The Speaker of the Legislature is like a football referee, a difficult job indeed. On the one hand the referee must encourage the players to display their skill, while playing the game. On the other hand the rules of the game must be strictly enforced. He should not whistle frequently and spoil the game. At the same time he should not fail to detect a breach of the rules by the players or enforce their observance strictly. Otherwise there would be chaos and confusion. In the performance of his duties the referee may have to face critical situations. He may be bullied by the players. He may be threatened by the spectators. Similarly, the Speaker may have to face critical situations. At all times he must carry sunshine and smiles on his face though his heart may be ladden with grief.

The office of Speaker does not attract first rate politicians because firstly, he has no power of patronage. Secondly, he works just for two months in a year. The rest of the year he must hunt after rabbits. Therefore, disappointed politicians are generally dropped into this oblivion. It is a balm applied for healing political wounds of the disappointed politicians.
In England, the tradition is once a Speaker always a Speaker. His seat in the Commons is not contested. He is elected to the office any number of times even though the party that put him there is no longer in power. When he retires he is offered peerage and pension. Once elected to the office he resigns from the party and never return to partisan politics. The Speaker of the House of Commons in England is famous for his strictly non-partisan attitude. He is not a member of any political party. He does not participate in controversies. When there is equality in voting he gives his casting vote in favour of status quo.

In India, the Presiding Officers of the legislatures have been variously designated, President, Chairman or Speaker.

Before 1921, the Chief Commissioner was the Chairman of the legislative council and one of the official members was the Vice-President. The first President of the Assam Legislative Council under the Government of India Act, 1909 was Sir Archdale Earle and Lt. Col. P.R.T. Gurdon was the Vice-President. For the first time a non-official was elected as Vice-President. It was Ghanashyam Baruah. He was the first non-official Vice-President not only in Assam but in the whole country. Ghanasyam was also a member of the Imperial Legislative Council and had enough experience as a legislator.

From 1921 to 1937, the Presiding Officer of the Provincial Legislative Council was called President. The Government of India Act laid down that the first President of the Legislative Council shall be appointed by the Governor
and not elected by the House. He might or might not be a member of the legislative council. If one could find a person competent enough to be the prime Minister, an office which carried greater weight and responsibility than that of a President of the Legislature, was it impossible to find out another person to be the President of the Legislature? The philosophical basis of this provision was to secure the services of an experienced parliamentarian as the President of the Legislative Council.

The first President of the Assam Legislative Council was J.C. Arbuthnot. Arbuthnot was not a parliamentarian. He was retired Civil Servant of the Government of Assam, settled down in England. The appointment of a retired civil servant was the subject of criticism, because law contemplated the appointment of an experienced parliamentarian and not an experienced civil servant. Therefore, many members of the Legislative Council were not happy at the choice. But the Governor defended his action and informed the critics that time factor would enable them to see the wisdom in the choice and change their opinion.

Although the President of the Legislative Council was appointed by the Governor, the Deputy President was elected by the members of the Legislative Council.

The election of the first Deputy President was held on 22 February 1921. Four candidates contested the election, Mahibuddin Ahmed, Muhammad Bakhat Mazumdar, Nalinikanta Ray Dastidar and Padmanath Gohain Barua. Mahibuddin
polled the largest number of votes. But Mohibuddin died and on 7 September 1922, the election of the Deputy President was held. There were five candidates, Siva Prasad Barua, Muhammad Bakhat Mazumdar, Nalini Kanta Ray Dastidar, Lohit Chandra Nayak and Padmanath Gohain Barua. Muhammad Bakhat Mazumdar polled the largest number of votes and he was elected as Deputy President. It appears that the official block in the Council voted for Mazumdar on the ground that the office should go to a Muslim from the Surma Valley.

Arbuthnot the first President retired prematurely in November 1922 because of ill health. The Governor appointed Nalini Kanta Ray Dastidar, an elected member of the House to be the President for the remaining period of Arbuthnot. It may be noted that Nalini Kanta Ray Dastidar was defeated on two occasions when he contested for the Deputy Presidency. However, fortune smiled on him and he was appointed President of the Legislative Council. Dastidar had long experience as a legislator.

