It was in 1917, with the submission of the Montague Chelmsford Report that a specific recommendation came up "that the typically backward tracts should be excluded from the scope of the Reformed Council." To clarify it further, the Reformed Council should not have any jurisdiction over a territory which was wholly excluded from the new scheme. No question should be put. No discussion should take place, no motion should be moved and no legislation should be enacted in the Reformed Legislative Council affecting the areas which were entirely excluded. Legislation for these areas should be in the form of Regulations to be made by the Governor-General-in-Council as envisaged in Section 71 of the Government of
India Act, 1915.

It should be noted however, that forced political assimilation or reform of the Constitution of the states would be undesirable without full reciprocal understanding. One of the leading Khasi newspapers wrote "In fact, the constitution of the Khasi States being purely and genuinely self-governing and democratic in nature like the Athenian democracy - reform of the constitution of these states by any commission or committee is undesirable and opposed to the solemn Proclamation of 1858 from the British throne, from which their original constitution, rightly apprehended, there is no lack of room for any imaginable progress or improvement in the right direction."¹ In like manner, the Butler Committee opined as follows:

"We (Butler, Peel, Holdsworth) hold that the treaties, engagements and sanads have been made with the Crown and that the British relationship between the Paramount Power and the Princes (Native States) should not be transferred without the agreement of the latter, to a new Government in British India responsible to an Indian Legislature ......... In particular, we recommend that the viceroy not the Governor General in Council, should in future be the agent of the Crown in its relations with the Princes (Native States) and that important

¹. Nongpynim - Nailur, 1928.
matters of dispute between the states themselves, between the states and the Paramount Power and between the states and British India should be referred to independent committees for advice." Accordingly, this matter was referred to many topmost officials of the State for comment and recommendation. Two Senior Officers, Messrs Reid and Barnes were strongly in favour of the exclusion of the frontier areas, pointing out that even in such matters as education and medical the importance of having local men raised problems quite different from those of the plains. Reid suggested that the Garo Hills, Mikir Hills and North Cachar Hills might be included within the reforms. But he also did not make it clear whether excluded areas were to be financed by the Central or Provincial Government. On the other hand, Sir Nicholas Beatson Bell, the Chief Commissioner of Assam suggested that the hill districts should be brought within the purview of the Reforms because first of all, though unrepresented in the Council, they were included in the then existing system, and the Council could, and to a limited extent did, legislate for, budget for and ask questions about them. Financially, according to Sir Beatson Bell, the plains might have to finance these tracts. His recommendation would, however, bring a unified form of Government. But

in the Ninth Despatch, the Government of India refused to accept his recommendation. He then made a mild suggestion and he proposed the exclusion of the Naga and Lushai Hills, the frontier tracts and Manipur as "typically backward areas". On the other hand, the position of Khasi and Jaintia Hills, is peculiar because it consisted of Khasi States which were in Subsidiary Alliance with the British through the sannads and it also included British areas of Shillong Cantonment. Police Bazar, Jail Road and with the extension of the Municipal Act to Mawkhar and Laban, the Municipal Law has been applied to the non-British part of Shillong under the procedure of the Foreign Jurisdiction order.

Secondly, Beatson Bell was not in favour of the total exclusion of all the hill tracts because of the position of Shillong in the Reformed Council. Under Section 14 of the Assam General Clauses Act (II of 1915), it is provided that no local act, passed either before or after, can come into force unless expressly extended under the Scheduled Districts Act or otherwise.

Thirdly, under the Assam Frontier Tracts Regulations of 1880, Government may direct that any enactment in force in these areas shall cease to be in force therein.

In other words, the Chief Commissioner was empowered to withdraw any enactment in force in the hill districts with the sanction of the Governor-General in Council. Thus, any law passed by the new Legislative Council might be withdrawn by the Chief Commissioner if he found it unfit for the hill areas.

Lastly, with the exception of Jaintia Hills, the areas of Khasi Hills proved to be a deficit area. Thus, if the hill districts were to be included in the plains district, the latter would have to bear the expenditure, which it would naturally feel reluctant to do so.

