CHAPTER - I

HISTORICAL BACKGROUND

In a sense the constitutional history of India begins in 1917. The three Indian Council Acts (1861, 1892, 1909) did not transfer power to India nor did they encourage feeling of responsibility in the elected Indian members of the legislatures. The Act 1858 made drastic changes in the old set up of India. The events of 1857 brought the Company's rule to an end. On February 12, 1858, Lord Palmerston who was then Prime Minister of England introduced a Bill for transferring the Government of India from the East India Company to the British Crown. The Bill provided that the Home Administration of Indian affairs would be controlled by a president with the assistance of a council composed of eight members, who were to be nominated by the Crown. These members were to be qualified either by having been Directors of the Company or by service or residence in India. They were to hold office for eight years, two retiring by rotation annually. Other provisions of the Bill were similar to those eventually incorporated in the Act of 1858.

Palmerston's ministry resigned soon after the passing of the second reading of the Bill by a large majority. Lord Derby formed a ministry and the Chancellor of Exchequer, Disraeli, introduced a new Bill for the Government

of India. This Bill provided for a council composed partly of nominees of the Crown and partly of persons elected by citizens of some towns like Manchester, holders of East India Stock and others. As this Bill found no support, it was laid aside and another Bill was introduced by the President of the Board of Control, Lord Stanley. This Bill became the Act of 1858. The Act of 1858 is of historic importance in the history of modern India. The Act handed over the control and administration of India to the Crown from the Company. India was henceforth to be governed by and in the name of Her Majesty. It ushered in another great era - the direct rule of the Crown. It was exclusively concerned with the machinery of the home government. It did not touch the administrative set up in India. The shock of the Indian mutiny had forced the Government of India and British Government to consider ways and means of establishing closer contacts with the Indian public opinion so that a similar tragedy might not repeat itself again.

After the exchange of views between the Government of India and the Home Government the Indian Constitutional Act of 1861 was passed. The Indian Council Act 1861 is important in the constitutional history of India for two chief reasons. Firstly because it enabled the Governor General to associate the people of the land with work of legislation. Secondly by vesting legislative powers in the Government of Bombay and Madras and by making provisions for the institution of similar legislative councils in other


provinces. It laid the foundations of the policy of legislative devolution which resulted in the grant of almost complete internal autonomy to the provinces in 1937.

The Act 1861 was retrograde in certain respects as it deprived the legislative council of any independent power since (1) the previous sanction of the Governor General was necessary for introducing any legislation concerning certain specified subjects such as public debts, public revenues, Indian religious rites, military discipline and policy towards the Indian states, (2) no law could be made which infringed the authority of the Home Government or violate the provisions of certain Acts made by Parliament (3) in the third place Governor General had not only the power of voting any law passed by the Council but was authorised in cases of necessity to issue ordinances which should have the same authority as any law passed by the council, (4) in the fourth place the approval of the Governor General was made necessary for every Act passed. The right to disallow Acts was reserved for the Crown and the general authority of Parliament and Crown were preserved.

In spite of all the defects, the Indian Council Act 1861 must always be regarded as a memorable one. It gave frame work to the Government of India which it has retained up till now. And all the subsequent changes have been made within that frame work. It ushered in one of the greatest developments that distinguished the subsequent reforms of administration in this country, namely the admission of
Indians in the higher councils of the government. Although not expressly provided for in the Act, there was no definition of the non-official element of the legislative council which accordingly could include Indians. Dalhousie had urged the inclusion of Indians in the Council created by 1853 Act but without success. Evidently the Sepoy Mutiny changed the views at home in this respect and in 1862 Canning nominated the Maharaja of Patiala, the Raja of Benaras and Sri Dinkar Rao to the newly constituted legislative council.

