MEMORANDUM

FOR THE

INDIAN STATUTORY COMMISSION

ON THE

WORKING OF THE REFORMS

IN

BIHAR AND ORISSA

SUPERINTENDENT, GOVERNMENT PRINTING,
BIHAR AND ORISSA, PATNA
1930.

CONTENTS

	Pages.
Memorandum for the Indian Statutory Commission on the working of the Reforms in Bihar and Orissa	1—306

CHAPTER I.

The Province of Bihar and Orissa.

1. Composition of the province	1
2. Area and population	1—2
3. Geographical features and natural divisions	2
4. Bihar	2—3
5. The Chota Nagpur plateau	3—4
6. Orissa	4—5
7. Ethnological and linguistic differences	5—6
8. Constitutional adjustments for backward tracts	7
9. The large-scale industries	7—8

CHAPTER II.

Atmosphere.

10. The circumstances in which the Reforms were introduced ...	9
11. Political position	9—10
12. Communal relations	10
13. Symptoms of unrest	10—11
14. The launching of the *satyagraha* campaign	11
15. The first hartal	11
16. Non-co-operation preached	11—12
17. Boycott of excise shops	12
18. Capture of the Seva Samitis	12
19. Position at the inception of the Reforms	12—13
20. The first four months of 1921	13—14
21. Change in the tone of speeches	14
22. A lull in May to October 1921	14
23. Appearance of *sadhus*	15
24. The boycott of foreign cloth and the cult of the *charkha* ...	15
25. The real attack from October 1921 to April 1922 ...	15
26. Steps taken to restore order in Tirhut	16
27. Action against the national volunteer organization ...	16
28. Concessions to moderate feeling	16
29. The Prince of Wales' visit	16—17

CHAPTER II—*concld.*

Atmosphere—*concld.*

		Pages.
30.	Trouble in the aboriginal districts and Orissa ...	17—18
31.	The crisis of non-co-operation. Ahmedabad, Chauri-Chaura, Bardoli	18
32.	Attitude of the Legislative Council	18
33.	The arrest of Mr. Gandhi	18—19
34.	The last eight months of 1922	19
35.	Foundation of the Indian Swarajya party	19
36.	Another debate in the Legislative Council	19
37.	Foundation of the provincial branch of the Swarajya party. The municipal elections	19—20
38.	The 1923 Council and Assembly elections	20
39.	The district board elections	20—21
40.	Growth of ill-feeling between Hindus and Muhammadans ...	21—22
41.	The Bhagalpur " music before mosques " case	22
42.	The development in 1925	22—23
43.	The Sasaram riots in 1926	23
44.	Extension to Orissa	23
45.	The Bakr-Id disturbances of 1927	23—24
46.	Organization of provocative Hindu processions ...	24
47.	The Bettiah outbreak	24—25
48.	The present state of communal feeling	25
49.	Inter-caste antagonism	25—26
50.	The Lakhochak battle	26
51.	Labour troubles. The industries of the province ...	26—28
52.	Chronological summary	28
53.	A further review	29—31

CHAPTER III.

Financial Conditions.

54.	The position prior to the Reforms	32
55.	The result of the provisional settlement	32—34
56.	Recommendations of the Meston Committee	34—35
57.	The cost of revising the pay of the services	35—36
58.	Characteristics of the provincial revenue	36
59.	Land Revenue	36—37
60.	Excise	37
61.	Stamps	38
62.	Enhancement of registration fees and water-rates ...	38
63.	The Retrenchment Committee	38—39
64.	Lack of revenue from minerals	39—40
65.	Summary of the financial position	40—41
66.	Difficulty of imposing further taxation	41—42

CHAPTER IV.

Development of Representative Institutions.

	PAGES.
67. The scope of the chapter	43
I.—URBAN LOCAL BODIES.	
68. Legal basis and population	43
69. The elective element	43—44
70. The existing structure	45
71. Electoral qualifications	45
72. Size of the electorate and use made of the vote ...	45—46
73. Safeguards for minorities	46
74. The Executive	46—47
75. Powers of the executive and its responsibility to the municipal committee	47
76. Committees	47—48
77. Functions	48
78. Sources of income	48
79. Inadequacy of taxation	48—49
80. Details of income	49—50
81. Increase in income	51
82. Taxes for service. The water-rate	51—52
83. The latrine rate	52—53
84. Incidence of taxation	53—54
85. Details of expenditure	54—56
86. The death-rate	56
87. Control under the old Act	56—57
88. Present control. Position of local officials	57
89. Control by Government	57—58
90. Taxation	58—59
91. Removal of commissioners	59
92. Audit	59
93. Finance	60—61
94. Summary	61—62
95. Non-co-operation and the municipalities	62—63
96. The influence of the Legislative Council	63—64
II.—RURAL LOCAL BODIES.	
97. Number of district boards	64
98. The constitution of the boards in 1912	64—65
99. Modifications made prior to the Reforms	65
100. Further modifications prior to the Act of 1923	65
101. Changes in structure made by the Act	65—66
102. The elections of 1924	66
103. Nature of the appeals made to the electorate	66—67
104. The 1927 elections	67—68

CHAPTER IV—*concld.*

Development of Representative Institutions—*concld.*

II.—Rural Local Bodies—*concld.*

		Pages.
105.	The representation of Muhammadans	68
106.	The executive of the boards	68—69
107.	The functions of the boards	69
108.	Income	69—70
109.	Variations in income	70—71
110.	Government grants	71
111.	Expansion of different sources of income compared ...	71—72
112.	Expenditure	72—73
113.	Change in the direction of expenditure	73—74
114.	Other charges	74
115.	Administrative control	74—75
116.	Financial control	75
117.	Other control	75—76
118.	Changes made by the 1923 Act	76
119.	Finance	76
120.	Criticism of the boards prior to 1924	76—77
121.	The boards freed from control. Political propaganda ...	77—78
122.	Other criticisms	78
123.	The boards in 1925-26	78
124.	The boards in 1926-27	79
125.	The working of the boards. Education, Medical and Sanitation	79—80
126.	Veterinary	80—81
127.	Communications	81—82
128.	Water-supply	82
129.	General remarks	82—83
130.	The local boards	83
131.	Union committees	83—84
132.	Union boards	84
133.	Outside influences	85

III.—Other kinds of Representative Institutions.

134.	Co-operative Societies	85—86
135.	Election of headmen	86
136.	Caste *sabhas*	86—87

CHAPTER V.

The Local Government.

I.—The Executive.

137.	Personnel	88—89
138.	Distribution of business	90—91

CHAPTER VIII—*contd.*

The Working of the Departments—*contd.*	PAGES.
264. Private members' Bills	188—189
265. Effect of the reformed constitution	189—190
266. Control by the central Government	190
Forests.	
267. The functions of the department	190—191
268. Advance made from 1912 to 1920	191—192
269. Problems at the inception of the Reforms	192
270. The denudation of the Chota Nagpur plateau	192
271. The attitude of the Legislative Council	192—194
272. The question of transfer	194—195
273. The Forest services	195
274. Superior control	195—196
Finance Department.	
275. The position of the department before and after the Reforms ...	196
276. The attitude of the Legislative Council to the department ...	197
277. Reference to other chapters dealing with finance	197
Judicial.	
278. Scope of impact of the constitution on the department ...	197
279. The Court Fees (Amendment) Act	197—198
280. The Civil Courts (Amendment) Act	198
281. Another amending Bill	198—199
282. Debate on the High Court establishment	199
283. Urdu script in the courts	199
284. Corruption in the court offices	199
285. Exemption of agricultural produce from attachment ...	200
286. Lowering of legal qualifications	200
287. The general attitude of the Council	200
288. Superior control	200—201
Jails.	
289. Warders' pay	201
290. Prisoners' food and dress	201—202
291. Treatment of political prisoners	202
292. Whipping	202
293. Superior control	203
... *Irrigation.*	
294. Scope and staff of the department	203
295. Orissa Canals	203—204
296. Floods in Orissa	204—205

CHAPTER V—*concld.*

The Local Government—*concld.*

I.—THE EXECUTIVE—*concld.*

		Pages.
139.	Cabinet difficulties	91—92
140.	Collective responsibility of Ministers	92
141.	Council Secretaries	93
142.	Allocation of funds	93—94
143.	Relations of Ministers with the Finance department ...	94—95

II.—RELATIONS OF THE LOCAL GOVERNMENT WITH THE GOVERNMENT OF INDIA AND THE SECRETARY OF STATE.

144.	Exercise of superintendence, direction and control ...	95
145.	Legislative control	95
146.	Financial control	95—97

CHAPTER VI.

Elections to the Legislative Bodies.

I.—LEGISLATIVE COUNCIL.

Electorate.

147.	Brief description of qualifications	98—100
148.	Statistics. Original estimate and growth of the electorate ...	100
149.	Reasons for divergence from original estimate ...	100—101
150.	Causes of growth of electorate	101
151.	The present electorate	101
152.	Extent of enfranchisement	102
153.	Labour representation	102—103
154.	Representation of "depressed classes"	103—104
155.	Analysis of the unenfranchised	104
156.	Defects in the franchise rules	104—105
157.	The electoral roll	105—106
158.	Revision of the roll	106

Constituencies.

159.	Basis on which constituencies have been framed	107
160.	Inequalities in area, population and number of electors ...	107—108
161.	Territorial distribution	108
162.	Resultant representation of important interests ...	109
163.	Demands for amendment	109
164.	Plural member constituencies	109
165.	Reservation of seats	109
166.	Communal electorates	110

CHAPTER VI—*concld.*

Elections to the Legislative Bodies—*concld.*

Candidates.

	PAGES.
167. Nominations	110—111
168. Nomination by parties or interests	111
169. Status and quality of candidates	111—112
170. Scrutiny of nominations, challenge, rejection, disallowance ...	112—113
171. Withdrawals	114
172. Uncontested elections	114
173. Joint candidature	114
174. Multiple candidature	114
175. Administrative machinery	114

Elections.

176. Polling areas, times of voting, polling agency, experience gained	114—115
177. Method of voting	115
178. Means of securing attendance of voters	115—120
179. Use made of the vote	120—121
180. Conduct of voters	121—122
181. Personation and tendered votes	122
182. Election agents	122—123
183. Disorder at elections	123
184. Spoilt votes	123
185. Intelligence of the electorate	124
186. Counting of votes	124
187. Special methods of voting	125
188. Proportional representation	125
189. Status and quality of elected members	125—126
190. Election petitions	126
191. Costs	126—127

II.—ELECTIONS FOR THE CENTRAL LEGISLATURE.

Legislative Assembly.

192. Seats and qualifications of electors	127
193. Demands for revision. Growth of electorate	127—128
194. Candidates and elected members	128

Council of State.

195. Seats and qualifications of electors	129
196. Number of electors	129
197. Candidates and elected members	129—130
198. Votes cast	130
Table of election petitions	131—135

CHAPTER VII.

The Provincial Legislature.

	PAGES.
199. Constitution	136
200. The officers of the Council	136
201. Legislative action of the Council	137—139
202. Financial action of the Council	139—142
203. Use by the Governor of his power of restoration	142
204. Motions for reduction defeated by the use of the official block	142—144
205. Taxation and revenue	144—145
206. Resolutions	145—150
207. Resolution disallowed	150
208. Questions	151—152
209. Amendment of standing orders. Adjournment motions ...	152—153
210. The Public Accounts Committee	153—154
211. Standing Committees	154
212. Committees *ad hoc*	154—155
213. The Council and public opinion	155—156
214. Relations between members and their constituencies ...	156—157
215. Groups and parties in the Council. Party organization within the Council	157—158

CHAPTER VIII.

The Working of the Departments.

216. The method of treatment	159

I.—THE RESERVED DEPARTMENTS.

The Appointment Department.

217. The functions of the department	159—160
218. The influence of the Council	160
219. The attitude towards the Indian Civil Service	160—161
220. Weakening of the executive	161—162
221. Recruitment for the provincial services	162
222. The Lee Commission	162
223. Superior Control	162

Police.

224. Organization of the department	163
225. Strength of the Force in the pre-Reforms period	163—164
226. Cost of the Force in the Reforms period	164—165
227. Comparison with other provinces	165—166
228. The attitude of the Legislative Council	166—167
229. The use of the official block	167—168
230. The budget of 1928-29	168

CHAPTER VIII—*contd.*

The Working of the Departments—*contd.*

	PAGES.
231. Influence of the Council by means of questions and resolutions	168—169
232. Legislation	169
233. Effect of the attitude of the Council on the force	169
Political Department.	
234. Functions of the department	170
235. Attitude of the Council	170—171
236. United Orissa	171—172
237. Superior control	172
Survey and Settlement.	
238. Meaning of " Settlement "	172—173
239. Temporarily settled areas	173
240. Variety of Tenancy Acts	173
241. Method and finance of settlement	173—174
242. The Settlement staff	174
243. Effect of relaxation of superior control	174—175
244. An attempt at superior control	175—176
245. The influence of the Legislative Council	176—177
246. The use of the official block	177
247. The uncertainty of future progress	177—178
Other Land Revenue and kindred subjects.	
248. The Board of Revenue	178
249. Assessment and collection of land revenue	178—179
250. Crown lands and government and wards' estates	179
251. Collection of loans, local cess and other demands	179
252. Scope of this section	180
253. The Council's attacks on the land revenue agency ...	180
254. The Council and land revenue law	180—181
255. The Council and the management of government estates ...	181
256. Minerals in government estates	181—182
257. The Mica Mining Bill	182
258. The wards' estates	182—183
259. The Council and local cess and other miscellaneous collections	183—184
260. Superior control	184—185
Tenancy Legislation.	
261. The tenancy laws	185
262. The Bihar Tenancy Bill	185—188
263. Other Government measures	188

CHAPTER VIII—*contd.*

The Working of the Departments—*contd.* PAGES.

297. Water-rates 205
298. Other influence of the Council ... ... 205—206
299. Legislation 206

II.—THE TRANSFERRED DEPARTMENTS.

Education.

300. The importance of the department 207
301. Development under pre-Reforms Government ... ... 207—208
302. Defects of educational system ... ... 208—209
303. Problems at the inception of the Reforms ... ... 209—210
304. Restoration of a balance between primary and higher education 210—211
305. Equalization of development in the different territorial divisions 211
306. Equal opportunities for all classes ... ... 211—214
307. Sectarian education ... ... 214—215
308. Aborigines 215
309. Untouchables 215
310. Middle caste Hindus ... ... 215—216
311. Success in solving the problem 216
312. Female education 216
313. Wastage of effort ... ... 216—217
314. Vocational education in schools ... ... 217—218
315. Special institutions for vocational education ... ... 218—219
316. Medical education 219
317. The general problem of universal elementary education ... 219—221
318. Compulsory education 221
319. Free education 221
320. Degree of success attained 221
321. Improvement of pay of the teaching staff 222
322. Training of teachers ... ... 222—223
323. Controlling agencies 224
324. Directorate and inspecting staff ... ... 224—225
325. Other official agency 225
326. The local bodies ... ... 225—226
327. Release of the local bodies from official control ... ... 226—227
328. Conduct of local bodies ... ... 227—228
329. Position of the Minister 228
330. Private organizations Missions 228
331. Managing committees 229
332. Equipment of schools and colleges ... ... 229—230
333. The University and its colleges ... ... 230—231
334. Instruction in the vernaculars ... ... 231—232
335. Encouragement of popular control 232
336. Character building 232
337. Care of the children ... ... 232—233

CHAPTER VIII—*contd.*

The Working of the Departments—*contd.*

		Pages.
338.	Oriental languages	233
339.	European education	233
340.	Reformatory	234
341.	Transfer of control of educational policy	234
342.	Pre-Reforms control	234
343.	Limitation of control by the Secretary of State and the Government of India under the Reforms	234—235
344.	Attitude of the Legislative Council to educational finance ...	235
345.	Influence of the Council on policy	235—236
346.	Hampering action by the Council	236
347.	Financial difficulties	236—237
	Agriculture.	
348.	Staff in the pre-Reforms period	237
349.	Functions of the department	237—238
350.	Sabour College	238
351.	The central farms	238
352.	The small farm	238
353.	Reasons for slow emergence of results	238—239
354.	The attack in Council in 1921	239
355.	The Agricultural Committee	239—240
356.	Development of institutions and changes of personnel ...	240
357.	The achievements of the department	240—241
358.	The effect of the attitude of the Council on the department ...	241—242
359.	Receipts and expenditure	242
360.	Superior control	243
	Veterinary.	
361.	State of the department in 1912	243
362.	Progress prior to the Reforms	243
363.	Growth of staff during the Reforms period	243—244
364.	Growth of the work	244
365.	The new veterinary college	244
366.	Influence of the Legislative Council and control ...	244
367.	Expenditure	245
	Co-operative Societies.	
368.	Government's function in the department	245
369.	Progress of the movement	245—246
370.	Rural credit societies	246—247
371.	Other kinds of society	247
372.	The policy of Government	247
373.	The Co-operative Federation	247—248
374.	Financial and other aid from Government	248
375.	Superior control and influence of the Council	248
376.	A possible danger	249

CHAPTER VIII—*contd.*

The Working of the Departments—*contd.* PAGES.

Industries.

377. Origin of the department 249
378. Expansion of activities and growth of staff ... ... 249—250
379. Technical and industrial education ... ... 250—251
380. Industrial development 251
381. Textile ... ... 251—252
382. Engineering ... ... 252—253
383. Fisheries 253
384. State Aid 253
385. Influence of the Legislative Council 254
386. The cost ... ... 254—255

Registration.

387. Function of the department 255
388. Provision of buildings 255
389. Revision of pay 255
390. Check of corruption ... ... 255—256
391. Raising of fees 256
392. Expenditure ... ... 256—257
393. Attitude of the Council ... ... 257—258
394. Superior control 258
395. Internal working of the department 258

Local Self-Government.

396. The function of the department ... ... 258—259
397. The policy laid down in the Joint Report 259
398. The preparation of the bills relating to local bodies ... 259
399. The Acts as passed ... ... 259—260
400. The responsibility of the Minister of the time 260
401. The Local Fund Audit Act ... ... 260—261
402. Withholding of Government grants 261
403. Treatment by local bodies of their servants ... ... 261—262
404. The Local Self-Government Board 262
405. Attitude of local bodies to Government officers ... ... 262—264
406. Loans 264
407. The Minister *vis-a-vis* the Legislative Council ... ... 264—265
408. The Council's attitude towards local bodies in backward tracts 265
409. Excessive centralization ... ... 265—266
410. Superior control 266

Excise.

411. The importance of the department ... ... 266—267
412. Excisable articles 267

CHAPTER VIII—*concld.*

The Working of the Departments—*concld.*

	PAGES.
413. Distillery and outstill areas	267—268
414. Reduction in consumption of country spirit	268—269
415. Fall in consumption of drugs	269
416. Raising rates of duty	269—270
417. Reduction in number of shops	270—271
418. The hours of sale	271
419. Strength of liquor	271
420. Sliding scale fees	271—272
421. Licensing authorities	272
422. Smuggling and other matters	272—273
423. Expansion of revenue	273—274
424. Non-co-operation attack	274
425. Influence of the Council	274—275
426. Superior control	275—276
427. The internal organization of the department	276
Medical.	
428. Organization and functions of the department	276—277
429. Changes in staff	277
430. Expansion between 1912 and 1921	277—278
431. Expansion between 1921 and 1928	278
432. New institutions	279—280
433. The Prince of Wales Medical College	280
434. Encouragement of the Ayurvedic and Tibbi systems of medicine	280—281
435. The position of the civil surgeons	281—283
436. Growth of expenditure	283
437. Interest of the Legislative Council	283—284
438. Superior control	284
Public Health.	
439. Organization of the department	284
440. The medical branch prior to the Reforms	284
441. Development subsequent to the Reforms	285
442. Efforts to create local health organizations	285—286
443. The engineering branch	286—288
444. Public health in the coalfields	288
445. The Advisory Boards	288—289
446. The attitude of the Council. Expenditure. Superior control	289—290

CHAPTER IX.

The Reforms in the Districts.

447. Difficulty of the description	291
448. The district officer's position before the Reforms	291—292
449. Changes in the district officer's position consequent on the Reforms	292—293

CHAPTER IX—*concld.*

The Reforms in the Districts—*concld.*

	PAGES.
450. Relations between district officers and district boards ...	293
451. The district officer as Collector	293—294
452. As District Magistrate	294
453. Duty of organizing relief	294—296
454. The present sphere of the local civil officers	296
455. The effect of the Reforms on other local officers	297—298
456. The Reforms and the raiyats	298—300
457. The Reforms and the landed aristocracy	300—301
458. The Reforms and the smaller landed gentry	301
459. The Reforms and the political adventurer	301—302
460. A pessimistic survey of the present situation	302—303
461. Grounds for hope in the future	303

CHAPTER X.

The Services.

462. Relations between the reformed Government and the Public Services	304
463. The provincial and subordinate services	304—305
464. Relations with Ministers	305
465. The quality of recruits	305—306
466. The Public Services Commission	306
467. Indianization	306

Summary of the Memorandum on the working of the Reforms in Bihar and Orissa ... ... 307—316

Memorandum for the Indian Statutory Commission on the Growth of Education in Bihar and Orissa ... ... 318—331

Memorandum for the Indian Statutory Commission on the Backward Tracts of Bihar and Orissa ... ... 332—365

Memorandum for the Indian Statutory Commission on Minority Communities in Bihar and Orissa ... ... 366—371

The Financial Position of Bihar and Orissa ... ... 372—384

Further Note on the Financial Position of Bihar and Orissa ... ... 385—393

Notes on the Principal Revenue Heads in Bihar and Orissa ... ... 394—401

Memorandum for the Indian Statutory Commission on the Financial Aspects of an Oriya Province ... ... 402—409

Approximate Estimate of Revenue and Expenditure of Orissa (including Angul) 410

Memorandum for the Indian Statutory Commission prepared by the Governor in Council, Bihar and Orissa ... ... 411—438

Memorandum for the Indian Statutory Commission on the working of the Reforms in Bihar and Orissa.

CHAPTER I.

THE PROVINCE OF BIHAR AND ORISSA.

1. *Composition of the province.*—The province of Bihar and Orissa was constituted with effect from the 1st April 1912. It was formed mainly of districts, which had been almost from the beginning of British rule part of the presidency of Bengal, and which had remained so after the first partition of 1905. The only exceptions are:—the three Orissa coast districts, which did not become part of British India till 1803; the district of Angul, which was taken over part in 1847 and part in 1856; and the district of Sambalpur. This district was ceded by the Marathas in 1803, but returned in 1805. It again came under British suzerainty in 1817 but was left under the local Chief till 1849, when the doctrine of lapse was applied. Up to 1862 it formed part of the presidency of Bengal when it was transferred to the newly-formed Central Provinces. It was again transferred to Bengal in 1905 as part of the re-arrangements consequent on the first partition. In addition to the British districts, now 21 in number, organized into five Commissioners' divisions, there are 24 Feudatory States, situated in the south and south-west of the province, administered by the Governor in Council as the agent of the Governor-General.

2. *Area and population.*—The province covers an area of 111,809 square miles, of which 28,648 square miles lie in the Feudatory States. Its area is thus nearly twice that of England and Wales. Its population, nearly 38 millions, of whom four millions live in the Feudatory States, is very nearly the same.

In area it stands seventh of the nine major provinces, being larger than Bengal and Assam. In population it stands fourth, Bengal, the United Provinces and Madras having a somewhat larger population.

3. *Geographical features and natural divisions.*—It is situated between 19° 02′ and 27° 30′ N. latitude and between 82° 31′ and 88° 26′ E. longitude, and is roughly a rectangle with the long sides running north and south. It intervenes between Bengal on the east, and the United Provinces and Central Provinces on the west, while it marches with Nepal on the north and Madras on the south. The south-east corner of the rectangle is cut off by the Bay of Bengal which gives a seacoast of some 300 miles to the province. The northern part of the province consists of an alluvial plain drained by the Ganges and its tributaries. The centre and south-west consists of an undulating formation with rich winding valleys, open uplands and wooded hills rising at points to over 3,000 feet in height. The south-east portion is a strip of alluvial country between the hills and the Bay of Bengal, formed by the deltas of the large rivers that drain the hilly country behind it, and rise far back in the Central Provinces and Madras. The first portion contains all the Bihar districts except the Santal Parganas, the second Santal Parganas, the Chota Nagpur districts, the Feudatory States and the Orissa districts of Sambalpur and Angul. The third comprises the three Orissa coast districts, Balasore, Cuttack and Puri. In creed and economic position the three divisions of the province have different characteristics, which have their political reactions, and it will be convenient to consider each in turn, calling the first Bihar, the second the Chota Nagpur plateau, and the third Orissa.

4. *Bihar.*—Bihar with an area of 36,898 square miles supports a population of 21½ millions. The bulk of these are Hindus, 83 per cent. in the part north of the Ganges and 91 per cent. in South Bihar. Practically all the others are Muhammadans; Christians, Animists and others barely contributing one-quarter per cent. The Muhammadans form a distinctly larger element in the towns than in the rural area, though in one district, Purnea, they number 40 per cent. of the whole population. The preponderance of rural population over urban is very marked. In North Bihar only 27 persons out of every 1,000 live in places, classified as towns, which may be roughly described as centres of population containing 5,000 or more persons, whose occupations are in the main urban. In South Bihar the urban population is more

important being 72 per mille of the whole, the large towns of Patna (120,000), Bhagalpur (69,000) and Gaya (68,000) contributing greatly to that result. There are practically no minerals in Bihar, and no large scale industries, except the railway workshops at Jamalpur and the Peninsular Tobacco Company's works at Bansdeopur, both near Monghyr. The indigo factories have ceased to be of much importance, though their place has been taken to some extent by sugar factories and rice mills. The bulk of the urban population live by trade or petty industries, as also do those in the rural area, who are not agriculturists. In North Bihar 881 per mille are agriculturists, 39 depend on industries and 31 on trade. In South Bihar the importance of agriculture is slightly less, 726 per mille depending on that, 91 per mille on industries and 54 on trade. It is usual to describe the soil of Bihar as very fertile, but that is by no means generally true. North Bihar has tracts of good light soil, which with sufficient rain and adequate manure will produce valuable crops, while its rice fields under favourable conditions bear good crops, though not so heavy as those of Bengal. South Bihar, except for a narrow strip of fertile soil close to the Ganges, has a poor soil; the southern portion of it frequently suffers from drought and is only saved even in normal years from a failure of the rice crop, much the most important crop, by public and private irrigation works. There is an impression that because some of the area is shown as growing two crops in the year, that it is exceptionally fertile, but the second crop is for the most part a very light crop of peas, which has little economic value, though possibly useful for replacing the nitrogen, which the rice has taken from the soil. The great density of the population, 642 per square mile in North, and 502 in South Bihar presses heavily on the agricultural resources of the area.

