied from district, but usually it was based on the daroga or station officer, a man who was answerable for about 15 to 20 square miles of country to the district Magistrate, and it was the Daroga's own business to enlist and discipline his force of a dozen or half-a-dozen bark and aze - the forerunners of constables. Except when the District Officer was actually in area, the Daroga was very much his own master.

16. Ibid.,
17. Ibid.,
19. Ibid.,
In such an elementary form of police administration the District Magistrate had the complete control and total responsibility in detecting crimes and for preserving peace in the district subject to the superintendence of the Divisional Commissioner. Assam was not an exception to the rule." The law as it stood was to be found in Section VIII of Regulation XI of 1831, which vested District Magistrate with powers of removal and appointment of police officers subject to appeal to Commissioner.\(^{20}\)

The Circuit Commissioner was in his division what the superintendent of police was, under Regulation VTI of 1816.\(^{21}\)

All this was changed by the enactment of the Police Act of 1861, which introduced a uniform system that was gradually to be extended to the whole British India. Every district was divided into a number of police divisions each of which was in charge of a police officer, almost always a native, with a force of constables/ clerks, and other subordinates.\(^{22}\) Every village or circle of villages had, according to the ancient custom of the country, its chaukidars or watchmen, whose duty it was to report all occurrences falling within the cognizance of the police.\(^{23}\)

The police force was to be a provincial army, subject to the Civil Government of the province, but recruited and

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20. ASR, L.R.G. vAl 44(i), Junior Secy. Bengal to commr. Assam, No.59, of 6 April 1858.
21. Ibid.,
23. Ibid.,
trained as soldiers. 24 To each district there was to be a District Superintendent of Police, with a hierarchy of Assistant Superintendent, Inspectors, Sub-Inspectors, Head constables and constables. 25 The Station Officer, the Daroga did not disappear, but he became a Sub-Inspector subject to regular training and frequent Inspection. Hierarchically, the District Superintendent was below the rank of Deputy Inspector General and finally Inspector General of Police of the province.

The Lt. Governor of Bengal prescribed, on a Resolution of the Act V of 1861 (Police Act of 1861), certain rules for regulating the administration of police in the District of Assam. 26 Accordingly, the administration of police throughout the local jurisdiction of the Magistrate of the District was vested in the District Superintendent of Police under the general control and direction of the Magistrate of the district. The Magistrate had no authority to interfere in the internal organization and discipline of the Police force, but in other respects his position in relation to the Police was not materially changed. The District Superintendent in effect was an aid to the District Magistrate for the superintendence of the Police in the district. The Commissioners of Division were to continue to exercise the

28. Ibid.,
26. ASR, L.R., G. vol. 63, Oftg. Secy., Bengal to Commissioner, Assam of 22 September 1862.
same supervision over the Magistrates in respect to the administration of police and criminal justice which they had hitherto been exercising as Superintendent of Police; but they were not to interfere with the details of the organization of the Police. The Inspector General was to confine his attention principally to the general control, and the Deputy Inspector General to the inspection and discipline of the Police force. The District Superintendent was the head of the police force employed in the district. He was responsible to the District Magistrate for the efficient performance of the duties devolving upon the force. It was his duty to see that all orders of the Magistrate or other competent authorities, were promptly and correctly carried out. The Resolution further stated that the District Superintendent would, without delay, inform the District Magistrate of any circumstance within the knowledge of the Police likely to lead to a disturbance or breach of peace. Should any difference of opinion, on any question relating to police administration, arise between the Superintendent and Magistrate, it was the duty of the Superintendent to carry out the Magistrate's instructions, and to request the District Magistrate to refer the point under dispute for the orders of the Commissioner, who was to decide all such references, communicating, when necessary, with the Deputy Inspector General or
Inspector General. Any officer of police who was dissatisfied with the decision of the commissioner might submit his case to the Lt. Governor.

The Lt. Governor resolved that with the exception of the District Magistrate no magisterial officer, whether in the charge of sub-division or not, was vested with any controlling authority over the police. Thus the Act gave to the District Officer a general power over the Police of the district but the interference which he practically exercised varied in different provinces. In the United provinces his powers had been so strictly limited that the police had become virtually a separate Department, administered by a District Superintendent under the orders of the Inspector General of Police, at the headquarters of the provincial Government.

According to the police Act 1861 Khasi-Jaintia Hills territory was formed into a police district under the Commissioner of Assam. This district was placed under the charge of the District Superintendent of Sylhet. The police duty was chiefly of military nature and men were fairly versed in drill. Lt. J.H. Worsley happened to be

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28. K&J Hills with an area of 729 square miles, with a population of 10,935 souls, with a police force of 158 persons; and with a criminal area 1 to 12.5, criminal to population 1 to 188, policemen to area 1 to 4.6 and policemen to population 1 to 69 were formed into a police District. (*Vide* ASR, L.R.G. vol. 52: I.G.P., L.P. to Secy. Bengal No.A/4808 of 1 Nov. 1865).
29. Ibid.,
30. Ibid."
District Superintendent during the Jaintia rebellion. When Capt. Worsley was compelled to leave after the successful operations in the Jaintia Hills, another European officer named H. T. Baker was appointed as the officiating District Superintendent of Sylhet and Khasi-Jaintia Hills district. As he did not join yet and the area was found to be far too extensive for one charge, Khasi & Jaintia Hills were separated from Sylhet as a police district and under a separate charge. In consequence, the Khasi-Jaintia Hills District police was placed, as a temporary measure, under the charge of Bor Singh, a Khasi Assistant Superintendent of Police. Col. Hopkinson, Commissioner of Assam felt that the appointment of Bor Singh was intended to gain some deep political object; but Major Raban, Deputy Inspector General, Assam Circle was of opinion that the appointment was primarily intended to make the police a popular service in the Khasi Hills.

In Assam the District Officer had a very jealous rival in the District Superintendent of Police. Soon after the Act V of 1861 was introduced in Assam, disputes over jurisdiction ensued between the newly constituted police

33, ASR, L.R.G., Vol. 52, No./4808 of 1 Nov. 1865.
35, Ibid.
Department and the Executive Administration of the districts. The government had to intervene very often to determine the relative position and jurisdiction of the two departments concerned. The Khasi-Jaintia Hills happened to be the cockpit of inter-departmental rivalry.

In paragraph 16 of his letter No. OIOO of 13 November 1864 Major Bivar, Deputy Commissioner of Khasi-Jaintia Hills brought forward a complaint to the Commissioner of Assam of Bor Sing’s want of subordination and of proper appreciation of his position with respect to himself, and instanced the fact that Bor Sing, in charge of District Police, had not called upon him till he had taken over the charge of the district for the last six months. Col. Hopkinson shared the similar view with Major Bivar while he raised his objection to the location of the Deputy Inspector General in these hills, and opined that the Police of the Khasi Hills looked upon the Deputy Inspector General as their commanding officer; and the native Assistant Superintendent considered that he was his lieutenant. On another occasion, the Inspector General of Police, lower provinces, on a report from Deputy Inspector General, Assam circle lodged the complaint to the effect that the headquarters of the Khasi Hills Police had been

37, Ibid.
removed by the Commissioner of Assam on the recommendation of the Deputy Commissioner, Khasi & Jaintia Hills from Cherrapunji to Jowai without any communication with the Police Department. According to the Inspector General the action of the Commissioner was ultra vires on the ground that in para 37 of the Report on the Police of the Chittagong Hill Tracts it was recommended that in cases of removal of bodies of the Police in the Hill Tracts from one point to another the Commissioner would notify the order and the reasons for it to the Inspector General, and this recommendation was approved by the government. In this case government upheld the stand of Major Bivar with the comment that

*Political considerations led Major Bivar to direct the transfer of a body of Police from the former (Cherra) to the later place (Jowai); and the Lieutenant Governor entirely concurs with colonel Hopkinson in the opinion that such a step was quite within the Deputy commissioner's competence, and that it would be impossible to fetter that officer in this respect. In any emergency he must be allowed to use his discretion as to the measures which it may necessary to adopt.*

*But on the other hand, anything like a permanent change of headquarters can not be carried out without the concurrence of government, and any proposal for such a measure should not be submitted to Government, ... without first*  

--- con suiting-the Police Author i-ties.  

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39. Ibid.  
On such unpleasant circumstances the mutual relations of the Magistrate and the police authorities were defined. Regarding the complaint made by the Commissioner of Dacca that the Superintendent of cachar was summoned by the Deputy Inspector General, Assam circle, to Sylhet, without the leave or consent of the Deputy Commissioner of the District, the Lt. Governor directed that no District Superintendent was allowed to leave his district without the consent of the Magistrate, except under the express order of the Inspector General. The relative position of the two authorities was further highlighted by the Government of Bengal on the issue of an order issued by the Deputy Inspector General 2nd circle, to the District Superintendent of Sylhet regarding the precautionary measures to be taken to meet apprehended movements on the part of certain Manipuri and Kookies to the south of Chargola. The Lt. Governor remarked that in a case of this kind, if a Deputy Inspector General thought that any alteration in the disposition of the police force in any district was required, he should, instead of himself giving orders to the District Superintendent, might suggest them to the Magistrate of the District, who had the general control

for its efficiency. The Deputy Inspector Generals were
directed to confine their attention principally to the
inspection and discipline of the force. It was not
expected of them that they should give orders to the police
in regard to any matter of administration; but they were
bound to point out to the Magistrate any defect in that
respect, which might come to their notice.

The confrontation reached the Peak when the offi-
ciating Deputy Commissioner of Khasi-Jaintia Hills refused
to recognise the propriety of Deputy Inspector General/
Assam circle, visiting and remarking upon the police guard
attached to the jail. The Inspector General took serious
exception to the incident and urged an expression of the
Lt. Governors' opinion on the matter. He appealed,

I, would respectfully beg an expression of
the Lt. Governor's opinion, as it would be
extremely unpleasant to an officer of my rank
and standing, when visiting a jail and point-
ing out what I thought would be improvements
with reference to the guard, to be told by
a young officer, like Capt. Clark, in un-
courteous terms, that I had no business to go
there and had better keep my remarks to my-
self. I do not think that such a thing would
have occurred in a Regulation province. I can
only say that I have visited many Jails, and
that my suggestions have always been recorded
by the officer in charge with attention, that
in the spirit with which they were made:

44. Ibid.,
45. ASR, L.R.G. vol. 54, I.G.P. L.P. to secy., Bengal
No. 105 of 8 January 1867.
46. Ibid.,
The lit. Governor reprimanded the conduct of capt. Clarke in this matter in serious terms and recognised the proceeding of Baker, the Deputy Inspector General to have been perfectly regular. The Lt. Governor further observed,

This reference and others of a similar nature from Assam indicate the existence of a bad spirit on the part of some District Officers towards the police Authorities, which, if it continues, the Lt. Governor will have to notice in a serious manner.