During the period 1861 to 1892 nationalism began to grow in India. Several factors contributed towards it. The setting up of universities and the spread of education brought nationalism in its wake. The use of English by the intelligentsia of India brought the Indians nearer to one another. The repressive policy of the Government of India after the Mutiny created feelings of hatred against the British Government. The regime of Lord Lytton added to the bitterness. The Vernacular Press Act was a discriminatory measure and was rightly condemned as the "Gagging Act". The arrogant attitude of the Anglo-Indians towards the people of this country also added to the trouble. The Ilbert Bill controversy also opened the eyes of the Indians. There was universal feeling among the Indians that justice could not be expected from the English where their own interests involved. It was in this atmosphere that the Indian National Congress was started in 1885. It's first meeting was held at Bombay. In its very first session the Congress passed the following resolution:

"That this Congress considers the reform and expansion of the supreme and the local legislative councils by the admission of a considerable proportion of elected members (and the creation of similar councils for the North Western Provinces and Oudh and also for Punjab) essential, and holds that all budgets should be referred to these councils for consideration, their members being moreover empowered to interpellate the Executive in regard to all branches of the administration."

Similar resolutions were passed at other sessions of the Congress. It was also demanded that the number of members in the council should be subsequently increased. Not less than one half of them should be elected. The elected members of the Viceroy's Council were to be elected by the elected members of the Provincial Councils and the members of the provincial councils were to be elected by the members of the Municipal Councils, District Boards, Chambers of Commerce and Universities. The attitude of the government towards the Congress was friendly at the beginning. However, as time passed on, the Government of India changed its attitude. But even then gradually the Government of India began to sympathise with the aspirations and demands of the people. The Indian Government saw in them an increasing power as against that of the home government. The European Commercial interests demanded representation in the law making body in order to put forward their own point of view. Thus it was that the educated Indians, British commercial interest in India agreed in demanding not only an advance in the councils set up in 1861; but also a fundamental change in their character also.

Lord Dufferin set up a committee in 1888 with Sir George Chesney as President to consider the question of
the Reforms. Lord Dufferin described his own scheme "as a plan for the enlargement of our provincial councils for enhancement of their status, the multiplication of their functions, the partial introduction in them of the elective principles and the liberalisation of their general character as political institutions. Inspite of the proposals of the Government of India, the Conservative Government in England did not move in the matter immediately. Even when a Bill for that purpose was introduced in the House of Lords in 1890 it was allowed to linger on and the Indian Councils Act was passed in 1892.\(^5\)

Although the Indian Councils Act of 1892 was the outcome of a lot of agitation and patient waiting, it did not give anything substantial to the people of India. In the Presidential address delivered in 1893 of the Indian National Congress, Dadabhai Nauroji observed thus:

"By the Act of 1892 no member shall have the power to submit or propose any resolution or divide the council in respect of any such financial discussion or in answer to any question asked under the authority of this Act or the rules made under this Act. Such is the poor character of the extent of the concession made to discuss finances or to put question. Rules made under this Act shall not be subject to any alteration or amendment at meetings for the purpose of making laws and regulations. Thus, we are to all interests and purposes under an arbitrary rule."\(^6\)

According to Pandit Madan Mohan Malaviya "The Act still left Indians without any voice in the administration of their country."\(^7\)

\(^5\) Sethi & Mahajan: *Constitutional History of India*, op. 52-54.
\(^6\) Ibid. pp. 57-58.
\(^7\) Ibid. pp. 58.
The people of India were not happy with the measure of Reforms given by the Indian Council Act 1892. Even those persons who were favourably inclined towards the Act of 1892, found that in actual working it was hollow. The bitterness and discontent in the country went on increasing with the lapse of years.

The regime of Lord Curzon (1899-1905) added to the discontent in the country. The people resented his autocratic and bureaucratic attitude. According to Lord Curzon the people of India were not fit to occupy any place of responsibility in the country. Whenever he had to make any high appointments, he imported men directly from England. This could hardly be welcomed by the Indians. Lord Curzon was the enemy of the Indian demand for self-government. According to him the Englishmen were selected by Providence to rule over Indians and they will be going against the will of God if they transferred power into the hand of the Indians in any shape or form. Such a theory of Divine right of Kings was not palatable to the Indians. According to De Mello perhaps no single British administrator in India gave a greater impetus to the national movement than Lord Curzon with his ill-disguised contempt for the Indian National Congress. The period between 1905 and 1909 did not in any way silence or remove the restlessness in the country. As a matter of fact the existing restlessness and discontentment increased during this period.