The office of the Deputy President fell vacant in the natural course. There was contest. There were two candidates, Gopendra Lal Das Choudhury and Siva Prasad Barua. Siva Prasad Barua was contesting for a second time but was defeated, this time also.

The second nominated President of the Legislative Council relinquished office in March 1925. The Legislative Council met on 3 March 1925 to elect its own President. There were three candidates, Maulavi Abdul Hamid, the second
was Allauddin Ahmed Choudhury and the third was Bishnu Charan Borah. Abdul Hamid polled 22 out of the 40 votes polled. The Deputy President continued to be Gopendralal Das Choudhury. Thus, Abdul Hamid and Das Choudhury hailed from the Surma valley. Both of them belonged to the Nationalist party.

Abdul Hamid held office with distinction. Though he belonged to a political party he held scales evenly. His authority was not defied. He was quite popular. Therefore, he was re-elected for a second term on 23 February 1927 by a unanimous vote. But for the office of Deputy President there was contest. There were three candidates, Gopendra Lal Das Choudhury, the sitting candidate, Kasinath Saikia and Saiyed Saimur Rahman. Das Choudhury polled, an absolute majority of the votes polled 27 out of 47. Thus he was elected for a third term on 25 February 1927.

Maulavi Abdul Hamid completed his second term in September 1929. He did not contest for a third term because he aspired Ministership. Therefore, the office of Presidentship of the Legislative Council was vacant. There were two candidates and both of them were muslims and both of them from Assam Valley, Kermat Ali and Faizur Ali. Kermat Ali it appears was set up or had the sympathy and support of the official block. Faizur Ali was set up by the Nationalist Party. Faizur Ali polled 27 votes and Kermat Ali 21. With the election of Faizur Ali a balance was struck between the
two valleys and between the two major communities in these valleys. The President was a Muslim from the Assam Valley and the Deputy President a Hindu from the Surma Valley.

Faizur Ali came to office with rich experience. He had already served as a member of the Council for two terms and took active part in the deliberations of the Council. Therefore he was conversant with the business of the House. On the day on which he was elected President, Faizur Ali declared that he was no longer a member of the Swaraj Party. He held office till the introduction of Provincial Autonomy in 1937. During his term he distinguished himself as able and impartial President. There were neither protests nor walk outs against his rulings nor were there any confidence motions against him.

The office of the Deputy President fell vacant and the election was held on 9 September 1929. There was only one candidate, Gopendra Lal Das Choudhury and he was elected for the fourth term. The reasons for his election for a fourth term are obvious. First, the office was not attractive. Second, the person concerned was acceptable to both the valleys and both the communities. Above all, Das Choudhury voluntarily declined to receive the salary attached to the post.

On 10 March 1930, Gopendra Lal Das Choudhury resigned the Deputy Presidentship and the election of the Deputy President was held on 10 March 1930. There was only one candidate Hirendra Chandra Chakravarty, a Bengali Hindu from the Surma valley. The election of Chakravarty did not disturb the balance between the two valleys and the two communities and races.
The elections to the first reformed Council were held in November 1920 in the face of strong opposition by the Indian National Congress to boycott council elections. The leading members of the Assam Association totally disassociated themselves from the election. The Assam Valley Muslims also in a representative body meeting held at Jorhat on 26 October 1920, decided to abstain from election. This issue gained popular support from different parts of the province, such as North Lakhimpur, Jorhat, Jakiganj Bazar, Habiganj, Karimganj and Kamrup.  

As a result of this when the Council elections were held in November 1920 only 33,352 voters (about 16.4%) turned up at the poll. The highest percentage of poll was in Hailakandi (non-Muslim) constituency where 998 votes polled out of 1644 or 60 percent. The next was in Shillong urban constituency where the percentage was 49. Among the larger one Dibrugarh (non-Muslim) constituency showed the highest polling with a percentage of 41.