5. *The Chota Nagpur plateau.*—The Chota Nagpur plateau comprises an area of 66,680 square miles and supports a population of $12\frac{1}{3}$ millions, to which the Feudatory States and the British district of Angul, which is outside the Reforms, contribute rather more than 4 millions. The Hindus again largely preponderate with $74\frac{1}{2}$ per cent. of the population; Animists come next with $18\frac{1}{2}$ per cent.; Muhammadans contribute only $4\frac{1}{2}$ per cent., while Christians, who in the whole province are less than 1 per cent., are here nearly $2\frac{1}{2}$ per cent. of the population.

The urban population is, like North Bihar, only 27 per mille of the whole, a proportion much reduced by the inclusion

of the Feudatory States, where little more than 6 per mille of the population live in towns. The towns are smaller than those of Bihar, but fairly numerous, and most of them are, unlike the Bihar towns, developing. The last twenty years has seen the creation of the large town of Jamshedpur, which is the headquarters of the Tata Iron and Steel Company and of several subsidiary companies, and now has a population of 57,000. Besides the population living in actual towns there is a considerable population of a semi-urban character in the Jharia, Giridih and Ramgarh coalfields, where over 100,000 persons are employed.

Chota Nagpur comes midway between North and South Bihar in the relative importance of agriculture, 822 per mille of the population being engaged therein. Industry supports 67 per mille and trade 28, while 15 per mille are engaged in mining. Apart from the Jamshedpur works, and the coalfields, there is an appreciable part of the population employed in manufacture of lac (the production of the raw material being an important subsidiary occupation for the agriculturists), and in mica mining. The soil of the Chota Nagpur plateau varies greatly in fertility. The bottoms of the valleys usually receive plenty of moisture and bear fine crops of rice, which extend in good years well up the slopes. The crop of the higher rice land is, however, precarious, while the uplands on which maize is the principal crop are also dependent on seasonable rain. Much of the upland soil is incapable of bearing a crop more than once in two or even three years. A good deal of the plateau is still covered with forest, though reckless cutting has much diminished the area in the last fifty years, and left land which is useless for agriculture covered with scrub jungle. These factors account for the relatively low density of population, which is only 186 per square mile throughout the whole tract, and only 138 in the Feudatory States.

6. *Orissa.*—Orissa, *i.e.*, the three coast districts, has an area of 8,231 square miles and carries a population of just under 4 millions. It is predominantly Hindu, nearly 97 per cent. belonging to that religion, while Muhammadans are less than 3 per cent. and other religions contribute barely one-third per cent.

The urban population is relatively more important than it is in North Bihar and Chota Nagpur being 38 per mille, mostly concentrated in the two towns of Cuttack and Puri. The former has a number of small industries, but the latter

supports its population mainly by catering for the pilgrims to the Jagannath temple and for the visitors, who are in search of health. In spite of its long coast line, there is no port except at Chandbali, where little business is done. Though the Dhamra estuary, up which Chandbali lies, has now been proved by recent hydrographical survey to be capable of important development, there is no immediate prospect of sufficient trade to justify the expenditure needed for it.

Orissa has the lowest proportion of agriculturists, though even there 719 per mille are so employed. Although no industry in Orissa is highly organized, in the aggregate 115 persons per mille are so occupied, and Cuttack is the most industrialized district in the province, while Puri comes third in that respect. Traders are also more numerous than elsewhere, being 65 per mille of the population, while the professions support 22 per mille, against the provincial figure of 9, the main reason being the large number of priests in the Holy Land of Hinduism. Although the soil of Orissa is moderately fertile, agriculture suffers greatly from periodic floods, which occur on the average once in three years. The tract, which is the delta of a number of large rivers, receives a great volume of water whenever heavy rain falls on the Chota Nagpur plateau, while the drift of sand from the Bay of Bengal blocks the exits of the rivers. In spite of these drawbacks the density of the population, 486 to the square mile, is but little less than that of South Bihar.

7. *Ethnological and linguistic differences.*—The three natural divisions clearly differ markedly in physical features as well as in distribution of religions and occupations. They also differ ethnologically and linguistically. In Bihar the bulk of the population is mainly of Aryan stock, though the upper classes of Muhammadans are descended from Moghul, Pathan and Afghan invaders, while Hinduism has long ago absorbed the aboriginal races, who did not retire into the jungles. These last form the lowest castes of Hindus, and comprise about one-sixth of the population. Aboriginals, who have preserved their identity, form less than two per cent. of the population.

Hindi or Urdu is practically the universal language, some 99 per cent. of the population speaking one or other. The last census showed less than 300,000 persons in the whole province as speaking Urdu, and in fact the language spoken by Hindus and many Muhammadans is really the same, though the latter may use an occasional Persian or Arabic word or

phrase. Purnea supplies a number of Bengali speakers, and that district and the neighbouring district of Bhagalpur contain some Santals, who speak one of the Munda languages. But together these amount to little more than 1 per cent. of the population.

On the Chota Nagpur plateau the case is quite different. There practically half the population are aboriginals, though some of them have been comparatively recently absorbed into Hinduism or converted to Christianity. Another 10 per cent. are low caste Hindus, of aboriginal stock but absorbed long ago. Only 30 per cent. of the population speak Hindi, 32 per cent. Oriya, 12 per cent. Bengali, 20 per cent. one of the Munda languages and 8 per cent. Dravidian languages. Hindi is the main language for Hazaribagh and Palamau where over 90 per cent. speak it. Oriya predominates in Angul, Sambalpur and the Orissa Feudatory States, Bengali in Manbhum. Ho, a Munda language, is spoken by 55 per cent. of the inhabitants of Singhbhum; Mundari by 30 per cent. of those of Ranchi, and Santali by 39 per cent. of those of Santal Parganas; while one or other of these kindred languages is used by a considerable proportion of the inhabitants of the Feudatory States and is important in Manbhum. Oraon, a Dravidian language, serves 24 per cent. of the Ranchi population, while Kui serves 26 per cent. of the Angul population, and Dravidian tongues are found to an appreciable extent in Palamau, Santal Parganas, Sambalpur and the Feudatory States.

The persistence of the Munda and Dravidian languages is illustrated by the facts that against 4 millions enumerated as belonging to tribes, with such languages, nearly $3\frac{1}{4}$ persons actually speak them, and that the proportion of such persons to the total population of the province speaking Indian languages remained practically constant at 87 per mille between 1911 and 1921.

In the Orissa coast districts, Aryan stock, or at any rate races that long ago adopted an Aryan language and civilization, prevail as markedly as in Bihar. Aborigines, other than those who have lost their identity in becoming Hinduized, are two and a half per cent. The lowest castes, who are here subjected far more rigidly to the disadvantages of caste, form about one-eighth of the population. Oriya is used by 96 per cent. of the population and Hindi by less than 3 per cent. Bengali, spoken by less than 1 per cent., comes next in importance.

8. *Constitutional adjustments for backward tracts.*—Owing to their large aboriginal population, certain areas in what now constitutes the province of Bihar and Orissa have long been recognized as requiring exemption from the operation of the general laws and regulations in the more advanced parts, and in the Reforms of 1919 this position was accepted and maintained. Angul was wholly, and the five districts of Chota Nagpur, the Santal Parganas and Sambalpur partially, exempted from their operations as backward tracts by a notification under section 52-A, of the new Act. For the latter districts the new constitution is generally in force. They return members to the Legislative Council, the Ministers control the activities of the transferred departments within their boundaries, and the expenditure on them is subject to the vote of the Council to the same extent as in the ordinary districts of the province. The safeguards provided are merely (1) that when a law is made by the central or local Legislature solely applicable to all or any of these districts, a provision must be inserted that it shall come into operation only on such date and subject to such exceptions and modifications, if any, as the Governor-General in Council or the Governor in Council may direct, and (2) that the Governor in Council may direct that any Act of the local Legislature shall not apply to these districts or any part of them, or shall apply subject to such exceptions or modifications as the Governor may think fit. The safeguards are intended to provide against legislation unsuitable for the aboriginal peoples, who form a considerable proportion of the population of every one of these districts. There has been no occasion to apply the former safeguard; the latter has been applied in the case of the Local Self-Government (Amending) Act, 1923. The subject will be treated in greater detail in a separate memorandum.

9. *The large scale industries.*—There is one other feature of the province, which requires mention here. Though the population is predominantly agricultural and even the majority of the industrial population live by small scale industries, there is still by no means negligible part of the population engaged in large scale industries. It is desirable to give some more detail of that population. The largest concentrated industrial population is that employed at Jamshedpur, in the district of Singhbhum, in the Tata Iron and Steel Works and subsidiary companies. At the time of the census of 1921 some 26,000 persons were employed there, and in the following year the employees were estimated at 40,000. The superior posts are

mostly filled by Europeans and Americans, including the foremen; the skilled labour is mainly drawn from the Punjab and the United Provinces, the unskilled from the aborigines of Singhbhum and neighbouring districts. The labour force is for the most part permanent. The only other concentrated industrial centre is the East Indian Railway workshops at Jamalpur in the Monghyr district, where some 12,000 persons are employed. Here too the labour force is permanent and the bulk of it is recruited from the neighbouring villages, among the small cultivators and landless labourers. About five miles away is the Peninsular Tobacco Factory at Bansdeopur employing some 2,000 persons. These are mostly skilled or semi-skilled and are recruited from the town of Monghyr. Coal mining is, however, the most important industry of the province, employing some 100,000 persons. These are scattered over a large area centring round Jharia in the Manbhum district, now much the most important coalfield in India, and again near Ramgarh and Giridih in the Hazaribagh district, besides small groups in Sambalpur and Palamau. The labour in Manbhum is largely seasonal, greatly increasing during the seasons when work in the fields is slack. It is largely drawn from the aborigines of the neighbouring districts, but recruits are obtained also from the Central Provinces, and the United Provinces. Ramgarh, where development is much less forward than in the Jharia field, depends greatly on local agriculturists. Giridih has a more fixed labour force, the East Indian Railway, to whom the principal mines belong, having from the first adopted the policy of using indigenous labour and looking after it. Other mining enterprizes such as the iron-ore deposits in Mayurbhanj and Singhbhum, copper in Singhbhum and mica in Hazaribagh and Gaya deserve mention though in no case has the industry reached the proportions that give rise to special social problems. Finally there is the general labour force of the railways that run through the province, the East Indian, all three of whose main lines traverse the central portion, the Bengal-Nagpur whose Madras line goes through Orissa and whose Nagpur line serves the southern part of the Chota Nagpur plateau, the Bengal and North-Western, which serves most of North Bihar, and the Eastern Bengal, which affects the district of Purnea only.

CHAPTER II.

ATMOSPHERE.

10. *The circumstances in which the Reforms were introduced.*—It is common knowledge that the Reforms were introduced at a moment which a number of entirely extraneous events combined to make singularly unpropitious. The War, though its economic effect took some time to spread in India, had, by 1917, caused a grave rise in the price of certain articles of necessity, particularly clothing and kerosine oil, widely consumed by a population with little margin for comfort. while by its influence on internal transport it had pushed up the price of salt, a third necessity of universal importance. On top of these economic troubles came the failure of the 1918 monsoon, widespread over nearly all India, forcing in 1919 food prices up to a pitch far beyond any previous record from which they have never fully receded. While the effect of this calamity was coming to its climax, the influenza scourge swept the country, causing in the British districts of Bihar and Orissa the death of some 600,000 persons in less than six months, nearly fifty per cent. more than the dreaded plague carried off in the whole decade of 1911 to 1920, and adding more than half as much again to the normal number of deaths of the year. All these calamities were felt by the rural population as much as, or even more than, by the urban. Their effects had to be palliated, as far as human effort could avail, by a staff depleted for War needs and overstrained with the heavy work and anxieties of that period. It is not altogether surprising that faith in the *Sarkar's* power to aid in time of need was a little shaken.

11. *Political position.*—From anarchical influence the natural population of the province had been comparatively free even in the worst time, though in certain places within its boundaries outsiders had plotted and organized several crimes and had actually carried into effect one of the worst. Advanced political views, advocated on constitutional lines, had a fair number of adherents in the larger towns where branches of the Home Rule League had been formed, though their influence was comparatively small even there and negligible in the rural areas up to 1917. In that year some long-standing disputes between the landlords, mainly European planters, and their raiyats in the district of Champaran,

which were being carefully investigated in the course of settlement operations, were brought into the political field by the visit of Mr. Gandhi at the invitation of certain advanced politicians. To check the mischief which an *ex parte* enquiry was causing, Government appointed a committee, with Mr. Gandhi as a member. This was hailed as a triumph for him, and "Gandhiji" became a household word in Tirhut, as the saviour of the raiyat and practically a new addition to the Hindu pantheon. He had only to cast the halo of his own sanctity over a movement to ensure its success in that part of the province. Though members of the politically-minded class had previously from time to time taken a hand in agrarian disputes, the rural population had never before been so seriously touched by what was essentially a political movement.

12. *Communal relations.*—Before following up the progress of these events, it is necessary to mention another political factor which conditioned the inception of the Reforms. In most parts of the province the relations between Hindus and Muhammadans were generally friendly, but in the Patna Division and to a lesser extent in the Bhagalpur Division, the possibility of a clash at the Muhammadan festival of the Bakr-Id over the question of cow-sacrifice was always a great anxiety. In 1916 serious riots took place both in the Patna and Gaya districts, and these were followed in 1917 by a very grave outbreak in Shahabad, spreading to the neighbouring districts of Patna and Gaya, that required for its suppression the presence and strong action of large bodies of regular troops for some weeks. In this outbreak the Hindus were entirely the aggressors. The long continuance of the War had given currency to the idea that the resources of the British Raj were exhausted, and an active recruiting campaign in a district, where recruitment had been nominal for many years, confirmed the impression. The opportunity was seized to attempt to terrorize the Muslim minority into abandoning the practice of cow-sacrifice, a practice enjoined by their scriptures yet utterly repugnant to the religion of the Hindus among whom they lived. The violence and brutality of the attack aroused in this province and generally in India great bitterness among the Muhammadans; but the fact that the Khilafat question came into prominence shortly afterwards diverted their religious animosity from the Hindus to the British Government.

13. *Symptoms of unrest.*—The rise of certain movements mainly of a religious character, but fraught with danger among an excitable and ignorant population, in the districts inhabited

by aborigines especially Ranchi, the unrest caused in certain Feudatory States by recruitment of labour corps, and an outbreak in a Feudatory State on the border of the province, all added to the anxieties of the time immediately preceding the inception of the Reforms.

14. *The launching of the satyagraha campaign.*—It has already been indicated that the ground had been well prepared in a part of the province for any movement headed by Mr. Gandhi. In February 1919, the *satyagraha*, or passive resistance movement was launched by him as a protest against the Rowlatt Bills. But it was not till after the Delhi disturbances of the 30th March that the leading politicians of advanced views in this province decided to back it. Little advance was observed in the province for the greater part of that year, though the Delhi and the Punjab disturbances were beginning to have a degenerating effect on the masses throughout the Bihar districts, accentuated by the circulation of grossly false rumours intended to discredit Government.

15. *The first hartal.*—In early 1920 the chief activities were on the Khilafat side of the movement, in which up to then this province had taken little interest. The anti-Turkish agitation in England gave it a marked stimulus, and urged on by outside influence, arrangements were made to hold the first hartal in the province on the 19th March to protest against the supposed danger to the Khilafat and the Holy Places. Shops were closed in six important towns and a partial hartal was observed in a few others. But it was necessary to represent to the more ignorant that it was the order of Government that shops should be closed to secure even that degree of success. The " national week of humiliation and prayer " in commemoration of the Punjab riots, ordained by Mr. Gandhi, met with even less success in April 1920.

16. *Non-cooperation preached.*—Actual non-cooperation was first preached in the province at the end of that month, Maulana Shaukat Ali being brought in to inaugurate the campaign. In spite of a good deal of wild talk and the passing of resolutions in favour of it at the Provincial Congress Conference at the end of August, with the help of specially imported delegates, the campaign failed to enlist the support of the responsible political leaders. Among the prominent men only a very few declined to stand for the Council, and those were by no means sure of election; scarcely any persons surrendered honours or abandoned practice at the bar, and the boycott of schools, courts and foreign goods fell decidedly flat. The

attempt to keep back voters from the polls failed as a whole as the figures given elsewhere clearly show, though some slight success was obtained in a few localities.

17. *Boycott of excise shops.*—A more immediate as well as a more sustained success was obtained by the movement to boycott liquor shops, of which the real object was the paralysis of Government by the diminution of the excise revenue, but which absorbed a genuine temperance movement already in existence. Starting in the Shahabad district in November 1920, it made rapid progress and was in full swing in most districts throughout the province two months later.

18. *Capture of the Seva Samitis.*—It was in this campaign that a new organization first appeared which ultimately assumed very great importance. For a number of years the Seva Samitis had been in existence, with the object of social service. In that sphere they had frequently done good work, though they had been used also for political purposes. The opportunity for employing them to further a "temperance" campaign and the chance of recruiting them from the students, who were persuaded to give up their studies, were eagerly seized on by the advanced political leaders, and by the end of 1920 societies had been established in practically every district, and, in spite of feeble efforts from the original organizers to prevent it, they had been definitely attached to the non-cooperation party. So, while in November 1920 no paper published in English in the province refrained from expressing disapproval of non-cooperation as a practical measure and a visit to the province of Mr. Gandhi and Maulana Shaukat Ali in early December had had little success, yet the instrument for future action was ready and only required some more polish to become dangerous.

19. *Position at the inception of the Reforms.*—At the close of 1920, that is to say when the reformed Government assumed the reins of office, the effect of the non-cooperation movement was only apparent in urban centres and among the students. Even amongst them it was mainly those who had little chance of passing their examinations or were in difficulties about paying their fees, who had been recruited. In the rural areas the apparent hold obtained was surprisingly small, though it was clear that, if the campaign of vilification of Government were to be continued indefinitely, effects of the greatest gravity would follow. This vilification was carried on not by those, who by public work previously performed had gained the position of leaders, but by the rank and file of the

movement, whose want of balance converted criticism into wild abuse. By such as these it was urged that no justice was meted out in courts, that Government employees, including magistrates, *amla* and peons were all dishonest, that European officers had grown fat on Indian money. Hindustanis were taken to the Colonies as coolies and there their women were dishonoured. The Holy Places of the Muhammadans had all been stripped of their possessions: and for this revenge would be taken when the opportune moment should arrive.

20. *The first four months of 1921.*—The Nagpur Congress, in the last days of 1920, recast the non-cooperation programme adding thereto precepts for organizing, especially in rural areas, and for raising funds for the purpose. Returning at the beginning of 1921, fortified by contact with the all-India leaders, the provincial leaders of the movement set vigorously to work. They scored a success by bringing Orissa, which had hitherto been scarcely affected, into the sphere of their activities and by extending the movement in the three Bihar Divisions. A sudden outbreak of looting in the weekly markets (*hâts*) occurred in two districts. The boycott of Government schools and colleges increased markedly and a National College was established whose syllabus included political propaganda in villages. The anti-liquor movement gained strength, and by March, when the settlement of excise shops was due, it was strong enough to affect the bids seriously. The Seva Samitis had been organized as "National Volunteers" absorbing the existing force and swelling its numbers to a total of 6,000 with recruits from the illiterate and criminal classes, in spite of protests from the central control. Hartals were successfully enforced in Monghyr and Bhagalpur when the Governor, Lord Sinha, visited those towns within two months of his appointment. A further disquieting feature was the attempt to bring in one of the religious movements among the aborigines, to which reference has been made. This was promptly countered, and the aboriginal tracts remained quiet for some time to come. The first four months of 1921 was a period of great strain and anxiety, as it then became evident for the first time that the non-cooperation party had obtained a real hold on the rural population in many districts. The anxiety was increased by unrest, due almost entirely to economic causes, among the police, culminating in an actual strike at Gaya in February. The non-cooperators were perfecting their organization of *panchayats*, for decision of civil and criminal cases as well as for propaganda work, and of thana and district

Congress Committees to control them and ultimately to take over the general administration of the province. Their declared aim was the establishment of Swaraj by means of non-violent non-cooperation. Civil disobedience had not yet been adopted, and directions were given that all acts or works tending to excite violence, picketting, and social boycott were to be studiously avoided. The principal object for the movement was declared to be to discipline and instruct the raiyats. Yet in this period, among other less serious breaches of the peace, there occurred the outbreak of *hât* looting already noted as well as a dangerous attack on the sub-jail and police-station at Giridih, while free resort was made to the weapons of picketting, intimidation and social boycott to promote the campaign against excise. The boycott even extended to closing Muhammadan cemeteries to the families of excise vendors and in one case to the mutilation of a corpse after burial.

21. *Change in the tone of speeches.*—The tone of speeches in the autumn of 1920 has already been indicated. The main part of the abuse was then directed against Government and its servants and those responsible for the suppression of the Punjab rising. During the next six months, however, hostility to Englishmen as a whole was included and incitements to violence became common. The superiority of German rule to British was asserted and the numerical inferiority of the British in India pointed out.

22. *A lull in May to October 1921.*—The period of severe strain continued till May 1921, but it was followed by a marked lull which lasted till October of that year. The change was due partly to the successful prosecution of offenders against the ordinary law, partly to quarrels among the leaders and the widening of the breach between Hindus and Muhammadans, partly to the growing feeling against the truculence of the volunteers now swelled to 10,000; against the arbitration courts of the *panchayats* and against the constant call for funds, and partly no doubt to the fact that the leaders realized that their organization was neither complete nor properly disciplined. The general situation in Tirhut remained unsettled throughout May, and several assaults on Europeans occurred there. It improved considerably during the later part of the period but began to deteriorate again by October. Picketting of excise shops ceased for a spell, but revived in September, though the vendors showed far more readiness to stand up for themselves. Illicit distillation, which was openly advocated by many of the " temperance " workers, continued to flourish.

23. *Appearance of sadhus.*—About this time there appeared agitators of a new type garbed as *sadhus* (holy men) with a more fervent appeal to racial hostility and hints of a vast organized force ready to move when the hour struck. They described the Government as *dacoits* (robbers) and blood-suckers. Europeans were declared to be cunning, treacherous and without humanity: but after all they were a mere handful to be crushed by the 52 lakhs of *sadhus* ready to act if Swaraj were not obtained by the end of the year, when streams of blood would flow.

24. *The boycott of foreign cloth and the cult of the charkha.*—In July 1921 the Congress Committee met at Bombay and resolved to concentrate on the boycott of foreign cloth and the cult of the *charkha* (spinning wheel) as the principal means of obtaining Swaraj. Neither policy gained a quick success in this province. Bonfires of foreign cloth lacked fuel and such as they got were usually rags and rubbish supplied by the organizer.

25. *The real attack from October 1921 to April 1922.*—The next period of six months from the end of October 1921 to the end of April 1922 was that of the real attack, with the threat of organized civil disobedience looming in the immediate future and the whole structure of Government endangered. It opened with the burning and looting of an isolated sugar factory in Champaran district in broad daylight by a mob of some 5,000 persons, shouting "Gandhi ki jai". The European manager was not present. Seven factory servants were severely injured, one nearly fatally, while others barely escaped being burnt to death in their lodgings. For the next three or four months the Tirhut Division was greatly disturbed. Defiance of authority was common, police-stations were attacked and threatened and Europeans were frequently assaulted and insulted and Government servants were subjected to pressure of every kind to induce them to resign their posts in pursuance of the policy, for propagating which in its extremest form the Ali brothers were arrested, and the Delhi *fatwa* proscribed. Speeches were delivered by irresponsible agitators calling for more volunteers ready to bear down by weight of numbers and in complete disregard of casualties the resistance, which Government officers would be sure to put up against an attempt to stop public business. The imminence of civil disobedience was proclaimed and the announcement made that Mahatma Gandhi was about to wage war against the Government.

26. *Steps taken to restore order in Tirhut.*—In order to restore respect for authority Government were compelled to send military police to the Tirhut Division, to obtain the assistance of regular troops from the military authorities and to appoint large bodies of additional police, the cost of which was recovered from the inhabitants of the disturbed areas.

27. *Action against the national volunteer organization.*—During November similar symptoms had appeared in many other districts, and on the 17th of that month the hartal to mark the arrival of His Royal Highness the Prince of Wales in India was generally successful throughout the province. In the first half of December non-cooperation activities were concentrated on preparation for the inauguration of the civil disobedience movement in selected areas of the Tirhut Division, and for an effective hartal at Patna on the occasion of His Royal Highness' visit to that city and the local Government decided that the time had come for exceptional measures. On the 10th December a notification was published under the Criminal Law Amendment Act, declaring certain associations to be unlawful, a step which was followed by house searches at all district headquarters, the seizure of non-cooperation papers and the arrest of a large number of volunteers.

28. *Concessions to moderate feeling.*—It had been hoped that support from the Moderates for this measure would to some extent have been forthcoming, specially at Patna itself, which was being throttled by the hartal organizers. But this expectation was falsified. A deputation of Moderates immediately waited upon the Government and asked that the notification should be cancelled. Government considered that some concession was necessary in order to prevent a complete fiasco on the occasion of the Prince's visit, and gave an undertaking that further proceedings would not be taken under the notification without their previous approval.