Curzon's reforming zeal, his partition of Bengal, his educational reforms, the douches of cold common sense
which he poured from time to time on political enthusiasm, his strong and well founded administration of the change which a century of British Government had produced in India, intensely annoyed the educated classes which claimed that this tutelage was out-of-date and who were eager to grasp authority in their own hands. To this extent he certainly exasperated the Congress and facilitated the extension of extremist influence. But though a more conciliatory attitude might have smoothened away some part of the moderate's hostility, nothing short of complete abolition could have satisfied the irreconcilable elements.  

This was clearly exhibited by the course of events under Curzon's successor, Lord Minto. Lord Minto's aim was two-fold. He desired to rally to the government the moderate group which had been antagonised by his predecessor and to bring forward into active political life the large land-owners of the country. In this respect Minto's attitude was much more realistic than either that of his predecessor or that of the Secretary of State with whom he found himself yoked to the plough of government. Minto's appointment as Governor-General had been made in 1905 when the Balfour Ministry was approaching its termination. In January 1906 a Liberal Cabinet came into office, with Campbell Bannerman as Prime Minister and John Morley as Secretary of State for India.  

The problem which confronted Minto, the Governor-General of India and Morley the Secretary of State was two-fold. To maintain an orderly government the activities of the revolutionary societies had to be met and checked, but it was equally essential to restrict the sources of discontent by associating with the government influential Indians drawn not only from among the urban middle classes but also from among the land owners in close touch with the rural districts.

The victory of the Liberals in 1906 filled the Indians with hope. But to their utter disappointment, the Liberals did not take the Indian National Movement seriously, nor had they any definite proposals to tackle the Indian problem. Of course it was felt that something must be done to win over at least certain sections of the people of India. Consequently along with the policy of repression there went on correspondence between Lord Minto and Lord Morley with regard to the nature and extent of the reforms to be given to the people of India.10

Lord Minto forwarded his recommendations to Lord Morley in 1907. His object was to give to the loyal and moderate educated classes a greater share in the government of India. During this period a great event had taken place. The Muslims dreaded the coming of the reforms, they had a feeling that their interest would not be safe. On October 1, 1906, a Muslim deputation headed by H.M. the Agakhan waited upon Lord Minto and put forward their reforms.

10. Sethi & Mahajan: Constitutional History of India, p. 62
claims for separate electorates and weightage of seats for the proper representation of their community under the reforms. This was a command performance. Lord Minto unhesitatingly accepted their claims and gave them an assurance.\textsuperscript{11}

The Act of 1909 enlarged the size of the legislative council. It introduced the system of elections and it was indirect and also it introduced separate electorates for Muslims with the effect that it segregated a part of the people into a separate entity, imposing a barrier to the healthy national evolution. As a matter of fact to quote Garrat and Thompson "The Act made no theoretical change on the executive side, though the legislators' right of criticism was increased."\textsuperscript{12}

The critics pointed out that Reforms of 1909 gave the people "the shadow rather than substance."\textsuperscript{13}

The Indian nationalists were not satisfied with the provisions of the Act of 1909. But the Act had made a start for the establishment of Pakistan by recognising Muslims as a separate Indian community and gave them separate electoral rights. This was the unhappy feature of the Act, resented by all the Indian leaders except some orthodox Muslims. The period between the passing of the Act of 1909 and the outbreak of First World War witnessed no change. However, two things may be mentioned. Firstly there was

\textsuperscript{11} Ibid. p.62
\textsuperscript{12} Ibid. p.70
\textsuperscript{13} Ibid. p.72
the reunification of Bengal in 1911. Bengal had been active ever since its partition in 1905. On the 30th April of 1908 an attempt was made to kill Mr. Kingsford who was a judge at Muzzafarpur. The police arrested many leaders of the Bengal Revolutionary school in this connection. During the hearing of the case a European Deputy Superintendent of police was shot dead on 24th January 1908. It is known as "Alipore Conspiracy". The same year Howard conspiracy was unearthed resulting in the arrest of many leaders. In 1911 there were not less than 18 bomb explosion cases in Bengal. Anyhow the British felt convinced of the need of the unity of Bengal and it was done in 1911.