The suggestion put forward by Beatson Bell could not be accepted by the Southborough Committee which was the Functions Committee. The committee expressed in 1918 "In our view, if these special methods of control are necessary it is better not to make a pretence of bringing the tracts within the scope of the Reforms Scheme. We have not been able to find any satisfactory via media between the inclusion and the exclusion ...... we recommend, therefore, that the tracts in question should be excluded from the jurisdiction of the Reformed Provincial Government. If our recommendation is accepted they (the excluded tracts) will be administered by the Governor himself as proposed in para 199 of the Joint Report". Again the Committee also suggested that certain
subjects like Forest, Public Works Department, Excise and others should not be transferred to the Provincial Government but should be treated as 'reserved subjects. The Committee also suggested that special attention should be paid by the Central Government to the excluded areas. Section 7 of the Government of India Act 1915, enacted that the administration of the excluded areas should be carried either by the Governor General in Council or by the Governor by Regulations. Added to this, the deficit budget should be met by the Central Government. The representatives of the Assam Association gave evidence to the Functions Committee stating that the occupation of the areas concerned was necessitated by the duty of protecting the plains and not by the demands of the hill people. The only attempt made to endorse this view met with the comment by the Government of India that the deficit of the hill districts was only an incident of the reforms upon a particular area.

However, inclusion of the Hill Districts in the Reformed Council would entail grave issues to the plains as well as to the Hills Districts. In the first place, this artificial union would speedily end up in divorce. Secondly, a committee of financial experts should be set up to demarcate the subjects to be borne by the plains district or by the Central Government. Thirdly, "the
reformed executive Government as such has had little or no history in the backward tracts; Ministers have generally disavowed their responsibility for any question involving a hill area, and in the few cases in which they have asserted their views or in which proposals have arisen which would have brought them into direct contact with such areas, they have generally been given little option. The very close concern of the department responsible for political matters with many of the questions that arise has sometimes led to doubt and misunderstanding as to which is the responsible department and the fact that certain expenditure is definitely central complicated the question. Fourthly, Shillong has created greater sensation than elsewhere apart from attacks on the legal status of the municipal seat, there has also been an attempt to bring the civil station under the jurisdiction of the Calcutta High Court in the Assam Gazette October 11, 1916, where it stated that "Shillong has hitherto been governed by the rules for the Administration of Justice and Police in the Khasi and Jaintia Hills, the Criminal Procedure Code is not in force and accused persons cannot claim, as a matter of right to be defended by pleader .... the Chief Commissioner has (now) come to the conclusion that the time has now come to put the administration of justice in the town (of Shillong) on a more advanced footing
and to approximate it more closely to the system prevailing in the plains district of the province ......
The jurisdiction of the Syiem over his own subjects has not been disturbed, but in the Khasi portion (of the town) in respect of cases not triable by the Syiem, the code of Criminal Procedure has been introduced..... accused persons are entitled to be defended by a pleader as a matter of right and their right of appeal has also been extended". On the 8th March 1929, most of the members of the Assam Council decided "that this council recommends to the Government that steps be taken to place British Criminal and Civil Courts of the Khasi and Jaintia Hills under the control and jurisdiction of the Calcutta High Court".

**Backward Tracts : Excluded areas and Partially Excluded areas**:

The Government therefore proposed that the Backward tracts should be divided into two categories: Excluded areas would come under the direct control of the Governor and legislation for these areas would be regulated by Regulations under Section 7 of the Government of India Act 1915. Partially excluded areas would be administered by the Governor, acting upon the advice of the Council of Ministers. When this recommendation came up, the Chief Commissioner was ready to exclude all hill districts except Khasi and Jaintia Hills,
because according to him, the Khasi and Jaintia Hills consisted of twenty five Khasi States which were in subsidiary alliance with the British, the British territories of Jaintia Hills and the thirty one British villages under Sirdars, the military enclave, and the other wards within the Shillong Municipality falling within the Mylliem State. The Syiems, Lyngdohs and other rulers of these states were against the inclusion of the Khasi and Jaintia Hills in the Reformed Council but the people of the British areas expressed their desire that the Khasi and Jaintia Hills should be represented in the Legislative Council.