The break up of the elected members from the General constituency was: Zamindars=7, Pleaders=12, Merchants=1, Tea Planters=1, Mauzadars=4, Retired Government Servants (Provincial

1. APAI, Assam, S.B. Office, Gauhati, 30 October 1920.
2. ALCP, 12 April 1923, p.3.
All of them were Indians. The five members returned from planting constituencies were naturally tea planters and one member from Commerce and industry (other than tea) i.e. River Steam Companies. These six member were Europeans. The Governor nominated twelve members including not more than seven officials.

The first reformed council met at Shillong on 22 February 1921 which comprised only of loyal elements who were hardly representatives even of the educated classes. The reformed council had a safe non-official and Indian majority yet the elected European planters together with official and nominated members continued to exercise substantial influence in the House.

The functions of the Assam Legislative Council expanded under the reform of 1919. The new procedure empowered the Council to a certain extent to exercise control over the budget and consequently over the administration of the province. A Public Accounts Committee was constituted to supervise with the aid of the audit department so that the Government spend the voted grant in the manner in which the Council had approved. Although the right to move adjournment of the House in order to discuss matters of immediate public importance was conceded, yet no member ever exercised this right.

4. Ibid.
in the three year life span of the first council.\textsuperscript{5}

The Council proceeding reflected a serious disagreement between the Government and majority of its members on the issue of resettlement of the temporarily settled districts of the Assam Valley.\textsuperscript{6}

The Government used to revise land revenue demands periodically. In the past century, resettlement was made after every ten years. But in the last resettlement (1905-12) it was changed to twenty years. As the term of the settlement was about to expire, the Government decided to start resettlement operations in the districts of Sibsagar and Kamrup. At the time of every resettlement operations in the past, revenue demands were increased. The people were, therefore, worried of such operations. It was, therefore, natural for the Council to oppose resettlement and refuse to sanction the fund required for these operations. But the Governor restored the fund (Rs.1,52,556) by way of certification.

In the case of tenancy legislation, the Governor failed to carry the support of the majority when it proposed a Bill in September 1921, for the preparation of a record of rights for the protection of tenants of Sylhet.\textsuperscript{7} Similarly in the case of Goalpara, the Governor’s proposal for preparation of record of rights had to be postponed owing to financial stringency.\textsuperscript{8}

\textsuperscript{5} Ibid, Vol. 3; 16 August 1923, pp. 696-704.
\textsuperscript{6} Ibid and 28th March 1924, p.228.
\textsuperscript{8} Ibid, vol. 4 29 July 1924, p.522.
Although the Indian National Congress opposed the Prince of Wales' proposed visit to India, the Assam Legislative Council in its September session 1921 passed contrary to public opinion two resolutions unanimously - one welcoming the Prince on his visit to India, and the other conveying a message expressing the loyalty and homage of the people of this province and their profound gratefulness for the coming visit.9

During the short tenure of about three years, the Council discussed many important topics, such as, appointment of Chairman and Vice Chairman of local boards, open competitive examination for appointment of Extra-Assistant Commissioner, Sub-Deputy Collector, abolition of grazing tax, prohibition of opium smoking, introduction of pass book system for opium eaters, establishment of University and High Court, a thorough investigation into money lending business, Indianisation of Civil Services, grants of franchise to women, introduction of free and compulsory primary education etc.10 But the output of first reformed Council was not very remarkable. An important measure introduced in the Council was the Municipal Bill 1922. Although the resolution passed in the Council had merely the effect of recommendation to the Government, the elected members took active interest in the proceedings of the Legislative Council. Out of the total of 186 resolutions tabled, 22 were disallowed, 83 were withdrawn after the mover had heard the Government and fellow members, 39 lost