The Government indicated, on another occasion, to the relative position of the District Superintendent with the Deputy Commissioner when the Inspector General of Police/Lower Provinces, raised the question as to whether District Superintendents could have brought to the notice of Sessions Judges any case not triable by a Magistrate when there was evidence to justify a conviction. In reply, the secretary to the Government of Bengal observed.

The District Superintendent is the Magistrate's Assistant, and the Magistrate in his superior officer in all matters not connected with the discipline and internal economy of the Force. The District Superintendent can not, therefore, be permitted to question the decisions of his superior officer in the manner proposed. If he thinks that a case has been wrongly dealt with by any of the judicial officers other than the Magistrate of the District, he should bring it to the notice of the District Magistrate, leaving

47. Ibid., No. 1056 of 18 Feb. 1867.
48. Ibid.,
matter to act as he may think proper'o

If the District Magistrate himself appear to have taken an erroneous view of any such case, the only course open to the District Superintendent is to request the Magistrate to refer the matter to Commissioner, and if the questions, is open to doubt the Magistrate will make the reference desired.50

The position reached to such a peak as to the police administration in Assam, the officiating Commissioner raised serious doubt as to the suitability of the existing system in Assam. The plan he advocated, is to place the Police under the Direct control of the Commissioner, allowing him to officer it from his staff of Assistants, and permitting him to employ the Assistants he puts in charge of the police on any civil duty he may see fit to assign to them ... The Commissioner would thus acquire the means of gaining a much better knowledge of how the police really do their work, and of exercising the control of them that Government wish him to exercise than he can not possibly have now with a Deputy Inspector General who owes him no allegiance, and cares nothing for his good opinion. I can not think that the present system is a suitable one for Assam ... the Commissioner is the person who should administer the Police department in a Province like this. The Inspector General never has, and probably never will visit the country. He knows nothing about it, its peculiarities, or its people, and cannot be expected to take the sort of interest in its police that he feels in the force elsewhere, so sensibly indeed was government at one time of his inability inefficiently to control police affairs in Assam, that the Deputy Inspector General was allowed to exercise almost all the powers of an Inspector General and it was even proposed to make him quite independent of that authority.51

50. ASR, L.R.G., Vol. 54, Qto. cit.,
Prior to this proposal of the Commissioner of Assam, the Government of Bengal had already been contemplating the desirability of again placing the Commissioner as the head of police in his division in reference to their letter No. 3189 of 4 June 1868. The expediency of separating Assam from the General Police District had already been reorganised by the Governor-General in Council, and a bill was asked to be introduced in the Bengal council for making laws and Regulations, to give effect to the proposal by making an amendment of Act v of 1861.

Adverting to what was urged by the commissioner of Assam, the Lt. Governor was of opinion that a section might, with great advantage, be added to the bill empowering the Lt. Governor, with the previous sanction of the Governor General in council, to suspend, in any district or province, the restricting portions of section 6 of Act V of 1861, and vice versa to entrust Assistants and Extra Assistant commissioners with the duties of District Superintendents and Assistant Superintendent of Police. The Government of India fully recognised the propriety of separating Assam from the General Police District of Bengal at the recommendation of the officiating Commissioner of Assam seemed to them to be an entirely different matter.

53. Ibid.
54. Ibid.
and, if adopted, would have entirely annulled one of the main distinctive features of the reorganisation of Indian Police, viz. the separation of Executive Police functions from those of the Judge and Magistrate. 55 The Secretary to Government of India observed,

The principle has so thoroughly tried with complete success, both in India and elsewhere, that I should be most reluctant to revert to the system which has now been superseded; and I would say to the Lieutenant Governor that all ideas of inserting any such general clause in the Bill now before the Bengal Council will be abandoned. 56

The Government of India rather decided that, if in any remote non-regulation district owing to peculiar local circumstances, a relaxation of the rule was deemed necessary and politically expedient, the local government would be empowered to do so. 57

The relaxation so agreed in principle was made applicable to the Garo Hills - Act XXII of 1869 (Garo Hills Act) was enacted which gave birth to a new system of Administration of justice and police in the Garo Hills District. This Act removed Garo Hills from ordinary jurisdiction of regular courts and police authorities in Bengal. The Act XXII of 1869 was extended to the Khasi-Jaintia Hills District in 1871. Other Hill Districts and Frontier Tracts also soon after were brought under the same jurisdiction.

55. Ibid., Note from B.H. Ellis, 13 July 1869.
56. Ibid.,
For the conduct of administration of Justice and police the Lt. Governor was given special authority to prescribe rules for the territories under the Act. In 1872, the special rules were prescribed for the Khasi-Jaintia Hills District which were ratified by the Government of Assam in 1874.\(^{58}\) The Government of Eastern Bengal and Assam revised these rules in 1906,\(^{59}\) These were further revised in 1937 at the instance of the Government of India Act, 1935.\(^{60}\)

The rules so prescribed in Chapter II of the Rules of the Administration of Justice and Police, the police of the Khasi-Jaintia Hills was consisted of (a) Regular police subject to Act V of 1861; (b) and Rural police, consisting of Sardars, Dalois, Pators, Lyngdohs and other village authorities recognised as such by the Deputy Commissioner. The control of the rural Police was vested in the Deputy commissioner acting under orders of the Commissioner. An appeal lay from all orders of Sardars, paiois & etc. in Police matters to the Deputy Commissioner, Normally, Deputy Commissioner's orders were final. The Regular Police formed part of the control of Inspector General of Police, Assam, and were subject to the ordinary rules of the police, except in so far as these might be

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58. ASR, F.P.(A), November 1876, secy. C.c. to secy. India, For Deptt. No. 4023 of 9 November 1876.
60. ASR, States (A), September 1938, Nos. 1-13.
from time to time modified the local government or the Inspector General of Police in their application of the Khasi-Jaintia Hills. The Deputy commissioner was to exercise the powers of a Superintendent of Police, and the Sub-divisional Officer of Jowai and the Assistant or Extra Assistant Commissioners the powers of an Assistant Superintendent of Police. The Regular police was only to act, when required to do so by general or special order of the local government, Commissioner, Deputy commissioner, or other officers duly authorised, who might assign to the force any portion of the duties of police, under Act V of 1861, in any, locality. The ordinary duties of Police were to be discharged by the village authorities duly authorised by the Deputy Commissioner.

There was a considerable force of regular civil police employed in the Khasi-Jaintia Hills which was not liable to inspection by the Inspector General of Police of Assam, in as much as Rule 4 of the Rules for the Administration of justice & police in the Jaintia Hills and such portions of the Khasi Hills as had been constituted British territory restricted control to the Chief Commissioner or to such officers as the Governor General in Council might from time to time appoint. 61 No steps had been taken to procure the appointment of the Inspector

General of Police as a controlling officer. In the Garo Hills the general supervision of the police was explicitly vested in the Inspector General of Police, and in the Naga Hills the Chief Commissioner had power to empower the Inspector General to supervise as the rule, while in other respects following those for the Khasi-Jaintia Hills, committed to him, in place of the Governor General in Council, authority to appoint an officer to control the Police. It was true that the Police force of the Garo Hills and Naga Hills was mainly military and in charge of Police officers, whereas the Khasi Hills police was Civil and was in charge of the Deputy commissioner. But there were some Civil Police in the Naga Hills which though under the charge of the Deputy commissioner, were controlled by the Inspector General. The Chief Commissioner thought it desirable to assimilate the rule in force in the Khasi-Jaintia Hills to that in force in the Naga Hills by substituting the Rule 4 of the Khasi-Jaintia Hills the words "Chief Commissioner" for the Words "Governor General in council." The Government of India agreed with the Chief commissioner that it was desirable that the Inspector General should inspect the Police, but it was probably not contemplated, it would, in their opinion, be

63. Ibid.
64. Ibid.
65. Ibid.
a mistake, to transfer to him the control which the Deputy Commissioner exercised. With this remark the Government of India agreed to the amendment that was proposed in Rule 4 of the Rules for the Administration of Justice and Police.

The Rules of Administration of Justice and Police were revised under the Eastern Bengal and Assam Government No. 648 Judicial of 12 June 1906 authorising the Inspector General of Police, Assam to exercise the powers of an Inspector General in respect of the police of Khasi-Jaintia Hills and the power of a superintendents of Police in regard to appointments, promotions, leave, punishments, appeals, transfers and rewards were to be exercised by the Deputy Commissioner. In 1907 the Judicial Secretary to the Government of Eastern Bengal and Assam, revised the question whether the Commissioner Surma valley and Hills Districts should be given any official control over the regular police in the Khasi and Jaintia Hills and a demi-official reference was made on the subject to Arbuthnott/Arbuthnott observed.