29. *The Prince of Wales' visit.*—This concession relieved the immediate tension, and secured the full co-operation of the better classes in the ceremonies and functions of the Royal visit, but it did not prevent the hartal in the city on the first day and the crowd of spectators on the arrival of the Prince was much smaller than it otherwise would have been, while public conveyances were hardly obtainable. There was no hartal on the second day, when the crowds also were larger. The garden party to His Royal Highness was a complete success largely owing to the attitude of the landholders and other Moderates. While the concession thus, at least partially,

served its purpose at Patna, the modification of the orders passed only ten days before produced an unfortunate effect, not unforeseen, in the districts, where it was interpreted as evidence of weakness. The primary object, however, of the notification had been achieved, valuable information had been secured, leaders had been arrested, and the weapon of the Act was held *in terrorem* over members of the associations, with the effect that their activities became much reduced, if not suspended. District officers, in the aboriginal districts, were left a free hand, and the Act was applied with vigour in the Santal Parganas, Palamau and Manbhum, and later in the Orissa districts.

30. *Trouble in the aboriginal districts and Orissa.*—In the early months of 1922 the Tirhut Division continued to be disturbed, but the measures taken gradually produced their effect, and the situation steadily improved. At this time the position was complicated by the strike on the East Indian Railway, which locked up practically the whole resources of the local Government in the shape of armed and military police. This might have proved dangerous for energetic attempts were now being made to enlist the aboriginals in support of the non-cooperation movement, especially in the Hazaribagh and Palamau districts of Chota Nagpur and in the Santal Parganas. In the latter district an aboriginal rising was narrowly averted by the courage and decision of the district officer. Orissa was comparatively quiet till the spring of 1922, but the leaders were organizing widely and a series of fires in Cuttack started in March a panic which spread to other parts of the Division and led to attacks on the rural police. At Cuttack itself rumours sedulously spread by the non-cooperators that the fires were the work of the police led to serious consequences. An excited mob attacked and arrested a constable and brought him to the District Magistrate, who ordered him to be kept in custody pending an enquiry. This did not satisfy the mob who took him before two leading non-cooperators at their headquarters. The treatment accorded to one of their comrades in the presence of the executive head of the district was greatly resented by the local police force, who wished to resign in a body. The Commissioner and the senior police officer with great difficulty pacified the men. Barely three weeks later a serious outbreak occurred in the Kanika estate in Orissa, where a large *meli* (mass gathering) organized under the auspices of the non-cooperators led to violent disturbances. It was found necessary to appoint additional police in this area, while action was taken about this time

with good effect against the principal Oriya leaders under the Criminal Law Amendment Act.

31. *The crisis of non-cooperation. Ahmedabad-Chauri Chaura-Bardoli.*—Midway through the period came the Ahmedabad Congress of Christmas 1921, which appointed Mr. Gandhi the practical dictator of the Congress and declared open war on the Government with civil disobedience as the weapon. After the failure of the conference between the Congress leaders and more moderate politicians and the Government of India's reply to Mr. Gandhi's ultimatum, civil disobedience was about to start in Bardoli, when the terrible outrage at Chauri Chaura occurred on February 4th. The effect of that outrage on the leaders in Bihar was marked and the Bardoli resolutions, which banned mass civil disobedience, were accepted with little opposition.

32. *Attitude of the Legislative Council.*—The Legislative Council had in March 1921 debated an adjournment motion on the subject of a circular letter explaining the views of Government on the non-cooperation movement and the measures they desired their officers to take to counter it, but had on the whole accepted the reasons which led to its issue, when these were explained. In December 1921, however, the atmosphere of the Council was distinctly worse and Government had not sufficient support to challenge a division on a resolution urging them to withdraw the notification under the Criminal Law Amendment Act and to release immediately and unconditionally all persons detained under it. Throughout the cold weather sessions individual members of the Council by questions continued to show their sympathy with the movement and their lack of appreciation of its growing menace. The explanation of their attitude lies in the fact that the leaders, many of whom were doing their best to restrain from violence their irresponsible followers, were their own intimate friends. The members of the Council were prepared to work the reforms but they were not prepared for strong measures against those who opposed them and they found it difficult to realize at this stage that the means adopted by their friends involved a rapid and almost irresistible drift towards revolution and chaos.

33. *The arrest of Mr. Gandhi.*—On March 10th, 1922, Mr. Gandhi was arrested, an event which caused unexpectedly little stir in this province. It had undoubtedly a good effect and, though trouble continued till towards the end of April, the heart was out of the movement for active measures. Indeed it was remarkable how very quick in most parts of the province

was the return of the bulk of the population to sanity and how completely the element of bitterness in the feeling towards Government officers and Europeans subsided in the next few months, even where it had been most manifest up to this date.

34. *The last eight months of* 1922.—The following period from May 1922 to the end of that year was comparatively quiet. The little spurt given by the August visit to this province of the Civil Disobedience Enquiry Committee, appointed by the Congress executive to explore the local possibilities, soon died away. Even the holding of the Congress at Gaya in the Christmas holidays produced no lasting effect.

35. *Foundation of the Indian Swarajya party.*—The next few months witnessed the formation of the Swarajya party at Allahabad in February 1923, definitely committed, under the leadership of Mr. C. R. Das, to Council entry in opposition to the declared policy of the Gaya Congress. The Khilafat movement, on which non-cooperation strongly relied throughout for its aggressive vitality, was badly damaged by the exposure of the financial methods of the central committee. The attempt to collect the full provincial levy for the Tilak Memorial fund had definitely failed.

36. *Another debate in the Legislative Council.*—In the Legislative Council, in February, a resolution asking for the release of political prisoners and an amendment demanding the withdrawal of the notification under the Criminal Law Amendment Act was debated. The amendment was lost by the casting vote of the President, but the resolution carried by 25 votes to 22. The tone of the debate was good natured and without heat in marked contrast to the debate fourteen months earlier.

37. *Foundation of the provincial branch of the Swarajya party. The municipal elections.*—In May a provincial branch of the Swarajya party was founded, aiming at capturing seats on the local bodies and the Legislative Council itself, and to these ends the energies of the " non-cooperators " were henceforth devoted. Through the local bodies they expected to get control of primary education, and instil their political ideas into the minds of the rising generation. The parallel with the Southern-Irish programme is evident. The municipal general elections, consequent on the passing of the Municipal Act in 1922, came on in October 1923. The Swarajya party gained a fair measure of success in ten municipalities, obtaining 96 seats out of 180 there open to election. They gained a working majority in nine of these and complete control in two. In the remaining 47 municipalities governed by the

Act they made no marked impression. The effect of these successes on municipal administration will be discussed in the chapter on the development of representative institutions.

38. *The 1923 Council and Assembly elections.*—The Council elections followed in November, and twelve Swarajists were returned out of 76 elected members. The party gained greater success in the Legislative Assembly elections, where eight out of the twelve seats were captured, and two others fell to men, whose sympathies were largely with the party. The difference is partly explained by the larger proportion of the intelligentsia in an electorate with much more restricted qualifications, and by the greater advantage given by organization in a more extensive constituency. A further reason is the definite preference for the Legislative Council displayed by the men of ability and wide influence, among the Moderates.

39. *The district board elections.*—In the early months of 1924, interest was concentrated on the district board elections. The amendment of the Local Self-Government Act in the previous year had freed these boards from official control, internal and external, almost as completely as the corresponding Act had freed the municipalities. The change was in fact even a greater one, since prior to 1923 the district boards were practically the agents of Government influenced but not in any way controlled by the more stable elements of local public opinion. The full force of the Swarajist organization was brought to bear on the elections, and a notable triumph obtained. In only four out of the eighteen boards did that party fail to obtain control. The fruits of the vast amount of labour expended in spreading the Congress organization in every district during the hey-day of the non-cooperation movement were now reaped. The personnel of the new boards included paid lectures of the Swarajya party, immature youths, and a fair number of persons who had suffered imprisonment. Scarcely any of the new members had previous experience. The results were viewed with alarm not only by the Moderates but by those who were ordinarily extreme critics of Government. The more solid section of the community, whatever their political opinions might be, did not view with equanimity the handling of a crore and a half of public money by administrators of the class, from which most of the national volunteers of two or three years back had been drawn.

Some of the results of the capture of the district boards by the Swarajists will be given in the chapter on the development of representative institutions. The maladministration

of the boards, in which the Swarajists were paramount, called forth a sufficiently strong revulsion to prevent a repetition of their success in 1927, though they used the advantage, that the 1924 board elections had given them, to strengthen their position in the Legislative Council in 1926. In the local body elections of 1926 and 1927 the Swarajists lost ground, and the position in the last two years has, thus, been that while they form the strongest single party in the Council, holding more than one-third of the seats, they have lost the command of nearly all the local bodies. They have ranged against them to a degree, which they certainly did not at the height of the non-cooperation movement in 1921-22, the more solid elements both of the landlords and of the political classes, and it is likely that this position will continue as long as their prominent adherents include so large a proportion of needy undesirables.

40. *Growth of ill-feeling between Hindus and Muhammadans.*—It is time to turn to another set of events, which have a considerable bearing on the political situation. It has already been indicated that, though the Khilafat movement was, owing to the preponderance of Hindus in the province, in some respects subsidiary to the non-cooperation movement, yet it supplied a considerable aid both in leadership and in vigour. The adherents of the rank and file, which it brought in to the combined anti-Government organization, were distinguished as a rule by their genuine sense of grievance arising from fears, mistaken no doubt, of fatal damage to the prestige of Islam and particularly of violation of the Holy Places. As those fears were dissipated by the course of world events, the enthusiasm of the Muhammadan section waned, a process which was accelerated by events in India itself. Further intelligent Muhammadans were beginning to realize that political developments were tending towards the relegation of their community in this province and in others to a permanent position of inferiority. This growing appreciation of the position, as well as the disappearance of their only real grievance, rapidly dissolved the alliance formed with Hindus, whose programme was immediate Home Rule on a democratic basis, by Muhammadans who were beginning to see where that programme was leading them. Meanwhile serious trouble between Hindus and Muhammadans had broken out in the Punjab as far back as 1923 and Mr. C. R. Das had failed to mend the breach. While these and other events helped to cool off the relations between the Hindu and Muhammadan members of the anti-Government party, there was no outward indication

of any growth of ill-feeling between the communities as a whole in this province during 1923.

41. *The Bhagalpur "music before mosques" case.*—In the first half of 1924 the elections to the district boards, where joint electorates prevail, resulted in giving to the Muhammadans a much smaller number of seats than they had expected to gain and this result was attributed to communal feeling. To this political grievance was added the religious quarrel over the passing of Hindu processions with music in front of their mosques. This source of estrangement between the two communities first appeared in August 1924 at Bhagalpur where a serious collision was only stopped by the police and twelve persons were injured. The non-cooperating chairman of the district board was among those arrested. Very strained relations between the communities resulted not only in Bhagalpur but also in Monghyr and Patna and the tragic occurrences of September at Kohat, in the North-West Frontier Province, added to the bitterness. An effort on the part of the non-cooperation leaders failed to effect a reconciliation. Muhammadan festivals, in which the lower castes of Hindus had hitherto freely participated, were now being boycotted. On the other hand at the Hindu festivals a growing tendency was displayed to insist on playing music while passing mosques, and the local officers had a difficult time in settling disputes for the routes of the processions. A further outbreak occurred at the end of October in Bhagalpur involving the arrest of 150 persons and this led to a prolonged period of communal ill-feeling in that town.

42. *The development in 1925.*—For the next eighteen months the province was free from serious clashes between the communities, though there was evidence throughout that relations were strained. Petty criminal cases were given a communal tinge; in some places each community sought to enforce social boycott against the other; the local officers and the police were kept busy preventing breaches of the peace. Throughout this period the Arya Samaj organization, mainly recruited from outside the province, was active in persuading Hindus to abstain from any participation in Muhammadan festivals.

This organization with kindred bodies, had been active for some time in a movement of great significance. This was no less than an effort to add to the fold of orthodox Hinduism certain communities, who were Mussalman merely in name. It was part of a wider movement to close the ranks of the Hindus

in opposition to any who would threaten their interests, and to recruit, besides these Muhammadans, the depressed classes of all kinds. Against this the Muhammadans, though not noticeably in this province, organized a countering move, aiming at enlarging their numbers by conversion from other creeds, at nullifying the Hindus' effort to reclaim border line communities, and generally at protecting Muslim interests. Both communities had realized that political victory in a democratic state is with the big battalions.

43. *The Sasaram riots in 1926.*—It was not, however, till April 1926 that any serious trouble in this province occurred. The first communal riots in Calcutta early in that month created a marked feeling of nervousness in both communities and a readiness to believe rumours of aggression by the other party. Provocative action such as defiling temples and mosques by night and interference during prayers was taken in several places in Bihar. In the middle of the month a serious out break occurred at Sasaram in Shahabad district, a town on the edge of the area where the very grave disturbances of 1917 had taken place, and a centre of communal trouble throughout most of the intervening period. Fifty-three persons were injured of whom three died. Prompt concentration of a strong police force was made just in time to prevent the trouble spreading. Hindus from different villages had already begun to congregate and march on Sasaram to avenge their co-religionists. At the general wish of both parties a European magistrate was deputed to try the cases arising out of the outbreak. Additional police at the expense of the inhabitants had to be quartered in the town.

44. *Extension to Orissa.*—In early May communal tension spread to Orissa. The district of Balasore, which is entered by the Bengal-Nagpur Calcutta-Madras line not long after leaving Kharagpur, a place in Bengal where serious communal disturbances occurred in this month, was affected for several months. A number of incidents occurred, none of them singly of much importance, but the spread of communal feeling and its outward manifestations among the peace-loving inhabitants of Orissa, where clashes between the communities had previously been almost unknown, was symptomatic of the rise in temperature.

45. *The Bakr-Id disturbances of 1927.*—The latter half of 1926 and the early part of 1927 went by, however, without further serious trouble and it was expected that the Bakr-Id in June would pass off peacefully. This expectation was

falsified. In a village of Champaran a party of Hindus attempted to attack the Muhammadans. The police stopped the main body, but a small party got past to be routed by the Muhammadans, who killed two of them. At Dinapur civil town, between Patna and the cantonment, the local Hindus resented the performance of cow-sacrifice in a private house. where it had been performed for several years, and attacked some Muhammadans, killing one woman outright and fatally injuring one man. Reinforced by Hindus from outside, they attempted to pull down and burn the house, and the European Magistrate in charge was obliged to order the police to fire. One rioter was hit and the crowd dispersed. Elsewhere a Muhammadan in defence of his house shot dead a member of another band of the marauders. The significance of this riot is increased by its occurrence in one of the few places in the province where police reserves are immediately available, and in one of the two where there is any regular military force at all. In two other districts minor riots occurred.

46. *Organization of provocative Hindu processions.*— The Muharram in July passed off without any serious friction, and though in some districts the Hindus entirely abstained from joining in the processions, in others, in spite of the activities of the Hindu Mahasabha, they joined in freely. But in August a very serious outbreak occurred in the Champaran district, well known in earlier years as a centre of the extreme wing of the non-cooperators. The occasion of the rioting was the Mahabir-dal procession, a Hindu festival formerly of minor importance but in the last few years organized on a large scale to compensate low caste Hindus for the abstention from the Muharram which the Arya Samajists had imposed upon them. Its more objectionable feature is the close imitation of the Muharram emblems and procedure, an imitation which owing to the religious origin of the Muharram procession causes intense irritation to Muhammadans. The organization of these processions in the north-west corner of the province, bordering on the United Provinces, by the Arya Samaj had been going on for some time and in Champaran printed notices had been issued among the rural villages calling upon Hindus to ome into the town with spears and *lathis* (for the performance) and to quit themselves like men.

47. *The Bettiah outbreak.*—A crowd of twenty thousand people which collected at the district headquarters, Motihari, was passed through the town by the District Magistrate successfully without a clash. But at Bettiah, a subdivision of

the same district, one of the largest sections of the procession deviated from the expected route of broad roads into a narrow lane, in which stood a mosque of the particular group of Muhammadans, who had taken the strongest objection to the imitation of Muhammadan emblems. A riot ensued in which the Muhammadans, who numbered only four hundred, were overpowered, and the Hindus followed up their victory by firing the houses, dragging out the Muhammadan inmates, belabouring them and killing ten of them. The European Magistrate and the European Superintendent of Police with the ordinary town constabulary and a few of the better minded among the Hindu public succeeded in quelling the riot.

48. *The present state of communal feeling.*—The importance of this occurrence lies specially in the appearance of a new kind of provocation which appears to have been deliberately adopted by the Arya Samaj organization. One consequence of these outbreaks has been to bring home to the Muhammadans their numerical weakness and the strength of the Hindu organizations and this feeling has affected their attitude towards the future Reforms. There is considerable evidence that, while a few prominent Muhammadan leaders in the province favour the boycott of the Reforms Commission, the great majority of Muhammadans apprehend that such a course will gravely prejudice the position of their community under the future constitution.

49. *Inter-caste antagonism.*—Another development of recent years has been the growth of antagonism between the members of the different Hindu castes. Caste organizations date back some forty years, and the efforts made by lower castes to improve their status had evoked resentment among the higher castes in rural areas some years before the inception of the Reforms. The antagonism was not noticeable during the first two years of the Reforms period, but the Council elections of 1923 were in some places fought on a caste basis. Improvement of status, among the lesser castes, symbolized as a rule by the assumption of the sacred thread, means increased unwillingness to submit to prædial contributions, which a landlord has hitherto expected from his tenants. Growing political self-consciousness means pressure to obtain seats in the district boards and the Council and a larger share in the higher posts of Government service, encroaching on the preserves of the castes, which have hitherto held a practical monopoly. The antagonism is thus rooted in economic causes, which operate the one among the educated classes of the different castes and

the other among the rural population. It is the latter that has produced the only serious outbreak.

50. *The Lakhochak battle.*—This occurred at the end of May 1925, when a gathering of some 3,000 Goalas, who are the most numerous caste in the province, had met at a small village, Lakhochak, in Monghyr district to consider the questions of taking the sacred thread and refusing forced labour to their landlords. The Bhumihar Brahmins, from which caste a large proportion of the landlord class in South Bihar is drawn, organized the collection of a force of about the same size and made a wholly unprovoked attack on the village where the Goalas were in conference. A small body of ordinary police, who attempted to intervene, was severely handled. During an interval in the attack the European Superintendent of Police arrived with armed reinforcements, who with very great difficulty and the aid of the Goalas managed to beat off a renewed and more determined attack, carried almost up to the village itself. The attackers took away their casualties, but it is believed that between 20 and 30 were killed. The ill success of this appeal to force discouraged any serious repetition, but relations were considerably strained for some time.

51. *Labour troubles. The industries of the province.*—An appreciation of the atmosphere of the last few years would be incomplete without a reference to labour troubles. These have their importance both because they have afforded opportunities for agitators to fish in troubled waters and because they added very much to the difficulty of preserving law and order in times of general stress, particularly during the non-cooperation attack. The province is essentially an agricultural one, but has three important industrial centres, Jamshedpur, the coal-fields and the environs of Monghyr, and is also traversed by long stretches of railways. A full description of the industrial centres has already been given in Chapter I. Prior to 1919, when the anti-Government movement began to assume real importance in the province, there had never been serious labour troubles. At the end of that year a general strike at the Jamalpur railway workshops, near Monghyr, occurred and lasted for six weeks. This was closely followed in February 1920 by a strike at Jamshedpur among the Indian employés led by up-country skilled workmen who were advised by several Calcutta lawyers of political propensities. The strike lasted nearly a month, and required the concentration of a considerable force of police and of British and Indian regular troops

at a time when the non-cooperation movement was becoming a serious menace, if not in this province, at any rate in other parts of India. The strike led to one serious clash with the forces of law and order, in which five strikers were killed and twenty-three wounded.

The agents of non-cooperation were active in the coal-fields during the rest of 1920, but no strike occurred till February 1921, when the workers in the Giridih coalfields came out at their instigation. This synchronized with the first dangerous period of non-cooperation in the province. A second strike in the same locality was engineered in June 1921, in the hopes of forcing Government's hand in the matter of the trial of persons who had attacked the police there in the previous April.

In December 1921 the unfounded allegation that a European driver had thrown an Indian fireman off a running train, which was sedulously repeated by the anti-Government press, was the occasion for a strike on the East Indian Railway, originating at Jhajha in the Monghyr district, and spreading over most of the system. After a short resumption of work, the Indian staff again came out in February 1922 and remained out till May. For protecting the property of the railway and the small loyal staff engaged in maintaining essential services a very large proportion of the forces of law and order were locked up, at a time when the danger from the non-cooperation movement was at its greatest, and it is certain that the strike was largely engineered by agents of that movement.

In September 1922 Jamshedpur was again the scene of a serious strike, for which again a strong force of military and police had to be concentrated for over a month. Though the immediate danger of the non-cooperation movement had by then diminished, yet the general situation was still an anxious one. The strike was called by hot-heads amongst the up-country skilled workers against the advice of the Calcutta lawyer, who then presided over their union. He, however, supported the strikers and later members of the all-India labour movement took a hand. The direct influence of non-cooperation was not greatly apparent, though at times during the strike irresponsible agitators connected with that movement arrived and attempted to foment ill-feeling by provocative speeches.

The collapse of the non-cooperation campaign synchronized in this province with the beginning of a period, which has been

free from serious labour troubles, though no doubt the adjustment of wages to prices, which was nearing completion by the end of 1922, contributed to industrial peace. Since then only one strike has seriously affected the power of the local Government to deal with any crisis that might arise, the Bengal-Nagpur Railway strike of February-March 1927, when again a considerable proportion of the police reserves were locked up. Fortunately during that period there was no outbreak of communal trouble.

52. *Chronological summary.*—In the foregoing account it has been necessary to follow *seriatim* the courses of events, which fall into four main categories, the non-cooperation movement and its offspring the Swarajya party, the Hindu-Muhammadan antagonism, the conflict between Hindu castes, and labour troubles. It will be convenient to link the whole into a chronological account. The first period extending from January 1921 to December 1922 saw the rapid development of the non-cooperation menace which culminated in March 1922, and its even more rapid collapse as a definitely revolutionary threat. Within this period occurred all the important labour troubles. There was little or no manifestation of communal or inter-caste conflict. The next period, from January 1923 to December 1924, was mainly remarkable for the formation of the Swarajya party and its success in the municipal and district board elections. It saw the beginnings of the communal trouble. In the third period, from January 1925 to December 1926, the principal events were the growth of bitterness between Hindus and Muhammadans, and the inception of the struggle between castes for political power. The Swarajists were successful at the end of this period in capturing a substantial number of seats in the third reformed Council, but their maladministration of those local bodies, in which they commanded a majority, was beginning to shake their influence. The last period from January 1927 to the present date has witnessed a distinct weakening of the hold of the Swarajya party over the local bodies, where their candidates in the elections of last year failed to obtain anything like the success that they gained in the former elections. The attitude of their representatives in the Council has solidified the parties in opposition to them. Unfortunately the bitterness between Hindus and Muhammadans has continued, and, though there has been no open breach between the Hindu castes, their individual claims to political power and patronage are still pressed with vigour.

53. *A further review.*—An attempt has been made to give a fair picture of the atmosphere in which the experiment of the Reforms has been made. At the early stages economic conditions, and in one part of the province agrarian troubles, presented an opportunity for a widespread and sustained attempt to subvert the whole fabric of Government. The main impulse came from outside the province, but material of a kind was to hand for its magnification and dispersion. The anti-Government and anti-British character of the movement was never seriously disguised, while the veil of " non-violence " wore thinner and thinner, as the organization grew to completeness. The chief inspiration came from among the Hindu intelligentsia, but the adhesion of many Muhammadans, obtained by means of the Khilafat agitation, added the vigour of fanaticism. When that aid was withdrawn, the real danger of revolution was over. At the height of its success the non-cooperation movement could claim to have built up an organization, some 10,000 strong, disciplined enough to secure, if unchecked, the main aims of the leaders, though not to be restrained to the choice of means which those leaders proposed. With the help of that organization the finances of Government were seriously embarrassed for a year through the attack on the excise revenue. But after passing its zenith, the movement slipped back rapidly. The drift from Government schools and colleges had a short-lived success; little came of the efforts to induce lawyers to throw up their practice and to divert the stream of litigation from the courts to the *panchayats*. Very few titles were renounced, the boycott of foreign cloth was never effective, while the boycott of the council failed. Finally and most important of all, the Services and especially the Police stood with very few exceptions practically unshaken in their loyalty.

The withdrawal of the bulk of Muhammadan support left the relations between the two communities much more embittered than the inception of the movement found them. The switch-off of the organization from the direct attack of civil disobedience to the indirect approach by way of capturing the local bodies had its immediate successes, but there are signs that the mass of electors are growing weary of political propaganda in lieu of sound administration. It may be that the limited triumph gained in the 1926 Council election by a free use of the powers, which the control of many local bodies afforded, marks the high tide. But the creation of a class of professional politicians and the much increased indoctrination of the student population with advanced political ideas are

among the more permanent results of the movement. A disquieting feature of the recent history of the province is the demonstration that the rural population can be perversely brought into a political movement, if the appeal is chosen with skill and presented with sufficient energy and persistence. It is the ease, with which the impressionable voter responds to any appeal, made without any serious consideration of its ultimate effects, that accounts for the return to the council and the local bodies of irresponsible members, whose presence is recognized by the thoughtful section of the population as a menace not only to current administration but to the whole future structure of Government.

To the conduct of this thoughtful section and to the natural good sense and respect for order shown in normal circumstances by the bulk of the population it is possible to turn for a corrective to the somewhat gloomy picture, which a recital of the events of recent years necessarily presents. Such a picture, if true to facts, is bound to create an impression that the reformed constitution has worked in circumstances, which have always been difficult and at times really dangerous. At the height of the non-cooperation movement, when it was openly preached that the British Raj was on the point of coming to a violent end, it required great courage for an ordinary member of the public to face the vituperation and social indignities, which a determined support for the constituted authorities would bring on his head. There were not lacking those, who were equal to the test, and, as it became clear that the predictions of the extremists were being falsified, their numbers grew. Without the support thus accorded it would have been well nigh impossible to maintain ordered government, and it is a welcome sign of the times that, in spite of the apparent successes of those who say they prefer anarchy to servitude, there is less evidence now that the people as a whole take their heroics as serious utterances. The province has also been fortunate in having the Government strengthened by the presence of two Ministers, whose counsels within have been of the utmost value, while their personal character has rallied the more solid elements without.

