

BACKWARD TRACTS OF THE NORTH-EAST AND THE REFORMS (1919-35): A REVIEW

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Under the Government of India Act 1919, the Backward Tracts were 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. Sir Archdale Earle had assumed in discussion on the announcement of 1917 that all Hill Districts where the ordinary law was not in force would be excluded from the Reform scheme as before. Two senior officers like 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 in the plains. Sir William Reid thought however that the Garo Hills, Mikir Hills and North Cachar Hills might belong to reformed Assam.

Administrative Ambivalence

In his first note on the Reforms, Sir Nicholas Beatson Bell had stated that it was out of the question to frame electorates for the Backward Tracts. He considered however that they should be brought within the scope of the Reforms for several reasons. 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 question about them. Under his system which provided for a unified form of Government no subject connected with any of the Hill districts could be included in the portfolio of a Minister. This scheme did not find favour with the

Government of India's Ninth Despatch. In their Ninth Despatch the Government of India had recommended the complete exclusion of certain areas such as Angul and Chittagong Hill Tracts where the population were "aboriginal, of low density and inimical to its plains neighbours", while they considered that other areas which were more developed, being represented on the Legislative Council and administered on much the same lines as other parts of the province concerned as for instance Chota Nagpur (where the ordinary civil and criminal procedure codes were in force), might be dealt with by preventing local legislation from applying to them without the express orders of the Governor in Council, and by giving the Governor himself a greater discretion than elsewhere to override his Minister. The Chief Commissioner thought that the included areas might be treated on these lines. This treatment was to meet the case of Khasi and Jaintia Hills in particular a large part of which consisted of Native States where there was at times "a pronounced bitterness of feelings between the natives and the other Indian inhabitants", a characteristic of the backward tract referred to in the Ninth Despatch. The Chief Commissioner now agreed that the suggested treatment might meet the case of the Khasi and Jaintia Hills. He held however that the Naga Hills, the Frontier Tracts and probably the Lushai Hills were on a different footing and should be excluded as typically backward areas. When it was decided to give Assam the same Constitution as other Province the Chief Commissioner adhered finally to the conclusion that there could be no half-way house and that the treatment proposed would be suitable for all the backward areas in view of his conviction that the administrative integrity of the province could not safely be disturbed. There is nothing on record to show whether he was aware that in other provinces, areas similar to those proposed for exclusion had actually been excluded, even the Darjeeling District.

Status of Khasi Hills

The Khasi and Jaintia Hills were peculiar in consisting partly of Indian States in varying degrees of dependence through their Sanads on the Paramount power and partly of British territory. The total area of the district was 6,022 sq.miles with a population of 243,263. British territory comprised an area of 2,117 sq.miles with a population of 95,016 and the non-British territory was 3,905 sq. miles with a population of 148,247. The Shillong Cantonment was a British enclave and part of the civil station was also British but the remainder was not. The Municipal Law had been applied to the non-British part of Shillong under the procedure of the Foreign Jurisdiction order. The Khasis of Shillong and those of Jowai had frequently exhibited a desire for a voice in the administration. There had been no indication however that the Chiefs and their subjects would willingly make that surrender of their limited independence.

The legality of the creation of Shillong Urban constituency was challenged in 1928 by a Motion of No Confidence in the Legislative Council, though the return of the sitting member was not made the subject of any election petition. The mover of that Motion said "The Government of India Act is applicable only to British India ... the interests of the foreign states and the interests of this province may be at times in conflict I am told that recently some such conflicts have already arisen". Another member said, "I should be stultifying myself if having been the first person to have questioned the legality of the Constitution of the Shillong Urban Constituency ... I were to oppose the motion before the House." Another member threw light on the proposed move to establish Khasi National Durbar "with a view to excluding the Assamese and the Bengalees from the territories of

the Khasi Sylem" on the basis of the slogan "the Khasi Hills for the Khasis".

Special Powers of the Governor

At the Chief Commissioner's proposal backward tracts were identified and on the advice of the Government of India an express provision was 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. A further provision enabled the Governor in Council to direct that no Act of the local legislature shall apply to these tracts save as, or with such modifications and exceptions as the Governor thinks fit. The safeguards against application of legislation that were of importance however were partly contained in previous enactments such as Scheduled Districts Act, Assam Frontier Tracts Regulation 1880 and Assam General Clauses Act 1915.

In view of the rigidity of the business rules the Ministers in the reformed executive had generally disavowed their responsibility for any question involving a hill or frontier area, and in the few cases in which they had asserted their views, or in which proposals had arisen which would have brought them into direct contact with such areas, they were generally given little option. There were however exceptions. The very close concern of the department responsible for political matters with many of the questions that arose had sometimes led to doubt and misunderstanding as to which the responsible department and the fact that certain expenditure was definitely central complicated the question. Most of the areas indeed were administered on very different lines from the plains districts and the policy having been one involving a 'minimum of interference', decentralization in the hands of the

local officers had been so great that the system of administration was frequently not well known even at the headquarters of Government. The reliance on executive orders was necessitated on the one hand, by the fact that civil and criminal law were to a large extent a matter of local custom, and on the other, by the necessity of controlling practices which gave rise to problems other than those provided for by legislation in the plains.