Another event was the Delhi Durbar, when the Emperor paid a visit to India. The capital was transferred from Calcutta to Delhi. The Emperor declared that the British Government look for every cooperation from the Indian people. An attempt was made to explode him. But he escaped and repression followed.

Maharastra had also been active. Tilak's activities were also quite revolutionary. In Satara, Gwalior and Nasik many conspiracies were unearthed by the police. Thus with the exception of a few sporadic violent acts here and there, there was, as a matter of fact, no remarkable event in this period.

In 1914 the First World War broke out, thus engulfing the entire world for the first time in a tense and terrible struggle for survival. The day war was declared
Great Britain issued an appeal to the Indian Government to seek co-operation of the Indians in men and material.

In 1913 the Muslim League defined its objectives at the Lucknow session. In 1915 League had its session at Bombay. Large number of congressmen also attended it and were accorded a warm reception. Both the parties resolved to co-operate with each other in future and put a joint demand of reforms to the government after the war. In December 1916 they met again at Lucknow. A common policy was chalked out. The Muslims were given weightage in those areas where they constituted a minority. The scheme was hailed by the Congress and the League leaders.

The entry of Mrs Annie Beasant into the Congress cannot escape unnoticed. Till 1914 she was occupied with the religious, educational and social regeneration of the people of India. But in 1914 she decided to enter politics and soon came to the forefront of the Congress. Besides the revolutionary activities of the nationalists, here and there in the different parts of India, B.G. Tilak and Mrs Beasant created a lot of stir all over the country by their propaganda through the Home Rule Leagues which were organised by them in Maharashtra and Madras. Since the movement was gaining great popularity the Governor of Madras, acting under the Defence of India Rules prohibited Mrs Annie Beasant, Arundale and Wadia "from attending or taking part in any meeting or from delivering any lecture, from making any speech and from publishing or procuring the publication of any writing or speech composed by them, placing their correspondence under censorship and directing that after the expiry
of a brief prescribed period, they should take up their residence in one of the various specified localities, ceasing to reside at and near Madras. These internment orders coupled with the restrictions on the attendance of meetings by the students, created a lot of agitation. Besant became a martyr. Pressure was put on the government from all sides to release her. Demonstrations were held. In recognition of her sacrifices, she was elected the President of the congress in 1917.

It was largely through Mrs Besant’s efforts that the extremists were admitted to the congress at Lucknow in 1916. "The greatest achievement of the Congress during this period 1908-16, was the achievement of national unity and the formulation of a joint scheme of political reforms acceptable to the two great political organizations in the country".

In England Montague bitterly attacked the government for fanning discontentment in India and asked for a gradual transference of power to the Indian hands. He supported the demand of the Home Rule leaguers for a royal proclamation defining British policy of self-rule for India. The Indian press extensively quoted Montague and appreciated his sympathetic outlook for propaganda purposes. Meanwhile the war situation became grave and the British Government sought more co-operation from the Indians. Montague was made the secretary of state in the place of conservative Chamberlin, on 12 July 1917 and he was not a novice to his job. He had already worked as the under-secretary of state for India from 1910 to 1914. In 1912 he made a prolonged tour of India.
and travelled more than 15,000 miles and thus acquired a first hand knowledge of the country. When the government of Lloyd George offered him the post of secretary of state for India, it was generally believed that the best choice had been made. Moreover Montague joined the office on the understanding that he would be given a free hand in his work. After the assumption of office Montague came to India on his historic mission in order to make an on the spot study of the Indian politics and arrived at Bombay on the 10 of November 1917 at the head of a delegation. After a stay of about 5½ months in India he left for London towards the end of April 1918. During his stay in this country he exchanged his views with all those who came into contact with him and tried to develop in his mind the nature of the reforms to be given to India, and that is, for the realisation of the goal of British Government in India which is known as 'August Declaration'. On August 20, 1917, Montague made the following statement in the House of Commons -

"The policy of His Majesty's Government, with which the Government of India in complete accord, is that of the increasing association of Indian in every branch of the administration and gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire."