With the enactment of the Government of India Act 1919, Article 52 (1) of the Act states "the Governor General in Council may declare any territory in British India to be "a backward tract" and may by notification with such sanction as aforesaid, direct that this act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification." This, the Governor-General-in-Council acting upon this provision declared the Lushai Hills, the Naga Hills, the British portion of the Khasi and Jaintia Hills (excluding the Shillong Municipality and cantonment) the Garo Hills, the Mikir Hills (in Nowgong and Sibsagar Districts), the North Cachar Hills, the Lakhimpur Frontier Tract, the Sadiya Frontier Tract and the Balipara Frontier
Tract as backward Tracts. On the advice of the Government of India, an express provision has been made in the statutory rules requiring a mandatory section in any provincial or Indian law solely intended for these tracts, that it shall apply only as directed by the Governor in Council, and with such exceptions and modifications as may be made by him. Further provision enables the Governor in Council to direct that no act of the local legislature shall apply to these tracts same as, or with such modifications and exceptions as, the Governor thinks fit. The Governor was also given great discretionary powers by the Assam Frontier Tracts Regulation of 1880 and Section 14 of the Assam General Clauses Act (II of 1915). Again according to the interpretation of the passage in the instrument of Instructions enjoining upon the Governor "to take care that due provision shall be made for the advancement and social welfare of those classes among the people committed to your charge, who, whether on account of the smallness of their number, or their lack of educational or material advantages or from any other cause, specially rely upon our protection, and cannot as yet fully rely for their welfare upon joint political action, and that such classes shall not suffer, or have cause to fear, neglect or oppression."

5. Memoranda of the Govt. of Assam on the working of the Reformed Government - Chapter II pp. 78-79.
6. Ibid.
7. Ibid.
All matters affecting a backward tract relating to appointment, proposal for granting leave or transfer to any officer, shall be submitted to the Governor after consideration by the Member or Minister in charge. Again, when any case affecting a backward tract or tracts, directly or indirectly has come to the Governor, the latter shall consider the opinion of the Member-in-Charge in case of a reserved subject, or if the case relate to a transferred subject, he shall consider the opinion of the Minister-in-Charge and he shall pass such orders authorised by law as he believes to be in the interest of the backward tract or tracts concerned. On the whole the Minister is not responsible to the Legislature regarding the backward tracts.

**Views of the Members of the Legislative Council:**

Speaking of the attitude of the people of Assam, we can very well understand from the excerpts of the speeches made by the Members of the Legislative Council that they resented the union of the hills and the plains on the ground that the Legislative Council demanded that the entire burden of the budget of the hills must be borne by the Central Government, particularly that of the Assam Rifles. Some members even went to the extent of demanding a separation of the Hills from the plains. An Assamese

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8. (a) Report on Constitutional Reforms 1917 para 199.
(b) See 71 Govt. of India Act 1915.
(c) Govt. of India Bill, 1917.
(d) Report of the Functions Committee 1917.
(e) No. 7 of 1919, Home Govt. of India 5.6.1919.
(f) North Despatch, Govt. of India, Indian Constitutional Reforms.
Responsivist remarked "We have no objection to bear the expenditure of the administration of the hill districts if these hill districts get the advantages of the civil administration which the plains districts have." A Sylhet Swarajist remarked, "If I read the signs and portents of the times correctly I feel almost sure that the hill districts will be separated sooner or later, and I hope within about 5 or 6 years, and when this is done the case of Cachar will be a clear case ......... They are not within the jurisdiction of the Governor's province of the Legislative Council."

Another Assamese Responsivist remarked "Sir in our scheme it is submitted that the hill districts with the exception of the British portion of the Khasi Hills may be administered by His Excellency the Governor, as the agent of the Government of India and the whole expenditure also may be borne by the Government of India. If this is done there will be no administrative or financial difficulty even when, Sylhet is transferred to Bengal". An Assamese Swarajist then remarked "Before long Assam Valley will have to see its own way to disjoin itself from the hill districts." It is very clear, therefore, that the plains have no interest what-so-ever in the hill districts and the speeches of persons belonging to different persuasions probably illustrate a distaste for bearing the cost of the backward tracts
and "a fear that the political advance of the provinces may be retarded either by the fact of their being yoked to the plains or that without the hills, Assam could not bear its present super structure. It is no wonder therefore that from 1920 till 1927, only 48 questions bearing on the hill areas, twenty of them for the interest of the hills, were put on the floor of the Council, many of which were asked by the two members who were natives of hill tribes.  

views of the Officials:

Let us then examine the views of other officials. J.H. Hutton, Deputy Commissioner, Naga Hills was of the opinion that if the Hills Districts be tagged with the plains areas "the hill districts would suffer very serious detriment by being tied up to the politically mere advanced plains district and the latter would likely suffer in the future by being joined with people of an irreconcilable culture in an unnatural union which can ultimately only entail discomfort for both parties". Secondly, if the hills and plains be linked together under the Reformed Council, Hutton said, that the interests of the hills must be sacrificed as "their population is impecunious, unlettered, rural and much too simple to compete with the plainsman in legal or political

finesse. Thirdly, from the cultural point of view, there is a marked difference. For example, the killing of cattle or brewing of strong drink would be in acute conflict with the religion of the hills if there is legislation prohibiting them. The Hillman differs from the plainsman in race, language, religion, culture and social life thus, a political union is unthinkable.

Fourthly, from the political point of view, the hills so far could produce no leaders of education suitable to represent their interests on an elected body and according to Hutton "their present representation on the Legislative Council is farcical". Fifthly, in accordance with the Government of India Act 1919 (s.84 (2)), the Commissioners shall enquire not only into the development of representative institutions in India but also into the growth of education. It is on this point that the hills should be excluded from the scope of the Reforms. According to Hutton "there is not a single member either of Council or of the Education Department who could understand half a page of even one of the text books (except in the case of Jaintia Hills)". Sixthly, the local durbars would give reasonable opportunity for the development of the indigenous genius for village administration and of rudimentary co-operation between different tribes or among the people. The hill people are remarkable for decentralisation,
individuality and ability to manage their own affairs, and to tag them with the plains would be a loss and a deprivation of their political instinct. Lastly, according to Hutton, the hills are an unprofitable possession and a deficit area with the exception of Jaintia Hills. The hills were occupied by the British to protect the plains, but at the same time, they should have no moral right to accomplish that end at the expense of the hills.

Hutton however, held a different view of Jaintia Hills. The people of Jaintia Hills according to him, are richer, better educated more politically conscious and they also pay income tax. It is undoubtedly a surplus area but Hutton opined that from the administrative point of view if Jaintia Hills be included in the Reforms, and if the proposal of Mr. Parry be accepted for a separate Hill Division, Jaintia Hills which yield a surplus of revenue over expenditure, it would be a valuable asset towards balancing the hill budget; they are moreover socially, racially and geographically tied up to the Khasi Hills, which are not British Territory and cannot be included in the conciliar constitution."

N.E. Parry also suggested the separation of the hills from the plains. Though he dwelt at length regarding the Lushai Hills but the other hill areas were also
involved. Educationally, socially, culturally or mentally, there are marked differences between the Hills and the Plains. Hence Parry suggested that the Hill Districts should not be placed under the Council, rather that a hill division comprising all the backward tracts of Assam might be constituted with a Commissioner directly under the Governor of Assam, who for the purposes of the hill division would be in the position of a Chief Commissioner directly under the Government of India without any council. This division, according to Parry would have an entirely separate budget, whose revenue would consist of all the receipts from the backward tracts plus an annual grant from the Central Government.

The second alternative, according to Parry is the creation of a separate North Eastern Frontier Hill Province which would include the Lushai Hills, the Chittagong Hill Tracts, the North Cachar Hills, the Naga Hills, the Garo Hills, the Khasi and Jaintia Hills, the Sadiya Frontier Tracts, the Balipara Frontier Tract, the Mikir Hills, Pakoku and any other Hill or backward tracts in Burma which could be suitably included. A suitable headquarter would be Kohima which could connect both Assam and Burma.

G.E. Soames, Chief Secretary to the Government of Assam also remarked that the Union of the Hills and the Plains was unnatural. Hence, the hills should be separated from the plains.
It should be recalled that the only constituency in the Hill areas was the Shillong Urban constituency. But till 1920 there was no representation by the Hill areas in the Assam Legislative Council. Under the Electoral Rules, a member must be nominated for the backward tracts. At first a Garo, Janggin Sangma Laskar was nominated in 1921 but he attended only two sessions and was too imperfectly acquainted with the Council vernaculars or with English to be a successful legislator. Since 1924, these areas have been represented by a Welsh Missionary whose experience has been confined mainly to the Khasi and Jaintia Hills and as such, he could not present the case of the hill areas in the true picture. In 1921, Rev. J.J.M. Nichols Roy was elected as an Independent candidate from the Shillong Constituency. He had the privilege of moving a Resolution in the Council, to register the names of all opium consumers and to issue a pass to each for retaining of opium with the hope that after a period of ten years, the consumption and sale of opium would be reduced except for medical purposes. Besides he also introduced a Bill to stop opium smoking which was passed by the Council but held back by the Governor. In 1927, Sir John Kerr, the Governor selected Rev. Nichols Roy for the post of ministership but he agreed to accept