through voice-vote, and 42 adopted. Of the resolution adopted, 21 were implemented and 6 were partly implemented. No effect was given in 10 cases on either financial or administrative ground. The first reformed Council successfully refused 12 grants in the Budget. Grants refused or reduced were not restored by the Governor by certification. While taking part in the debate on the budget, Kirishna Sundar Dam said "........... the reform has imposed upon us the burden of recurring expenditure of over five lakhs of rupees." He pointed out that the salaries of public servants had almost eaten up half of the provincial revenue which amounted to a situation where "the public service does not exist for the country but the country for the public services." Another member Nilmoni Phookan also felt the same thing. On 15 March 1922, he ruefully stated: "........... to my mind Dyarchy which was the birth of undue labour, by unnecessarily duplicating the machinery, raised the cost of administration not a little, and when all round retrenchment was expected in every department of Government due to financial crisis, civil service led the way and others followed suit to entrench themselves behind the new machinery." On the other hand, the departments transferred to the charge of ministers could not make much progress for want of finance. While the excise and stamps revenue had substantially diminished, expenditure for ordinary and special police increased considerably owing to the non-cooperation movement. Thus the reforms which were expected to herald a new era stood condemned from

The year 1921 was a comparatively barren year. The only Act passed was the Deputy President's Salary Act which fixed the salary at £2,500/- per annum. In September 1921 a bill to make provision for the preparation of a record of rights for the permanently settled areas of the district of Sylhet was introduced. The measure was required from administrative point of view as a preliminary to bring the tenancy legislation up to date in the district. The bill was received with uncompromising hostility by the landlords of Sylhet and its fate was sealed in the Council. A motion to refer it to Select committee was defeated. The grounds put forward by the opposing was that the bill would entail an expenditure which the province could not afford and that tenancy legislation should be taken up for the province as a whole and not for one district separately. The bill was then dropped and the subject was not brought before the council again, mainly because, the financial position made it impossible for government to under-take any new commitments.

The Act I of 1922, the Assam General clauses (amendment) Act, made certain modifications in the provincial general clauses Act of 1915 necessitated by the Constitutional changes introduced by the Government of India Act, 1919.

Acts II and III of 1922 were important measures of taxation, enhancing the rates of court and stamp fees. When
the Finance Member sought leave to introduce the bill on 7 February 1922 there was strenuous opposition and the motion was carried by narrow margin of one vote. On the first reading when the principle of the Court Fees (Amendment) bill came under discussion on a motion to refer it to a Select Committee there was a noticeable change in the Council's attitude. One of the original opponent even felt it necessary to explain that when he cast his vote on 7 February he had no time to study the Budget and had not realised the perilous state of the provincial finances. "I shall request the other gentlemen also" he went on "who like myself opposed the bill at the time of introduction to study their opposition for the time being. Surely a time limit may be put to the operation of the bill comes out of the Select Committee". The motion to commit the bill was carried by 18 votes to 13. In the Select Committee, there was a spirit of give and take, and the report of the Committee was described by the Finance Member as a history of mutual concessions. The result was that the bills from the Committee, were passed by the Council with hardly any division. The main change made by the Committee was to restrict the bills to a period of three years.

The day after the passing of the Court and Stamp Fee Acts, the Government had to put before the Council another contentious measure, the Assam Land Lord and Tenant Proceedings (Amendment) Bill. It was intended to meet an emergency that had arisen in the Goalpara district as a result of a "no rent"
campaign by the tenants of certain Zaminders. The Council decided that the bill be circulated for public opinion. At the September session, the Government member in charge of the measure, announced to the Council that it had encountered so much criticism that he would proceed no further with it, especially as the emergency had passed away.

Act IV of 1922 rectified a drafting defect in the Court Fees (Amendment) Act passed earlier in the year which was leading to evasions of the Court fee due on succession certificate. The Act was passed without a division.

The most important piece of legislation passed in 1923 was the Assam Municipal Act. The fact that the bill was in charge of a popular Minister and that the Government left the detail of the measure entirely on the hands of the Council had probably the effect of disarming the opposition to a large extent. Moreover the bill had been dealt with by a large and representative Select Committee which had revised it in some respect in the direction of making it more popular. The result was that the members of the Select Committee defended in the Council the provisions of the bill as revised by the Committee and no important amendments which were opposed by the Hon'ble Minister in charge were carried.

The bill was altered in the Select Committee under the following heads:

(a) Substitution of control by Government for that of the Commissioner in several matters.