The report on Indian constitutional Reforms was published on July 18, 1918. The Report met with an universal condemnation. On the basis of this Report the Government of India Bill, 1919, was drafted. On June 5, 1919, Montague moved "that the Bill be read a second time". The Bill was finally passed by the House of Commons on the 5th December
and by the House of Lords on 18th December and received the Royal assent on the 23rd December, 1919. The Government of India published the Rules framed under the Act on July 20, 1920. Elections to the reformed Legislatures were held in November and the Reforms were introduced in India on January 1, 1921.

The Reforms of 1919 divided and distributed power between the centre and the provinces. Subjects were divided into two classes - central and provincial. Among the central subjects, important were Defence, foreign affairs, political affairs (dealing with Indian States) Railways, posts and Telegraphs, currency and coinage, public debts, Criminal Law and procedure, Ecclesiastical Administration and All India Services and all matters not mentioned in provincial lists of subjects. Thus the residuary powers remained with the centre. In the provincial list important items included Local self government, Education (with some restrictions) Health, sanitation, Public Works, Agriculture, Excise, Fishers and co-operative Societies, Famine Relief, Land Revenue Administration, Irrigation, Forest, Justice, Police, Prisons, Provincial Borrowing etc.

Thus a line of demarcation was drawn between Provincial and Central sphere of Legislation.

The sources of revenue too were divided into two heads: Central and Provincial. To meet the central deficit Provinces were required to make annual contribution to the centre, which was however to be abolished as soon as the
centre developed its own sources of income. The division of finance was done according to the Heston Committee Recommendations. The new financial arrangement fulfilled the long-felt desire of putting the provinces in sound economic position. They could now independently chalk out schemes of development and work on them with confidence.

The Act of 1919 introduced dyarchy in the provinces. This Act was not designed to introduce full responsible government in the provinces all at once. The object was secured through the establishment of a novel type of government known as Dyarchy. It was established in nine Governor's provinces; namely Assam, Burma, Bengal, Bihar, Bombay, Central provinces, Madras, Orissa and Punjab. What were known as Chief Commissioner's provinces were excluded from its scope. Assam which was a Chief Commissioner's province became a Governor's province under the provisions of the amended Government of India Act on the 3rd January 1921. N.W.F.P. which was also a Chief Commissioner's province became a Governor's province and Dyarchy was introduced later on. Thus the old distinction between Governor's provinces and Lt. Governor's provinces was abolished.

Dyarchy is a compound of two Greek words, 'di' meaning two and 'archia' meaning rule. It thus signifies a double government or government by two rulers. As a system of administration introduced in the provinces by the Act of 1919 meant the division of the sphere of provincial government into two distinct and separate parts, each administered by a
different set of individuals appointed in different ways and bearing different relations to the legislature and to the Governor.\textsuperscript{14}

The use of the term was due to Lionel Curtis who in his work with this title had given a detailed account of the development of the idea.