The Police in the Khasi & Jaintia Hills are to a large extent employed on Semi-Political work in cases and enquiries with reference to cases in the various Khasi states. It would therefore be a mistake to eliminate the control of

67. ASR., Police (B), May 1917, Nos. 203-204.
68. Ibid.,
the Commissioner as undesirable, but the Police should consider themselves practically independent of commissioner’s orders. I think recommendations for promotions to the rank of Sub-Inspector and Inspector should go through the commissioner to Inspector General of police from the Deputy Commissioner.69

Thereupon a notification was issued directing that the Deputy Commissioner was to exercise the powers of the Superintendent of police and the Assistant commissioner, Extra Assistant Commissioners the power of an Assistant Superintendent. An executive order was issued to the effect that, as regards Constables and Head constables, the Commissioner, Surma valley and Hill Districts should exercise all the power of punishment and promotion and would hear appeals from the orders of the Deputy Commissioner and that in respect of Inspectors and Sub-Inspectors no orders should be passed by the Inspector General or confirmed by him on appeal stopping the promotion of an Inspector or Sub-Inspector or reducing or dismissing him or awarding him a black mark or transferring him from the District without a previous reference to the Commissioner.70 The Inspector General observed,

The exercise of these powers of the commissioner does not appear to be of any material advantage. Moreover, as in all the Hill Districts, the Deputy Commissioner is directly in charge of the Civil Police, his control is complete and he promotes to and among Head Constables under Rule 41 (d) of Part III of the Eastern Bengal and Assam Police Manual.”71

69. ASR, File No. IP/C 9 of 1917.
70. Ibid.
71. ASR, Police (B), May 1917, Nos. 203-204*
The Inspector General requested the Chief Secretary to move to the Chief Commissioner to cancel the order so that the procedure in the Khasi-Jaintia Hills District might cease to differ from that of the plains and other Hill Districts. The request of the Inspector General was upheld and necessary amendment was made to the Rules 4, 5, and 7 of the Khasi-Jaintia Hills' Rules for the Administration of Justice and Police as the Commissioner had no objection of being divested of the powers of the Inspector General in respect to certain Police officers of the Khasi-Jaintia Hills,

Shillong was growing up enormously at a great rate. Not that the Civil population was increasing rapidly only but the Army Department made Shillong a large centre for the training and housing of Gurkha units. Secondly, Shillong was the headquarters of the government and with its hill roads and thick population there was a very definite necessity of maintaining a proper standard of traffic-control throughout the town. Thirdly, it could no longer be possible for the Deputy Commissioner to maintain the Police force of Shillong and the Khasi-Jaintia Hills in a proper State of discipline and efficiency as he was engaged with the multifarious work of his office which was made

72. ASR, Police (B), May 1917, Nos.203-204.
73. Ibid.,
none the easier by the extraordinary position of the Syiem and a large proportion of the Khasi population of these hills. These primarily urged upon the government for a separate charge of a Superintendent of Police in the Khasi-Jaintia Hills. Ultimately the government sanctioned for the appointment of a Superintendent of Police, but he was to be appointed primarily for the town of Shillong. In the British portion of the hills outside the town of Shillong the new man had control over the personnel of the regular Police force, but police was not allowed to go into the interior without express orders in each case from the Deputy Commissioner of Subdivisional officer; the Superintendent of Police was devoid of all political powers whatsoever.

JAILS

Administration of Jails under the Commissioner of Assam was conducted according to the Bengal Code. The administration of a Jail in a District was entrusted upon the Magistrate of the District subject to the supervision of Sessions Judge and finally of the Inspector of Jails, Lower provinces. The Government of Bengal felt the

74. ASR, Police (B), June, 1936/ Nos. 213-214.
75. Ibid.,
76. Ibid.,
necessity of increasing the power then vested in the Inspector of Jails lower provinces, so that it might be assimilated in every respect to the power exercised by the inspector General of prisons in the North Western Province, and that he might be enabled to enforce the system of discipline and economy which had been so efficiently carried out under the Government of the North Western province. 79

The original instructions by which the inspector of Jails was required to visit each Jail, at least once in a year, and most of them twice/ were modified according to the instructions given by the government in 1847. 80 It appeared to be sufficient that, after the Inspector had made one visit to each of the jails under his control, his subsequent visit should be made once in two years, thought it was optional to him to increase the number of his visits at his discretion.

It was further instructed in the letter of the Bengal Government/ No. 2030 of 5 May 1857 that the Inspector of Jails, Lower provinces, would in future/ exercise a full and sole control over all expenditure in the jails. The Sessions Judges ceased to have the power of authorising any charge on account of jails, and the Magistrate’s monthly contingent bills for Jails expenses afr every

80 Ibid.
description would, in future, he submitted for the sanction of the Inspector of jails, lower provinces, instead of the sessions Judge. The Inspector was authorised to sanction any item of expenditure, except those for which the sanction of the supreme Government was required, in connection with Jails, to an amount not exceeding 'five hundred rupees. It was to rest with the Inspector to regulate the amount of those Petty charges which the Magistrate hitherto was authorised to incur without reference to any superior authority, by such restrictions as it might seem to him necessary to impose. The power of sanctioning rewards to the amount of five hundred rupees, for the capture of prisoners breaking jails, was, vested with the Inspector, to whom the Magistrate was invariably to report without delay, the escape of any prisoner, and the necessary measures adopted for his capture, and the punishment of those parties who had rendered themselves liable to punishment in connection with it. The Inspector was authorised to empower the Magistrate to sanction rewards not exceeding Rs.50/- in any one case, for the capture of Prisoners breaking jail in accordance with the scale in force in the North Eastern province, the reward being proportioned to the unexpired term of the runaway's sentence.

The statements and Returns regarding prisoners
sentenced to banishment and transportation, which were referred to paragraphs 5 and 6 of the government circular order of 10 October 1844, were, in future to be submitted by the Magistrates and the sessions Judges, respectively/ to the Inspector of Jails, who was to determine the place 
81 of banishment. The reports recommending the release of Prisoners who were suffering under incurable bodily infirmity or who were on any other ground, recommended for a mitigation of their sentence were to be forwarded by the Sessions Judge to the Inspector of Jails who was supposed to issue the requisite orders upon them, submitting q a quarterly statement of his proceedings for the sanction of the government.

The Inspector was to exercise a complete power of revision over all orders passed by the Magistrates regarding the appointments, punishments and removal of officers on their Jail establishments. 82 The duties of the Sessions Judge in connection with the jail were brought under limitation since 1857 to those of a visitor. But in case of emergency if the Inspector was not at the station-, a Sessions Judge was authorised to enforce with the orders of a Magistrate in Jail management, but an immediate report of such interference was to be submitted for the information of the Inspector and of government.

81. ibid
82. Ibid.,
It was laid down in section 26, paragraph 328 of the Jail Rules that the strength of the permanent Jail Guard would be determined by the Inspector General of Police, in communication with the Inspector General, Jails, and the Deputy Inspector General, Assam Circle who was Inspector General's locum tenens in this regard.

After Assam was made a separate Province under a Chief Commissioner, the authority of the Inspector General, Jails, Lower provinces was resumed by the Chief commissioner himself. After two years the Chief Commissioner admitted that the superintendence of the Police and Jails could not be effectively carried out by the existing machinery, and was desirous of assistance in this respect. On the recommendations of the Government of India the Secretary of State for India sanctioned the appointment of an Inspector General of police for Assam on Rs.1200 a month, with an additional monthly allowance of Rs.300 for the duty of inspecting and superintending all the jails of the province. Since then onwards, the office of the Inspector General of Jails was combined with the Inspector General of Police in Assam. Immediately after the Chief Commissionership came

84. H.P.(Estb.), August-1876, No.98, G.G. in C. to secy of State for India, No.191 of 19 June 1876.
85. Ibid., The sanction of the Secy. of State was accorded vide H.P. October 1876, Nos. 35-36.
88. ASR, H.P.(A), June 1893, Extract from the Proceedings of the Govt. of India in Home Deptt.(Jail), No. 107 Jails of 9 Nov. 1892.
into being no separate code had been compiled for Assam, and the Chief Commissioner adopted the Bengal Code as the guide for the administration of Jails in Assam. The Assam Jail manual was compiled and introduced at a later date of the close of the 19th century.

In the Khasi-Jaintia Hills there had a subsidiary jail in Shillong which was in due course of time was elevated to be a District Jail of 4th class. But, as the daily average of prisoners was less than 50, the Shillong Jail was reduced to an unclassed district Jail and the executive charge of it was held by the Magistrate of the District under Rule 30 of the Assam Jail Manual, and the Magistrate was authorised to place an Extra Assistant as incharge of the Jail under Rule 48 of the Assam Jail Manual. So long the Shillong Jail had the status of District Jail of a class, the Civil surgeon was the Superintendent of the Jail and held the executive and medical charge of the jail and was entitled to draw an extra allowance of Rs.50/- per mensem under Rule 3 of the Jail Manual. It was of course not intended that the Deputy commissioner should

88. ASR, Jails (B), September, Nos. 243-247.
89. Ibid.,
90. Ibid.
be relieved of his responsibility for the efficient^ administration of the District Jail. Besides the District Jail, the Khasi-Jaintia Hills District had a lock up at Jowai and a temporary or public works Jail at Cherrapunjee under the absolute control of the Deputy Commissioner.

REVENUE

The Lt. Governor of Bengal wished to take the opportunity to point out that in the lower provinces it was even more requisite for a district officer in his capacity as Magistrate and general chief executive authority of his district, to see as much of his district as he could, than it was in his capacity as collector. The Collector assumed the position of District Officer as the Collection of revenue was predominantly an important task of the government once. But since the days of permanent settlement collection of revenue required little initiative and drive on the part of the officer in the district. So in Bengal the office of the Collector was somewhat a misnomer. In the non-regulation districts and provinces under the lower provinces the incharge of a district was a Deputy commissioner and not a collector. A Deputy commissioner was chiefly an

92. ASR, File No. 13$6 J of 1886.
93. ASR, L.R.G. vol. 64, Oftg. s:ecy. Bengal to Com Assam No. 4399, 11 Dec. 1867.
executive officer in a district administration. When these new territories were first annexed, the primary need of the government was to consolidate the British authority there. The British might have been guided by several other motivations to annex those new territories which were ultimately brought under the non-regulation system of administration, but it was hardly true that the British had initial expectations for a lucrative fiscal gains there. In course of time some of the non-regulation tracts proved to be economically viable but the hills always had the appearance of fiscally-unproductive possessions of the British-Indian colonial empire, consequently, the government had very little expectation to see a Deputy Commissioner in a hill district as a predominantly revenue collecting agency.

The Government emphatically declared their unwillingness to demand any share in the form of revenue from the Khasi Hills at the time of annexation. The government demand for revenue or a sort of tribute from the Khasis was a later development. The Khasi states paid no revenue to the British Government, but the rulers were required on investiture to confirm the cession to the government of the mines and minerals, elephants, forests and other natural products of the states on the condition of receiving half profit. On the similar condition they had agreed to the

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94. F.P.C., 1834, 22 MAY, Nos. 78-93.
cession of all waste and unoccupied lands which government might have wished to sell or lease as waste lands. Under the Agreements the Chief also acknowledged the right of the government to establish civil and military sanataria, Cantonments, stations, and posts in any part of the state. For those purposes the government had the right to occupy land rent free.