(b) Making rules framed by government subject to the approval by Council.

(c) Making provisions for rules to establish communal representation in Municipal Boards.

When the bill came up to the Council for consideration the important amendment proposed were under the following heads:

(i) Further reduction of control both on the part of Government and the Commissioners;

(ii) The prescription of a limit to taxation by enacting that the total amount of taxation should not exceed a maximum percentage of the annual value of the holding.

(iii) Provision for an appeal to the Civil Court in the matter of taxation.

(iv) Abolition of the provision for communal representation.

(v) Omission of the clause providing for the appointment of officials as supernumerary members.

(vi) Insertion of the provision for cooption of members by the elected members of the Municipal Boards which had been cut out of the Bill by Select Committee.

All these amendments were defeated.

An amendment providing for the reinsertion of the tax on persons as an alternative to the tax on holding was pressed by the representatives of the Sylhet district as being indispensable in the circumstances prevailing in the Sylhet Municipality. This amendment was accepted by the Minister and carried.

The Assam Local Rates bill was introduced in Council on the 10 April 1923. Its object was to raise the income of Local Boards by enhancing the local rates on tea lands

and permanently settled estates. The measure encountered a great deal of opposition especially in the district of Sylhet and on the 14 August the Finance Members announced that he did not think it fair to proceed with so controversial a bill in the last days of the existing Council.

The first reformed Legislative Council was dissolved in 1923. It was on the whole amicably disposed to Government and its relation with the Executive were generally harmonious. In August 1923 it caused some embarrassment to government by refusing to accede to a supplementary demand which was placed before it for the commencement of proceedings, due in the ordinary course of the land revenue system for the resettlement of the two of the temporarily settled district of the province. This refusal was due to a not unintelligible disinclination on the part of the Members to accept responsibility just before the General election for an increase in the land revenue and the restoration of the demand by certification met with no criticism from any quarter.21

At the General election which took place at the end of 1923 members of the non-cooperation party in Assam with few exceptions declared themselves in favour of entering the Council.22 Nearly every seat was contested by a member of the party and although in many cases these candidates hesitated to commit themselves to the Swarajist programme they had the support of the local Congress and Khilafat organisation. Their opponents had practically no organised

21. ALCP, 26 March 1924.
22. Ibid.
canvassing and a number of former members who depended on their position or personal influence were defeated at the poll. Twenty nine out of the thirty three general constituencies were contested. Out of 197,945 voters qualified to vote, 83,320 recorded their votes, the percentage being 42 as against 24 per cent in the previous general election. This was due to the organised canvassing undertaken by one party.

The new Legislative Council which assembled in March 1924 contained an organised Nationalist Party comprising approximately half of the 39 elected members with the declared 'Swarajist' as a nucleus and with a Swarajist as a leader. The extreme wing of this party would have been glad to follow the example of the Swarajist in the Central Legislative Assembly, in Bengal and in the Central Provinces in breaking Dyarchy, but it realised that it had no chance of inducing the majority of the Council to follow it in this policy. No attempt was made to reject budget demands wholesale. Although notice was given of a motion to reduce the salary of the Minister to one rupee per annum, the motion was withdrawn. Outside the Nationalist party, there was in the council, no sort of party organisation. Many of the members, although, they were not prepared definitely to join the Nationalist party, sympathised with many of its objects and whilst they were decidedly against any attempt to wreck the Government, they were in many respects more inclined to oppose Government than to support it. This was unfortunate.

at least as much the case where the Government was repre-
resented by the Ministers as it was when the government was
represented by Members of the Executive Council. It was a
regrettable fact that the acceptance of office by the Mini-
sters and the indication of a genuine attempt on their part
to work the constitution were sufficient to alienate from
them the good will of the council as a whole and to deprive
them of the influence which they exercised as private members.
The Nationalist party had consequently been able to secure
a majority for several decisions which were embarrassing to
Government. The salaries of the Ministers were reduced
from Rs.3,500/- to Rs.1500/- a month. The reduction of
essential items in the demands for reserve departments com-
pelled His Excellency the Governor to resort to certification
on a large scale than was necessary. This certification
evoked somewhat bitter criticism in the press and as a result
it tended to increase hostile element in the Council.