Under this system the subjects to be dealt with by the provincial Government were divided into two parts: transferred and Reserved subjects. The Reserved subjects were administered by the Governor with the help of the Executive Council and the Transferred subjects were dealt with by the Governor with the help of Ministers. While the members of the Executive Council were nominated by the Governor, the Ministers were chosen by the Governor from the members of the legislature. The Ministers were the representatives of the people. The members of the Executive Council belonged to the bureaucracy. They were responsible to the Governor alone. The Ministers had to serve two masters viz. the Governor and the legislative Council. A minister was appointed by the Governor and dismissed at his will. He was responsible to the legislature for the administration of his Department. He could be turned out by the legislature by a vote of no confidence.\textsuperscript{15}

The subjects entrusted to the provinces were divided

\textsuperscript{14} B.B. Misra - The administrative history of India; p.69.
\textsuperscript{15} Sethi & Mahajan - Constitutional History of India, pp.113-15.
into two parts - reserved and transferred. The reserved subject consisted of (a) Law and order or police (2) Magistracy (3) Judiciary (4) Finance and control over income and expenditure. The transferred subject included (1) Local self Government; (2) Medical administration, public health and sanitation; (3) Education (other than European and Anglo Indian Education and Central Universities like B.J.J.U); (4) Agriculture; (5) Veterinary Department; (6) Co-operative Societies; (7) Excise; (8) Registration; (9) Religious and Charitable endowments; (10) Development of Industries.

The Act provided for a legislative Council in the Governor's province and the number of members ranging from 111 to 125 in the four large provinces and from 53 to 98 in four others which consisted of (a) ex-officio members of the Executive Council of the Governor, (b) members nominated by the Governor and (c) members elected under the provisions of the Act. The number of member was to be fixed by regulation; but not more than 20 percent could be official and atleast 70 per cent had to be elected. Separate constituencies were provided for election to the Legislative Council for Muhammadans, Europeans, Anglo-Indians, Indian Christians, non-Brahmins (in Madras), Sikhs (in the Punjab) Land Lords, commerce and Industry, planting, Mining, Labour and University. The legislative Council had powers to pass Bills "for the peace and Good government" of the province. The Governor however, had the power to withhold his assent to a measure passed by the Council, or to return the Bill for reconsideration, or to submit it to the Governor General for his consideration. When the Legislative Council refused to pass a
Bill dealing with a reserved subject, the Governor had power to have it passed by certifying that, that it was a measure "essential to the discharge of his responsibility for the reserved subjects". The entire budget was to be presented to the Council for its sanction, but the Governor had powers to restore Grants for reserved subjects; if the Council withheld its assent to any demand. In times of emergency when so declared by the Governor, he had powers to sanction expenditure without the assent of the Council. Thus the intention of the framers of the Government of India Act, 1919, was "to provide a training ground for politicians and to test the ability of Indians to profit by his training in the use of parliamentary methods of Government rather than to confide the welfare of the people into their hands." 16

Position of Assam Before Reformed Constitution:

Upto 1905 Assam had no legislative Council of its own and no lot or part in legislative activities of any kind. Subject to the control of the Government of India, the Chief Commissioner was the Supreme authority in all matters of Legislations, finance and administration. Of course the Chief Commissioner consulted public opinion before he took action on any important question. But there was no power within the province which had the vestige of any legal authority to control him in any way. After 1905, Assam was

joined to East Bengal, and Assam then acquired the right of representation in the Legislative Council of East Bengal and Assam. But that Council was a small body consisting only of fifteen members and out of this member only two were allotted to Assam. Even those two members were not elected in any ordinary sense, by any electorate or by any responsible body. They were merely recommended in rotation by groups of public bodies, Local Boards and Municipalities and it rested with the Lieutenant Governor to accept the recommendations of these bodies or not as he thought fit. Even the Lieutenant Governor in those days had no power to appoint the members of the Council. He could only make a nomination which was subjected to the sanction of the Governor General. In 1910 some advance was made under the Minto-Morely scheme of reforms. The Legislative Council of East Bengal and Assam was enlarged from fifteen members to forty and out of those forty members Assam had the right to elect five. The election of these members was made indirectly by representatives of groups of Municipalities and Local Board. One member was elected by the Tea Industry and one member represented the Muhammadans of the Surma valley. In 1912 the short-lived union of East Bengal and Assam came to an end and Assam was given a Legislative Council of its own. If consisted of 24 members of whom 13 were nominated by the Chief Commissioner and eleven were elected, two by the Muhammadan Community in each valley, four by the Municipalities and Local Boards and three by the tea industry.  