10. Ibid,
this post on condition that the Governor would give
his assent to the Bill. This the Governor conceded
and Rev. Nichols Roy became Minister for Medical and
Excise.

The Simon Commission:

From 1928 to 1930 the Indian Statutory Commission
or the Simon Commission under the leadership of Sir John
Simon embarked upon the task of finding a suitable con­
stitutional formula to solve the hill areas. At this
juncture, officials and non-officials gave their own
opinion whether the hill areas should be included within
the reforms or not. Promode Dutta posed a question
saying,

"Is it fair that 50,000 square miles of terri­
tory should be kept as a close preserve for about a
million people while six and half millions should be
concentrated in 27,000 square miles?" Further he said
"We had always looked forward to the material advantages
which the vastness of the hill territories and its
mineral wealth would afford in the fulness of time to
the common benefit of the hills and plains." From the
material point of view, Promode Dutta observed that
the hills should be joined with the plains. He again
said that the Khasi Hills in particular had attained a
high degree of development because of their contact
with the Bengalis and the Assamese. On another occasion,
Promode Dutta said "If the inhabitants of Assam are not
to have any part or lot in the administration of the backward tracts why should we be made to pay for them. If the backward tracts are to continue as parts of Assam they should be brought under reforms." In short, he finally stated "If Assam was transferred to Bengal, the Hill Districts should be constituted into a separate unit to be administered by the Governor of Bengal as the Agent of the Government of India. If Assam was not transferred to Bengal, the Hill Districts should not be separated."

Kanak Lal Barua on the other hand, stood for a partial inclusion of some hill areas like Khasi and Jaintia Hills, the Garo Hills and the Mikir Hills while the remaining, the Lushai Hills, the Naga Hills and part of North Cachar Hills should be excluded. This may be deduced that Kanak Lal Barua was planning for a strategic position of Assam with Shillong, and the mineral resources of Khasi and Jaintia Hills."

Mahammad Sadulla observed "In my view the Hills should be brought within the next constitutional advance but should be administered by the Governor acting as an agent to the Governor General-in-Council and the cost of administration should be borne entirely by the Central Government". With the exception of the Khasis, Sadulla suggested that the other hill tribes were still aborigines
and had nothing in common with the plains.

The Naga Club of Kohima, in their memorandum to the Simon Commission regretted "We never ask for any reforms and we do not wish for any reforms".

**Views of the Khasi Leaders:**

Let us then study the different views of some of the Khasi Leaders. On the 6th February 1928, S.G. Malle and others and on the 23rd March 1928, L. Gatphoh and others prayed that two constituencies for the Legislative Council of Assam be constituted, one for the Khasi Hills and one for the Jaintia Hills. As part of the British portions of the District of Khasi and Jaintia Hills, these two Khasi Leaders, opined that this district should no longer be classed among the backward tracts from the point of view of general literacy, female education, political constitution or democratic institution, that the British portions of Khasi and Jaintia Hills should therefore come under the purview of the reforms to feel the political progress in the whole of India towards self-government and to seek to assert themselves and claim their privileges.

In a memorandum on behalf of the inhabitants of the British area of Nongwah or Syiem Sohkha Ser Elaka, 11

they expressed their view of their being included within the ambit of the reforms. The memorandum states "The organic structure of our ancient system has thus been broken up. And we earnestly pray that the statutory commission will be pleased in their wisdom to cement what is broken."