In the matter of questions and resolutions the
National party attempted to harp back to the measures taken
by Government and the local executive authorities to deal
with non-cooperation movement in 1921 and the early part of
1922. In replying to questions government declined to call
for informations concerning matters which occurred some years
previously and in regard to which the persons concerned
refused at the time to utilise the remedies provided by the
Courts. A majority of the council approved of this action,

25. Ibid.
27. MLCF, 16 August 1923.
since when a resolution was moved from the Nationalist party recommending the appointment of a committee to report on the measures taken by the executive authorities to deal with the non-cooperation movement, a motion made at the suggestion of the leader of the House that the debate be adjourned sine die, was carried by a majority. On the other-hand a resolution recommending that immediate steps be taken to establish full responsible government was passed by a large majority, the elected members (Indian) supporting it unanimously. The position was therefore unstable. The only party that could command a majority in the Council was the Nationalist party.28 The extreme wing could not succeed in inducing a majority to support it in an attempt to wreck the constitution.

The real obstacle in the way of working in the existing government was the presence in the Council of a numerically small but important and influential party which consistently and constantly expressed its condemnation of dyarchy as unworkable and utterly unsatisfactory and its determination to end it. The Swarajist party in Assam as elsewhere was part of the All India Swarajist organisation and drew its inspiration from leaders with an all India reputation and influence. These leaders made it clear in the Assembly and elsewhere that their object was the early establishment of "Dominion Home Rule" for India as a whole. They shared the views expressed by Sir Malcolm Hailey in the Legislative Assembly on the 8 March 1924 that in the

face of this larger issue provincial autonomy is a minor and subsidiary proposition and it is not likely that their hostility to present system of government would be materially lessened by any advance in the direction of granting large powers to Provincial Legislature.

His Majesty's Secretary pointed out the necessity of establishing "closer contact and better understanding" with those who share with government the responsibility of working the existing constitution and with the public opinion generally. The difficulty which the government encountered was that most of those who had the greatest influence in moulding public opinion refused to take the advantage of the opportunities given to them for closer contact and better understanding and declared their intention of maintaining their attitude until their demands were fully satisfied.

The authors of the Report on Indian constitutional reforms based their expectation of the successful working of the complex institution which they proposed to set up on the anticipation that reasonable men would conduct themselves in a reasonable manner in a spirit of co-operation and compromise. One of the main causes of the trouble was that the anticipation had not been realised. Government had to present the demands which it considered reasonable and essential to a Council; but a considerable section which was openly hostile to the reformed constitution and was not disposed to consider the demand on their merits. Its avowed policy in pursuance of its object was to defeat and thwart government on every

possible occasion. No regard whatever was paid to the dictum of the Joint Parliamentary Committee on the government of India bill, that the government power of restoring grants on the reserved side was intended to be real and that its exercise should not be regarded as unusual or arbitrary. On the contrary "arbitrary" was regarded as the mildest epithet applied to a Governor who certified a demand; he was accused of flouting the wishes of the representatives of the people and goading them to revolt. The reforms were declared as sham and the powers of the Council illusory. The dangers of agitation of this character among an uninstructed electorate and an ignorant population were obvious, particularly when the Governor's action led to unpopular operations like the resettlement of land revenue.