Other facts of a hopeful tendency may be noted. The great mass of the people have for the last six years shown their traditional respect for law and order, and have rapidly resumed their friendly attitude towards Government officers. Solid progress has been made in education, medical relief, public

health, veterinary service and other activities of the transferred side of Government. A difficult situation in the administration of local bodies has been remedied to a considerable degree. The Legislative Council debates have on the whole been conducted in a spirit of good temper, which a perusal of the fulminations in the local press renders surprising. The decisions taken there, though sometimes marred by the irresponsibility, which the present constitution induces, have not infrequently been sound and fruitful. Thus the gloomier features of the atmosphere of the last seven years have not availed to hamper completely the political education of the province, which it was the object of the Reforms to begin. If that political education could be carried down to the electorate itself, and could a lasting solution be found of the problem of welding the sections of the population, separated by religious, territorial and social distinctions, into a civic whole, the future would indeed be hopeful.



CHAPTER III.

FINANCIAL CONDITIONS.

54. *The position prior to the Reforms.*—Prior to the passing of the Government of India Act of 1919, local Governments had no sort of statutory right or title to receive or to spend any part of the revenues of India. The old provincial settlements, under which local Governments were provided with certain sources of revenue and required to meet from them certain categories of expenditure, were nothing more than domestic arrangements between the central and local Governments, which derived their validity from the sanction accorded to them by the Secretary of State in Council.

When the province of Bihar and Orissa came into being on April 1st 1912, a temporary settlement for 3 years (1912-13, 1913-14 and 1914-15) of the kind described was effected with the Government of India. The cost of the administration of the districts comprised in the new province and the amount of revenue accruing in respect of them were determined with as much accuracy as possible. The estimated cost of the headquarters charges was added. The standard revenue and the standard expenditure so determined for each major head of account were then distributed between Imperial and Provincial in accordance with the pre-existing arrangement for the Government of Bengal. This involved the division of major heads both of revenue and expenditure. The local Government got the whole of the revenue and defrayed the whole of the charges in respect of Registration, three-quarters in respect of Excise, half in respect of Stamps, and so on. A balance was then struck between the total expenditure thus determined and the total revenue. This resulting balance was an excess of 2 lakhs and 36 thousand rupees of provincial revenue over provincial expenditure and a fixed annual assignment of that amount had accordingly to be made from Provincial to Imperial during the term of the settlement. It is not necessary here to consider the "doles," chiefly for education and sanitation, which the Government of India used to make from time to time and which the local Government had to spend for the appointed purposes.

55. *The result of the provisional settlement.*—The standard expenditure of Bihar and Orissa, worked out on the basis of

actual expenditure prior to 1912, came to 8 lakhs per million of the population against 13 lakhs per million of the population in Bengal, though the cost of the administration in Bengal was the lowest in India. As it was on this basis that the provisional pre-Reforms settlement was made with this province, it is obvious that the administration of Bihar and Orissa had been starved and continued to be starved after it became a separate province. Less was spent per head of the population on education, medical, sanitation and police in this province than in any other. The following figures show what was accepted, at a conference held in Simla in 1919, as the normal total annual expenditure in each province during the years immediately before the introduction of the Reforms distributed per mille of the population in British territory as determined at the census of 1911 :—

	Rs.
Bihar and Orissa	1,212
Bengal	1,740
United Provinces	1,844
Assam	2,419
Madras	2,548
Central Provinces	2,979
Punjab	3,744
Bombay	5,579
Burma	5,948

At that time the local Government still lacked a university and a medical college, and various other parts of a complete provincial equipment for which large capital expenditure besides heavy recurring charges would have to be met.

The province was started on its way with an opening balance of 125 lakhs, of which 85 represented the estimated cost of the initial expenditure of starting the province; 12 was intended to be the minimum balance, and the remainder was to be available for general purposes. The actual opening balance was just over 130½ lakhs, the excess of this sum over 125 lakhs representing this Government's share of certain unexpended doles given to Bengal before this province was split off.

During this period, therefore, the situation was that the local Government were instructed to defray certain charges

and given a certain revenue for the purpose. If they could increase the revenue or reduce the expenditure during the term of the settlement, they had the spending of what emerged. The local Government have always maintained that from the very beginning neither expenditure nor revenue were adequate for their purposes. Owing to the war this provisional settlement remained in force till the Reforms were introduced, though the rise in prices, particularly of all building and engineering material, made the inadequacy even more glaring.

56. *Recommendations of the Meston Committee.*—When the Reforms were about to be introduced, the Meston Committee were set the task of dividing the heads of revenue between the central and provincial Governments on the lines recommended in the Joint Report with a view to making the provinces financially more independent of the central Government. Their proposed distribution, which took no account of provincial scales of expenditure or surpluses, but only of the difference that would be made to the various provinces by the allocation to them of particular revenue heads, was calculated to result in the handing over of 1,850 lakhs a year from the central to the provincial Governments and a resulting annual deficit to the central Government of 983 lakhs, which had to be made up by provincial contributions, calculated roughly in proportion to the benefit they had received from the increased spending power made over to them as their share of the 1,850 lakhs. The increased spending power of Bihar and Orissa was estimated at 51 lakhs. The Committee recommended that the province of Bihar and Orissa, "being quite the poorest in India," should be excused any contribution in the first year (1921-22) and that thereafter its contribution should gradually be increased until in the seventh year (1927-28) it would be paying ten per cent. of the deficit, *i.e.*, if the deficit had remained at 983, a sum of 98 lakhs. The province was also left with the Orissa Canals as a mill-stone permanently hung round its neck. These canals were originally constructed by a private company, which was incorporated by Act of Parliament in 1861 and entered into a contract with the Secretary of State in 1862. In 1868 the company failed and surrendered its rights to the Government of India on receiving indemnification for past expenditure. The canals have always been run at a heavy loss. At the time of the Reforms they were handed over to the local Government with the obligation of paying the central Government a sum of 8½ lakhs a year for all time as interest on the capital outlay, because they had been financed from borrowed

money as a productive work. So far are they in fact from being productive that the latest available figures show that in 1926-27 there was a net loss to the local Government on these canals of $7\frac{3}{4}$ lakhs. Actually the distribution of resources between the central Government and the provincial Governments was such that the Government of India have not only wiped out their deficit, but have also been considering the distribution to the provinces of a further share of the income-tax over and above what they are required to hand over under Devolution Rule 15. Bihar and Orissa, which lodged a strong protest against the Committee's report, was in fact never called upon to pay any contribution at all. The experience of the years that have since elapsed demonstrates that the Meston Committee in fact gave to the central Government a far larger and more elastic share and to the province a far smaller and less elastic share of Indian revenues than even they anticipated. The utter impossibility of this Government handing over 98 lakhs a year to the central Government with effect from 1927-28, even if the central Government had wanted it and this Government had never spent a pice on development since the Reforms were introduced, is in retrospect obvious.

57. *The cost of revising the pay of the services.*—It has already been stated that the Meston Committee took no account of the provincial standards of expenditure. When the settlement was formulated, this provincial Government had not effected the general revision of pay that was necessitated by the general rise in prices that occurred during and after the war. In February 1921 it was estimated that the cost of this general revision of pay in Bihar and Orissa was as follows:—

	Thousands of rupees per annum.
Imperial Services	9,06
Provincial Services	11,08
Subordinate Services	24,53
Ministerial Services	10,84
Menials	2,72
	58,23

Since then the pay of some other services and posts has been revised and the total cost of the whole revision may be

put down at rather over 60 lakhs a year. This, therefore, more than absorbed the increased spending power which the province was estimated to secure by the Meston Settlement, before any attempt could be made at a forward policy in the nation-building departments. The local Government pointed out the danger at the time. It soon became necessary to enforce retrenchment and increase taxation.

58. *Characteristics of the provincial revenue.*—Before explaining the steps that were taken to this end, a few general remarks may be offered on the characteristics of the provincial revenue. The following table, which shows the relative growth of the revenues of the different provinces in the pre-Reforms period from the year 1912-13, when this province was created, to 1920-21, the last year before the Reforms were introduced, is taken from paragraph 7 of the report of the Meston Committee :—

	Per cent.
Bihar and Orissa	11.20
United Provinces	20.82
Bengal	22.30
Assam	28.00
Madras	29.06
Central Provinces	33.18
Burma	33.65
Punjab	34.88
Bombay	52.43
All 9 Provinces	30.48

Since the Reforms, the revenues of this province have increased more rapidly, thanks principally to an increase of over fifty per cent. in Excise revenue, which is a far higher proportionate increase than has occurred under this head in any other province in India. The total revenue of this province is now something over 5½ crores, and of this over 4 crores is derived from the three heads of Land Revenue, Excise and Stamps.

59. *Land Revenue.*—The land revenue in Bihar and Chota Nagpur is to all intents and purposes fixed, thanks to the permanent settlement effected by Lord Cornwallis, the then Governor-General of India, in 1793.

Land revenue in thousands of rupees, omitting settlement recoveries.

1921-22	... 1,59,14	1924-25	... 1,61,61
1922-23	... 1,59,33	1925-26	... 1,63,05
1923-24	... 1,58,45	1926-27	... 1,67,05

In Orissa the land revenue is not fixed, save in some fairly extensive estates, and is at present under revision, as the result of which it is expected to rise roughly from 21 to 26 lakhs a year. But these and a few less important revisions can only be effected at long intervals of 30 years, and then only in accordance with strict rules. It would not be in accordance with the wishes of the Legislative Council, nor would it be possible to exploit the land revenue of Orissa as a revenue-producing head.

60. *Excise.*—At the present time a larger revenue is derived from Excise than from any other head of revenue. The following are the figures :—

Excise revenue in thousands of rupees.

1921-22	... 1,23,63	1924-25	... 1,75,99
1922-23	... 1,53,97	1925-26	... 1,96,62
1923-24	... 1,83,28	1926-27	... 1,97,35

The policy of the Government is to combine the minimum consumption with the maximum revenue, and the price of excisable articles is, therefore, kept at the highest point at which it is possible to keep it without driving the public to illicit practices. With the increase of wages that has occurred since the war, this policy has resulted in a large increase of revenue. Increased efficiency of administration has also contributed to this result, and the decision that the transactions on account of opium should be accounted for as provincial revenue and expenditure has also inflated the revenue to the extent of about 9 lakhs. The excise revenue is the one really expanding head of revenue that the province is possessed of, and at the time of writing it has ceased to expand. It is owing almost entirely to the increased revenue from this source that it has been possible to take any forward steps at all in the transferred departments. It is obviously unsatisfactory that the province should have to rely so largely upon a source of revenue of so precarious and so questionable a nature.

61. *Stamps.*—The only other head to which it is necessary to refer at any length is Stamps. Three-quarters of the revenue under this head is derived from judicial stamps, and, as soon as the local Government realized that the increased spending power which they had received under the Meston Settlement was not going to enable them even to meet the cost of the existing administration, they took steps to enhance most of the duties payable under the Court-fees Act with effect from August 1922. The increases sanctioned were estimated to yield another 20 lakhs a year. The revenue under this head has been rising slowly, as the figures below show:—

Stamps revenue in thousands of rupees.

1921-22	... 87,39	1924-25	... 1,00,43
1922-23	... 95,12	1925-26	... 1,07,52
1923-24	... 96,33	1926-27	... 1,07,12

Court-fee stamps are not a source of revenue that can be exploited too far. The cry is already heard that the poor man is being deprived of justice by the cost of litigation.

62. *Enhancement of registration fees and water-rates.*—Other steps taken by the local Government to increase their revenue were the enhancement of the fees for registering documents and of the rates for water supplied from the Son canals. Effect was given to these orders also in August 1922. The development of these two sources of revenue is shown by the following figures:—

Registration and irrigation revenue in thousands of rupees.

	Registration.	Irrigation. (Gross).
1921-22	... 8,77	33,56
1922-23	... 12,66	31,84
1923-24	... 13,65	34,69
1924-25	... 13,74	35,17
1925-26	... 15,01	37,71
1926-27	... 15,42	39,86

63. *The Retrenchment Committee.*—On the other hand, in accordance with a resolution passed in the Legislative Council in February 1921, the then Governor, Lord Sinha,

appointed a committee to consider the possibility of retrenchment. It is not possible to give a precise statement of the financial results of the retrenchment effected. The most substantial retrenchment resulted in a saving of about three-quarters of a lakh a year in the Police Department, while the abolition of the Publicity Bureau saved about Rs. 60,000 a year. But on the whole the result was disappointing. The districts now included in Bihar and Orissa had been starved when they formed the outer fringe of the province of Bengal, and in the short period between 1912, when the province was first formed, and 1921, when the Retrenchment Committee sat, there had been neither time or resources to provide a full provincial equipment or to set up a standard of administration equal to that of other provinces. The following figures show that the administration is still starved and explain why so little scope for retrenchment was found in the provincial expenditure.

Revenue and expenditure (budgets of 1927-28) per mille of the population of each province in India (British territory).

Province.	Revenue per mille.	Expenditure per mille.
	Rs.	Rs.
Bihar and Orissa	1,668	1,766
Bengal	2,295	2,374
United Provinces	2,848	2,513
Assam	3,503	3,679
Madras	3,911	3,690
Central Provinces	4,035	4,229
Punjab	5,380	5,258
Burma	7,824	9,156
Bombay	8,003	8,277

64. *Lack of revenue from minerals.*—A word may be added about the revenue derived from the mineral wealth of the province. Bihar and Orissa produces 70 per cent. of the coal and mica and 90 per cent. of the iron-ore in India. The local Government derive practically no revenue from this source, but on the other hand are put to the expense of policing the areas concerned. In the permanently-settled estates the minerals themselves have been treated, owing to a decision

reached by the Secretary of State for India in 1880, as being the private property of the proprietors of the surface and the minerals occur almost entirely in that area. The income-tax derived from the companies operating the minerals goes to the central Government, while the small provincial share goes to the province in which the companies are registered, and most of them are not registered in Bihar and Orissa. By an arrangement to which the Government of Bengal generously agreed 85 per cent. of the provincial share of the income-tax realized on companies and firms operating in Bihar and Orissa but registered in Calcutta is paid by them to this province. Otherwise Bihar and Orissa would receive nothing from this source. As part of their programme for increasing the provincial revenues after the Reforms, the local Government formulated a proposal for imposing a tax on coal and coke placed on the railways, but the central Government objected and nothing resulted.

65. *Summary of the financial position.*—The financial position may be summarized as follows. As compared with the population served, the administration of Bihar and Orissa costs less than that of any other province. This is the necessary corollary of its inadequate revenue. The additional spending power given by the Meston Settlement was immediately absorbed, and more than absorbed, by the necessary post-war revision of pay. Any development that there has been since then has been due almost entirely to the rapid increase of the excise revenue. That rapid increase has now ceased altogether and excise revenue is at the moment on the down-grade; if its revival were to mean increased consumption, it would be regarded with mixed feelings by the local Government. In other respects, the provincial revenues are singularly inelastic, as the Meston Committee admitted. This is due principally to the Permanent Settlement of 1793, and in a less degree to its extension in 1880 to mineral rights, and for neither of these acts is the present provincial Government or any near predecessor of it in the slightest degree responsible. During the transition period, when financial contributions were being made to the central Government, this Government had no cause of complaint, either relatively to other provincial Governments, because it was exempted from such contributions from the first, or absolutely because, till recently, the growth of the excise revenue temporarily satisfied the demands of the Reformed Government. Now the contributions paid by other provinces have been abolished, the expansion of excise revenue has ceased, and this Government is left face to face with its

poverty, and with the fact that, while it is starting behind other provinces, it has with its present sources of revenue only the remotest prospect of working up to their standards. The provinces are not naturally divided sub-nations but administrative units fortuitously composed, and none more conspicuously so than Bihar and Orissa. It is not in the interests of India as a whole that one part should be developed while another part stands still. Even on the assumption that the financial settlement at the opening of the Reforms was a fair distribution between the respective provinces and the central Government of the revenue available, it necessarily follows that the present position of Bihar and Orissa *vis á vis* other provinces is most unfavourable. Through the success of the Government of India's policy of releasing provincial contributions, other provinces have secured a betterment to the extent of their respective contributions, while Bihar and Orissa have received no corresponding advantage. Had there been any inherent propriety in the method of dividing the heads of revenue between the local and the central Governments, this province must have acquiesced in this result; but actually the division was empirical in order to produce a certain approximate result, and this arrangement has operated most prejudicially to this particular province relegating it to a state of extreme poverty relatively to all other provinces in India.

66. *Difficulty of imposing further taxation.*—If the incidence of revenue is so light in Bihar and Orissa in comparison with other provinces, it may reasonably be asked why further taxation should not be imposed by the local Government. The reasons why no further revenue can be obtained from the mineral wealth of the province have been stated. Apart from its mineral wealth, the resources of the province are almost entirely agricultural. Over 96 per cent. of the population live in rural areas and 80 per cent. of the population are dependent on agriculture for their support. The Permanent Settlement has definitely fixed what the State may take from the landlords in the form of land revenue. There is no reason to suppose that the great mass of cultivators and labourers are now deriving any benefit from the Permanent Settlement or that they are any better off or more able to stand increased taxation than the great mass of cultivators and labourers in other provinces. In North Bihar, where 14 millions of the population is found, the mean density per square mile is 642; in Muzaffarpur district the mean density is 907 to the square mile. In South Bihar the mean density is just over and in Orissa it is just under 500. It is only in

the Chota Nagpur plateau which consists largely of hills and jungle, that the density of population sinks to 186. Ordinarily this population feeds itself from its own fields. An examination of ten years' statistics showed that exports of food-grains had exceeded imports in five and imports had exceeded exports in the other five years. There is no surplus to take in the form of taxation. Under the pressure of necessity, the Bihari emigrates annually to Bengal; the Oriya seeks the dockyards and mills of Calcutta; the aboriginal of Chota Nagpur faces a more lengthy exile in the tea-gardens of Assam. At the last census in exchange for 422,000 immigrants received, it was found that the province had sent out 1,917,000 emigrants. This emigration is periodic, and the emigrant as a rule returns with his savings. The only explanation of this annual tide of emigration is poverty. It proves that in large parts of the province the economic pressure on the soil is great, and scope for further taxation of the agricultural population correspondingly small.



CHAPTER IV.

DEVELOPMENT OF REPRESENTATIVE INSTITUTIONS.

67. *The scope of the chapter.*—For a survey of the possibilities of further political advance on the lines laid down in the preamble to the Government of India Act, it is evidently proper to examine the existing representative institutions in some detail. This chapter brings out how far the people of Bihar and Orissa have been trained, in spheres other than those of provincial extent, in managing their affairs by electing representatives and by controlling them when elected. It deals accordingly with (1) urban local bodies, (2) rural local bodies and (3) other kinds of representative institutions, but excludes the Legislative Council, which is separately treated as an integral part of the Government. Each class of institution will be examined in turn to recount briefly the pre-Reforms history if any, the existing structure and the actual working.

I.—URBAN LOCAL BODIES.

68. *Legal basis and population.*—Throughout the pre-Reforms period, from 1912, when the province was created, to 1921, when the Reforms came into operation, the municipalities were constituted and their functions prescribed and regulated under the Bengal Municipal Act, 1884, with the exception of the Patna (new City) Administration Committee working under the Patna Administration Act, 1915, and Sambalpur Municipality under the Central Provinces Municipal Act, 1903. There were 55 municipalities in 1912, and 58 in 1921. Only one, Patna, had to deal with a population of over 100,000, while twenty-two were concerned with populations of under 10,000. Of the seventy towns in the province, having populations of 5,000 or more, fifty-six were municipalities, while the other two municipalities have populations of just under 5,000. The only important urban areas not constituted into municipalities are Jamshedpur (57,000) which was created a notified area with a nominated Committee in 1927, Bhadrak (18,000), Mokameh (16,000), Sheikhpura (12,000) and Lakhisarai (11,000). The population which the municipalities serve is about 1,170,000. In 1912 nearly fifteen per cent. of these were ratepayers. By 1920, the figures had risen to seventeen and by 1925 to nearly nineteen per cent.

69. *The elective element.*—In 1912, five municipalities had no elected commissioners and were not entitled to elect their

own chairmen. Two others had no elected commissioners, but the nominated commissioners could elect the chairman. In the remaining 48 municipalities, two-thirds of the commissioners were elected, but in 25 the chairman was appointed by Government. No marked change was made in the pre-Reforms period in the matter of extending election of commissioners, since all the three new municipalities remained without elected members and only one of the seven old ones, which had not yet gained that privilege, was admitted to it. On the other hand, while in 1912 out of 55 municipalities 25 had no say in the selection of their chairmen, there were only eight out of 58 who were still in that position in 1920. That the pre-Reforms Government was not unduly slow to give this privilege may be seen from the fact that in 1915-16 fifteen municipalities definitely stated that the system of electing a chairman was not suitable to their local conditions.

In the last complete year before the introduction of the Reforms, 1919-20, there were 676 non-official commissioners, of whom 484 were elected, against 141 officials. Of the chairmen 25 were elected non-officials, and the same number nominated officials, three were nominated non-officials and five elected officials. Thus out of 50 municipalities free to choose non-official chairmen only 25 actually did so.

In the course of 1921, the first year of the reformed Government, the elective system was extended to all municipalities, except the Patna Administration Committee, and to four of the eight municipalities, which had not had the right to elect their own chairmen, that right was allowed. In the following year, two more municipalities acquired this right, leaving only two without it. Of the commissioners 696 were non-officials of whom 478 were elected, and 124 were officials. That year, 1922, was a landmark in the history of municipal institutions, since the new Act was passed raising the proportion of elected commissioners from two-thirds to four-fifths and in numerous ways, which will be detailed later, freeing the municipalities from internal and external control. In 1923 the first elections under the new Act took place in all municipalities except the Patna Administration Committee which has its own law, and Sambalpur, which was not brought under the Act until the following year. After the elections the commissioners comprised 840 non-officials of whom 770 were elected, against 149 officials. Of the chairmen 53 were elected non-officials, one a nominated non-official, and four nominated officials. The position has not altered materially since.

70. *The existing structure.*—The existing structure and functions of the municipalities will now be described. The Patna Administration Committee, which deals with the affairs of the new city inhabited almost entirely by officials, is excluded from the description of structure, but its functions are the same as other municipalities.

71. *Electoral qualifications.*—The qualified electors comprise:—

(*a*) All males who have paid municipal taxes or fees amounting to one and a half rupees in the year. (The amount may be reduced by the local Government on the recommendation of the commissioners. This power has not yet been exercised.)

(*b*) All male residents who have paid or been assessed to income-tax in the year.

(*c*) Male or female residents who have paid one and a half rupees in holding tax in the year. (This amount may also be reduced.)

(*d*) Qualified legal and medical practitioners, sub-overseers, university matriculates, persons who have attained to certain standards of proficiency in the classical languages, retired officers and soldiers of the regular forces.

Persons who have not attained the age of 21, or who are not British subjects or subjects of Indian States, or who are insane or undischarged insolvents are disqualified.

All electors, and no one else, are qualified to be elected commissioners.

The tax qualification, which was originally one and a half rupees, was raised to three rupees in 1917, but was again lowered to one and a half rupees by the new Act, though the qualification for electors for the Legislative Council stands at three rupees. The educational qualification was lowered and sub-overseers were admitted to the professional qualifications as well as officers and soldiers of the regular forces. Female property holders were brought in for the first time.

72. *Size of the electorate and use made of the vote.*—In the last years of the old Act the number of electors on the rolls of the municipalities amounted to 60,347. The number now is 117,410. The number of urban electors for the Legislative Council is 61,645. In 1923, when nearly all the first elections after the passing of the new Act were held there were 217

contested elections, at which on the average 65.3 per cent. of the electors voted. In 46 of them 75 per cent. or more voted. In 1921 under the old Act there were 69 contested elections, and on the average 61.5 per cent. of the electors voted. Even as far back as 1912 when there were 87 contested elections 56.8 per cent. of the electors voted. Considerable interest has always been displayed in municipal elections and that interest has been steadily increasing. Accusations of general corruption are made with regard to the elections under the new Act as they were under the old. There has recently been some demand for placing the preparation of the roll, now carried through by the municipal executive, in official hands, and for establishing summary election courts of official constitution.

73. *Safeguards for minorities.*—The interests of minorities have never been safeguarded by separate electorates, but have been secured by the use of nomination. Even now Government can nominate one-fifth of each body, and though this power is used to some extent for securing as municipal commissioners officials with special knowledge, it is also used to obtain representation of minorities. In particular it was laid down in 1921-22 in response to a resolution in the first reformed Legislative Council that one representative of the " depressed classes " should be nominated in each municipality if a suitable candidate be forthcoming. A demand of some strength for special representation of Muhammadans was put forward during the framing of the 1922 Act. The demand was, however, not pressed when Government gave the assurance that, if future events proved the necessity, facilities would be given for amendment. The demand was revived in the spring session of 1928.

74. *The Executive.*—The new Act made a very important change in the law regarding the election of the chairman. Before it came into force, it is true that all but two municipalities were free to elect their own chairman, but they could either elect an official commissioner as chairman or request the local Government to appoint a chairman for them at a meeting attended by not less than two-thirds of the commissioners. It must also be remembered that one-third of the commissioners were then nominated and were entitled to vote on the question. Under the new Act no salaried servant of Government, though he may be a commissioner, is eligible for election as chairman nor is he even permitted to vote when the chairman is being elected. The commissioners are empowered to elect a non-official outsider, qualified to be a commissioner, as their

chairman. It is only if the municipal commissioners fail to elect a new chairman within twenty-one days of the occurrence of the vacancy that the local Government may appoint a chairman. The result has been that while in 1922-23 eleven of the 57 municipalities still had official chairmen, in 1924-25 only three failed to elect a non-official. No change was made in regard to the election of the vice-chairman except to bar salaried servants of Government from that post. That officer was already elected under the old Act and he was as a rule a non-official.

A new post was created by the 1922 Act, that of president, whose sole duty is to preside at meetings a duty which the chairman previously performed. Officials are not barred for that post.