17. ALCP August 1923, pp 696-7.
The functions of the council of 1916 were almost entirely confined to legislation. It was authorised to discuss the Budget framed by the Executive authorities but it was not allowed to pass resolutions about the Budget or about anything else. Formal questions could be put if due notice was given, but no supplementary questions were allowed. The Legislative Council was in fact a sort of advisory Committee and had no pretension to parliamentary status of any kind. After 1910 there was a certain extension of the functions of the council along with the increase of the members. The council was allowed to move resolutions about the Budget and about other matters, but the Budget was put before the Council in cut and dried form and the resolutions passed concerning it operated only as recommendations to Government and were generally of little effect in regard to the Budget under discussion though occasionally they had an indirect effect on the Budget for the following year. Moreover the Budget itself was only an estimate from which the government could depart at any time without further reference to the Council. In 1910 supplementary questions were for the first time allowed but they could be put only by the member who asked the original question.\footnote{ALCP August 1923, p 699 - Speech of the Governor.}

In 1918 there was some discussion whether it was desirable to include the whole of Assam within the scope of any scheme of constitutional Reforms. The Chief Commissioner N D Beatson Bell suggested that there should be no
division of subjects but would have a Governor with an
Executive Council, composed of three elements, two officials,
two non-officials elected by the non-official members of the
Legislative Council, two non-officials nominated by the
Governor. Only the first two classes would hold portfolios
and receive salaries but all members of the Council would
have the right to vote. Although he would have no division
of powers, he would require resolutions on all subjects in
the portfolios of the ministers to be accepted except for
very strong reasons; he would make budget resolutions binding
in so far as they involved only the transfer of funds
between heads in charge of ministers. He proposed a legis­
lative council with four to five elected elements and for
the affirmation powers of legislation he would rely on
the existing powers of making regulations under Section 71
of the Government of India Act, 1915. The Council should
be divided into two parts, one official one minister and
one non-official without a portfolio for each valley. Each
valley would have its own secretariat establishment. Each
would in fact form the Government of its valley in all cases
of minor importance. The Governor's headquarters would
remain at Shillong and on occasional case would be sent up
to him from one valley to the other.

The Government of India rejected the plan on the
ground that it would give the province an extremely top
heavy administration. Each Valley would have a council and
a Secretariat. There would be no work for all the members
of the council. The scheme would be costly. Further, the
election of the ministers would be undesirable.

Another suggestion was that to form an executive
committee consisting of the Governor as President with two
commissioners of the divisions, two Indians as members, the
latter of whom one would be taken from each valley being
chosen from the members of the legislative council and placed
in charge of transferred subjects. The main advantage claim-
ed for this scheme was that it would be cheaper than that
proposed in the report. The members of such committees would
be paid lower salaries than the members of the executive
committee. The Government of India rejected even this scheme.

With a view to meeting the objections that the
administration will be top heavy, it had also been proposed
that the executive would consist of the Governor in charge
of the reserved subjects assisted by two members without pot-
folios and a single minister in charge of the transferred
subjects. This scheme also was rejected.

The last constructive proposal that was made was
of a different type from any of the preceding ones. The
people of Sylhet had expressed a desire for reunion with
Bengal. Some of the advisers would go further on these lines.
They suggested that all the plain districts of the Province
should be transferred to Bengal and the remainder of the
province should continue to be administered on the present
lines. So far as we are aware however such a desire for
with Bengal is confined to certain of the inhabitants of the Sylhet district. We have no evidence that there is a general desire for transfer to Bengal and we agree with the Chief Commissioner and the authors Report that the redistribution of Provincial areas should not be imposed by official action and should follow rather than either precede or accompany reforms. For these reasons we do not propose to seek a solution of the problem in any territorial readjustment.

Thus after all these discussions it was ultimately decided that the reforms of 1917 should be introduced into Assam, with a Governor as its head. 19

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