In the British villages the government was the proprietor of the soil, and as the land revenue was unknown in the basic economic structure of these tribes the government demanded a house tax of Rs.2 a house, except when specially exempted. The assessment was revised for twenty years with effect from 1907-1908 - ten villages at Rs.3, seven villages at Rs.2-8-0 and the rest at Rs.2. Land revenue was not paid on land taken up for cultivation, but land leased for building sites in Shillong, Sherrapunjee, and elsewhere, and also to the Welsh Mission, were assessed to revenue at special rates and on special conditions. This small land revenue along with the house tax formed basically the government-demand of revenue in the Khasi Hills British villages. And this revenue was collected by the -+Sardars or headmen of the several villages getting a commission on their collection's as remuneration.

97, Ibid., Resolution No. 8075 C of 13 August 1906, 
99, Ibid., p. CLXvii.
Jaintia Hills were divided into 23 fiscal circles, twenty of which were in charge of palois, and the rest under the sardars. When Jaintia Hills was lapsed to British Government, no change was made in the indigenous revenue system, which consisted simply of the payment of a he-goat once a year from each village. The hills remained untaxed until the year 1860, when a house tax was imposed; thereupon the people broke into rebellion. The rebellion was promptly put down; but in 1862 the people again revolted owing to the imposition of Income tax. Shortly after this, the Jaintia Hills were formed into a subdivision with headquarters at Jowai. Steps were then taken up to bring the land under a proper system of settlement as the entire hills being treated as the absolute property of government. At first, only a house tax of Re.1 per house was assessed on the Jaintia population, and Rs.2 for the Mikirs, Lalung, and Kuki population and the land was exempted from taxation. In 1867 the sub-divisional officer of Jowai J.B. Shadwell was ordered to measure up all the land under cultivation in the Jaintia Hills and to make an estimate of their produce. Nothing however, came of Shadwell's measurement and nothing further was done to this direction until 1883 when the Sub-divisional Officer Heath, under orders of the Chief Commissioner

101. _Ibid._,
Sir Charles Elliot, submitted a full report on the land tenure of the Sub-division.\textsuperscript{103} It was then ascertained that the several tenures existed, classifying all land either as low (hali) or high.

Hali lands were sub-divided into -

(1) Raj land, the private property of the Raja which were commonly known as Rajhali, (2) Sanna and bhandari land, being apparently land held by a kind of middleman between the Raja and the occupants, called sannas and Bhandaris, who collected the rent and paid it to the Dalois, who paid it to the Raja, the middlemen being rewarded for their trouble by rent free grants of such lands; (3) service land given rent free to Dalois, patros, and other officers of the administration; (4) village puja land, being land the occupants of which paid rent which was set apart in each village for purposes of Puja or worship; private land held by individuals, and which had transferred from time to time by mortgage, sale or otherwise, at the will of the owners.

High lands were sub-divided into - (1) private lands, held like hali private land; (2) unclaimed land or government waste, which any one might have cultivated on payment of rent. This rent was supposed to go to the Raja, but the Dalois often appropriated it.

The chief Commissioner took into account of the report on the land tenure in-the Jaintia Hills and there-\textsuperscript{103
upon issued orders to renovate the existing system to the
following effect:  

(i) The house tax on the Jaintias was raised from
Re 1 to Rs.2 a house from 1 January 1886, out
of 755 villages, 30 paid house tax at the rate
of Rs.3/-, 358 at Rs.2-8-0/ and the rest Rs.2
each. The Commission paid to the Dalois for
collecting the enhanced tax being at the same-
time reduced to 10 per cent.

(ii) No land tax was to be paid on high land under
shifting cultivation. The syntengs were,
however, to be given to understand that while
government sanctioned such shifting cultivation,
it would not permit any permanent occupation
of land, or admit the growth of private rights
in them, or pay compensation if such land was,
taken up by government for any purpose, where/
however, foreigners or aliens cultivated such
land on payment of rent, the Palpi must pay the
rent to government, retaining only his commission.

(iii) Rajhaiji lands were to be assessed at 10 annas
a bigha.

(iv) In the case of private land it was decided not
to assess a land tax, but to maintain the
principle that the form of direct taxation
approved by government in the Jaintia Hills
was a house tax, that a jaintia paying the tax
was charged nothing more for cultivating private
land of his own, but that any one permanently
occupying the government land must pay rent,
or revenue, in recognition of the government's
right.

(v) In regard to service land it was decided that
service land of those village officials whom
government appointed or recognised, i.e. Dalois,
Pators, should be retained; also those occupied
by Lyngdohs, Puja officials, and Raja's
servants, the latter being too insignificant
to be worth touching; but that the occupants
of all other rajhali should pay rent.

104. Ibid., Secy. C.C. to D.C. K & J Hills, No. 2857,
15 November 1884, pp. CL XIV - CIXV.
In order to carry out these orders, detailed instructions were issued as to how the rajhali lands of the hills were to be ascertained and measured up. Rough measurements only by Amins were required. The revenue assessed was to be collected in one instalment along with the house tax, the first instalment being collected in January 1886. No prohibition was made regarding the Jhum cultivation outside the areas of reserved forests. The settlement of these rajhali land was afterwards ordered to take Effect from the 1 of April 1887/ and a simple set of Settlement Rules and Forms of Registers were sanctioned by the Chief Commissioner in 1886. In 1889, the settlement of rajhali land having hitherto been annual/ it was decided to introduce Decennial settlement into six circles/ where experience laad shown that the occupafcts^sere not inclined to relinquish their land. In 1893 the issue of periodic leases in six more circles was sanctioned. All periodic leases in six more circles was sanctioned. All periodic leases in the Jaintia Hills were to expire on 31 March, 1901. In ten out of twenty Daloiships decennial leases of rajhali land had been introduced and in four the settlements of such land were annual. In the remaining six Daloiships/ and in the three Sirdar's circles it was reported that there were

105 • Ibid., Secy. C.C. to D.C. K & J Hills, No. 2260 13 July 1889; No. 1194 Rev - 9514R, 16 Dec 1893; p. CIXV.
The main sources of revenue derived from the Khasi & Jaintia Hills district were the (i) mineral revenue/ (ii) house tax. The mineral revenue consisted of rents derived from the lime quarries, which were leased for terms of years to the highest bidder at public auction after due advertisement by the Deputy Commissioner. All such lease had to receive the sanction of the Chief commissioner. The house tax was levied throughout the district. The settlement was made with the headmen of each village. It was his duty to submit every year to the Deputy Commissioner or Sub-divisional Officer a list of number of houses in his village, accounting for all charges since the previous assessment. Thereupon, the Deputy commissioner or Sub-divisional Officer made the assessment according to the rate fixed for the village, and submitted the proceedings for the confirmation of the chief commissioner. Other small items of revenue were derived from fisheries, forests, stamps, and excise. The excise laws were applied only within the limits of the stations of Shillong and cherra, and throughout the Jaintia Hills.

The revenue realised from the Khasi & Jaintia Hills

106. In EB & A Govt, letter No.563R, 14 March 1912 to the Commissioner of S.V. & H.D., it was ordered that rajhali land in the 9 circles named below should be assessed at an all round rate of twelve annas a bigha with effect from 1 April 1912, the form of settlement being 20 years. These 9 circles were (1) Jowai (2) Shanpung (3) Maskut (4) Nongbah (5) Mynso, (6) Nongjugri (7) Naritang (8) Raliangi and (9) ShilHang -Myntang.

had been increasing considerably. For 1835 the total revenue returned at £ 77/ and expenditure being £ 2061; whereas by the year 1860-61, the revenue was £ 2194, and the expenditure was £ 4151* 108. There had since been a large increase on both sides of the account, and the district more than paid for the cost of administration. The budget estimate for 1870-71 calculated on a revenue receipt of £ 6,290, and an expenditure of £ 7,883; in 1875, according to figures supplied by the Deputy Commissioner, the revenue receipt was £ 13,383, and the expenditure £ 9,692; the Assam Administration Report for 1875-76 returned the gross revenue at Rs.108,018, or £ 10,801 of which only Rs. 342 was derived from land, and the total Cost of officials and police of all kinds at Rs.64,731 or £ 6473, showing an apparent surplus of Rs.43,287, or £ 4328. 109

In the Home Department Judicial Resolution No. 713-734, dated 2 June 1913, the Governor General in Council authorised the Deputy Commissioners to execute several classes of deeds, contracts and other instruments referred to in section 2 of the Government of India Act, 1859 (22 & 23 v i e. Cap. 41). 110. The Chief Commissioner provided clear legal authority which the Deputy Commissioners had not been

109. Ibid.
exercising hitherto for the imposition of house and other similar taxes in the hills and the recovery of arrears thereby extending Regulation I of 1886 as amended by Repulation II of 1889. It was not intended to introduce any change in existing practice, but merely to provide a legal basis for the practice, so far as the levy of house and other taxes and recovery of arrears of the same were concerned. The Government of Assam in their Appointment and Political Department Notification No.2194-A.P. of 13 March, 1933 extended the section 35 of the Chin Hills Regulation, 1896 (Regulation v of 1896) in the British portion of Khasi-Jaintia Hills along with other Hill Districts and Frontier Tracts to the following effect:

Taxes shall be levied on residents permanent or temporary, houses, clans and pillages at such rates and in such manner and subject to such exemption as the local government may prescribe.

At the beginning of the British rule in the Khasi-Jaintia Hills, the Board of Revenue was not given the jurisdiction over the political Agency; revenue matters were dealt with the Agency Department of the government. After Khasi-Jaintia Hills were brought under the Assam Commission,

111. ASR, Revenue (A), November 1891, Nos. 11-14; Secy. C.C. to D.Cs, Hill Districts No.3494-96R of 4 Nov. 1890.
112. Ibid.,
113. ASR, Excluded (B), September 1937, Nos. 48-53.
the Board of Revenue extended its jurisdiction over the district but without any notification of the government whatsoever. Since Assam was made a separate province the powers of the Board of Revenue was exercised by the local government. A Board of Revenue was constituted in the administration of Eastern Bengal and Assam* having jurisdiction over Assam as well as over the Khasi-Jaintia Hills District.