It was expected originally that Ministers would be able to guide the council in the path of reasonableness and compromise but unfortunately this anticipation also failed through no fault of theirs. Owing to financial stringency, Ministers were unable to effect any marked expansion of the activities of the departments in their change during the life time of the first Council. They found it impossible to arouse any enthusiasm during the election. Some sections of the electorate were actively hostile but most were indifferent. The first council was generally speaking, inclined both to the government as a whole and to the Ministers in particular and was disposed to make the best of things, but the second Council was of different complexion and the Ministers did not get opportunity of doing useful public

30. ALCP, 10 March 1926.
work. The appearance in the council of a vigorous and well organised party, consisting chiefly of men who stood aloof in the first election and many of whom had taken active part in the non-cooperation movement, entirely changed the position. The object of the party being to break dyarchy, their first and easiest line of attack was to make the position of the Minister impossible. They of course did not succeed in driving out the Ministers from office but opposition had definitely a depressing effect on the Ministers and they failed to render services properly. This is amply clear from the views expressed by Hon'ble Minister Rai Bahadur Promode Chandra Dutta and the Hon'ble Maulavi Syed Md. Saadulla that the actions of an important section of the Council cannot be held to be that of reasonable men seeking to work the constitution in a reasonable manner. The amicable relations which had been established between the two sides of government and the success which the Minister had achieved in the unfamiliar task of administration were regarded not with satisfaction but with suspicion. The services of Ministers as popular leaders were ignored and they were accused of having surrendered their powers to the bureaucracy and every effort was made to belittle the value of their work.

There can be no doubt whatever that the main cause of the Ministers failure to consolidate their position in the Council was the financial stringency which prevailed since the establishment of the reforms. It was assumed at the outset of the reforms that every province would start with

a surplus and that the lion share of the surplus would be placed at the disposal of the Ministers. This anticipation of course had not been fulfilled. Instead of starting with a surplus the province found itself labouring under a deficit, which not only precluded any hope of expansion but necessitated increased taxation, retrenchment and curtailment of such activities as had been possible in pre-reformed period. During the nine years immediately preceding the introduction of reforms, Assam received from the Government of India grants aggregating to more than rupees three crores, equivalent (on pre-war standard) to more than twice its annual income. Some grants were earmarked for specific purposes, while others were block grants, but in all cases these grants formed a reserve which the Local Government could and did utilise in financing large schemes of provincial and local improvements which appealed to the popular imagination. On the introduction of reforms instead of receiving grants from the Central government, Assam found itself required to make a substantial contribution to the central revenues, while the sources of income allotted to the province were inelastic to meet its necessary expenditure, which had increased, partly owing to the reforms, but mainly owing to the general fall in the value of rupee which followed the war. In the circumstances the general public lent a ready ear to those who told them that they had received no benefit from the Reforms and the Ministers were responsible for the stagnation in the transferred department. The Governor in Council was of the opinion that of all the remediable difficulties which hampered the working

32. Sectt proceeding, Sept. 1927.
33. ALCP, 24 March 1924.
of the reformed constitution, that of the finance was the most important and if Ministers could be given a surplus, however, modest, an enormous improvement in the situation would result. Ministers would, at least be able to make a beginning in the implementation of the schemes for the improvement of public health, education, communication and similar subjects which would not merely appeal to the popular imagination but were urgently needed in the interest of the Province and its inhabitants. Genuine, even though limited progress in this direction would greatly strengthen the hands of the Ministers and would deprive of its sting the gibe that they had no power and that they were content to waive their responsibilities.

Leaving aside the irreconcilables, who declared that they would be content with nothing less than the immediate grant of full provincial autonomy, there was an element in the Council which pressed strongly for the transfer of further subjects to the charge of Ministers. A copy was appended to a debate which took place in the Council on 26 March and a resolution recommending the inclusion of forest, public works, excise and fisheries, among the transferred subjects. The resolution, though opposed by Government, was carried without a division and the Governor in Council thought it desirable to consider whether anything could be done to meet the wishes of that section of the Council, which did not desire or expected catastrophic changes demanded by

34. Ibid.
the extreme party, but would welcome further advance towards responsible government as a token of governments good intention in the matter. His Excellency in Council was not prepared to recommend the transfer of forests. This subject was a reserved subject in all the provinces except Bombay and Burma and therefore should continue to be a reserved subject in Assam, not because Ministers would not be capable of administering it, but because it was doubtful whether majority in the Council would appreciate the principle of forest policy and the result of withdrawing the safeguards, which had been existing so long as the subject was reserved, might prove to be disastrous. The P.W.D., Excise and fisheries were transferred in all provinces except in Assam, and hence the Council wanted them to be transferred. Fisheries was an important subject in Assam, the reason given by the Functions Committee for reserving it in Assam was that restrictive measures for the protection of fish had become unpopular and that the administration of fisheries was closely connected with land revenue department. The collection of revenue from fisheries was entrusted to the land revenue department and therefore it was contended that the fisheries must continue to be reserved so long as land revenue remain a reserved subject. In other states other activities of the fisheries department except collection of revenue were transferred. The Governor in Council also did not see any reason why similar things should not be done in Assam. Unfortunately