75. *Powers of the executive and its responsibility to the municipal committee.*—The chairman can delegate, with the approval of the commissioners, all or any of his powers and duties to the vice-chairman or any other commissioner and the chairman with such officer or officers constitute the executive. The chairman can exercise all the powers vested by the Act in the commissioners, except that he must not act in opposition to, or in contravention of, a resolution of the commissioners at a meeting, nor exercise any powers which the Act lays down must be exercised by the commissioners at a meeting. Some of the municipal boards being jealous of the power of their office-bearers have restricted its exercise by passing resolutions. Both the chairman and the vice-chairman may at any time be removed from office by a resolution of the commissioners in favour of which not less than two-thirds of the whole number have given their votes at an *ad hoc* meeting. In a few municipalities such resolutions have been brought forward by a combination of members hostile to the executive.

76. *Committees.*—It is open to commissioners to appoint committees and to delegate powers and duties to them in respect of finance, public health, public works, education, hospitals and dispensaries and any other special subject relating to the purposes of the Act. Persons who are not commissioners may be appointed to such committees up to a limit of one-third of the members. Unless delegation is made, and it seldom is, these committees are purely advisory and in many municipalities have little real power, the whole body of the commissioners being anxious to decide, as they have the statutory right to do, the details of administration themselves. The municipal body

may also appoint its members to serve with members of another local authority on a joint committee and must do so if the local Government so directs.

77. *Functions.*—The functions of the municipalities include control of roads and buildings, conservancy and drainage, care of the public health, safety and convenience, control of food, drink and drugs, supply of water and lighting, regulation of vehicles plying for hire, education, registration and inspection of public hostels and registration of births and deaths. The last-named function is only exercised in two municipalities as an experiment to determine whether entrusting the duty to the municipal authorities instead of the police will improve accuracy.

78. *Sources of income.*—The income of the municipalities is mainly derived from a tax on the annual value of holdings, though 18 of the smaller municipalities prefer a tax on persons according to their circumstances and property within the municipality, supplemented as a rule by a holding tax on public buildings. Only one municipality, Sambalpur, derives its main income from octroi, a peculiarity which springs from the inclusion of that district in the Central Provinces until 1905. The maximum rate for the holding tax is $7\frac{1}{2}$ per cent., except in Patna City where it is 10 per cent., and the maximum is ordinarily imposed. The personal tax rate varies, but is usually $1\frac{1}{2}$ per cent. on the annual income. A latrine tax at rates varying from $7\frac{1}{2}$ per cent. to 3 per cent. on the annual value of holdings is realized in most municipalities, and its proceeds are reserved by law for certain branches of conservancy. In seven municipalities, which have a municipal water-supply, a water-rate is imposed, and its proceeds are similarly reserved. Additional revenue is derived in most municipalities from tolls, markets, taxes on private vehicles, horses and dogs, registration fees for carts, license fees for vehicles plying for hire, and for carrying on certain dangerous and offensive trades, receipts from cattle pounds, vaccination fees, fines for offences against the Municipal Act, etc. Terminal taxes are levied at the two large pilgrim centres, Gaya and Puri, but the proceeds are administered by special bodies, and only a part of them finds its way into the municipal fund as a contribution. No municipality imposes the lighting rate, since, where electric lighting is supplied, it is managed by private enterprise.

79. *Inadequacy of taxation.*—It will be observed that the maximum rates are fixed by law. The work of the municipality

is therefore conditioned by the amount of income raised and not *vice versa* as in Western countries. The crux of municipal administration therefore is (1) a reasonable assessment of the values on which the rates are levied, (2) an equitable distribution of the burden of this taxation and (3) a successful collection of these rates. For many years municipalities have been criticised by Government for failing to raise adequate sums to carry out their duties. This criticism has not ceased since the internal official control has been completely removed and the external control reduced to a minimum and exercised by the Ministry itself, and in essence it is a criticism in varying degree on failure in one of these three points.

80. *Details of income.*—The following table gives the details of income in thousands of rupees. Triennial averages are struck to smooth out minor variations :—

	Triennial average, 1911—13.	Triennial average, 1914—17.	Triennial average, 1917—20.	Triennial average, 1920—23.	Triennial average, 1923—26.
1	2	3	4	5	6
1. Octroi	24	23	47	47	50
2. Tax on houses and lands ...	5,50	6,36	7,58	8,13	9,41
3. Tax on animals and vehicles ...	1,29	1,30	1,37	1,43	1,93
4. Tax on professions and trades ...	25	26	28	27	40
5. Tolls	72	68	70	75	81
6. Water-rate	55	1,15	1,32	2,16	2,52
7. Latrine rate	2,90	3,30	4,38	5,15	5,94
8. Tax on persons	2,02	1,93	1,98	1,98	1,86
9. Miscellaneous tax receipts ..	7	8	7	5	4
10. Total of rates and taxes ...	**13,56**	**15,30**	**18,14**	**20,30**	**23,40**
11. Realizations under special Acts ...	37	42	46	43	65
12. Revenue from municipal property and non-taxation powers.	1,98	2,47	2,63	2,78	3,66
13. Miscellaneous non-tax receipts ...	21	88	72	42	75
14. Total non-tax income ...	**2,56**	**3,77**	**3,81**	**3,63**	**5,06**
15. Total income excluding grants ...	**16,12**	**19,01**	**21,95**	**23,93**	**28,46**

	Triennial average, 1911—14.	Triennial average, 1914—17.	Triennial average, 1917—20.	Triennial average, 1920—23.	Triennial average, 1923—26.
1	2	3	4	5	6
16. Government grants	7,16	5,68	7,64	4,65	3,10
17. Grants from other local bodies ...	2,23	2,23	1,87	2,12	1,54
18. Grants from other sources ...	1,51	1,65	1,16	1,52	95
19. Total grants	**10,90**	**8,96**	**10,67**	**8,29**	**5,59**
20. Total ordinary income	**27,02**	**27,97**	**32,62**	**32,22**	**34,05**
21. Extraordinary income and debt ..	3,98	5,49	7,31	4,65	4,76
22. Total receipts	**31,00**	**33,46**	**39,93**	**36,87**	**38,81**

These figures are confused owing to the creation of three municipalities of some importance during the period, the Patna Administration Committee in 1916, Chakradharpur in 1918, and Dhanbad in 1919. They now have an annual income apart from grants of about two lakhs of rupees and since the first looks after the new capital at Patna the second is a railway centre of some importance and the third on the edge of the coalfields, they are all somewhat exceptional. In the statement below, which summarizes the previous statement for municipal income, other than grants, extraordinary income and debt, the figures for these three municipalities have been excluded.

	1911—14.	1914—17.	1917—20.	1920—23.	1923—26.
A.—Direct taxes, viz., 2 and 8 ...	7,52 **80**	8,29 **88**	9,37 **100**	9,62 **103**	10,65 **114**
B.—Taxes for service, viz., 5, 6 and 7...	4,18 **66**	5,13 **81**	6,36 **100**	7,64 **120**	8,56 **135**
C.—Other taxes, viz., 1, 3, 4 and 9 ...	1,85 **85**	1,87 **86**	2,18 **100**	2,17 **100**	2,76 **127**
D.—Non-tax income	2,56 **105**	3,77 **155**	2,43 **100**	3,36 **138**	4,85 **200**
Total ...	16,11 **79**	19,06 **94**	20,34 **100**	22,79 **112**	26,82 **132**

The lower figures in heavy type are percentages taking 1917—20 as 100.

81. *Increase in income.*—In the whole period there has been an increase in income of about 67 per cent., which has been distributed fairly evenly over the triennial periods. During the same time the cost of living in urban centres has risen by about 60 per cent., and consequently in so far as that conditions, as to a large extent it does, the expenditure on essential services and thus the income which it is necessary to raise to provide them, the income has more than kept pace with the static needs of the municipalities and there is a slight margin for improvements.

The increase obtained from the tax on house property which is the main resource for the larger towns, and from the tax on income which is imposed in the smaller towns has not been as large as the general increase in the income of the municipal boards. If the valuation of property in the larger towns and the level of income in the smaller towns has risen *pari passu* with the cost of living index the yield from these two taxes should be Rs. 12,03 instead of Rs. 10,65. As has been said above the real touchstone is whether the valuations for assessment are reasonable and whether they are fair to all classes of ratepayers. It must be remembered that the towns in this province have increased very little in population; the majority of them are not industrial centres or even large trade centres and the province is predominantly agricultural. Critics have held that there is probably room for an increase in income from direct taxation, but direct taxation is not popular in India and a non-official body in the absence of a strong public opinion to support them is not in such an independent position as an officially controlled body in dealing with a matter of this kind. Theoretically the poorer ratepayers should through their votes be able to insist on an equitable distribution of direct taxation, but it is to be feared that they have not yet reached this stage.

82. *Taxes for service.—The water-rate.*—Taxes for service include (1) ferry and road tolls which have shown a slight decrease, (2) water-rate and (3) latrine rate. The water-rate receipts have shown a marked increase, as might be expected from the activity shown in establishing waterworks in the larger towns during the pre-Reforms period and the extension of house connections in the later period. It has all along been permissible to charge against the water-rate the expense of making, extending and maintaining waterworks, a fair portion of the cost of collection and general supervision, and the liquidation of debts and the interest of loans incurred on purposes

connected with the water-supply. The following figures are significant :—

——	Capital expenditure.	Upkeep cost.	Water-rate receipts.
1	2	3	4
1911—14	5,78	1,53	1,65
1914—17	7,98	3,98	3,45
1917—20	10,55	4,44	3,96
1920—23	3,06	6,69	6,48
1923—26	80	8,11	7,56
Total ...	28,17	24,75	23,10

It was only in the first triennium that the receipts covered the bare cost of upkeep. Later a dead loss has been made, even without taking into account collection and supervision charges and service of debt. The question, however, remains whether the executives of the boards in recent years are entirely to blame for the fact that the upkeep of water-supplies in the towns where these exist encroaches on the income raised for general purposes.

The designs for the waterworks were made under Government supervision and the water-rates were originally fixed on the estimates and expectations of official experts. In many cases these expectations have not been realized and in some cases additional capital expenditure has had to be incurred to meet changes in the rivers or other variations from the data on which the estimates were based. Government have not hitherto been able to afford much assistance in the constant and detailed supervision of the working and the municipal bodies themselves are not experts and have not felt themselves able to afford expensive supervision. Once the waterworks were started it was an invidious task for them to increase the water-rates without being able to give an increased or enlarged service.

83. *The latrine rate.*—The proceeds of the latrine rate have also expanded, though it is hard to believe that a rise of

15 per cent. between the two last triennial periods is all that could be reasonably imposed, to meet the cost of constructing and maintaining public latrines and a share of the cost of the sanitary staff, which the 1922 Act added to the permissible charges against the proceeds of this rate. Further it was the Legislative Council on the recommendation of its Select Committee largely composed of non-officials with experience of municipal administration that whittled down the original proposal to enlarge the scope of the latrine rate to that of a general conservancy tax against which could be charged not only the cost of cleansing latrines, but also the charges for road cleaning and for interest and upkeep charges payable on sewerage schemes. A statutory limit of 7½ per cent. on the annual valuation of house property is in force, but that rate is scarcely approached because the utilization of the fund for conservancy in the wider sense is forbidden by the Act as it stands. The financial result has been that, while in 1912 the cost of conservancy exceeded the proceeds of the latrine tax by Rs. 2,53,000, the deficit had risen to Rs. 3,95,000 in 1920, and in spite of the larger scope of the tax permitted by the 1922 Act was still Rs. 3,94,000 in 1925. This drain on the general resources of the municipalities has naturally hampered their efforts after conservancy in the wider sense, though there are some municipalities that have kept their latrine tax too low to cover even the cost of the services that can be legitimately charged to it and in many cases those services could be improved.

84. *Incidence of taxation.*—The incidence of taxation per head of population has grown from Re. 1-2-8 in 1912 to Re. 1-9-4 in 1920 and again to Rs. 2-2-0 in 1925. Allowing for 60 per cent. rise in urban centres in the cost of living, the incidence in 1912 was equivalent to Re. 1-13-10 in 1925, and the real increase in incidence is thus about 14 per cent.

The incidence varies markedly, being Rs. 11-2-2 for the Patna Administration Committee, Rs. 4-15-7 for Muzaffarpur with a heavy water-rate, and Rs. 4-1-7 for Sambalpur with its octroi system, while Patna City, the largest municipality, has an incidence of Rs. 3-3-7. The average is brought down by the small municipalities, in thirteen of which the incidence is below one rupee while in twenty-four others it is below two rupees. The Patna Administration Committee sets a high standard of service for which its population of Government servants can afford to pay. It is perhaps not reasonable to expect all municipalities to adopt a similar standard, but

neither Muzaffarpur nor Sambalpur are especially wealthy centres, and their standard of taxation should not be too high for the other large municipalities.

85. *Details of expenditure.*—The following table shows the ordinary expenditure of the municipalities in thousands of rupees. The averages of each triennial period are struck in order to smooth out minor variations :—

——	Triennial average, 1911—14.	Triennial average, 1914—17.	Triennial average, 1917—20.	Triennial average, 1920—23.	Triennial average, 1923—26.	Figures for last triennium taking those of first triennium as 100.
1	2	3	4	5	6	7
General administration and collection charges.	1,56	1,71	2,16	2,43	2,74	176
Public safety	1,04	1,34	1,65	1,90	1,91	184
Water-supply and drainage ...	3,79	6,89	6,25	4,27	4,33	100
Conservancy and health establishments.	5,05	6,82	9,10	9,83	10,54	190
Hospitals and dispensaries ...	3,20	5,43	5,06	4,58	3,72	101
Public health and convenience	78	1,06	1,75	1,87	1,31	168
Public Works	3,15	3,71	3,85	3,72	5,06	146
Education	81	1,56	1,64	1,80	2,50	321
Miscellaneous	96	1,58	1,76	1,36	1,52	158
Total ...	**20,34**	**30,10**	**33,22**	**31,76**	**33,63**	**165**

Expenditure has gone up by about 65 per cent. between the first triennium and the last, but the bulk of that advance was made in the first six years of the province's existence. Indeed there has been no real advance whatever between 1915-16 and 1925-26. In the former year total ordinary expenditure was Rs. 31,27,000, and in the latter, Rs. 34,85,000, in which was included Rs. 2,47,000 spent by the three municipalities created in the interval, Patna Administration Committee, Dhanbad and Chakradharpur. Expenditure on general administration including collection charges shows a somewhat larger increase than total expenditure, but it is not perhaps excessive, when it

is remembered that urban cost of living has gone up about 60 per cent. Public safety expenditure, which is mainly for lighting, has increased steadily and in due proportion. The figures for water-supply and drainage require explanation. In the earlier years there was considerable capital expenditure on water-works and some on drainage, while comparatively little has been done of late years, although many schemes are ready and badly needed. Conservancy and health establishment show some advance beyond that which the need for paying higher wages would require. But it is noteworthy that since Government withdrew its grants-in-aid to enable the larger municipalities to employ whole-time health officers, the services of these officers have been dispensed with on the ground of want of funds. The municipalities now contribute almost exactly what they did in 1911—14 to the upkeep of hospitals and dispensaries, a large advance in the earlier years having been lost in the later. This is partly due to the fact that the burden of maintaining the principal hospitals in three large towns has been shouldered by Government. It is also true that in the earlier years a considerable sum was spent in acquiring lands and buildings. In the first triennium grants from Government and from other local bodies together with benefactions for medical purposes amounted to Rs. 3,42,000 leaving the municipal share only Rs. 28,000. In the last triennium the figures were Rs. 2,59,000 and Rs. 1,13,000.

Miscellaneous expenditure on public health and convenience covers charges for combating plague, for vaccination, markets and slaughter-houses, pounds, dâk bungalows, arboriculture, public gardens and veterinary work. In these activities the expenditure shows a steady and normal increase in the earlier years, but it has dropped markedly in the past six years. Plague expenditure is fortunately now scarcely ever required, while few towns can afford money for public amenities such as gardens and trees. The bulk of " public works " expenditure is on roads. Here expenditure increased but little in the earlier years, but has made some advance in the last triennium. Even with this spurt, which previous neglect rendered absolutely essential, the increase is not nearly up to the general increase of expenditure and in most municipalities the roads are in a deplorable state. Education expenditure has made the most notable advance of all, but this is partly because the annual Government grants earmarked for this purpose averaged Rs. 1,17,000 in the last triennium or some Rs. 70,000 more than they did in the first. In the last item of " miscellaneous " the

main charges are for interest on loans, printing, legal expenses and provident fund. The growth of expenditure on the whole is normal though it is noteworthy that legal expenses averaged Rs. 30,000 in the last triennium against Rs. 9,000 in the first. These are, no doubt, realized from the defendants in course of time.

86. *The death-rate.*—Before leaving the subject of expenditure, it is proper to record the statistical evidence on the test, which is most generally applied to the efficiency of a body, responsible for public health, the increase or lowering of the death-rate. The following figures are compiled from the Director of Public Health's report, based on the vital statistics collected by the police :—

Triennial period.	Death-rate per thousand in towns of population of 5,000 or more (Triennial average).	General provincial death-rate (Triennial average).	Figure for provincial death-rate taking urban figures as 100.
1	2	3	4
1912—14	28·7	29·5	103
1915—17	31·5	33·4	106
1918—20	36·7	42·5	116
1921—23	26·6	27·3	103
1924—26	25·6	26·2	102

The figure for the middle triennium was forced up by the large mortality from influenza in late 1918 and early 1919. Leaving aside the abnormal period, the statistics do not show much improvement in health in municipalities, in spite of the provision of a pure water-supply of which the capital charges were mainly met from provincial revenues, in three of the principal towns in the period between 1912 and 1921.

87. *Control under the old Act.*—The municipalities up to 1923 were subject to considerable official control. Although throughout the pre-Reforms period the policy of substituting non-official for official chairmen was steadily followed, yet mainly owing to the preference of the municipal commissioners for officials, 30 out of the 58 chairmen were still officials in 1920. Besides this internal control, there was somewhat close external control under the old Act.

The Divisional Commissioner and the District Magistrate were empowered to suspend action by the commissioners considered to be *ultra vires* or likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

Resolutions electing or removing a chairman, granting allowances to a chairman or vice-chairman, or relating to rules for the grant of pensions or gratuities or to the creation and management of provident funds were subject to the approval of Government. Creation or abolition of appointments of Rs. 200 per mensem or more required the sanction of Government, while the Divisional Commissioners exercised control over all municipal servants on Rs. 100 per mensem or more.

The District Magistrates were empowered to settle finally disputes between a municipality and another local body in his district, and the Divisional Commissioners had similar powers for disputes of wider scope.

The budget and revised estimates had to be submitted to the District Magistrate for his scrutiny and were subject to the sanction of the Divisional Commissioner, who was also the authority for reappropriation. Government had power to lay down rules limiting or regulating the spending powers of a municipality.

88. *Present control.—Position of local officials.*—Under the new Act the statutory powers of the local officials are entirely withdrawn, except that the District Magistrate can still suspend action, if in his opinion it is likely to lead to serious breach of the peace, or to cause serious injury to the public or to any class or body of persons. These officers are still used by Government as agents for inspection and through them pass the municipal budgets and the copies of the minutes. But they merely comment and can no longer take action on their own initiative. The powers of Government may, however, with certain restrictions be delegated to Divisional Commissioners. No such delegation has yet been made.

89. *Control by Government.*—Government can no longer interfere with the election or removal of a chairman. Control is still retained, but lodged in the hands of Government over the creation of appointments on pay of Rs. 100 or more, and Government may make rules prescribing qualifications. But once appointed the municipal servants are completely controlled by the municipal commissioners. Government was and still is

empowered to order the District Magistrate to perform a statutory duty neglected by the municipality and to enforce the payment of the cost.

The settlement of disputes has been removed from the hands of the local officials to Government. The financial powers of the solvent municipalities are now unfettered by the Act itself except for the submission of schemes costing Rs. 10,000 or more, which Government may reserve for its own approval.

A considerable degree of control can, however, be imposed on all municipalities by rules framed under section 81. Under this section the application of municipal funds to the various purposes may be regulated; rules may be framed regarding accounts and audits, for the preparation of budgets and expenditure against budget allotment, for the provision of adequate balances, for the preparation and sanction of plans and estimates, for the submission of returns, for fixing the authority competent to pay money and give receipts, and generally for determining kindred matters. The existing rules cover most of these matters, but leave the preparation of budgets in the hands of the municipal boards except that a balance to cover two months' expenditure must be provided. There are no restrictions on reappropriation, nor any attempt to prescribe the proportions to be spent on different activities. Schemes costing Rs. 10,000 or more have to be submitted for sanction.

Further control can be exercised by rules framed under section 325 in regard to schemes for water-supply, lighting and drainage, and the working of such service enterprises after completion. The existing rules provide that all important schemes of this nature are drawn up under the supervision of the Government Sanitary Engineer, and carried out either by him or under his control. Where a municipality is indebted, Government may require budget and revised estimates to be submitted for sanction. Government retains the power to supersede the municipal commissioners in case of incompetency, persistent default of duties or abuse of their powers. The Ministry has not hitherto exercised this power. The reasons for not exercising it will be found in the description of the working of Local Self-Government department in Chapter VIII.

90. *Taxation.*—Taxation powers were and still are under some control of Government. Thus the imposition of any tax or fee is subject to the sanction of Government. And though the municipal commissioners fix the rate, yet Government can

intervene, where the municipality is involved in financial difficulties, to retain the existing rate for holdings. Its approval is required for the scale of fees for licenses. Government can, as before, require the municipal commissioners to revise an assessment or to appoint an assessor of taxes. The decisions of such assessors were and still are subject to review by a committee of the municipal commissioners.

91. *Removal of commissioners.*—Prior to 1922 Government had power to remove a commissioner guilty of misconduct in the discharge of his duties or disgraceful conduct. That power is partly retained, but for disgraceful conduct conviction in a Criminal Court for an offence involving moral turpitude is substituted, and Government cannot act unless a two-thirds majority at a special meeting so recommends. The Divisional Commissioners had power to remove commissioners in certain circumstances. This power has been transferred to Government, and a new power given to remove on a representation from three-fourths of the registered electors of a ward.

92. *Audit.*—A new form of statutory control has recently been imposed through the Local Audit Act, 1925. Under this Act the auditors are given statutory authority to call for documents, to summon in person the servants of the local body in charge of them, and to require them to answer questions on them. The Examiner of Local Accounts is empowered to surcharge persons responsible whether servants, the executive or the individual members who voted in favour of the irregular action, for illegal payments, losses due to negligence or misconduct, and sums not brought into account. An appeal against surcharge lies to an authority appointed by the Governor, who has appointed the Minister for this function.

A large number of surcharge cases have been taken up, but comparatively few have ultimately been pressed home by realization as most of them are based on technical and condonable irregularities. There is at present a tendency on the part of the Examiner of Local Accounts to place the surcharge on the subordinate rather than on the controlling authority, and the Minister is naturally reluctant to order realization in such cases. Further it is felt that leniency can be rightly displayed, while the full implication of the Act is hardly yet understood. It is, however, a very powerful weapon for enforcing a high standard of probity and watchful discharge of duty among municipal commissioners and their officers, and it is probable that it will be used with increasing effect.

93. *Finance.*—What has already been said on the subject of revenue and expenditure indicates that there is some ground for criticism of the working of the municipal boards in those spheres. But more severe criticism can be directed against their inability to enforce prompt and complete recovery of legal demands. The following figures will show the position:—

	Percentage of arrears on current demand.	Percentage of total collections on current demand.
1911—14	8·2	96·4
1914—17	9·1	95·9
1917—20	8·9	96·4
1920—23	13·7	93·2
1923—26	17·9	94·7

Arrears have risen to a notable extent in recent years while collections have fallen off. It is generally reported that collections are not enforced by prompt issue of warrants and this necessitates resort to the dilatory method of civil suits. There are three principal reasons for this. In the first place the increase of demand, though not very great, may have made it more difficult to collect the same percentage. Secondly the resource of temporary encroachment on Government grants is a temptation hard to resist for the inexperienced administrator. Lastly the executives of recent years have not had behind them the indirect powers, which their official predecessors possessed, of enforcing warrants promptly and unquestionably, powers which if they are well known to exist, render recourse to them infrequent. The non-official executive has some intelligible reluctance to put influential fellow citizens to the indignity of a warrant and unfortunately some people are ready to trade on this reluctance.

Local audit has been in force throughout the period and has revealed in most years serious defects. In the whole period from 1912 to 1926 sixty-six cases have been brought to notice, where lack of supervision has led to embezzlement of funds. Though slackness in investigating outstanding arrears was noted in 1912-13 and again in 1916-17 positively illegal remissions appear to be a feature of recent growth, no cases having

been reported till 1924-25, when seven boards were detected in this offence; twelve boards offended in 1925-26, and eight have offended in 1926-27. It is probable, however, that the increased frequency of the offence is due to the more stringent audit, which the Local Funds Audit Act has brought about, and that the greater control so given will produce a rapid improvement. Prior to 1919 in only one case did the local auditor report that the assets were insufficient to cover outstanding liabilities. Since then the following number of municipalities have been found in that state of financial embarrassment :—

1919-20 ...	... 5	1923-24 ...	... 11
1920-21 ...	... 9	1924-25 ...	... 19
1921-22 ...	... 12	1925-26 ...	... 10
1922-23 ...	... 19	1926-27 ...	... 15

There has been a growing tendency to utilize grants for specific purposes to cover temporary deficits due to slack collection, and even to spend such grants for other purposes with little or no prospect of early replacement. The worst municipality in this respect has been Bhagalpur, which had been pilloried as far back as 1920-21 for diverting not only Government grants but even some sums received as donations from private individuals for specific purposes. In June 1925, the encroachments of that municipality on such sums still amounted to Rs. 74,500. In 1926-27 no less than Rs. 7,50,000 of unspent Government grants remained in the hands of the municipal boards, and much of this is used as a kind of permanent advance to cover temporary deficits.

It may be urged in explanation that the office-bearers of recent years are much more dependent on the goodwill of the ratepayers than they were in the earlier period and thus prone to conciliate them by spending without giving full regard to the effect on the future of municipal finance. In several boards the executive have lacked previous administrative experience and have fallen inadvertently into financial difficulties which that experience would have enabled them to avoid.

94. *Summary.*—The foregoing paragraphs are intended to give a fair picture of municipal administration both before and after the Reforms, as far as that can be presented from analysis of the statistics of revenue and expenditure and the broader results of audit.