LAND RECORDS & AGRICULTURE

The formation of the land Records and Agriculture Department was first required by the Resolution of 8 December, 1881, in which the general Scheme under which effect was given to the recommendations of the Femine Commissioners was laid down and in the 7th paragraph it was advised that the new Department should be connected with settlement administration with the view to maintaining upto date the land records upon which settlements were made. But it was expressly stated that,

It is neither necessary nor advisable that the new Department should either exercise independent authority or should interfere with the responsibility of the local officials who are at present charged with the duty of

116. ASR, H.P. (A), July 1875; Circular from Secy. to C.C. to all D.Cs, No. 5 (Judicial) dt. 24.6.75; ASR File No. 6205 G of 1874.
118. ASR, Revenue & Agriculture (A), March 1895, Nos.95-102 Extract from the proceedings of the Govt.of India in the Rev & Agri.Deptt.No.15/342 Revenue, 26 Oct. 1893.
maintaining any system of agricultural records and observations. The department may undoubtedly be utilised by the giving authorities in assisting them to central and maintain any organization required for the continuous supply of agricultural information, yet its Chief duty will be to deduce from the facts and figure thus supplied those conclusions or suggestions which the famine commissioners have shown to be necessary to the administration of a province.119

The Government of India apprehended that, notwithstanding the clear injunction that no interfering authority was to be exercised by the new department, yet the use of the word 'control' might have led to a misapprehension on the subject. Their intention was that the department would control the scheme under which land records were maintained, but not the establishments or agency responsible for maintaining them. When however, the Departments were first organised, the Directors were in some provinces allowed to assume considerable authority over the district establishments and they were even permitted by some provincial rules to require the punishment or dismissal of officials on the land record staff.120 In such cases it had become necessary for the Government of India to request the alteration of the rules with the object to securing of the district and divisional authorities the full executive control over the establishments with which it was not intended to interfere with.121 No control could be exercised by the Director over

120. ASR, Revenue & Agriculture, (A), March 1895, Nos.95-102.
121. Ibid.,
the District and Divisional staff, beyond drawing the attention of the authorities to any error or shortcoming in the statistics and return as supplied to his office in accordance with rules sanctioned by the local government or to any defect in agricultural circumstances and conditions which might appear to call for preventive or remedial action. His chief duty was to see that full effect was given to the instruction of Her Majesty’s Secretary of State:

To secure the more complete and systematic ascertaining and rendering available of the statistics of vital, agricultural, and economic facts for every part of India, in order that government and its officers may always be in possession of an adequate knowledge of the actual condition of the country, its population and resources.¹²²

Trouble started with the scheme relating to the appointment of District Agricultural Officers in Assam. The main object of the scheme was to familiarise the raiyats with agricultural improvements and incidentally to find employment for students whom government was encouraging to specialise in agriculture. The Government of India sanctioned for the introduction of the scheme in two selected districts in Assam¹²⁴ as a tentative measure for two years from 1 June 1913 with the modification of the Eastern Bengal and Assam Government letter No. 39 Agri dated 23 June 1911.¹²⁵ It was

¹²². ASR, Revenue & Agriculture (A), March 1895, Nos. 95-102.
¹²³. ASR, Agriculture (A), May 1916, Nos. 15-42.
¹²⁴. ASR, Agriculture (A), March 1913, Nos. 49-62.
¹²⁵. ASR, Agriculture (A), January 1911, Nos. 22-39.
held that though directly subordinate to the Deputy Commissioner, they would be under the general control of the Director of Land Record and Agriculture. The Director represented that subordination of these officers to the Deputy Commissioner was wrong in principle and that the diaries and travelling allowance bills of these officers should be submitted to the Deputy Director of Agriculture.  

Subsequent the Board of Agriculture in India proposed that the District Agricultural officer should be directly under the Director of Land Records and Agriculture. The controversy over the relative position of the Deputy Commissioner and the District Agricultural Officer, who in future came to be known as Agricultural Inspector, came to a halt with the rules laid down by the Chief Commissioner of Assam at the instruction of the Government of India.  

(i) In technical and professional matters the Agricultural Inspector would be under the orders of the Deputy Director of Agriculture. The funds they might require in connection with their work would be provided in the budget of the Director of Agriculture.  
(ii) In order, however, that the Deputy Commissioner might be fully aware of all that was going on, all correspondence between the Agricultural Inspector and the Deputy Director of Agriculture other than correspondence of a purely routine nature, would pass through the Deputy Commissioner.  

126. ASR, Agriculture (A), October 1913, Nos. 14-38.  
127. ASR, Agriculture (A), July, 1915, Nos. 29-51.  
128. ASR, Agriculture (A), May 1816, Nos. 15-42.
Commissioner/ who would be entitled to make comments on it. The fullest consideration would be paid to the observation of the Deputy commissioner. In cases of emergency the Agricultural Inspector might address the Deputy Director, but a copy of the letter should be immediately transmitted to the Deputy Commissioner. (iii) The programme of work on which the Agricultural Inspector would be employed from time to time would be in the first place prepared by the Deputy Director, and would then be submitted by the Director of Agriculture to the Deputy Commissioner concerned, (iv) The Deputy Commissioner would examine this programme and make any suggestions that occurred to him to the Director of Agriculture, (v) The Deputy Commissioner should advise the Deputy Director as to the localities in which demonstration should be likely to be most successful or as to the particular forms of demonstration which could most suitably be undertaken. He would be expected to give the Agricultural Inspector all the assistance in his power both by his personal influence and through his staff. He should as far as possible satisfy himself that the Agricultural Inspector was working properly and doing all that he could do for the advancement of agriculture in his district.

The District establishment of the Agricultural Department thus was left at the control of the Deputy commissioner with the view to stimulating the improvement of an
an industry whose prosperity was of such immense importance to the inhabitants of the province. If it was realised that the Deputy Commissioner took an interest in the work of the Agricultural Inspector, his status and importance would be immediately raised in the opinion of the general population. The Deputy Commissioner further had the power of stimulating the Seal and arousing the interest of mauzadars and other persons of intelligence, influence and capital. He was further in a position to render great help to the Agricultural Department through the large revenue establishment which was spread like a net right over the District. The Chief Commissioner Sir A. Earle was particularly anxious that agriculture should not be regarded by the local officers as a special and expert science with which the Director and Deputy Director were alone concerned, but that they should do all that was in their power to make the work of the Department a success.

129 From the professional and technical point of view it was necessary that the Agriculture Department was to be brought into harmony with the general administration.

FOREST

The proposals submitted in paragraphs 26 to 35 of Brandis' report to make the forest divisions in Assam as much as possible coterminous with civil districts, and to

129. ASR, Agriculture(A)/ May 1816, Nos.15-42.
make the district Forest Officer subordinate to the Deputy Commissioner of the district/\(^{130}\) commanded themselves to the Government of India. Experience in other provinces had shown that they were successfully worked. The Government of India instructed to the Government of Assam to take care in giving effect to these proposals to organise matters so as to place the control of the forest business in the district in the hands of the District Forest Officer acting under the Deputy Commissioner, and to arrange that the Chief Forest Officer in the province might always be kept informed of the action taken in forest matters by the Deputy Commissioner and the District Forest Officer.\(^{131}\) The Chief Forest Officer in Assam was also to retain full authority in all financial/ professional and departmental matters, including the appointment, promotion and dismissal of subordinates.\(^{132}\)

In Circular No.39 F of 10 October 1879, the Government of India in the Home Revenue & Agriculture Department, apprehended\(^{133}\) that not only in Assam, but in other provinces also, there had hitherto been far too much friction between the officers of the Forest and Civil Departments, and that in some cases the Forest Department was regarded as a thing

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\(^{130}\) ASR, H.P.(A)/ January 1882, Extract from the proceedings of the C.C. Assam in the Rev. Deptt.(Forest), No. 1812, 29 December 1881.

\(^{131}\) Ibid.,

\(^{132}\) Ibid.,

\(^{133}\) Ibid.,
apart from the Civil Administration of the country. Measures were needed for giving district officers more authority in forest matters than they had been exercising currently, and the first step to this direction obviously was to find together as closely as possible the Civil and Forest administration in each district. The measure proposed was to make the District Forest Officer as one of the assistants in forest matters to the Deputy Commissioner. The Governor General in Council approved of the proposal. Accordingly the Chief commissioner issued instructions to the effect that from 1 January 1882 onwards the Chief Forest Officer in each district was to be the assistant to the Deputy commissioner as regards forest matters retaining at the same time his subordination to the Conservator of Forests, who was the head of the Department. It was further considered that all operations in the open district forests should be placed under the District Forest Officer as well as those in the protected and reserved forests; all correspondence in general and on administrative subjects-connected with forest management between him and the Conservator should pass through the Deputy commissioner. The forest department was not yet completely equipped in Assam and hence some of the forest officers were to be placed under more than one Deputy Commissioner. The Officer in charge of

135. Ibid.,
Kamrup forests and the Jirang forests on the northern skirts of the Khasi Hills District, were subordinated jointly to the Deputy Commissioners of Kamrup and the Khasi & Jaintia Hills Districts.

On certain subjects the District Forest Officers carried on direct communication with the conservator and vice versa, while all correspondence on some subjects was to pass under flying docket through the Deputy Commissioner. On the event of Deputy Commissioner and Conservator differing on any matter in connection with correspondence passing through the Deputy Commissioner's Office, should the difference not be removed by mutual references, the point had to be submitted, if in the Assam valley to the Commissioner, if in other districts to the chief Commissioner should the Conservator in any case be dissatisfied with the Commissioner's decision, he might refer the case to the Chief Commissioner for final orders. The Conservator was to be the controlling authority in all matters of patronage in the subordinate branches, and in all matters of departmental discipline. An annual plan of forest operations was to be prepared by the Forest Divisional Officer for the submission to the Conservator through the Deputy Commissioner on or about the 1st of October each year. The Conservator would submit a sketch of the proposed operations in the

province for the instructions of the chief Commissioner. The responsibility of the conservator would remain unimpaired. He was to be kept regularly informed of all orders issued on forest matters within his circle by the Deputy Commissioners/ the Commissioner of Assam valley Districts and the government; he was to be made acquainted with all business which used to pass between Deputy Commissioners and Forest Officers; and as a rule, he was to be consulted on all forests business which happened to come before government.