36. ALCP March 1927
37. Ibid.
for want of funds, the activities of the fisheries department ceased to exist and therefore the Government also did not find any political advantage to be gained by transferring the subject.\textsuperscript{39} The important question on the part of the Government was the treatment of the public works department and excise.

It is seen from the para 49 of the report of the Function Committee that the main reason for reserving these departments was their importance in the excluded areas which were treated as backward tracts; under Section 52(A) of the Government of India Act, 1919. Those tracts covered nearly two thirds of the total area of the province\textsuperscript{40} and were unrepresented in Council except by one nominated member.\textsuperscript{41} The Function Committee remarked, among the most important duties of the P.W.D. were the construction and maintenance of hills and frontier roads in the backward tracts. There was considerable dissatisfaction in the Council with the expenditure on these tracts which exceeded the revenue derived from them. The maintenance of adequate communications in these tracts was however a matter of more than a Provincial concern. It was essential that the Governor should be in a position to discharge his responsibilities to the Government of India for these areas and it was clear therefore that the P.W.D. in the backward tracts must continue to be reserved.\textsuperscript{42} Of the seven P.W.D. division in the province of Assam one was

\begin{itemize}
\item \textsuperscript{39} ALCP March 1927.
\item \textsuperscript{40} Budget A, March 1936
\item \textsuperscript{41} Apptt. B, Sept. 1924, Nos, 393-94.
\item \textsuperscript{42} Poll. B, Sept. 1925, Nos 423-26.
\end{itemize}
entirely confined to a backward tract and one had no concern with backward tract. The remaining five included both backward tracts and ordinary plain districts.

Therefore it was not possible to create separate divisions for the backward tracts and for plain areas without considerable expense. Moreover there was difficulty in working on individual division partly on the reserved and partly on the transferred side and that would lead to hopeless confusion in accounts and administration and to grave risk of friction. His Excellency in Council was therefore opposed to transfer the public works department in Assam. 43

In regard to excise, however, the case was different. The Government and the council were in general agreement on the broad policy of the excise policy and no difficulty was anticipated in regard to the backward tract. It was within the power of the Governor to stop the extension to those areas of any preventive or other measures which he considered inevitable. 44

It may be mentioned that some dissatisfaction was felt in the province with the treatment of the backward tracts under the Reformed scheme. The Function Committee proposed to exclude the hills and frontier districts from the scope of the reform altogether; but Sir Nicholas Beatson Bell objected to this course on the ground that it would be regarded as retrograde measure in as much as it would withhold from the

43. ALCP, Nov 10, 1926.
reformed Legislative Council the limited powers which its predecessors enjoyed in respect of these areas. This view prevailed and while the authority of the Council to legislate for the backward tract was restricted, it possessed theoretically the same power of control in respect of expenditure and administration as in the rest of the province. The backward tracts were represented in the Council only by one nominated member. The primitive inhabitants of these tracts had no affinity whatever with the more advanced population of the plains, and it was impossible to foresee a time when the plains and the hills areas would constitute a political unity. Moreover there was a growing feeling that the unreal and anomalous union of the hills and the plains in the Legislative Council was likely to clog the political development of the plains. A section of the Council which included one of the Ministers, was therefore in favour of excluding the backward tracts from the Reformed scheme altogether and placing them on the same footing as the neighbouring and similarly situated district which comprised the Chittagong Hills Tracts in Bengal. The other Minister thought that the Council would probably resent this step as a retrograde measure.

45. ALCP, March 23, 1923.