The people of the Jaintia Sub-division presented an address to His Excellency, the Governor of Assam on the afternoon of Nov. 9, 1928 on his first visit to Jowai. They drew attention in the address to their memorandum to the Statutory Commission requesting that the British portion of the district should be included without any reserve in the Legislative Council, and, protesting against the idea of converting the Khasi and Jaintia races into a frontier tribe, which would have the effect of retarding their progress and of depriving them of their right. The people of Jowai wished to throw in their lot with the council and with other people of the Assam Valley. But His Excellency thought that the people would run the risk if they asked for the inclusion of the British portion of the district "without any reserve" in the Legislative Council. He felt that representation in the Assam Legislative Council would be dearly purchased, if it were accompanied by disintegration of tribal customs. The problem presented before

the Statutory Commission, His Excellency observed, for solution was whether they would be benefitted or otherwise by the extension of the privilege electing their own member to the Legislative Council.

On the other hand, the Khasi States strongly objected to the inclusion of Khasi native states within the Reforms on the ground that they were not conquered territories but in subsidiary Alliance with the British. In a noted Khasi Paper, it was written, 13 "In fact the Constitution of the Khasi States being purely and genuinely self-governing and democratic in nature like to the Athenian democracy - a reform of the constitution of these states by any Commission or Committee is undesirable and opposed to the solemn Proclamation of 1858 from the British throne, from under the original constitution, rightly apprehended, there is no lack of room for any imaginable progress or improvement in the right direction". Secondly, as mentioned in para 310 of the Montford Report, the Khasi States were inclined to think that they, having no such princes or rulers as other Indian Native States, the administration being by the popular durbars or councils, the Butler Committee have intentionally left them out as they could not be dealt with conveniently in any connection with the Council or Chamber of Princes.

Thirdly, the Khasi States felt that they have all along enjoyed self-Government by far and away in advance of any Reform that has been designed for the rest of India, whether in British or Indian States territories. This memorandum of the Khasi States stated "That the people like the Khasis who have been law abiding, civilised and accustomed to a great deal of legitimate freedom and independence should be continued to be subjected to such methods of administration which might suit only semi-barbarous ones, do not seem to agree with equity, good conscience, or public policy."

Lastly, the memorandum also stated that while the Khasis may not at present need any reform in respect of self-determination, they stand in real need of a reform of the British Courts here which administer justice to them, considering that they are no longer behind others of the province in point of civilisation and are more entitled to the best form of administration of justice by reason of their having been accustomed to be adjudicated upon by popular juries as well as by coming from purely democratic institutions.

It is however paradoxical why Rev. J.J.M. Nichols Roy, who being a Khasi from Shella should advocate for the inclusion of the whole of the British portion of
Khasi and Jaintia Hills in the province of Assam. To support his principle, Rev. Nichols Roy, first of all contended that in general literacy, Khasi and Jaintia Hills occupied the second place with 7.64 percentage of literacy. Secondly, in female education, the district occupies the highest percentage with 2.52 percent. Thirdly, from time immemorial, the people of Khasi and Jaintia Hills have used democratic institutions. Fourthly the Khasis have more commercial relationship with the plains rather than with the Hills because Khasi and Jaintia Hills are surrounded on one side by the Brahmaputra Valley and on the other by the Surma Valley. Fifthly, to counter attack the argument from the basis of affinity, he argued that if the Khasis do not have any racial affinity with the people of the plains, they also do not have any affinity with the other hill tribes. He said that mental affinity of an advanced people is more with those who are advanced and civilised than with the people who are altogether uncivilised. Asked to this, Nichols Roy said that the plains of Assam do not contain a homogeneous people. There is not very much affinity among many sections and castes in the plains. Sixthly, against the argument that it is a deficit district Nichols Roy suggested that Jowai subdivision is paying but Shillong subdivision does not have much expenditure if expenditure within the capital is not included. For example, the expenditure of
Shillong – Cherrapoonjee road should not be included in the district expenditure because the road joins the capital with the Surma Valley. If Assam still wants to retain Sylhet which is a deficit area, why can it not retain Khasi and Jaintia Hills, with Shillong as the capital of the province. Therefore, he even went to the extent of suggesting that the Assam Legislative Council should have power to legislative for the district. One or two more constituencies may be treated for the election of members to the Assam Legislative Council.