It is a more difficult task to appraise generally the progress made in municipal Government since the Reforms, and more particularly since 1923, when the new Act to a very large extent

removed official control and gave a free field to an extended experiment in local Self-Government, because unless the attendant circumstances are fully considered, deductions which would not be justified might be drawn from such an appraisement. It would have to be admitted that municipal administration during this period has not been a success and this is borne out by the annual administration reports issued during the period, though these are purposely devoted more to pointing out defects in the hope of getting them remedied, than to analysing instances of good work. But it must be remembered that the first few years coincided with the non-co-operation outbreak when a spirit of defiance to authority was abroad and affected every form of administration. At the first elections under the new Act in 1923 the board was swept by candidates from a political party, which openly avowed its intention to use local self-governing bodies as a weapon in their political campaign against the existing system of Government. During their dominion municipal administration was pushed into the background and the commissioners devoted themselves largely to political matters, which should have been entirely outside their ken. All the evils and injustices which have been described in a later portion of this chapter under the heading of rural local bodies had their parallel in the municipalities. In such circumstances progress in municipal government could not be expected. Since the new boards were formed in 1926 there has already been a marked improvement, and, although it cannot be said that a return of the old state of things is impossible, it may confidently be expected that the growth in civic sense that has already shown itself will continue and that public opinion will prevent the municipalities from being used merely as pawns in a political game. Many of the defects in later years have been due to inexperience and will correct themselves. It must not be overlooked that the standard of municipal administration has never been high as compared with Western countries, and, in this province, when seeking a reason for this, it is not necessary to go beyond the outstanding fact of poverty of revenues. The province is agricultural and there are very few towns with manufacturing or even large trading interests, and it cannot be expected that they should emulate the achievements of wealthy cities in the West. Above all it is unfair to pass an adverse judgment on the result of such a short period, more than half of which was frittered away on matters that did not concern municipal administration.

95. *Non-co-operation and the municipalities.*—The municipalities were very greatly affected by the non-co-operation

movement. The first attempt to gain control of a municipal board, in pursuance of the policy laid down by the Congress Committee at Bezwada at the end of March 1921, was made in Muzaffarpur in the following month, and met with immediate success. Practically all the candidates, who obtained any votes, were obliged to sign a pledge that they would take their orders about municipal work from the District Congress Committee.

For the next two years attempts were made without much success to repeat this in other municipalities, but there were distinct signs that municipal bodies were inclined to stray from the sphere of municipal administration into the wider sphere of politics. But the energies of the non-cooperators were otherwise engaged during early 1922, and in the latter part of that year and most of 1923 they were weakened by divided counsels. By October 1923, however, when the first general election under the new Municipal Act took place, they had decided to make a determined attempt to capture local self-governing bodies and closed their ranks for this object. In ten municipalities 96 of their candidates were returned out of 180 elected members and the party was strong enough to secure a working majority in nine and full control in two

In the next three years the municipalities in which there was a strong non-cooperating element had their eyes fixed more on outside politics than on internal administration and many of their acts and resolutions had no concern with the municipalities they were supposed to administer and were dictated entirely by extreme politics and opposition to Government. The non-cooperators definitely lost ground at the general elections of 1926-27 and it is to be hoped that this is a phase which will not recur.

96. *The influence of the Legislative Council.*—The chief influence of the Legislative Council on the municipalities has been, without question, the turn that that body gave to the Municipal Act of 1922. The main features of that statute have already been indicated. The Council were especially active in securing that the local officers' power to interfere with the proceedings of municipal boards should be reduced to a minimum. They were not, however, prepared to trust the municipal boards or their elected office-bearers implicitly. They were ready to concede some control to the ratepayers, who are empowered to recommend the removal of a municipal commissioner, but in the main, decided that all supervising authority

should be exercised by the Minister, a concentration that renders detailed supervision impossible.

The only other Act which concerns municipalities that has been passed by the Legislative Council is the Local Fund Audit Act, 1925. This was strongly opposed in Council by the Swaraj party, as showing an unworthy distrust of the honorary workers on local bodies, but majorities were obtained apart from the votes of the official block both for the reference of the Bill to a Select Committee and to defeat a motion for recirculation after the committee had reported, and the Bill passed without further opposition. In the first Council some members exhibited a desire to urge Government to interfere with the discretion of municipal boards in minor matters of local interest, and to impose policies on them. This tendency has practically disappeared of late years.

II.—RURAL LOCAL BODIES.

97. *Number of district boards.*—Every district, except Sambalpur, Santal Parganas and Angul, now has a district board constituted until 1924 under the Bengal Local Self-Government Act, 1885, and from that date onwards under the amending Act of 1923. Sambalpur has a district council constituted under the Central Provinces Local Self-Government Act (I of 1883). Santal Parganas has a district committee appointed under the Bengal Cess Act, 1880. Singhbhum was in like case till 1920, when it was brought into line with other districts. Angul has no rural local body. There are thus eighteen district boards, and one district council, also of a representative character, and one district committee entirely nominated. The last is excluded from the description which follows.

98. *The constitution of the boards in* 1912.—In 1912 when the province was created the boards were composed of 127 official and 263 non-official members. No less than 112 of the former were appointed *ex-officio* while 15 were nominated. Of the non-officials, 116 were nominated and 147 elected. This indicates the degree to which the boards were under official control, but that control was really more complete than the figures show, because the elected members were elected by the members of the subordinate local boards, and in only two districts, Patna and Sambalpur, were any of the local board members themselves elected. In these two districts 28 district members were elected. Further the chairmen of the district boards were all nominated by the local Government, and the choice always fell on the official head of the district, who

combines the functions of District Magistrate, Collector or Deputy Commissioner and District Officer. In some boards even the vice-chairman, whom the members of the board were entitled to elect, was an official. The boards were in consequence little more than advisory bodies, and the District Officer could carry his way in all matters of importance.

99. *Modifications made prior to the Reforms.*—Some modifications in favour of liberalising the structure of the boards were made in the pre-Reforms period. Thus in 1915-16 instructions were issued that in future officials should not accept the post of vice-chairman. In 1913-14 the popular election of some of the local board members was extended to Gaya and Shahabad. In 1919-20 it was decided to extend elections for local boards to all districts except those of Chota Nagpur Division. This decision was not operative except in Monghyr, because the next elections did not occur till after the new Act was passed. In 1919 the boards of Patna, Bhagalpur and Cuttack were given the privilege of electing their own chairman, a privilege extended to Gaya in 1920 and offered to Muzaffarpur but declined.

100. *Further modifications prior to the Act of* 1923.—On the introduction of the Reforms, Shahabad, Purnea, Monghyr, Puri and Balasore were allowed to elect non-official chairmen. The boards of the Tirhut Division declined the privilege. In 1922 some members of the local boards of Monghyr district were elected for the first time. In 1923-24, the last year before the reconstitution of the boards under the Act of 1923, there were as members 102 *ex-officio* officials and 3 nominated officials, 134 nominated non-officials and 175 elected non-officials. Of the last 64 could claim to have been elected, although indirectly, by popular suffrage.

101. *Changes in structure made by the Act.*—The Act of 1923, as will be presently shown, made a far more sudden advance towards representative local government in the rural local bodies than the Municipal Act of 1922, framed on very similar lines as regards structure, did for the urban sphere. There representation had already made a real start. Under the Act as amended in 1923 and the rules framed thereunder, the elected members, who must form three-fourths of the total, are chosen by an electorate, which is identical with that of the rural constituencies for the Legislative Council, except that persons who hold certain professional qualifications, legal and medical, as well as persons who are matriculates of a University or have obtained similar educational qualifications in classical

languages are added to the electoral roll. In framing the rules defining qualifications, the opportunity was taken to rectify minor defects in the Legislative Council Electoral Rules. Candidates for election must be electors borne on the roll of the circle which they aspire to represent or of another circle within the same subdivision of the district. (There is no such restriction on candidature for the Legislative Council.) Candidates are eligible if they have attained the age of twenty-one years, instead of twenty-five the age fixed for Council candidates. Plural constituencies are common. The electoral procedure and machinery are practically the same as those for the Council elections described at length in Chapter VI and have worked with reasonable smoothness. There is a joint electorate including Hindus, Muhammadans and others. Muhammadan members of the Legislative Council introduced in the spring session of 1928 a Bill to amend the Act in this respect, but withdrew a motion to refer it to a Select Committee on the expression of a general feeling that it was an unsuitable time to express any opinion in favour of a particular form of protection of minorities.

102. *The elections of* 1924.—The average number of votes cast at contested elections in 1924 was about 49 per cent. The interest displayed was very uneven. Thus in Palamau twelve out of fifteen seats were uncontested; there was hardly any interest in Singhbhum, while in Cuttack three seats were won on a poll of less than 10 per cent. of the electorate. The Swarajist organization had already been tested in the Council elections of the previous year, and the experience gained enabled that party, in the absence of any equally complete organization, to obtain a marked success. In 11 boards out of 18 that party had a majority of elected members, while in eight they dominated the board. Of the 419 elected members only 84 had previous experience of public work, many of these having merely been commissioners of small municipalities. Twelve were students, barely qualified by age to stand. In one board 11 out of 30 elected members had suffered imprisonment. In another of the same size five were students, two dismissed police officers, two dismissed clerks, and two ex-schoolmasters. Five paid lecturers of the Swarajist party appeared in one board of 40, and six in another of 28.

103. *Nature of the appeals made to the electorate.*—Voters were frequently instructed to vote in a certain coloured box which was proclaimed to be that of Gandhiji. Some election addresses contained the following passage: "If you are true

to Mahatma Gandhi and the Congress and if you want Swaraj, vote for me." Elsewhere voters were informed that Gandhi had ordered them to vote for Swarajists and that Hindus would be guilty of the sin of cow-killing if they did not. In one district where forest rights are a burning question, the Swarajists swept the board by promises of reduction of taxation and postal charges and abolition of all restrictions on cutting timber, though in none of these matters had the district board the least concern. In several districts the Swarajists' sole declared policy was hostility to Government.

104. *The* 1927 *elections* —The Swarajist party lost some ground at the 1927 elections. They secured a majority of elected members in five boards and an equality in one. They now dominate three boards and hold half the seats in one more. They succeeded in getting elected 168 candidates who had signed the Congress creed, whereas they had 240 pledged supporters after the previous election. The percentage of votes cast in contested elections had risen to about 61.

The feature of these elections was that in some districts, though not in all, where the Swarajists had previously controlled the board, there was an attempt to bring prominently before the electors the inefficiency of the board, and this was successful in places. Elsewhere, particularly in the Patna and Tirhut Divisions, appeals were made to communal and religious feelings. But in most districts personal considerations counted more than anything. In two districts, where aborigines are numerous, most of their candidates were returned. In one of these there is a powerful organization. A noticeable instance of the waning power of Congress was the defeat of a Muhammadan Congress candidate by a Hindu, for whom the Muhammadans voted in preference to a man whose friends were members of the Hindu Mahasabha. The chief Muhammadan leader of non-cooperation days was badly defeated in another district. In a great many districts free use was made of the primary schoolmasters, who are paid by the board, as canvassers on behalf of the Congress candidate. In some districts other servants, such as doctors, road overseers, etc., were so employed as well as contractors. An objectionable feature of many elections was the parading of small school-boys with flags, singing songs in support of the Congress candidates. In one district they were sent out with placards. Generally much more energy was put into canvassing, and more up-to-date methods of appeal were used, and consequently interest was stimulated especially among the well-to-do classes. There

were, however, no very marked signs on the part of the bulk of the electorate that they realized that on their votes depended the question whether the resources of the board would be spent to the best advantage in the next three years. A good deal of treating, in the comparatively innocent shape of refreshments at the polling stations, was noticed, and accusations of actual bribery were made here and there.

105. *The representation of Muhammadans.*—There is no separate electorate for Muhammadans, who secured 42 seats out of 457 in 1924, and only 32 out of 465 in 1927. The Council rural rolls contained 26,025 Muhammadans out of 283,695 electors in 1923 and 29,216 out of 309,778 in 1926. Thus in 1924 they secured about their fair share of seats, if voting power is taken as the sole criterion, but in 1927 when relations between the two communities were strained they certainly did not.

106. *The executive of the boards.*—With the exception of the boards for four of the districts of the Chota Nagpur Division, all boards now elect their own chairmen. It was considered proper to continue the appointment of the chairman by the local Government for the five Chota Nagpur districts, in all of which there is a considerable aboriginal population, while the working of the new Act was still under trial. One of these, Manbhum, has recently been allowed to elect its chairman. The persons appointed chairmen have hitherto invariably been the Deputy Commissioners. Elsewhere the elected chairman must be a non-official. Government servants are not eligible for election nor can they vote at the election. Nor again can they be appointed by Government, when such appointment follows on the failure of the board to elect a chairman within the prescribed period. The vice-chairman is elected in all boards and there is no legal bar on Government servants standing for election or voting, though no Government servant has, since the Act of 1923 came into force, been elected vice-chairman. The powers of the chairman, vice-chairman, sub-committees, and members, to whom particular duties are assigned, to act in the name of the board, are defined by the statutory rules framed by the board, subject to the control of the local Government. The boards are under a statutory obligation to appoint committees for finance, education, public works and sanitation. These committees work subject to the control of the board, to whom their proceedings are submitted for confirmation or before whom their recommendations are placed for decision. A board may join with another local body

in constituting a joint committee, and may delegate its powers to such a committee.

107. *The functions of the boards.*—The functions of the district board under the old Act were provision and control of cattle pounds, maintenance and management of primary and middle education, provision of dispensaries and hospitals, control and administration of roads and bridges, arboriculture, improvement of rural water-supply, construction and maintenance of light railways, and rural sanitation. It might further be called upon to control vaccination, to undertake a census, to take measures for the relief of famine or serious distress, to establish staging bungalows and *serais* for the use of travellers, to hold agricultural fairs and exhibitions, to establish veterinary dispensaries and generally to undertake and carry out any other local work likely to promote the health, comfort or convenience of the public. This list of functions has been retained in the amended Act, and, with the exception of the census, all these activities are ordinarily, or when occasion demands, pursued by the district boards. It is open to them to undertake duties in respect of higher education, and Government may and does require them to act as its agent for the distribution of funds for the improvement of schools under private management.

108. *Income.*—The following table gives the triennial average income of the district boards in thousands of rupees :—

——	1912—15	1915—18	1918—21	1921—24	1924—27
1. Local cess and land revenue ...	41,01	54,03	60,31	74,60	79,70
2. Receipts from pounds ...	2,23	2,19	2,17	1,83	2,83
3. School fees and other education receipts.	23	55	33	33	73
4. Medical receipts	5	12	10	19	16
5. Receipts from minor departments ..	9	10	11	14	13
6. Civil Works receipts	3,93	3,92	3,71	4,28	5,43
7. Interest	25	40	93	85	71
8. Law and Justice receipts ...	20	23	23	28	27
9. Miscellaneous receipts ...	30	29	48	86	1,18
10. Total receipts	**48,29**	**61,83**	**68,37**	**83,36**	**91,14**

	1912—15	1915—18	1918—21	1921—24	1924—27
11. Government grants for education ...	7,38	9,18	10,57	12,88	21,67
12. Ditto for medical ...	16	21	1,02	2,59	5,40
13. Ditto for civil works...	7,10	6,09	7,62	6,48	7,79
14. Ditto for other purposes.	67	4	1,22	2	25
15. Total grants	**15,31**	**15,51**	**20,43**	**21,96**	**41,69**
16. Contributions for education ...	7	8	6	6	10
17. Ditto for medical ...	38	56	58	72	53
18. Ditto for civil works	54	38	33	21	39
19. Ditto for other purposes ...	4	4	7	5	5
20 Total contributions	**1,02**	**1,06**	**1,04**	**1,05**	**1,04**
21. Total ordinary income	**64,24**	**78,10**	**89,91**	**1,06,36**	**1,33,95**
22. Loans	83	33	1,30	3,31	3,77
23. Deposits and advances... ...	7,45	7,35	20,25	13,07	11,68
24. Total income ordinary and extraordinary.	**72,52**	**85,79**	**1,11,46**	**1,22,75**	**1,49,41**

'Contributions' mean income derived from private charity, mainly in the shape of subscriptions to medical institutions or gifts for their construction and equipment.

The figures include the incomes of all the regular district boards and of the Sambalpur district council, but not of the district committee of the Santal Parganas. The earlier figures also exclude the income of the district committee of Singhbhum, but the later figures include the income of the Singhbhum district board, which replaced it in 1920. This stood at Rs. 2,96,000 in 1920-21 and at Rs. 3,71,000 in 1926-27.

109. *Variations in income.*—The bulk of the income of the district boards comes from the local cess, which is imposed at one-sixteenth of the rent of land, half being paid by the cultivators and half by the superior landlord. Cess is also realised on profits from mines and forests. The land revenue payable to the district boards is insignificant. In 1912-13 only half the

local cess was paid to the boards, the other half up to that date being taken into the provincial revenues for expenditure on public buildings and roads. This explains the marked rise between the first two triennial periods. The further increase is largely due to rise in grain prices, which automatically forces up the rent when paid in kind, and less easily cash rents. Some increase has come from mining and forest activity. But since the assessment is made and the collection carried through by the land revenue authorities, the district board executive, as such, has had no influence on this part of their revenues except that they have the power, never exercised up to now, to fix a lower rate than the maximum. The letting of pounds is in the hands of the boards. The drop in the fourth triennium was a result of non-cooperation activity. That movement together with the calamities of 1918-19 was responsible for the falling off of the school fees in the third and fourth triennial periods. The large increase in the last triennium is the result of the expansion of primary education. Medical receipts have not shown the elasticity, which the great increase in rural dispensaries might well have produced. Private generosity was stimulated with difficulty during the official regime, and seems to be even less prominent under the non-official. The reason no doubt is that the non-official chairmen have not the same influence with the wealthy that the official chairmen had. Receipts from minor departments are mainly payments for services rendered at veterinary hospitals and again show a lack of elasticity. Civil works receipts consist mostly of rents for ferries and have been swelled to the tune of nearly one lakh by the surrender in 1924 of some important ferries, hitherto managed by Government, to the district boards. Miscellaneous receipts have latterly been swelled by the profits from light railways managed in two districts by the district boards.

110. *Government grants.*—The most striking feature of the Reforms period and especially of the last triennium has been the great increase of grants from the provincial revenues for education and medical relief. There has been no corresponding increase of grants for civil works, from which communications could be improved. Nor have private generosity or contributions from other local bodies shown any tendency to expand.

111. *Expansion of different sources of income compared.*—A comparison with the first triennium is vitiated by the influence of the figures for 1912-13 when half the local cess was still retained in provincial revenues. The following table shows the

way in which the various resources of the district boards have expanded, the figures for 1915—18 being taken at 100 :—

	1915—18	1918—21	1921—24	1924—27
Tax receipts	100	112	138	148
Non-tax receipts	100	108	117	154
Government grants	100	132	142	269
Contributions	100	99	99	99
Total income	100	115	136	171

112. *Expenditure.*—The following table shows the triennial average expenditure of district boards in thousands of rupees :—

	1912—15	1915—18	1918—21	1921—24	1924—27
1	2	3	4	5	6
1. General administration ...	1,56	1,98	2,77	3,64	4,99
2. Education	11,49	15,42	17,34	21,46	35,35
3. Medical	4,19	6,83	8,80	12,89	16,90
4. Minor departments including pound charges.	95	1,29	1,67	2,53	2,96
5. Pensions	58	74	77	1,22	1,68
6. Stationery and printing ...	35	46	65	76	1,00
7. Famine relief	2	48	35	1,31	10
8. Miscellaneous	46	28	36	53	73
9. Buildings, capital	1,35	3,51	2,90	4,62	7 56
10. Ditto up-keep	37	56	87	1,28	1,77
11. Ditto total	1,72	4,07	3,77	5,90	9,33
12. Communications, capital ...	15,18	19,40	16,64	20,51	19,58
13. Ditto up-keep ...	14,17	16,63	19,62	22,79	23,75
14. Ditto total ..	29,35	36,03	36,26	43,30	43,33

	1912–15	1915–18	1918–21	1921–24	1924–27
1	2	3	4	5	6
15. Water-supply	1,40	2,04	1,64	1,65	3,36
16. Other improvements	1,16	1,56	1,67	1,83	1,95
17. Contributions for civil works ...	47	44	21	59	82
18 Civil works establishment, tools and plant	5,84	6,69	8,75	10,81	10,56
19. Total civil works	**39,95**	**50,84**	**52,30**	**63,08**	**69,34**
20. Interest, refunds and drawbacks ...	12	16	20	28	26
21. Total ordinary expenditure ...	**59,99**	**78,47**	**85,25**	**1,08,76**	**1,33,31**
22. Repayment of loans	59	43	59	80	1,25
23. Deposits and advances .	6,59	9,06	21,10	10,29	9,52
24. Total disbursements	**67,16**	**87,96**	**1,06,94**	**1,20,18**	**1,44,42**

The remarks made on the table of income regarding local bodies in Sambalpur, Santal Parganas and Singhbhum apply here too. The expenditure of the Singhbhum district board in the first year of its existence, 1920-21, was Rs. 2,84,000. In 1926-27 it was Rs. 3,14,000.

113. *Change in the direction of expenditure.*—It is immediately noticeable that the relative importance attached to the purposes, on which the district boards have spent, has been considerably altered in the period covered by these figures. Comparing 1912—15 with 1924—27, the total ordinary expenditure has risen by 122 per cent. Medical expenditure has, however, gone up by 276 and educational expenditure by 208, whereas communications have only obtained an increase of 48 per cent. The disproportion is really even more marked since the large rise of 442 per cent. on buildings is very largely due to increased activity in erecting schools and dispensaries. There has been a tendency to emphasize the undeniable importance of education and medical relief for the rural population, purposes for which Government in response to the public demand have largely increased their grants; but there is not as a rule a corresponding appreciation of the importance of communications both to these objects and to rural economy generally. In view

of the increase of motor traffic, which in the shape of motor buses appeals to a very large proportion of the community, and which involves a heavy increase in the up-keep charges one might have expected that with more than double the resources of twelve years ago the district boards would spend something more than half as much again on communications. But these do not at present appeal to the average rural voter and the district boards shape their policy accordingly.

114. *Other charges.*—Of the less important charges, that for general administration, requires some comment. Here a rise of 220 per cent. is recorded, very much higher than the rise in total ordinary expenditure. Though the growth of this charge was more rapid than that of total expenditure even during the period of official control, the disparity has decidedly increased in the last triennium. The main cause is that the official chairman carried out his inspections as part of his ordinary duties, and his travelling allowances were charged to provincial expenditure, whereas the non-official chairman's expenses of this kind are debited to the district fund as well as the travelling allowances of a larger and more peripatetic body of members. The expenditure on minor departments has made a marked advance of 212 per cent. on the figure of the first triennium, principally owing to a growing appreciation of veterinary work.

115. *Administrative control.*—The law imposes upon the local Government and subject to the order of that authority, upon Commissioners of Divisions and District Magistrates the duty of seeing that the proceedings of district boards are in conformity with law and statutory rules and the local Government may set aside resolutions or orders which it considers are *ultra vires*.

Commissioners, District Magistrates and other persons authorised by the local Government can inspect records and works of the boards. A Government engineer may be appointed to inspect public works under the control of the boards, and the boards must be guided by his advice in all matters of professional detail.

The District Magistrate may suspend the execution of any order or resolution if he considers that it will result in serious injury to the public or to any class or body of persons or will lead to a serious breach of the peace.

The local Government may provide for the performance of duties in case of default by a board, and may recover the cost

of carrying them out. The District Magistrate may in case of emergency similarly provide for the execution of a work or the doing of an act whose immediate performance he considers necessary for the service or safety of the public. The local Government can dissolve a board and order a fresh general election, in the case of incompetence or persistent default. It can also supersede a board for the same reasons for a period of three months and may renew the supersession for like periods. The local Government is the final authority in disputes between two or more local bodies, unless they are both subordinate to another local body.

Finally the local Government has exercised its wide powers to make statutory rules regulating elections, conduct of business, transfer of property, power to contract, qualifications of candidates for employment, accounts, budget and closing balances, education, medical and sanitation matters, the appointment of district engineers and the performance and exercise of their duties and powers, and other matters with which the district boards are or may be concerned.

116. *Financial control.*—The budgets of district boards are subjected to scrutiny by the local Government, who can order alterations and modifications to secure that the estimate of income is proper, that the minimum closing balance has been provided, that due provision has been made for the cost to Government of collecting the local cess, for service of loans and for the payment of accepted interest charges on capital expended on communications, and that grants made by Government for a specific purpose are being duly expended. Approval of Government has under the law to be obtained for any re-appropriations, which may affect the provision for the purposes just enumerated, though in practice it is found difficult to enforce this form of control. The local Government has wide powers of control under the Local Authorities Loans Act, 1914 and the rules thereunder over the floating of loans by district boards. Lastly the Local Funds Audit Act applies to the district boards as it does to the municipalities, and by means of that Act the Ministry can check, by upholding on appeal the Examiner of Local Accounts' surcharges, all irregularities disclosed by audit.

117. *Other control.*—The local Government may, at the instance of a two-thirds majority of the board, remove a member of a district board guilty of misconduct in the discharge of his duties or convicted of an offence implying moral turpitude. Removal is authorized on the ground of refusal or incapacity

to act, insolvency, irregular attendance, interest in contracts made by the board, or appearance in court as an advocate against the board or its subordinate bodies. No power is now vested in the local Government to remove a chairman or a vice-chairman.

118. *Changes made by the* 1923 *Act.*—This is the position as it now stands. The Act of 1923 made several changes. It concentrated in the hands of the local Government powers of administrative control previously exercised by Commissioners of Divisions. A new threat of dissolution is added to that of supersession for incompetent boards. Formerly the Commissioner was empowered to insist on alteration in the budget as he thought fit. Now, even the local Government, which has resumed financial control, has the budget examined only to see whether the estimate of income is reasonable and proper, whether provision has been made for the minimum closing balance prescribed by rule, whether collection charges due to Government will be met, whether accepted long term liabilities will be liquidated, and whether Government grants are being appropriated to their specific purposes. Personal control is concentrated in the hands of Government, and this centralisation has the inevitable effect of weakening detailed control.