Hills-Plains Divide

The Council had shown little interest in the administration of the backward tracts except for disapprobation of the fact that the cost of administration of the backward tracts except for disapprobation of the fact that the cost of administration of the hill districts as also the expenditure of the Assam Rifles should be met by the Government of India. Their feeling was represented before the Reforms by the Representatives of the Assam Association which gave evidence to the Functions Committee and it "was based upon the fact that the occupation of the areas concerned was necessitated by the duty of protecting the plains and not by the demands, save in a few rare instances, by the native inhabitants". The sole attempt made to endorse this view met with the comment by the Government of India that deficit of the hill districts was only an incident of the reforms upon a particular area. The deficit on the hills was then stated at 8.92 lakhs and the Government of Assam pointed out with reference to the Naga Hills (deficit 3.66 lakhs) and Lushai Hills (deficit Rs. 1.88 lakhs) that they were frontier territories abandonment of which would lay the plains open to the recurrence of raids from the tribals". Interest in Shillong had naturally been greater than elsewhere. Apart from attacks on the legal status of the municipal seat there had also been an attempt to bring the civil station under the jurisdiction of Calcutta

High Court. These movements were inconsistent though they had the common motive of a desire to import the ordinary law.

The general attitude of the Council may be illustrated by the following excerpts from speeches:

"We have no objection to bear the expenditure of the hill districts if they get the advantages of the civil administration which the plains districts have".
(An Assamese Responsivist)

"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 to see it within about 5 or 6 years and when this is done the case of Cachar will be a clear case". (A Sylhet Swarajist)

"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 administration or financial difficulty even when Sylhet is transferred to Bengal". (An Assamese Responsivist)

"Before long Assam Valley will have to see its own way to disjoin itself from the Hill districts". (An Assamese Swarajist)

The speeches of persons belonging to different persuasions illustrated a widely held distaste for bearing the cost of the backward tracts, and a fear that the political advance of the province might be

retarded either by the fact of their being yoked to the plains, or by the suggestion in the Ninth Despatch that without the hills Assam could not bear its present superstructure. A former Assam Minister, on the other hand, had expressed the opinion that 'without carrying the hill districts with it the province cannot attain self-Government'.

In view of the policy of non-interference in internal affairs, progress in the direction of fitting "all classes of the population without distinction to take their due share in the public life and Government of the Country" and of encouraging the inhabitants to "look for the redress of their grievances and the improvement of their condition to the working of representative institutions" had been 'nil', save so far as there had been educational advance due mainly to the activities of missionaries. There were in fact two main and irreconcilable forms of government among these heterogeneous tribes, the chieftaincy-hereditary or elective and a democracy of the city state type in some ways far in advance of European democracy as in the Khasi States. Nevertheless, the attitude of divide and rule was clearly evident from the Chief Secretary's confidential note: "Personally I agree with the view that the inclusion of these areas is prejudicial to their interests and also to the interests of the plains districts. So far no serious harm has been done but with any development of responsible government which may ensure unffortunate consequences may arise". The union of the hills and the plains were described officially as 'artificial' warranting a complete separation of the two and the idea of tribal federation was mooted by N.E. Parry and Dr. Hutton analogous to one operating in Burma in the Shan States' Federation.

Of all the backward tracts the Khasi Hills had the distinction of presenting memorials from 1921 for creating separate constituencies in the

Legislative Council of Assam. The local administration continued its soft corner for the area and noted: "The Khasis appear to me to be equal if not in advance of several of the other plains districts in the matter of education, understanding the meaning and use of a vote and in general civilization. They are certainly in my opinion as fit politically and socially to receive the dubious benefit of the franchise as the people of Barpeta or North Lakhimpur". The Khasi Minister was equally receptive and responded: "It must not be forgotten that competition is the thing that brings out the mettle in man. The Khasis are not afraid of the plains people. They deal with them all the time". Rev. Roy's argument with the Government were aimed at establishing the fact that the Khasi and Jaintia Hills was not a backward tract and another fellow Indian Minister Md. Saadulla fell in line with the idea. Rev. Roy objected to the remark of William Reid about the alleged pronounced bitterness of feeling between the natives and the Indian inhabitants. In his view: "The feeling of the Khasis towards the plains people is exaggerated by this expression. As there is feeling against one another in some respects among the various communities in India, so there is such a feeling no doubt existing in some measure between the Khasis and the plains people; but it should not be exaggerated as to make it look as if it is impossible for them to dwell together. About one-fifth of the population of this district has professed Christianity. The feeling among the Christians is quite different as they are always taught a universal spirit of love".

Officially it was later acknowledged that the Khasi and Jaintia Hills could hardly be declared to be absolutely a backward tract with the capital of the province therein. The Government however remained determined not to give the benefit of reforms to the so called backward tracts and the policy underwent only a partial modification in the

Government of India Act 1935, which provided for the creation of 'excluded areas' and 'partially excluded areas' thereby legitimising the distinction between the Hills and the Plains.

Notes & References

1. The Hill districts were declared by notification No. 5G dated 3 January 1921 (as per section 52 A(2) of the Government of India Act 1919) to be backward tracts and the Governor of Assam in Council was directed that. "Any Act of the local Legislature in Assam shall not apply to the said territories; ... it shall apply thereto subject to such exceptions and modifications as the Governor may think fit".
2. Confidential File No. Deposit - RFM, September 1928, Nos.89-99 (Assam Secretariat hereinafter A.S.)
3. Confidential File No. Apptt. and Pol., September 1928, Nos. 29-36 (A.S.)
4. Confidential Pol. B June 1925, Nos. 1359-60 (A.S.)
5. Confidential File No. Apptt. and Pol., September, 1928, Nos. 55-57 (A.S.)
6. Confidential File No. Apptt. B, March 1929, Nos.190-93 (A.S.)
7. In the post-independence period, the dividing line between the people of the hills and the plains became more sharp through the politicisation of the two terms tribal and non-tribal.