Recommendations of the Government of Assam:

The Government of Assam in a memorandum placed before the Commission, the former suggested that with the exception of the Shillong Municipality, "the backward tracts should be excluded from the province of Assam in the new Constitution." The Government of Assam felt that in the interests both of the backward tracts and of the rest of the province "the present artificial union should be ended". The backward tracts should be excluded and administered by the Governor-in-Council as Agent for the Governor General in Council. The Government of Assam also opined that the existing restrictions on the powers of the Legislative Council to legislate for the backward tracts emphasised the artificial union.
of the hills and the plains. Yet these restrictions were indispensable because the hills, according to the Government of Assam, should be protected from exploitation and that they were not yet in a position to be fully represented in the Council. The exclusion of this district will maintain their individuality and secure their development more certainly by exclusion from than inclusion in the province of Assam under the new constitution. Further the plains resented that the financial burden they had to bear for the hill areas would invariably retard their growth and progress in the long run. The Government of Assam also stated that the Naga Hills, Lushai Hills and the Sadiya and Balipara Frontier Tracts are frontier districts "occupied to protect India as well as the province from invasion and attack and that though for a moment the north East Frontier may not be a serious menace to the peace of the rest of India, there was a time not long ago when attention was directed to that frontier, and the time may soon come when that frontier will become no less, if not more, important for the defence of India than the North West Frontier, the administration of which is a change of Central Revenues."

On the other hand, as an exception, Shillong must be included within the Council as "the headquarters of the Government of Assam and the Legislative Chamber
is also situated there. Shillong, moreover, has a cosmopolitan population, and for that reason the arguments which have determined the general decision of Government do not apply to the town of Shillong. In a supplement memorandum submitted before the Simon Commission, the Government suggested the inclusion not only of Shillong but of the British portion of Khasi and Jaintia Hills. This might be perhaps due to the pressure of Rev. Nichols Roy or that the British Officers do not want to lose Shillong with its salubrious climate. It appears, therefore quite unfair why the British Government wanted to include Khasi and Jaintia Hills but to exclude the other areas.

**Recommendations of the Simon Commission:**

The report of the Simon Commission was published in May 1930. Broadly speaking, the Commission accepted most of the recommendations of the Government of Assam. First, the Simon Commission suggested that all backward areas with the exception of Khasi and Jaintia Hills should be excluded from the Reformed Council. But these backward tracts should be classified into two sections - Excluded areas and Partially Excluded areas. Though, the Commission did not specify what areas were excluded or partially excluded areas, yet the opinion of the Commission was that these areas which had attained a high degree of civilisation should be classed
as Partially Excluded areas whereas those areas with a low degree of civilisation would be classed as Excluded areas. Secondly, the Simon Commission recommended that the burden of expenditure for the administration of the Partially Excluded Areas would be borne by the Central Government. Thirdly, speaking of Excluded areas, the Commission suggested that these areas would be represented in the Assam Legislative Council. The Governor, as the agent of the Central Government would have the discretionary power to decide any legislation passed by the Provincial Council over these areas. Rules and Regulations might be framed demarcating the extent of the discretionary power of the Governor. Taxes imposed on the plains would likely be imposed on these areas but the revenues arising from these areas would be spent for the benefit of these areas. Fourthly, the word 'Backward area' would be used by a more suitable terminology "Excluded Areas". Fifthly, the Commission also had certain reason in mind why these areas should be excluded, that is, to get a better protection and equipment from the Central Government, socially, politically and financially.

When the report of the Simon Commission was received, the Government of Assam with the advice of Dr. Hutton accepted most of the recommendations of the Simon Commission. First, the Government of Assam would
not be in a position to meet the financial deficit of the hill areas if they were included within the Provincial Council. Secondly, if they were politically joined together, the hills people who were less advanced might be doomed. Thirdly, under the impact of Christian education, the hills people preferred to be ruled by the Europeans rather than by the plains people. Lastly, the Provincial Government strongly opined that the expenditure of these hill areas should be borne by the Central Government.

But side by side with this, on the recommendation of the Simon Commission, that the Excluded areas should be represented in the Legislative Council, the Government of Assam was very dubious if any suitable candidate could be found to be nominated who would be educationally and politically fit to represent the problems of the hill areas. Secondly, the Government of Assam was not clear which areas were Excluded areas and which were partially Excluded Areas as the Commission did not specify them. Last of all, the Government of Assam suggested the close link of the hill areas and the plains of Assam in clear terms, "our aim should be not to retain the aboriginal areas as picturesque survival but to ensure them development by absorbing them with the rest of the community. The process of assimilation has been going on and to put obstacle in its way would be a retrograde step."
The Government of India gave its view by suggesting that total exclusion of the hill tracts might totally submerge them into nothingness. Hence, it suggested a partial exclusion to enable the hill areas to avail themselves of the opportunities of the time.