119. *Finance.*—The district boards are in the happy position of having the great bulk of their revenues either collected for them by the official revenue staff or paid over by Government in the shape of grants-in-aid. They have never been and even now are not, therefore, very liable to fall into the fault displayed by some municipal boards of slack collection and irregular remissions. On the financial side the principal cause for criticism was throughout the pre-Reform period the tendency to accumulate unnecessarily large balances or to seek to avoid this fault by heavy spending at the end of the financial year. Finance Committees from time to time came under criticism for ineffective or irregular audit.

120. *Criticism of the boards prior to* 1924.—Otherwise in the earlier part of the period under review, when the boards were still officially controlled, the annual resolutions of Government make somewhat dull reading. The boards were from time to time urged to make experiments in devolving their powers on the local boards subordinate to them; regret was expressed at the slow progress in establishing union committees in the larger villages, and attention was drawn to the need for improving rural water-supply. The need for completing a register of roadside lands and trees in all

districts was a matter of some comment. The audit reports, in the main, showed that the district board accounts were well kept, though those, for which the district engineers were primarily responsible, occasionally showed that proper sanction for excess above standard rates was not always obtained. The generally favourable comments on the working of the boards continued, during the period in which official chairmen were replaced in some districts by non-official who as a rule had already acquired experience as vice-chairmen. The only adverse criticism was that these officers failed to acquaint themselves, as fully as their predecessors, with the needs of their districts by regular touring.

121. *The boards freed from control. Political propaganda.*—As soon as the new boards were constituted in 1924, with a majority of directly elected members, and official control largely relaxed, the tone of Government's comments changed to a marked degree. Thus in 1924-25 the finance committees of eight district boards were pilloried for unpunctual or ineffective audit. But the main criticism was directed against the boards, of which the Swarajya party had obtained control. These had a majority not only devoid of previous administrative experience but obsessed with strong political prepossessions. As a result the decision of questions before the board was deferred to the consideration of an outside political body, such as the district Congress Committee. Political propaganda was carried on by the executive, sometimes without the authority or even the knowledge of the board as a whole. In particular the discipline and teaching in the schools were undermined and the teachers were unsettled and made discontented. Seven district boards attempted by one means or another to insist on their employees or even the children attending their schools wearing *khaddar*. The formal resolutions of the boards were supplemented by considerable pressure exercised by the executive and by individual members. Two boards resolved that a knowledge of spinning was a necessary qualification for teachers in their schools. Government found it necessary to intervene strongly by threat of withholding grants to prevent oppression of the teachers and to maintain educational standards.

Other acts of the boards, on subjects extraneous to their duties and for which they could have derived no authority from their electorate, came under notice. One board adjourned its meeting as a protest against the Bengal Ordinance. Another deplored the arrest and detention of a prominent Calcutta Swarajist. Another added the birthdays of certain

political leaders to the holidays prescribed for schools. Two boards voted addresses of welcome to prominent non-cooperators, who had served a sentence in jail. Another resolved that employees of district boards should be allowed to attend political meetings and to take part in politics. Yet another defied the orders of Government forbidding re-employment of a man dismissed from Government service for participation in politics.

122. *Other criticisms.*—In the same year 1924-25 other causes for criticism not confined to the Swarajist boards were the tendency of individual members to usurp the functions of the executive by giving orders to employees, and of several boards to neglect the advice of their expert advisers and technical employees. At the same time a new keenness by most boards in the conduct of their duties was observed with satisfaction, and the increase of touring by the executive was commended.

123. *The boards in* 1925-26.—In 1925-26 the instances of political action were on the whole fewer and the growth of co-operation between the boards and the local officers of Government was welcomed. Still one board, in which that spirit was totally lacking, allowed its finances to get into a chaotic state, and its executive to attempt a very unfair settlement of ferries. By a bare majority it appointed to act for the chairman a local board chairman just after the latter body had been deprived of the control of primary education for gross abuse. Another board resolved to forego its considerable revenue from palm trees on its lands in pursuance of the excise policy of the Congress, while another seriously impaired the efficiency of one of its dispensaries by omitting all preparations containing alcohol from an indent. In another case an attempt was made to usurp the functions of Government in the matter of removal of members for failure to attend meetings. A singularly improper attempt to override the election of a new Public Works Committee was made in one board, where the old committee was illegally continued in office to deal with contracts for the ensuing year.

In that year the Local Funds Audit Act came into operation, and no doubt increased the stringency of audit. The finance committees of four boards were reported for irregularity of audit and of three for ineffective audit. A particularly disquieting feature was the report that in two boards members were found to have derived pecuniary advantage from their position.

124. *The boards in* 1926-27.—In 1926-27, the last year of the first popularly elected boards, it was possible to say that the tendency towards co-operation with the local officers of Government had continued, and the feuds and factions had waned. Yet one board refused the guidance of its medical expert in professional matters, while another supported a subordinate local board in illegal action directed against a managing committee of a school. Yet another refused to co-operate with Government in removal of a member who had been criminally convicted for cheating the board's own servants.

The audits of the year, while revealing a number of items of illegal or irregular expenditure, and inefficient control of accounts by finance committees, showed some improvement.

125. *The working of the boards. Education, Medical and Sanitation.*—Thus the period of office of the first elected boards closed with a somewhat better record than their earlier activities rendered probable. But it can hardly be denied that in a considerable number of them maladministration was conspicuous. In Chapter VIII a full description of their work as the principal agency for primary education will be given, and it is clear that the striking advance in that sphere, which greatly increased grants from provincial revenues has stimulated, has its darker side. It is sufficient to say here that a number of boards under Swarajist influence introduced into their administration of this subject a large element of political propaganda, and by victimising and harassing teachers, who did not share the political views of the dominant party, created serious discontent among them, while the discipline of the pupils and the efficiency of the teaching was prejudiced by political activities. Medical relief in rural areas has made striking advance. The district boards in 1926-27 maintained 427 dispensaries, against 184 maintained in 1920-21. In some places, however, owing to disregard of their medical advisers' recommendations, and to transfer of doctors on grounds other than that of the public interest, the district boards have let down the standard of medical relief, even where they have multiplied the number of places at which it is administered. The establishment of medical institutions to supply treatment on indigenous lines, which exclude completely the practice of antiseptic surgery, has its political side but may claim some justification on the ground of economy. There is little doubt that the real demand in rural areas is for allopathic treatment. But the advocates of the *ayurvedic* and

tibbi systems have some justification for urging that where funds do not permit modern medical treatment there is a demand for treatment on old-fashioned lines which can be satisfied at much less cost. The district boards have begun to give the important problem of maternity relief their serious consideration, but most of them have not yet been able to finance effective schemes and there are serious difficulties in obtaining suitable midwives for training. Finally now that the district boards have full power to appoint their own employees, there is evidence that the best men available are sometimes passed by in favour of those, who have influence with the members, or who are ready to subscribe to the political views of the majority.

In the kindred sphere of rural sanitation, the recent record of the boards is somewhat better. Apart from the sanitary work that the boards are supposed to perform indirectly through their subordinate village unions, most boards realize their duty to guard against epidemics and to combat them when they occur, though the extent and efficiency of the measures taken vary considerably. Twelve boards now have an organization, whose duties are to tour the district cleaning villages and disinfecting wells as well as disseminating information about diseases and hygiene by lantern lectures and other means. This organization can be reinforced in times of emergency both by officers lent from the provincial reserve, maintained for this purpose by Government, and by temporary staff supplied by the board. These organizations are still in the experimental stage. In one district the board made the initial mistake of discharging a tried and competent health officer in favour of an unqualified person and in others the health officers have still to prove their capacity to deal with an emergency. On three occasions in the last four years the boards found it necessary, when faced with a serious epidemic, to abdicate in favour of the local officials. On the other hand, considerable attention has been paid to the conservancy and sanitation of the important fairs, which are a feature of rural life in most districts and are danger spots from which epidemics can rapidly spread. The arrangements made in recent years have certainly done a great deal to reduce the menace, which the concentration of large crowds of people ignorant of elementary sanitary precautions creates.

126. *Veterinary.*—With a population mainly agricultural, it is clearly a very important function of the district boards to check cattle disease and to improve the breed. It is to the credit of the new boards that they have as a rule continued the

policy of increasing the number of veterinary officers and erecting and maintaining additional veterinary dispensaries. Most boards also maintain stud-bulls, and would do more in this line if the supply of suitable bulls were increased.

127. *Communications.*—It has already been indicated that recently the boards, as a whole, have neglected communications in order to find funds for other activities. The following table shows the development of communications and the cost of repairs :—

—	1912-13.	1920-21.	1926-27.
1	2	3	4
Length of road in miles.			
Metalled roads	1,515	2,034	2,356
Unmetalled roads	13,915	14,594	14,777
Village roads	7,902	8,855	9,260
Cost of repairs per mile.	Rs.	Rs.	Rs.
Metalled roads	332	451	628
Unmetalled roads	39	67	78
Village roads	14	21	26

The first eight years added about two thousand miles of roads to the communications of the province under the charge of the boards; the next six barely nine hundred. Prices have distinctly fallen between 1920-21 and 1926-27 and yet the cost of upkeep has decidedly increased. The extra motor traffic, especially heavy bus-traffic, has no doubt enhanced the cost of upkeep of metalled roads, but there is little apparent justification for the increase for other kinds of roads. All roads, in spite of the increased cost, are generally reported to be in a much worse condition than they were six years ago. It is unquestionable that the standard of professional ability of the engineers employed by the boards has definitely deteriorated and the Ministry, recognizing this, is taking steps to enforce an improvement of the standard. It is widely alleged that the control of contracts has been taken from their hands and exercised by the Public Works Committees for

reasons that cannot be commended. A particular instance of the keenness of members of a board to continue in office on that committee has already been quoted.

128. *Water-supply.*—For improving rural water-supply, Government granted about Rs. 8,00,000 to district boards in 1925-27. About the same amount was expended by district boards in those two years on this object, though had previous standards of expenditure from the boards' own income been maintained the expenditure should have been Rs. 10,00,000 or more. In the absence of adequate independent inspection it is impossible to say how far this large sum of money has been well administered.

129. *General remarks.*—The facts set forth above justify the view that the grant of almost complete autonomy to the boards in 1923 and the sparing exercise of the meagre control retained by the Ministry have not been met by all the district boards with a satisfactory response in the shape of a clear recognition of their responsibilities and an earnest endeavour to discharge them. Some boards while under Swarajist control have treated their duties with levity and have resented the slightest interference by the Ministry, when it has become obviously necessary to check abuses. There is some indication that where a board has gravely maladministered the funds it controls, the electors at the second general election have shown their disapproval at the polls, but unfortunately elsewhere they have been too apathetic to combine and their votes have been secured by appeals to pecuniary, religious or other motives of a non-civic character. In the worst boards the misappropriation of public funds has been generally regarded more as a subject for mirth or envy than reprobation. It is for those, who ascribe their success at the last election to their denunciation of their predecessors' corruption, to show clearly that they are able to resist the temptation of the spoils of office. There is no doubt that the very rapid relaxation of control, which the Act of 1923 effected, led temporarily in several boards to a marked fall in the standard of honesty and efficiency. At the same time it is reasonable to urge that all the civic virtues cannot be expected to emerge immediately, and that neither could the electorate be counted on at the first elections to exercise their unaccustomed power with complete foresight nor the members themselves and the executives of the boards to manage their finances with prudence and restraint. Mal-administration and even corruption are not unknown in other countries with long experience of local self-government, and

instances of these faults gathered in three years' trial are insufficient to condemn the experiment. There is good reason to hope that the new boards are better on the whole than their predecessors, as there is evidence that the first boards improved their standard of administration as the realities of that art began to become more familiar. The policy of Government of great advance in education and medical relief threw a heavy task on the boards, which they accepted gladly and executed with some exceptions creditably.

130. *The local boards.*—The district boards perform their most important functions directly, but they have the power, which has been exercised with increasing freedom, of delegating duties and supplying the funds for their discharge to local boards subordinate to them. Prior to 1924, these local boards were almost entirely composed of nominated members, though in two districts from the creation of the province, and later in one more, a proportion of the members were elected on a somewhat restricted franchise.

Under the Act of 1923 each local board, of which there is one for every subdivision of a district having a district board (forty-six in all), consists of the local members of the district board, to whom may be added one-third as many additional members nominated by the district board. The local boards thus naturally reflect the political or other opinions of the district board itself. Out of 543 members only eleven are officials, of whom eight are to be found in the district of Sambalpur governed by a special Act. Several district boards have delegated extensive powers to their subordinate local boards, especially in the matter of control of primary schools, management of ferries and pounds and upkeep of less important roads. The local board of Dhanbad, which subdivision contributes by cesses on coal mining profits the bulk of the income of the Manbhum district board, has received the fullest admissible powers and has exercised them with the efficiency that might be expected from the large proportion of business men on the board. Elsewhere the results of delegation have been much less favourable. The Ministry has on several occasions had to advise the withdrawal of the delegation in educational matters, and occasionally to enforce compliance with its advice by stoppage of grants. It must frankly be admitted that a satisfactory agency for carrying out the detailed and local work of district boards has not yet been evolved.

131. *Union committees.*—Subordinate to the district boards has also been another class of local body, called a union

committee, entrusted with the duties of dealing with education, village roads and sanitation in small areas of a semi-urban character. The formation of these union committees was the function of Government but the members were chosen by election of a simple character by open voting. It was always found difficult to get together a committee able and willing to work at all and they suffered from want of experience and guidance and from the general unpopularity of taxation without which they could effect little. The Act of 1923 made little change in the portion which deals with these committees, in the expectation that they would be replaced before long by union boards constituted under the Village Administration Act, 1922. Sixty union committees were in existence in 1923 with a total income of Rs. 1,30,000 of which Rs. 45,000 was derived from taxation. By 1927 they had fallen to fifty-one and were still more dependent on grants and assignments from the district boards for their income. Audit has almost invariably revealed serious irregularities in their accounts.

132. *Union boards.*—In addition to and to some extent in supersession of these union committees, union boards were created by the Village Administration Act, 1922. These have wider administrative and taxation powers and can also be constituted courts for the disposal of petty criminal and civil cases. They are ultimately intended not merely to administer semi-urban areas, too small to be formed into municipalities, but to spread a net-work of local self-government over the entire rural area. Up to now 155 union boards have been created, and most of them have got judicial powers. They have no doubt enormous potentialities, not only in the sphere of local administration and in the solution of the difficult problems of education and sanitation, but also in the wider sphere of training the rural population in representative government. But experience so far has shown that they cannot be left to find their own salvation but must have careful and detailed guidance. The district boards have not realized the opportunity, which this measure gives them, of reviving the spirit of self-reliance in the villages, of educating the rural elector in effective use of the vote, and of developing public spirit and administrative experience. Most boards are apathetic and some are distinctly hostile to the creation of more union boards largely because the Act lays on them the duty of financing these boards for the first two years. It seems clear that to make them a success the driving power must for some time to come be supplied by official agency, while the problem of placing the finances of these local bodies on a firm basis has yet to be solved.

133. *Outside influences.*—The influence on the district boards of the non-co-operation movement and of its offshoot, the Swarajya party, has been sufficiently indicated. It is, however, necessary to say something about the part which the Legislative Council has played in forming the present structure of the boards and in stimulating or restraining their activities. The Council when it had under consideration the Local Self-Government Amending Bill in 1923, as it did when dealing with the Municipal Bill of the previous year, took a strong line in aiming at a most thorough release of the district boards from official control, especially that exercised by the local officers of Government. Happily the Council accepted after some show of reluctance the need for enforcing financial regularity and probity by means of surcharge, and passed the Local Fund Audit Act of 1925 practically in the form that it was presented. The measure was, however, violently opposed by a section of the Council, who argued that it constituted a deliberate slur on the good faith of those, who had recently assumed control of district boards and municipalities, and stated that no self-respecting person would be willing to accept office in a local body, if the Bill were passed.

By resolutions and recommendations of committees appointed at its instance the Council has had a large share in stimulating the activities of the boards in education, medical relief and rural sanitation, and by readily accepting budget demands for grants earmarked for these objects has enabled the boards to carry into effect a considerable part of the programme. The first Council showed some tendency to attempt to dictate to the boards in matters of details or of purely local interest, but that tendency has practically disappeared. The second Council was at times inclined to support those boards, which showed themselves impatient of any control even that exercised by the Minister, and the third Council has gone further in making the exercise of such control a central point in the attacks on the Ministers.

III.—OTHER KINDS OF REPRESENTATIVE INSTITUTIONS.

134. *Co-operative Societies.*—A description of the growth of representative institutions would be incomplete without some reference to the manifestations of the underlying principle in spheres other than that of general administration. The most important of these may be found in the organization of the co-operative societies. These societies are, for the most part, agricultural credit societies, composed of ten or more individual

members. They are affiliated to a central bank, operating as a rule over a subdivision of a district, from which they borrow their funds and to which they look for guidance and supervision. The relevant point here is that the directors of these central banks are elected not only by preference shareholders, but also by the representatives of the primary societies as a whole. Thus the habit of selecting men to look after the wider interests of a group of societies and to control the individual societies is encouraged, and must have some reaction on the political outlook of those, who are brought into the co-operative movement. The magnitude of that reaction may easily be over-estimated, since it is still the fact that the organization of the banks and their affiliated societies require a good deal of assistance from Government officers to maintain a reasonable degree of efficiency. Further the central banks themselves are dependent for their finance on the Provincial Bank, but have no effective say in its management.

There is besides the Co-operative Federation charged with the duty of supplying auditors for societies and central banks and of generally advancing the movement by propaganda. This body has until recently been managed by the Registrar of Co-operative Societies, a whole-time Government servant, with an advisory council, elected at the annual Congress, which consists of delegates from the central banks. Within the last year, however, the advisory council has been replaced by a council, which has power to carry its views against those of the Registrar.

135. *Election of headmen.*—Hitherto this chapter has dealt with representative institutions initiated and to a large extent modelled under inspiration ultimately derived from the West. There is something yet to be said about institutions, which are truly indigenous. Of these the principal manifestation is to be found in what is regarded as one of the more backward parts of the province. The Santals have got a tribal organization, which provides headmen of villages elected by the local residents. It is true that the approval of a Government official is required to ratify the selection, but that is ordinarily given without hesitation. Elsewhere among the kindred races the position of headman has as a rule become hereditary, and it is not unlikely that, but for the special attention that has long been paid in the Santal Parganas to preserving the tribal customs, it would have followed suit there.

136. *Caste sabhas.*—In the rest of the province the lack of solidarity of interest between landlords and tenants as well as

members of different castes or creeds has stood in the way of the growth of indigenous representative institutions based on common local interests. On the other hand recent years have seen a notable increase of importance among associations formed to protect and advance the interests of a caste. Such associations, known as *sabhas*, exist for most of the principal castes of the province. Some of them are merely spasmodic in their activities, but others have regular articles of association, written constitutions and periodical journals. In these there is a definite representative element, since annual meetings are held, at which managing committees for the districts and a president for a wider area, even extending to the whole of India are elected. One caste has had an organization of this kind since 1891 and another since 1912. The main objects of these organizations are the social improvement of the caste itself, the exercise of pressure to secure Government appointments for the members of the caste and the return to local bodies and the Legislative Council of representatives pledged to support the interests of the caste and of other castes working in union. Thus the *sabhas* of several castes are combining for political purposes with one another.



CHAPTER V.

THE LOCAL GOVERNMENT.

I.—THE EXECUTIVE.

137. *Personnel.*—The 29th December 1920 was the date on which the new constitution was inaugurated in Bihar and Orissa. On that date the late Lord Sinha assumed the office of Governor, and the Members of the Executive Council took their seats. These were Sir Walter Maude, Mr. (afterwards Sir Havilland) LeMesurier (both of the Indian Civil Service) and Rai Bahadur Krishna Sahay. All three had previously been Members of the Executive Council of the Lieutenant-Governor. The first Ministers appointed, Khan Bahadur (now Sir) Saiyid Muhammad Fakhruddin and Mr. Madhusudan Das, entered upon their offices early in January. Since the Reformed Government was first constituted the following changes in its personnel have occurred :—

(1) On the 16th April 1921, Sir Walter Maude resigned his office as Member, and was succeeded by Mr. (afterwards Sir Hugh) McPherson, who took his seat on the 16th April 1921.

(2) On the 18th June 1921, Rai Bahadur Krishna Sahay died, and was succeeded by Mr. Sachchidananda Sinha who had already been officiating for him during his illness.

(3) On the 29th November 1921, the Right Hon'ble Lord Sinha resigned his office of Governor, and the Vice-President of the Executive Council, Sir Havilland LeMesurier, became acting Governor under the provisions of section 91 of the Government of India Act.

(4) On the 12th April 1922, Sir Henry Wheeler assumed office as Governor.

(5) On the 1st November 1922, Sir Havilland LeMesurier resigned his Membership of the Executive Council, and the number of Members of the Executive Council was simultaneously reduced from three to two, no appointment being made in his place. The reduction was made possible by the appointment of a non-official member as

President of the Legislative Council, a post which had been filled up to then by one of the Members of the Executive Council.

(6) On the 9th March 1923, Mr. Madhusudan Das resigned his office as Minister of Local Self-Government, and on the 27th March 1923, Babu Ganesh Datta Singh was appointed in his place.

(7) Sir Henry Wheeler was granted leave from the 27th of March to the 25th July 1925 and during his absence the Hon'ble Sir Hugh McPherson, Vice-President of the Executive Council, acted as Governor. On the expiry of Sir Henry Wheeler's term of office as Governor, His Excellency Sir Hugh Lansdown Stephenson assumed charge from the 7th April 1927.

(8) When the Hon'ble Sir Hugh McPherson acted as Governor from the 27th March to the 25th July 1925, the Hon'ble Mr. (now Sir Laurie) Hammond acted as Member of the Governor's Executive Council in charge of the subjects previously in the charge of the Hon'ble Sir Hugh McPherson and the Hon'ble Mr. S. Sinha acted as Vice-President of the Executive Council.

(9) The Hon'ble Sir Hugh McPherson's term of office as Member of the Executive Council expired on the 3rd December 1925 and the Hon'ble Mr. Hammond was appointed Member in his place while the Hon'ble Mr. S. Sinha was appointed Vice-President.

(10) Mr. Sinha's term of office expired on the 17th June 1926 and the Hon'ble Mr. Hammond was appointed Vice-President. The Hon'ble Maharaja Bahadur Keshav Prashad Singh was appointed Member of Council and administered the subjects of which the Hon'ble Mr. Sinha had been in charge.

(11) On the resignation of the Hon'ble Mr. Hammond of his office as Vice-President and Member of the Executive Council, the Hon'ble Maharaja Bahadur Keshav Prashad Singh was appointed Vice-President and the Hon'ble Mr. J. D. Sifton was appointed Member in charge of the subjects previously in the charge of the Hon'ble Mr. Hammond with effect from the 7th April 1927.

138. *Distribution of business.*—On the reserved side the original distribution of business was as follows :—

Sir Walter Maude	...	... Appointment and Revenue Departments.
Sir Havilland LeMesurier	...	Political Department (including Police) and Finance Department.
Rai Bahadur Krishna Sahay	...	Judicial and Irrigation Departments.

When the Executive Council was reduced by the resignation of Sir Havilland LeMesurier, business was re-distributed as follows :—

Sir Hugh McPherson	...	Appointment, Political and Revenue Departments.
Mr. Sachchidananda Sinha	...	Finance, Judicial and Irrigation Departments.

The transferred side was divided into two Ministries, styled the Ministry of Education (now the Ministry of Education and Development) and the Ministry of Local Self-Government. The former includes education, agriculture, veterinary, co-operative credit, industries, religious endowments and registration and originally included excise. The latter is charged with the care of medical administration, public health, and public works (roads and buildings), in addition to the business connected with local bodies. Excise was transferred in 1924 from the portfolio of the Minister of Education to that of the Minister of Local Self-Government, mainly because the former Minister, being a Muhammadan, was at a disadvantage in dealing with the subject in the Legislative Council.

The personnel of the original Executive Council of the reformed Government was inherited from the pre-Reforms Government. On the official side vacancies occurring through retirement or promotion have been filled from the Indian Civil Service without going outside the cadre of the province. The first vacancy in the non-official Membership was filled by a distinguished publicist and member of the Patna bar. The second vacancy was filled by one of the leading noblemen of the province, who had had no representative in the Government since the Maharajadhiraja of Darbhanga's term of office as Member of the Lieutenant-Governor's Executive Council expired in 1917.

Of the original Ministers one was a leading member of the Patna bar, and represented the Muhammadan community,

while generally acceptable to the Hindu educated classes. The other was also a lawyer, who came from Orissa. On his resignation in 1923, another lawyer from the Patna bar, who had already made his mark in the Legislative Council as a leader of the more moderate section of the Hindus, especially the landlord class, was selected by Sir Henry Wheeler to replace him.

139. *Cabinet difficulties.*—The relations between the Governor and the Executive Councillors and Ministers, and between the latter *inter se* have been cordial. Differences of opinion there have, of course, been, but these have been settled without acerbity and in consonance with the spirit of the constitution.

As already mentioned the Hon'ble Mr. Das tendered his resignation as a Minister in March 1923. Ostensibly he resigned because the Governor would not allow him to serve in an honorary capacity, but this was not a correct statement of the facts, and the correspondence between him and the Governor, which was published at the time, showed conclusively that the proposition which he laid before the Governor was that he should be allowed to combine the position of an honorary Minister with the right to practise at the bar. This His Excellency was unable to accept. It was generally admitted in the press that the suggested combination of functions was out of the question.

There were no constitutional difficulties in the relations between Sir Henry Wheeler and the members of his Government although the local politicians and press tried to invent them. The latter stated that His Excellency never so much as pretended to work on the basis of a unitary Government and that joint meetings between the two halves of the Government were extremely rare. As a matter of fact 80 per cent. of the formal meetings of Government in Sir Henry Wheeler's time were joint meetings. There was no need for weekly meetings either of the Council or the Ministers as there was no business to justify them, but His Excellency saw each of the members of his Government practically once a week and on other occasions when they had business to discuss with him. He frequently saw two Members or two Ministers together in an informal way. All letters from the Government of India except those of a routine nature were seen on both sides and all the fortnightly reports on the political situation. Both sides were consulted on legislation and questions of social and general interest were frequently circulated on both sides. Sir

Henry Wheeler explicitly repudiated the suggestion that the Ministers have ever been kept in the dark about what was going on nor did they ever complain that this was so.