Virtually Deputy commissioners were de facto incharge of forest divisions and the officers of the department were made subordinate to them. So where there was no District Forest Officer appointed belonging to the Imperial or Provincial Forest service, the Deputy Commissioners had to exercise the power of a Divisional Forest Officer in addition to his usual jurisdiction over the forest administration as it was the case with the Khasi-Jaintia Hills. Gradually/ several of the confusions and doubts had been cropping up concerning the relative position occupied by the conservator of Forests and the Deputy Commissioner, Khasi-Jaintia Hills in regard to forest matters in the district. The Government of Assam issued certain instructions for the guidance of the officers concerned and observed

137. ASR, File No. 111F-357 R of 1914.
138. ASR, Revenue B, December 1912/ Nos. 552-553.
that the Deputy Commissioner was subject to the control of the Commissioner of Surma valley and Hill Districts, directly responsible to the local Administration for the working of the forests within his district. The position occupied by the Conservator was that of an adviser to the local Administration and also to the Deputy Commissioner. The Deputy Commissioner was bound to consult the conservator on all technical forest matters and was expected to follow the advance of the latter Officer in such matters as far as possible. Should he reject the advance of the Conservator he was to justify such rejection on political or other grounds. In the event of the conservator disagreeing with any action taken by the Deputy Commissioner he was empowered to refer the question through the Commissioner for the decision of the local government. The Chief Commissioner instructed that the Conservator was authorised, in company with the Deputy Commissioner and due notice to the latter officer, to inspect once in each year, the forests in respect of which working plans had been prescribed forwarding a note embodying the results of his inspection to the Commissioner for transmission to the chief commissioner and for communication to the Deputy Commissioner. The Conservator was also authorised to inspect the work of gazetted officer attached to the Khasi Hills Forest Division for the purpose of carrying out marking under the working
plans and to inspect them in their work. He was also at liberty to test the competency of the subordinate forest officers in such a manner as he felt proper. The Deputy Commissioner was not except in cases of emergency, to employ any of his forest subordinates on marking for felling or thinning or on cultural work without first consulting the Conservator of Forests and receiving the latter's assurance that the subordinate was competent to be entrusted with such work.

The controversy between Conservator and the Deputy Commissioner was brought to the light when the Conservator refused to forward through him the Control Forms for the Shillong forests to the President/Research Institute.\(^{139}\) Again, on an application from the Deputy Commissioner, Khasi-Jaintia Hills and Article 72, of the Forest Department Code, 7th Edition, to sanction the writing off of certain irrecoverable advance, the Conservator raised the question about his position in the matter and sought clarification for the procedure to be adopted for such cases.\(^{140}\) The Comptroller of Assam added further complication to the question about the financial control of the Conservator of Forests on matters relating to the Khasi-Jaintia Hills Forest Division.\(^{141}\) The government viewed with regret that

\(^{139}\) ASR, Revenue (B), February 1914, Nos. 398-404.
\(^{140}\) ASR, Revenue (B), October 1914, Nos. 88-90.
\(^{141}\) ASR, File No. 111F-357R of 1914.
Munro, the conservator of Forests in Assam, Western Circle was totally incapable of adjusting himself to the rather unusual conditions prevailing in the Khasi Hills while other Heads of Departments and former Conservators had never had the smallest difficulty in exercising the routine control over what amounted to really not more than office details of the Deputy Commissioner's work with reference to the various departments of which he was the head. On the advice of the Chief Secretary, the Chief Commissioner decided that the Deputy Commissioner, Khasi-Jaintia Hills would be given special powers and that the other powers should be exercised by the Conservator. Accordingly the Deputy Commissioner, Khasi-Jaintia Hills, in charge of the Khasi-Jaintia Hills Forest Division was authorised to exercise the powers of a Conservator under the sections of the Forest Department code, 6th and 7th Editions.

EDUCATION

Immediately after Assam was annexed to the British rule the administration and control of the "Education was entrusted upon the Education Department under the immediate supervision of an Inspector of Schools stationed at Gauhati, Col. Jenkins, the commissioner of Assam was so

$42$. ASR, File No. 111F-357R of 1914.

143. Ibid./

convinced of its defects that he had in anticipation of the sanction of the Council of Education, committed to the immediate direction of the schools to the Collectors.\(^{144}\)

Col. Jenkins felt that although the collectors had little leisure to attend to schools, they were able to exercise a more efficient supervision over the teachers than was obtained under the existing system. The distance of the stations, the time a voyage up the Brahmaputra occupied, the number and inaccessible situations of the village schools, rendered it impracticable for the Inspector, who resided at Gauhati, to do anything more than curiously examine the schools, once a year some, and once a two-year others.

Col. Jenkins suggested that the examinations should be still conducted by the Inspector as this would be distasteful to the covenanted officers, and would not work well. A.J.M. Mills was of the opinion that in the existing state of education in Assam the service of an Inspector was not required and the visit of the Commissioner and Deputy Commissioner at least once a year to all the stations would have been sufficient for the purpose and examination might have been advantageously left to them and the collectors.\(^ {146}\) The Government of Bengal shared with the similar view about the role of the District Officer in the conduct of educational administration in Assam.\(^ {145}\) The Lt. Governor observed,


\(^{145}\) Ibid., pp.28-29.
He (Collector) may also materially assist the operations of the Education Department by his counsel and his influence and he may do much in arousing the sympathies of the richer classes—whether Zamindars or Mahajans to come forward to the assistance of their poorer countrymen by contributing towards the creation and maintenance of Schools...147.

The government felt that the defects in the field of education in Assam were in reality a departure from those Rules of 1835 and simply required correction without reference to them. Accordingly, it was decided in October 1862 that the immediate control of the vernacular schools in Assam would be continuing at the Civil hand of the district.148 It was said that the Deputy Commissioner managed the affairs connected with the vernacular schools, but the Rules only gave him, ordinarily, the management of the current business of such schools, leaving all matters connected with the course of instructions, the supply of school books and so forth under the special direction of the Inspector and if it be found convenient that the Inspector should manage the current business of any of the vernacular schools, there was nothing in the Rules to prevent this course.149 The only difference between the system of management of government vernacular schools in Bengal and Assam was this that whereas in the former, the appointment, punishment and

147. ASR, L.R.G. Vol. 64; Offg. Secy. Bengal to Com. Assam, No. 4399, 11 Dec. 1867,
148. ASR, L.R.G. vol. 46, Secy. Bengal to D.P.I. No.2612 dt. 29 August 1864.
149. Ibid.,
dismissal of teachers rested entirely with the Inspector, in the latter it was necessary that he should in concurrence with the local committee, was at any rate with the Deputy Commissioner of the District, subject to a reference to the Head of the Department and to this respect, the Assam system seemed to the Lt. Governor to profess an advantage which in the other was wanting. 150

In 1971, by a new administrative arrangement the districts of lower Assam, Central Assam, upper Assam and Garo Hills were placed under the Inspector of Schools, North East Division; and Sylhet, Cachar and the Khasi-Jaintia Hills Districts were left under the Inspector of Schools of the South East Division. 151 The chief Commissionership of Assam revised rules for the working of the Education Department based on the scheme introduced in Bengal by Resolution of 29 July, 1878 which received the sanction of the Chief Commissioner. Accordingly, the Deputy Commissioner, associating with himself the District committee as a consultative body, would retain general control over all that concerned with primary education, including the administration of the primary grants, the conduct of education for, and award of, primary scholarships, and the management of third grade normal schools for the training of teachers, where such a school

151. ASR, H.P.(A)', September 1881; Inspector of Schools, Assam to Secy. CC No. 1434, dt. 21 July 1881.
152. ASR, H.P.(A), May 1879, Secy. C.C. to all D.Cs Assam Circular No.31, of 2 May 1879.
existed. It was also to be understood that the Deputy
Commissioner was at full liberty to consult any educational
officer on matters relating to primary education and the
course of study in primary schools; and, again that the
Inspector was entitled to bring to the notice of the Deputy
Commissioner any point of importance relating to primary
education, and to offer any suggestion thereon, though the
Deputy Commissioner was found to act upon the advice in
neither of the cases. And if dispute arose on important
questions, these were brought to the notice of the Chief
Commissioner, for others. The Deputy Commissioner was to be
regarded as an ex-officio visitor of Schools of every class
throughout his district, with powers to make recommendation
and suggestions to the Inspector or to the chief Commissioner;
representations to the latter was to be forwarded through the
Inspector. The Inspector had, in his hands, the direct control
and management of Secondary education, including the local
administration of the grants-in-aid assignment and the super­
vision ever the aided Schools. He had the management over
all the middle and lower government schools, including the
appointment, promotion and power to transfer teachers of those
Schools; the selection of text books in all schools other
than primary - and in primary schools he might have recommended
for the text books; the examination for, and award of, the
middle scholarships, the supervision of Zila Schools, of
normal Schools of first and second grades; and the appointment
and promotion of and powers of transferring teachers in Zila
Schools and normal schools with salaries below Rs.100 a month.

As regards grante-in-aid assignments, the Inspector while dealing with all applications for grants, had to refer them, with his own remarks and suggestions, for the Deputy Commissioner's opinion. In the event of difference of opinion, the question was to be settled by the Chief Commissioner. In withdrawing a grant, reference was also to be made to the Deputy Commissioner. In the award of Scholarships, the Inspector was to inform to the Deputy Commissioner before hand if the Deputy Commissioner wished any portion, up to one-third of the whole number, to be kept reserved for schools situated in the backward parts of the district.

The Deputy Inspector of Schools was a subordinate to the Deputy Commissioner in regard to primary education, and to the Inspector in regard to the secondary education. If the Deputy Commissioner and Inspector required the Deputy Inspector's service at the same time, the Deputy Commissioner, as the Officer in more immediate connection with the Deputy Inspector's primary duties, would have the first claim to his services. The diaries of the Deputy Inspector would go to the Inspector through the Deputy Commissioner. Sub-Inspectors were appointed, promoted, and discharged by the Chief Commissioner, but might be suspended by the Deputy Commissioner, who would report the fact of such cases to the Inspector. With the Inspector's concurrence, the Deputy
Commissioner even had the power to transfer any Sub-Inspector within the limits of his jurisdiction.