**View of the Secretary of State:**

The Secretary of State for India agreed with the Government of Assam in toto "without compromise or equivocation" of the exclusion of the hill areas from the Provincial Council.

**View of the Royal Empire Society:**

The Royal Empire Society which appointed a Committee expressed "It is clearly impossible to place the administration of these tracts under the control of the Legislature in which they are not represented and which cannot be expected to display any interest in them". The Committee thereupon suggested, "It is necessary, therefore, to entrust the backward tracts to the care of the Central Government which must use the Provincial Government as agent for the administration of these areas. The Commissioner's scheme, however, obviously requires further definition before it can be applied to particular localities. It is impossible to go into the details here but we wish to emphasise the importance of finance ...... In future, the funds required for the administration of these tracts, as well
as for their development where necessary, will have to be provided from the Central Revenues". Further, the committee suggested that each tract should be administered by the Governor with a definite principle or mandate from the Central Government to specify the financial position or settlement of the tracts and the principle involved in working out this settlement.

The Government of India Act, 1919 introduced Diarchy or Dual Government in the provincial Executive. The Governor with his Executive Council was invested with authority over "Reserved Subjects" for the administration of which he was responsible not to the Legislature but to the Governor General and White Hall. The "Transferred subjects" were placed in charge of the Governor acting with his Ministers who were to be appointed by him from the elected members of the Provincial Legislative Council. The powers of the Governor were extensive over Transferred subjects. It should be noted, however, that in dealing with the backward tracts, the Instrument of Instructions issued to the Governors, the latter were given a special responsibility to protect the backward tracts. But, the Ministers could nevertheless, voice their opinion and discussion in the House was also permitted without the prior permission of the Governor. Lastly, the seats for the Excluded areas in the Provincial Legislature would be filled by nomination.
whereas seats for the partially Excluded Areas would be filled by election.

With this constitutional dilemma at hand, Sir John Simon wrote a letter to Mr. Ramsay Macdonald, the Premier belonging to Labour Party which had come to power after the general election of 1929, suggesting the advisability of inviting, after the publication of the Report of this Commission, representatives of both British India and the Indian States to a Conference before final decisions were made. A London Unitarian 15 Paper wrote "Sir John Simon and his colleagues have done the obviously right thing in proposing the inclusion of the position of the Indian States in their purview of their recommendations for the future Government of British India and in proposing a Round Table Conference between the British Government and representatives of both British India and the States (native) before the coming of India Bill is laid before a Parliamentary Committee. This step should go far to reconcile such critics in India as are reconcilable." The suggestion of Sir John Simon was accepted by the British Cabinet and on 31st October 1929, the Governor General Lord Irwin made a momentous announcement "that the natural issue of India's constitutional

progress ............ is the attainment of Dominion States" and a Round Table Conference would be held in London after the Simon Commission had reported. The only representative to represent the cause of the Hill tracts of North East India was Chandradhar Barua from Assam. But it was strange that he did not actively participate in the Conference - thus it might be due to this that Assam was not represented in the Second and Third Round Table Conference.

As a result of the discussion at the Conference, the British Government drafted its proposals for the reform of the Indian Constitution which were embodied in the White Paper published in March 1933. Speaking of the Hill Areas, the White Paper accepted the classification of the areas into Excluded and Partially Excluded Areas. The expenditure for the Excluded areas should be non-votable.

This issue of the hill tracts was also discussed in the House of Commons. Colonel Wedgewood opined that the hill tracts should not be forcibly merged with the plain districts, since the people of the hill tracts were still aborigines and should be protected at all cost from the more advanced plains people. In his opinion, the hill tracts must be controlled by the Governor.
of the province. He also expressed that the Indian businessman "wants to get them as cheap labour and if these people are to be saved from the hell of civilization, the only change they have is British protection and British control and to be free from the insidious advances of the rich people in the province to exploit them ...... It is not fair to put these tribes for hundreds of years behind the Indians today into the unrestricted hands of people whose object must be to exploit their labour ...... they should be developed from themselves". If we observe from all angles, the question of the hill tracts and the plain districts assumed a debatable issue at the time and this has been and is still a question to be decided by time.