By the division of duties prescribed above, it was intended to relieve of the Deputy Commissioner on the one hand, and the officers of the Education Department on the other, responsibilities in regard to certain classes of schools, and not to lessen their common interests in the general progress of education. Education was a branch of good government in which executive officers, no less than those directly attached to the Education Department, were bound to concern themselves and in which their active cooperation was essential for its complete success. The time which a District Officer might devote to the active promotion of higher education must greatly depend not only upon his own personal inclination but upon the other duties which he was called upon to perform, but it was to the advantage of the public-service that, if he had the requisite leisure and inclination, he should enjoy every facility for assisting in educational work other than that which was placed under his control. He was, therefore, empowered, and indeed invited, to suggest whatever criticism and advice be might consider called for from his personal knowledge of his district; and such suggestions must always be duly considered by the officers to whom they were made.  

In the Khasi & Jaintia Hills the situation was somewhat different. J.B. Shadwell, Assistant Commissioner in his report to Col. Hopkinson on education in the Hills observed,

The education of the Khasis has been left entirely to the welsh presbyterianaries established in these hills.¹⁵

In the Khasi Hills the Welsh calvinistic Mission was virtually at the hand of the Education Department. The Mission practically, held in executive right of supplying to the government/ the school books, school masters/ school Sub-Inspectors/ and the examiners, and even had, to some extent the option of distributing scholarships.¹⁵⁵ No similar state of things existed elsewhere within the British dominion in India.¹⁵⁶

Under the existing system Major Bivar, Deputy Commissioner suggested that there should be a more visible connection between him and Educational Department and the missionaries that was apparent in these hills. On this the Commissioner of Assam observed.

In Assam I do not think that in the whole the independent action of the education department is at present making badly and if Major Bivar

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¹⁵5. ASR, H.P.(A), March 1903, Extract from the "Indian Messenger", 11 August 1901; Contributed by Nilmoni Chakraborty, Brahmo Mission, Khasi Hills, dt.2.7.1901.
¹⁵⁶. Ibid.
were writing as incharge of an Assam Dist-

But I confess, I think that Major Bivar's

The Lt. Governor of Bengal was not aware of the

antagonism between the Civil authority and the Department

159. ASR, L.R.G., vol. 50, Secy. Bengal to Com. Assam,

of Education prevailing in thdee hills. 159 But he was aware

that jealousy and misunderstanding had prevailed between the
district Officers and the missionary, who, under the inspec-
tion of the officers of the Education Department, used to
receive a grant-in-aid of the schools on the Khasi Hills.
The Lt. Governor observed that it certainly was the duty
of the Missionary to act in concert with the district
officer in conciliate their good will and support, to avoid
interference with secular matters, and above all, to refrain
from any course of proceedings likely to raise in the minds
of the people an impression that he exercised an influence
antagonistic to the local administration or that the interests
of- the. mission, especially as connected with education, were

159. ASR, L.R.G., vol. 50, Secy. Bengal to Com. Assam,
No. 11187, 6 Sept. 1865.
in any way opposed to the general policy of the government. And while the Missionary was of course at liberty to give disinterested advice to the native converts and to others who might need it, his position required that he should advise them generally to abide by the orders of the constituted authority, and not to oppose or resist them. On the other hand it was incumbent on the district officers to encourage the Missionary in establishing schools wherever the people were willing to receive instructions, and to let it be known that his operations were carried on their cordial concurrence and support, and that they had taken an interest in the schools which he opened and in the education of the people through his means without showing partiality to any class, they should strive to promote the improvement of the people by frequently visiting the Schools, by employing none but educated persons in the public service, and by removing as far as they properly could, any obstruction that might be thrown in the way of the Missionary by ignorant and prejudiced individuals. The Commissioner was asked to endeavour to compose the existing personal differences and to impress upon both parties the necessity for harmonious action, cautioning them at the same time that the relations that had lately, subsisted between them could not be permitted to continue, and must, if preserved in, would be resulted in serious consequences.

Although it had been thought expedient to make use of
missionary agency, for the education of the Khasi under the rules of the Education Department, and subject to the inspection of qualified officers of that department, it was expected that the operations of the missionaries should be carried on in accordance with the views and wishes of the District Officer, subject to the Commissioner's control, and not so as to militate in any way against the system of administration established on the hills, whether directly under the government or under the native Chief.¹⁶⁰

The Chief Commissioner observed on the Administration Report of the Khasi & Jaintia Hills,

The Deputy Commissioner should bear in mind that the fact of the Missionaries being entrusted with educational matters in the Khasi and jaintia Hills does not relieve him from responsibility and interest in the matter.¹¹

LOCAL SELF-GOVERNMENT:
MUNICIPALITY OF SHILLONG

When the chief Commissioner ship was constituted in 1874, there were only two municipalities in Assam, that of Gauhati created in 1865 under Act III (B.C.) of 1864, and that of Sylhet, established in 1868 under Act VI (B.C.) of the year.¹⁶² The former Act had in 1865 been extended to

¹⁶¹. ASR, F.P.(A), August 1875, No.3.
¹⁶². ASR, HiP.(A), October 1884, Extract from the proceedings in the General Department - No.1784 of 2 Nov.1882.
the town of Silchar, but its provisions were in 1868 withdrawn, the experiment being declared a failure.\textsuperscript{163}

The Road-cess Act X (B.C.) of 1871, was introduced into the Gowlapara District, but in no other portion of the province had any attempt been made to the passing of the local Rates Regulation of 1879, to foster local self government by any statutory enactment.\textsuperscript{164} Road Fund Committees, however, were constituted under the Resolution of the Bengal Government in the P.W.D. No. 1009 of 23 February 1872, existed in each district for the purpose of aiding the Deputy Commissioner with their advice in the management of the allotment for district roads; and the rules regarding District Education Committee, issued by Sir George Campbell in fully 1873, extended to Assam as to other portions of Bengal.\textsuperscript{165} The Bengal Municipal Act V (B.C.) of 1876, was the law in force on the subject of municipal government and under its provisions the local government of the different places in Assam was administered.\textsuperscript{166}

\textsuperscript{163} ASR, H.P.(A), October, 1884, \textit{op. cit.},

\textsuperscript{164} \textit{Ibid.},

\textsuperscript{165} \textit{Ibid.},

\textsuperscript{166} \textit{Ibid.},

\begin{tabular}{l|c|c|c|c|c|c|c|c}

\multicolumn{2}{l}{\textbf{Stations}} & \multicolumn{2}{l}{\textbf{Towns or Unions}} & & & & & \\

\hline

Second & Gauhati & \textit{constituted in} & 1878 & & & & & \\


Sylhet & \textsuperscript{h} & 1878 & & & & & & \\


Dibrugarh & \textsuperscript{ii} & 1877 & & & & & & \\


Goalpara & \textsuperscript{ii} & 1878 & & & & & & \\


Sibsagar & \textsuperscript{m} & 1880 & & & & & & \\


Shillong & \textsuperscript{n} & 1879 & & & & & & \\


Silchar & \textsuperscript{n} & 1881 & & & & & & \\


Golaghar & \textsuperscript{n} & 1881 & & & & & & \\


Jorhat & \textsuperscript{m} & \textsuperscript{m} & & & & & & \\


Sunamganj & \textsuperscript{h} & \textsuperscript{h} & & & & & & \\


Habiganj & \textsuperscript{i} & \textsuperscript{i} & & & & & & \\


Balaganj & \textsuperscript{n} & \textsuperscript{n} & & & & & & \\

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Prior to the Municipal Acts came into being it was the normal practice to employ the convicts for the improvement of the stations. The government under order No. 7A of 8 January, 1862 prohibited this practice. The Lt. Governor appreciated previously, the difficulty to procure labour in Assam and as a result of which considered to allow the employment of convicts in station-improvements, either under the immediate direction of the Deputy Commissioner or hiring to the local municipalities, or to the public works Department for works in the station. The Civil and military stations of Assam were relapsing into jungles for want of supply of labourers/ while at those stations a large number of prisoners were available. Again it was admitted of little doubt that if the Stations were properly cleared, drained and levelled, they would be more healthy/ and it would cost little hereafter to keep them in a proper state and for such purposes the employment of convicts was both profitable and legitimate. A scheme of local improvement for such stations was accordingly drawn up by the Deputy Commissioners in communication with the Civil Assistant Surgeon and the Executive Engineer, except in Gauhati where the conservancy of the station was in the hands of a municipality.

As Shillong was fast increasing in size, the native

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168. Ibid.
population of the station and suburbs of Mawkhar and Laban were closely packed; the sanitary measures were most urgent to be adopted; and money for all necessary purposes required to be raised by a regular assessment of the town and suburbs. The District authority of the Khasi-Jaintia Hills felt that these measures could only be carried out by giving Shillong a municipal Act. The Assam Administration constituted Shillong a "Station" under Chapter IV of Act V (B.C.) of 1877 (Bengal Municipal Act). Accordingly an official notification of the chief Commissioner of Assam was proclaimed and by another notification No. 193 of the same date the Chief commissioner constituted a station Committee which was authorised to prepare rules for effectually accomplishing the purposes for which it was constituted. Member were all nominated by the government and the Deputy Commissioner was the ex-officio Chairman of the Committee. As regards the procedure of nomination, section 356 of the Act V (B.C.) of 1876 directed that in

171. Ibid., Proclamation by the C.C Assam in the general Department/ 26 Nov. 1878.
172. Ibid., The first Municipal Committee was constituted with the following members:
D.c.(Ex-Officio) Chairman
Senior Asstt. or EAC(Ex-Officio)
The Executive Engineer
The Civil Surgeon
The Syiem of Mylliem
Lt. E. Raban / R.E.
the stations the Chief Commissioner should appoint the Magistrate and such number of the inhabitants of the station as to him should appear necessary to be commissioners. There was nothing in the Act which authorised election but there was also nothing to prevent the local government from adopting the made of selecting the persons 173 to be appointed Commissioners. In the Shillong station there was no limit to the retention of a Commissioner's seat, having once been appointed by nomination, the officer retained his position as a Commissioner until he retired either by choice or death. 174 There being no rule by which members of the station committee were required to retire after a term of years, the Chief Commissioner considered it very desirable, in the interest of the rate payers that such a rule should be at once introduced/ and that all the non-official members who had been in the committee for 3 years or more should retire with the eligibility for re-appointment with effect from 1 April 1894.

The Chief Commissioner extended Act III (B.c) of 1884 to the towns of Sylhet/ Gauhati and Dibrugarh. 176 The Act of 1884/ which had taken the place of Act V of 1876 in Bengal, provided only for Municipalities/ and made no

173. ASR, H.P.(A)/ November 1893/ D.C. & Chairman of Shillong Station to Secy. C.C. No.54, 5 July 1889.
174. Ibid.,
mention of Stations or unions. The chief Commissioner did not wish to see the existing stations and unions of the province be abolished, and for this reason did not propose to extend the Act, 1884 to this province entirely. The main reason why it was considered necessary to extend the Bengal Act of 1884 to the three municipalities was that the Act of 1876 made no provision for levying a water rate/lighting rate, or conservancy fees. The three most important municipalities required extended authorities to the better functioning of the municipal administration. The existing practice of electing Commissioners was superseded by section 14 of the Act III of 1884, which required two-thirds of the members to be elected, and one-third appointed by the local government. After the commissioners had been elected and appointed, they would have to elect a Chairman under section 23 of the Act.

Act III of 1884 was extended to the Khasi-Jaintia Hills District by the Eastern Bengal and Assam Government Notification No. 7655M, dt. 2 October 1910 and the Shillong station Committee took the shape of a municipality under the provisions of the Bengal Municipal act, 1884 (Act III of 1884). The Municipality included certain villages belonging to the Khasi State of Mylliem. In 1913 the Syiem of

179. Ibid.,
Myllem ceded the jurisdiction necessary for the municipal administration of these villages, subject to the maintenance of his other rights and powers as syiem of Mylliem; and in this connection a reference was solicited to the Foreign Department Notification No. 3163-1.B. of 17 September 1913. The name of Shillong Municipality had hitherto been included in the first schedule of the Act, the effect of which had been that the Commissioners of the Municipality were appointed by the Local Administration. The Chief commissioner decided to remove the name of the Municipality from the said schedule, and to introduce the elective system in the Municipality. The Government of India approved of the desire of the chief commissioner, and a general election was held on 23 June 1821 under section 14 of the Act III (B.C.) of 1884. Five gentlemen were nominated as commissioners at the recommendation of the Deputy Commissioner.

Apart from Shillong, there were no municipal board in the Hill Districts. With the exception of Shillong, no other municipality in Assam had a nominated Chairman. The officers of government elsewhere had the doubtful privilege of being appointed as supernumerary members with the right

182. Ibid.
to attend and speak at all meetings of the board but not having the right to vote. They were specially debarred from eligibility for election as Chairman or vice-chairman unless the local government, by notification, declared that the municipal board was one of those in which the Chairman was to be appointed. Shillong was the only Municipality in Assam thus scheduled.

In other municipalities in Assam the control by the government was limited to inspection by the Commissioner, Deputy Commissioner or Sub-divisional Magistrate and by the Inspector of Municipal works, if one had been appointed by the local government. The Deputy Commissioner might have suspended the execution of any resolution or order of the board if in his opinion it was ultra vires or was likely to lead a serious breach of peace or to cause serious injury or annoyance to the public or to any class or body of persons. The local government and, in case of emergency, the Deputy Commissioner might have called upon the Board to perform any duty in which the Board was in arrear.

The Boards used to work in many instances with or through departmental officers as Deputy Inspector of Schools, veterinary Assistants, Inspector and Sub-Inspector of vaccination, and, in many cases, sub Assistant Surgeons.

186. Ibid., p.140.
187. Ibid., p.140.
188. Ibid., p.141.
were officers of the government departments. The spheres of education, curative medicine, preventive medicine, and public works continued to engage government activity side by side with that of the Board, and the experts were in all cases officers of government, the Executive Engineer, the Civil and Assistant Surgeons, and the Inspector of Schools with his Assistants. These experts, with the district or sub-divisional officers, had been deprived of active memberships of the local bodies, and their position in administration had been made mainly advisory saving for the district officer's emergency power, the Executive Engineer over technical estimates, and the partial control over establishments. 189

Municipalities were the Zealous rivals of the District officers in the plains districts of Assam. These had limited the powers and jurisdictions of the District Officers to a great extent and the District Officers lost their predominating hold and monopoly over the administration in the district. But the Deputy Commissioner of Khasi-Jaintia Hills was an exception to the general rule. Uptil 1821, Shillong Municipality was under the predominating control of the official members at the head of the Deputy Commissioner. Even after the elective system was introduced, the position of the Deputy Commissioner remained unchanged. Still he remained as the guiding spirit in the

189. Ibid., p.157.
functioning of the Shillong Municipality upto the last day of the British rule in this district. The Deputy Commissioner always remained jealous of his position and consciously opposed to any move which could have deprived him of total authority in his district. Even when it was decided that the Bengal Municipal Act 1876 would be extended to the Khasi-Jaintia Hills, the Deputy Commissioner pleaded for a 'Union' instead of a 'station' under Chapter III of the Act. According to the Deputy Commissioner, Chapter III of the Act covered all the requirements of Shillong, and its provisions could be readily and easily carried out. There was no work connected with the sanitation, the improvement of the station, and the maintenance and regulation of water-supply, the repairs of road etc. which the Deputy Commissioner could not personally superintend, provided funds for all such purposes were forthcoming. The Deputy Commissioner smelt the rat in the municipalities and opted for the least elaborate and autonomous municipal board for his district town. The policy of government was also corroborated with the sentiment of the Deputy Commissioner and nothing was done ever from the government's end to minimise the position of the Deputy Commissioner of Khasi-Jaintia Hills.


191. Ibid.
In Excise matters the Deputy Commissioner was primarily responsible for the management of Excise Administration of his district and the control over the district excise-staff having powers to punish officers other than those of the higher rank. The control of the Excise Commissioner was of general one.

The Deputy Commissioner, Khasi-Jaintia Hills along with few of the Deputy Commissioners was appointed to be the ex-officio Marriage Registrar of his district. The provisions of the Act XUI of 1864 were extended to Assam and for the efficient working of the Act each District in Assam was considered to be a District under the Act and the Deputy Commissioner of each district was also made ex-officio District Registrar of Deeds. The Registration Act III of 1877 was the law by which the administration of Registration Department was conducted. The Act was extended to be in force in that part of the Khasi-Jaintia Hills District which was comprised within the limits of the civil station and cantonment of Shillong. By Section 6 of the Births, deaths, and Marriages Registration Act (Act. VI of 1886)/ the Chief Commissioner declared that the office of the Inspector General of Registration/ Assam

195. ASR, H.P.(A), September 1872, Notification by the C.C., No. 23 of 12 Sept. 1878.
at Shillong, would, for the purposes of the above Act be the General Registry Office of the province of Assam; and he appointed the officer for the time being holding the office of Inspector General of Registration of Assam to the charge of the General Registry office above mentioned and to be Registrar General of Births, Deaths & Marriages for the territories forming the Chief Commissionership of Assam. By section 12 of the said Act the Deputy Commissioners were appointed to be ex-officio Registrars of Birth/ Death for their respective districts under the general control of the Registrar General.

In Co-operative matters the functions of the Deputy Commissioner was rather to advise, encourage and criticise than to pass orders. Even subordinate officers of the Co-operative Department, such as Inspectors, were not under his control. He had, however, been given share in the control of banks or unions of a certain type.

Act XXII of 1864 provided for every military canton-merit, a Committee called the Cantonment Committee. It was thought important that the Magistrate of the District should always be a member. His influence might often be of the

196. ASR, Pile No. 677J of 1888; Notification by the C.C. No. 118 of 10 October 1888.
197. Ibid., Notification by the C.C. No. 120 of 10 Oct. 1888.
198. ASR, Agriculture (A), May 1916, Nos. 15-42.
199. ASR, L.R.G. vol. 54; committee appointed for framing Rules to be passed under section 19 of Act XXII of 1864 to Secy. India, Military Department, No.2048, 14 Sept. 1865.
greatest assistance to the Cantonment Authorities. The Committee was mainly a consultative body appointed to advise and assist the officer Commanding the Cantonment in those portions of his duties which were concerned with matters that affected the public health, safety, and conveyance. The officer commanding of the cantonment was responsible, so far as his authority extended, for insisting upon the due enforcement of the existing Rules and Regulations. The Cantonment Committee was entrusted with the control and expenditure of the cantonment Fund, and would determine what officers and establishments were required for the services of the Cantonment, and would fix the salaries which were to be paid to such officers and establishments from the said Fund. Section 14 of the Act. XXII of 1864 gave powers to the local government to extend Act XX of 1856 for the appointment and maintenance of police chowkeydars, to any military cantonment to which a cantonment Magistrate might exercise all the powers vested in a Magistrate by that Act, only to the control of the Magistrate of the district and local government. If there had been no Cantonment Magistrate, the Magistrate of the District could carry out the position of the said Act which was so extended as aforesaid. A Cantonment Magistrate was a subordinate to the District Magistrate under paragraph 6 of cantonment Act 1910. Under

200. ASR, L.R.G. Vol. 54; Op.cit.,
201. ASR, Military A, April 1916, Nos. 5-18.
Section 17(i) of the Code of criminal procedure the District Magistrate might from time to time make rules or give Special orders consistent with the Code as to the distribution of business among such Magistrates. The Deputy Commissioner had been authorised to arrange to carry on all the works, hitherto conducted by the cantonment Committee of Shillong cantonment in absence of a regular troop in the Station.

The Deputy Commissioner, Khasi-Jaintia Hills found really jealous rivals in the medical and public works Departments. These two Departments were of very technical character and the Deputy commissioner was given only a general control over the staff and establishments of those two departments. The Executive Engineer and civil Surgeon having actual central over their respective District establishments showed a nominal allegiance to the Deputy Commissioner as their adviser and not master. Thus the very presence of these two departments removed the hold of kingship from the Deputy Commissioner's brow atleast to a partial extent.

202. ASR, Military A/ April 1916/ Nos. 5-18.
203. ASR, Military (A), October 1915, Nos. 1-44.