Another accusation made in the Legislative Council and repeated in the press is that the Ministers have no real power and have been constantly overruled. This also is untrue. Sir Henry Wheeler did on occasions differ from the recommendations of the Ministers, but such occasions were few, looking to the volume of business which goes through daily. He had occasion to make suggestions which they accepted, but speaking broadly the Ministers have been allowed to run their departments in their own way. The most important legislation on the transferred side has been the amendment of the Municipal and Local Self-Government Acts. Both bills contained provisions which Sir Henry Wheeler thought unwise. On the financial side, the most salient features have been the lion's share allotted to the transferred side and the large grants to local bodies; in both the hands of the Hon'ble Ministers are apparent. On the education side the most noteworthy developments have been in connection with the University and Patna College. In both the action taken has followed the recommendation of the Minister. In fact, this complaint has not emanated from the Ministers but from those who have made it their business to abuse them.

The relations between Sir Hugh Stephenson and the Ministers have invariably been cordial and His Excellency has discussed all difficult questions that arose either with individual Minister or frequently with both together. Matters of general interest have been discussed at joint meetings and there has been no friction of any kind between the two halves of Government. There have been no occasions for separate meetings of the Executive Council.

140. *Collective responsibility of Ministers.*—The relations between the two Ministers have not as yet definitely developed into a formal collective responsibility, though there has been no serious divergence of opinion between them and they have on occasions acted prominently in support of one another. The resignation of Mr. Das in 1923 was not regarded by the other Minister as a ground for considering the advisability of tendering his own resignation, and no other change of Ministers has occurred. The Ministers freely consult each other and jointly consult the Governor, but in form each Minister is responsible with the Governor for his own departments.

141. *Council Secretaries.*—The Ministers have not so far felt the need of Council Secretaries, chosen from among the members, to assist them in their departmental duties and in the Legislative Council, and it is unlikely that they will do so as long as the Secretaries to Government in the departments of which they hold charge sit in the Council as nominated members. At the instance of the late Lord Sinha certain members of the first Council were sounded as to their willingness to undertake the duties, but declined, primarily because they did not wish to seek re-election.

142. *Allocation of funds.*—No part of the Reforms scheme was more thoroughly discussed than the financial relations between the two sides of the Government, and the question of a joint purse or separate purses was the subject of energetic controversy prior to the passing of the Government of India Act. Apprehension was freely expressed that under a joint purse system (the solution finally adopted) there would be constant friction between the Executive Council and Ministers, and that the Governor would find great difficulty in discharging the duty imposed upon him of finally allocating the revenues and balances of the province between reserved and transferred subjects, if the two sides were unable to agree. Fortunately, however, these apprehensions have hitherto proved groundless so far as Bihar and Orissa is concerned, and there has been no occasion to put in force the procedure prescribed in rule 32 of the Devolution Rules.

The following table shows, for each year since the introduction of the Reforms, the distribution in the budget of funds for new schemes between the two sides of the Government:—

Provision for new schemes.

Year.	Reserved.		Transferred.		Total.
	Recurring.	Non-recurring.	Recurring.	Non-recurring.	
	Trs.	Trs.	Trs.	Trs.	Trs.
1921-22	5	6,45	81	15,24	22,55
1922-23	53	3,62	16	6,69	11,00
1923-24	1,30	8,55	11,68	16,59	38,12
1924-25	94	8,43	8,36	14,28	32,01
1925-26	1,00	6,78	13,48	31,27	52,53
1926-27	35	13,83	8,81	44,60	67,59
1927-28	42	3,77	1,21	11,36	16,76
1928-29	24	7,22	49	8,75	16,70
Total ...	4,83	58,65	45,00	1,48,78	2,57,26

Thus 90 per cent. of the new recurring and 72 per cent. of the new non-recurring expenditure has been incurred in the transferred departments.

Of the total sum of Rs. 82,68 voted by the Council for supplementary demands during the last 6 years Rs. 40,20 have gone to the transferred and Rs. 42,48 to the reserved departments.

These remarks relate to new expenditure. Of the total expenditure the larger share is still on the reserved departments, though the share of the transferred departments has risen from 32 to 40 per cent. since 1921-22. The criticism is not infrequently heard in the Legislative Council that too much is being spent on the reserved side and that the money would be better spent on the " nation-building " departments, for instance the Industries department. But it cannot seriously be urged that the expenditure on the reserved departments in Bihar and Orissa is extravagant. The expenditure has habitually been kept at the lowest possible figure, as the generally infructuous report of the Provincial Retrenchment Committee showed. Those Services, which form the framework of the whole structure, are on the reserved side and the disfavour of the Legislative Council for any proposed increase of recurring expenditure on the reserved side, has produced an economy in those Services which is very near the danger point. The only further " equalisation " which would benefit the province must be the result of an increase in finances available, which would permit of the transferred departments developing their activities, while securing the efficient maintenance of the essential services.

143. *Relations of Ministers with the Finance department.*—The relations of the Ministers with the Finance department, which derives statutory existence and functions from Part III of the Devolution Rules, have also worked smoothly. Though the Ministers have from time to time complained that the restrictions, which the Finance department have enforced in the interests of provincial solvency, have impeded the development of their policy in the subjects under their charge, there has been an underlying recognition that the restrictions have been rightly applied. Nor have the criticisms of the details of new schemes, put forward in the transferred departments, which the Finance department are obliged to apply to them as well as to those emanating from the reserved departments, been a cause of friction, and the Ministers have never desired the appointment of a Financial Advisor, to whom

the statutory functions of the Finance department may now be delegated.

II.—RELATIONS OF THE LOCAL GOVERNMENT WITH THE GOVERNMENT OF INDIA AND THE SECRETARY OF STATE.

144. *Exercise of superintendence, direction and control.*—In spite of the complications of the system the Government has functioned as a whole with remarkably little friction especially during the last five years. Nor has there appeared much controversial matter in the relations of the local Government with the Government of India and the Secretary of State. In the administrative sphere hardly any points of constitutional importance have arisen, and the wide powers of superintendence, direction and control retained for the reserved subjects have been nearly dormant. The only important exercise of such control was during the height of the non-co-operation movement. The attitude, which the Government of India advised in respect of communal troubles, was communicated in the form of suggestions. The control by statutory rule has only been exercised in one important matter, where it was felt as a check on the activities of the local Government. This was the display of reluctance on the part of the Government of India to accept proposals framed to obtain a larger profit from the minerals worked in land belonging to the State. The control of the all-India Services, though theoretically a restriction on the powers of the local Government over the officers working in the province, has not in fact been exercised, save in a single instance, otherwise than in accordance with the wishes of the local Government. In excise and industrial matters the adherence of the Government of India to certain conventions of the League of Nations and the International Labour Office has imposed some minor restrictions on policy, which might not have taken precisely the same line but for the control.

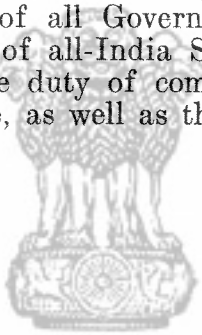
145. *Legislative control.*—In the legislative sphere, where the control is exercised partly by requiring previous sanction and partly by the need for the assent of the Governor-General to an Act before it becomes valid, there has again been little occasion for such control. This is primarily due to the fact that, with the exception of the Acts relating to local bodies, where close control by the Government of India would have been inconsistent with the spirit of the Reforms, no legislation has been carried through of major importance.

146. *Financial control.*—It is in the financial sphere only that the control of higher authority has been seriously felt.

In 1922, when it was evident that the provincial revenues had been fixed at a very low scale for the needs of the province, and the rise of excise receipts, which later temporarily relieved the situation, could not be foreseen, the local Government proposed to levy a small tax on all coal raised within the province. The central Government refused to accede to the proposal. No definite reason was given, though it was observed that the proposed tax was of a nature far more clearly akin to the taxes raised by the central Government than to the sources of taxation which are left at the disposal of the provinces. It was further pointed out that the proposal would adversely affect the Railway budget. This is not the place to argue the merits of the proposal, but the refusal was a definite exercise of the authority vested in the Government of India to limit the taxation powers of the local Government.

Since the separation of central and provincial finances, there has been a noticeable tendency to pass on to the provinces, sometimes arbitrarily, expenditure which has been in the past borne by the central Government. A notable instance, where there has been a strong conflict of opinion between local and central Governments, has been the question of expenditure on the railway police of the East Indian Railway. Up to the year 1924 it had always been recognized that the cost of the police required to maintain order within the railway premises and to perform other duties primarily for the benefit of the railway was a proper charge upon the railway management; and on the local Government undertaking these duties, the East Indian Railway had paid an annual contribution of roughly Rs. 87,000. When the Government of India in 1925 assumed control of the East Indian Railway, they declared the provincial Governments to be entirely responsible for the whole cost of policing the railway, and withdrew from making the former contribution on grounds which will apply equally on the occasion of their assumption of any other railway. Protests from this Government, and it is believed from other local Governments, entirely failed to move them from their position, which has the effect of increasing the profits of a commercial department of the Government of India by debiting to local Governments a charge which has always been recognized as incidental to the management. Nor is it easy to see how, if a State railway be entitled to throw the whole cost of policing the track and the premises upon the local Government, the Government of India could resist a similar claim from private railway companies to the same effect on any logical grounds.

There has been no desire on the part of the local Government to borrow in the open market. Their loan requirements have been satisfied from the Provincial Loans Fund. The Government of India have not intervened to restrict the local Government's proposals to draw on the financial balances, nor have they called for any extra contribution to central revenues to meet an emergency. The annual assignment to and the minimum balance to be kept in the Famine Insurance Fund were fixed at what has proved to be an unnecessarily high pitch, and orders of the Secretary of State are now awaited for permitting substantial reductions. No great inconvenience has arisen from this. The amendment of financial rules regulating pay, leave and other conditions of service of officers employed in the province has taken a considerable time to effect, and in the interval the detailed control, surviving from the pre-Reforms days, has been theoretically exercised; but in practice the proposals of the local Government have generally been accepted. The local Government have now been given full powers in respect of all Government servants in their employ except members of all-India Services. The Auditor-General still retains the duty of compiling the accounts of revenue and expenditure, as well as that of auditing them.



CHAPTER VI.

ELECTIONS TO THE LEGISLATIVE BODIES.

I.—LEGISLATIVE COUNCIL.

ELECTORATE.

147. *Brief description of qualifications.*—For the general urban constituencies, non-Muhammadan and Muhammadan, the principal qualification is assessment to municipal taxation of Rs. 3 or more a year.

For the general rural constituencies, non-Muhammadan and Muhammadan, the principal qualifications are:—

(*i*) for proprietors, assessment to local cess of Rs. 12 or more a year. (Proprietors collect and pay in, with their own assessment, that due from their tenants, both tenure-holders and raiyats. They are also allowed a rebate based on their land revenue assessment. The standard was chosen to agree, as closely as the circumstances permit, with those adopted for tenure-holders and raiyats);

(*ii*) for tenure-holders, assessment for local cess purposes at annual value of Rs. 100 or more. (On the average such persons pay at least Re. 1 in local cess from their own pockets);

(*iii*) for raiyats, payment of annual rent to their landlords of Rs. 64 or more in four highly rented districts; of Rs. 48 in six districts and of Rs. 16 in nine low rented districts, or (to bring in rent-free raiyats) the equivalent local cess;

(*iv*) for rural traders, etc., assessment, for village administration purposes, of Rs. $1\frac{1}{2}$ or more a year.

The other qualifications common to urban and rural constituencies are (*i*) assessment to income-tax and (*ii*) being an ex-soldier of the regular forces.

Urban electors must reside in, or within two miles of the boundary of the constituency. Rural electors must reside in the constituency. Rural qualifications arising from property held in an urban constituency give the vote for that constituency. All electors for Muhammadan constituencies must be Muhammadans. No Muhammadan or European can be an elector for a non-Muhammadan constituency.

For the European general constituency, Europeans resident in Bihar and Orissa and holding any of the qualifications prescribed for an elector of any urban or rural constituency are electors.

For the special Landholders' constituencies the qualification is:—Liability to pay not less than Rs. 4,000 land revenue or Rs. 1,000 local cess in Patna, Tirhut and Bhagalpur divisions, Rs. 6,000 land revenue or Rs. 500 local cess in Orissa and Chota Nagpur divisions. Residence in the constituency is necessary.

The member for the special University constituency is elected by residents in Bihar and Orissa, who are either members of the Senate or Syndicate or registered graduates.

Persons who are qualified to vote as members of the Bihar Planters' Association and resident in India elect the member for the Bihar Planters' constituency; members of the Indian Mining Association and of the Indian Mining Federation form the electorate for the two constituencies representing mining interests, each body electing one member.

The following persons are disqualified for all constituencies:—

(*a*) Persons who are not British subjects unless admitted by order of the local Government.

(*b*) Females, until such time as the Legislative Council may enfranchise them by resolution.

(*c*) Persons of unsound mind.

(*d*) Persons under 21 years of age.

(*e*) Persons sentenced to imprisonment for more than six months for offences connected with elections, or reported by Election Commissioners as guilty of corrupt practices, until the expiry of the period of their disenfranchisement or readmission to the electoral roll by order of the local Government.

No person is entitled to be registered for more than one general constituency.

148. *Statistics.—Original estimate and growth of the electorate.*—The following table shows the original estimate of the number of electors, the voters on the roll first prepared, and the subsequent growth of the electorate.

Class of constituency, with number.	Original estimate.	1920 roll.	1923 roll.	1926 roll.
1	2	3	4	5
Non-Muhammadan urban—6.	46,000	39,000	43,272	50,067
Non-Muhammadan rural—42.	457,000	256,000	257,670	280,562
Muhammadan urban—3	12,500	8,500	8,688	11,578
Muhammadan rural—15	60,500	24,000	26,025	29,216
European—1 ...	No estimate	1,463	1,828	1,959
Landholders—5 ...	321	370	359	389
Bihar Planters—1 ...	No estimate	64	56	50
Mining—2 ...	Ditto	321	303	196
University—1 ...	Ditto	1,163	296	795

149. *Reasons for divergence from original estimate.*—The rural qualifications in Bihar and Orissa are complicated. The cultivator's right to vote is often derived from land held under several landlords and in several villages and frequently depends on valuation of produce rent. In the short time allowed for the preparation of the original estimate of electors, investigation had to be confined to a few sample villages, while tentative corrections had to be applied for multiple holdings, overlapping between classes of electors, and omission of females and minors. Further the rental standard finally adopted in

7 out of the 20 districts was one for which no statistics had been collected and the estimate was framed by interpolation. It is further possible, seeing that the electoral roll is prepared in the first instance by an uneducated and, for the most part, unpaid local agency, and that candidates have hitherto displayed little interest in registration, that some qualified electors are still omitted. On the other hand, lack of keenness in presenting objections may have resulted in some unqualified persons obtaining registration. There is a greater discrepancy between the original estimates and the actual numbers registered in the Muhammadan constituencies than appears in the non-Muhammadan. The estimates were prepared for the whole population, and the Muhammadan voters taken on the census proportion. The relative poverty of the rural Muhammadans was not taken into account.

150. *Causes of growth of electorate.*—There has been no substantial alteration in qualification rules, but in Sambalpur district some 3,000 voters were added between the second and third elections as a result of a more elastic interpretation of them. The electors for non-Muhammadan constituencies have increased between the first and third elections by 13 per cent., and for Muhammadan constituencies by 19 per cent. Though the revision of municipal and local cess assessments in several areas and the tightening up of income-tax administration have, no doubt, contributed to the increase, improvement in registration is probably the main cause. Females have not yet been enfranchised. The fluctuations in the European and in the special constituencies call for no comment, except the University figures. As the University came into being in 1917 only, graduates of other Universities resident in the province, who are prepared to pay the registration fee, are qualified to vote. Many availed themselves of this privilege in 1920, but dropped out in 1923. In 1926, the graduates of Patna University had increased sufficiently to make good most of the loss.

151. *The present electorate.*—The registered electors now number 374,812 or about $2\frac{1}{4}$ per cent. of the male population of the area represented, and about $4\frac{1}{2}$ of the adult male population. Of the male population 8.6 per cent. is enfranchised in non-Muhammadan urban constituencies, 9.9 per cent. in Muhammadan urban, 2.0 per cent. in non-Muhammadan rural, and 1.7 per cent. in Muhammadan rural. As will be seen below, though the rural Muhammadan element of the population is less fully enfranchised than the rural non-Muhammadans, their individual votes have greater power.

152. *Extent of enfranchisement.*—The urban franchise is fairly broad, and all interests of importance are included. Practically all the electors come in on the qualification that they pay municipal taxes.

Of the rural Muhammadan electors, 743 per mille are raiyats, 37 tenure-holders, 17 proprietors, 38 pay village administration rates, 8 income-tax and 3 are pensioned soldiers, while 62 are urban tax-payers of the Orissa or Chota Nagpur Division, where the Muhammadan constituencies extend over the towns. Of the rural non-Muhammadan electors there are 883 per mille raiyats, 25 tenure-holders, 61 proprietors, 18 pay village administration rates, 7 income-tax, while 3 are pensioned soldiers. The class, tenure-holder, has somewhat uncertain boundaries, and its interests are in some districts mainly those of the rent receiver, and, in others, mainly those of the substantial cultivator. In every rural constituency the raiyat is the preponderating element, and in most cases his preponderance is very great. Broadly it may be said that the rural franchise extends down to the man who holds about fifteen acres of average land. It excludes the very numerous class of cultivators who hold less, as well as the agricultural labourers.

153. *Labour representation.*—The industrial population includes about 150,000 adult males. Some 65,000 work in coal mines, some 20,000 at Jamshedpur in the Tata Iron and Steel Works and allied companies, and some 11,000 at the East Indian Railway Works at Jamalpur, and the rest in smaller mining enterprises and miscellaneous factories throughout the province. One member from Jamshedpur was nominated for the first two Councils to represent their interests. For the third Council a Jamalpur man has been selected. At the instance of the Reforms Enquiry Committee, 1924, the question of increasing the representation of urban factory labour and of substituting election for nomination was examined by the local Government. The great majority of the coal workers as well as of the railway workers at Jamalpur are not urban labourers at all, being drawn mainly, in the former case, as seasonal labour from a distance and in the latter case as permanent labour from the surrounding villages where their kinsmen are landless labourers or small raiyats almost all without votes. Further the choice of a Jamalpur electorate would, if free, certainly fall on one of the foremen of the workshop, who are, now that the East Indian Railway is a State Railway, technically officials. Considerable difficulty was also experienced in framing the qualifications for an electorate to return

a member for Jamshedpur. A qualification based on a monthly wage was proposed, but the matter was complicated by the question of piece work and overtime, while the selection of the companies, employment under which would enfranchise, raised further awkward points. It was ultimately decided to leave the position unaltered for the 1926 election.

154. *Representation of "depressed classes."*—The term "depressed classes" has sometimes been loosely used to cover (1) the serfs and landless labourers, who have practically no hope of gaining a vote on the existing franchise, scattered throughout the province and numbering about four million, including about one million "untouchables." (2) The members of Hindu castes who contribute few voters and those little able to understand the issues at stake. These again are scattered over the province and number about $6\frac{1}{4}$ million. They contribute to the total of landless labourers, but fall mainly among the small cultivators. (3) Semi-Hinduized or pure aborigines who were expected to have little influence in the elections. These number four million and contribute to the total of landless labourers and small cultivators, but in the Santal Parganas, Ranchi, Singhbhum and possibly Hazaribagh and Palamau, command enough votes to return their own candidates. So far they have organized well enough to do so in Ranchi and Singhbhum, and may do so before long in the Santal Parganas.

The province thus does not in fact contain any large number of definite depressed classes, whose condition constitutes, as it is understood it does in some other provinces, a special administrative problem. At the same time there are a large number of persons living in more or less depressed conditions, who are not able to secure representation through the exercise of the franchise. The first and second classes described above, but not the third, are in this predicament.

The first class is unrepresented except by two nominated members, believed to be in sympathy with the class, though not as a rule actually of that class.

The second class has no direct representation though no doubt a few are wealthy enough to be electors and the two nominated members, already referred to, hold a watching brief for their interests. The third class already elects two members capable of explaining their wishes, and could elect four more, while two members are nominated in their interests.

The recommendation of the Reforms Enquiry Committee to increase the representation of these classes, and to substitute

election for nomination was considered by the provincial Government in 1925-26. The third class, aborigines, evidently required no more representation. For the others it was considered that some case had been made out for increasing their representation to four. No suitable method of election could be devised to secure representatives for what practically amounts to the general body of the poor, scattered as they are over the whole province and devoid of any common interest or organization. Further the filling of the existing two seats by nomination has always presented great difficulty and an increase of nominated members might well have been misconstrued as an attempt to strengthen support for Government. It was thus finally decided not to seek sanction for such an increase.

155. *Analysis of the unenfranchised.*—Manhood suffrage would give about 8,400,000 electors, and there are at present a little less than 400,000 enfranchised persons. The eight million unenfranchised male adults are estimated to be made up of:—

1,000,000 Muhammadans, disenfranchised by poverty or dependence.

1,000,000 of class (1) of the "depressed classes of Hindus."

1,500,000 of class (2) of the "depressed classes."

1,000,000 aboriginals whether semi-Hinduized or not.

3,500,000 Hindus of the castes other than those included among the "depressed classes" disenfranchised by poverty or dependence.

Some 300,000 of the unenfranchised are town dwellers and the rest rural.

156. *Defects in the franchise rules.*—Some minor defects in the franchise rules have been brought to light, but not yet remedied. In Sambalpur district some persons, not otherwise qualified, pay rates to village sanitation committees, which have by oversight not been included as qualifying payments along with other village administration rates. In Ranchi district, some important cultivators have been excluded from the vote by a similar accident of drafting. Again, payment of local rates in certain railway centres and in the industrial town of Jamshedpur does not qualify either for the urban or the rural franchise. The Muhammadans living in the area administered by the Patna Administration Committee are not enfranchised either for the West Patna rural constituency or

for the Patna division urban constituency. It has also been urged that in Ranchi district, where there is only one "proprietor", the important tenure-holders should be given votes in the landholders' constituency, and that the owner of an extensive tenure in the Puri district should be similarly treated.

A demand has been put forward to bar persons qualified for a special constituency from standing as candidates in a general constituency, seeing that general constituency electors are barred from contesting special constituencies.

The rural qualifications are complicated and in the present state of indifference much difficulty is felt in bringing all qualified electors on the roll. It has been suggested that the main rural qualifications should be, as in Bengal, payment of chaukidari tax (for the maintenance of the village police) for which up to date assessment-rolls are kept.

157. *The electoral roll.*—The number of claims and objections at each of the three elections was as follows:—

Year.	Claims.		Objections.	
	Preferred.	Allowed.	Preferred.	Allowed.
1	2	3	4	5
1920	Not known ...		Not known.	
1923	1,460	740	8	4
1926	1,074	590	15	3

Up to now but little interest has been displayed either by voters themselves, by parties, by candidates, or by communities and interests to secure a correct and complete electoral roll. Even in 1926, when signs of political organization were manifest in other respects, no interest was taken in securing the registration of voters. Many claims were rejected owing to the non-appearance of the claimant before the Revising

Officer. The electors in many areas even in 1926, continued to be suspicious of enquiries made by local agents, regarding their rent and income. In 1923 it was reported that very few of the intending candidates considered the matter of registration at all. The principle adopted by most of them in that year appears to have been that stated by one of them : " The fewer the electors in the register the better for us. We shall be saved the trouble of canvassing."

After the roll had been finally published, however, complaints against its accuracy were many both in 1923 and in 1926, and there is no doubt that mistakes have been numerous. Two instances came to light in 1926, in which the names of prospective candidates, duly entered in the draft roll, were omitted, without authority, from the final printed roll. There were also cases of a candidate's proposer or seconder being incorrectly entered. It is impossible to say whether these were due to carelessness during the compilation or printing of the final roll or to malice of rival candidates. A possible but expensive remedy for the inaccuracy of the roll would be the employment of a paid staff of local agents. A cheaper remedy would be the adoption of the chaukidari tax as the main rural qualification.

158. *Revision of the roll.*—There is no continuous maintenance of the roll which ordinarily continues in force for three years, though the local Government has power to direct the preparation of a fresh roll during that period. The triennial revisions of 1923 and 1926 were carried through in the following way. For the rural constituencies extracts from the current roll were supplied to the authority responsible for the collection of the chaukidari tax in each union, a rural area averaging about 15 square miles. He was required to make proposals for the omission or insertion of names on the roll, on which orders were passed by the supervising staff, drawn from the permanent staff of the districts and supplemented by special officers, working under the Elections Officer. The special officers then compiled the draft roll, consisting of the old roll with authorized omissions and a supplementary roll of added names. These were draft published and after objections and claims had been received and heard, the corrected old roll and the supplementary roll were combined and printed off and republished. The municipal tax collectors were responsible for bringing the urban rolls up to date. The European and landholders' rolls were compiled by the District Magistrates and the rolls of the University, Planters and Mining constituencies by those bodies themselves.

CONSTITUENCIES.

159. *Basis on which constituencies have been framed.*—The principal basis is population. The allocation of seats strictly on this basis is, however, modified to secure for Muhammadans one quarter of the elected Indian members, the proportion agreed on at the Lucknow Convention of 1916, and to give to the urban population the greater representation, which their higher standard of education and intelligence and previous experience of representative institutions justified. The administrative unit of the district is the foundation of the territorial distribution of constituencies.

The great landowners, who form a distinct class, elect five members, one from each division, their historical importance and existing stake in the country being held to justify a representation out of proportion to their number. One European member represents a small fraction of the population, but a highly educated electorate of about the average dimensions. The Bihar Planters, and the two Mining constituencies, one mainly controlled by European and one by Indian votes, give a voice to the most important commercial interests of the province, while the University seat secures representation for the intelligentsia.

160. *Inequalities in area, population and number of electors.*—The following table gives the salient facts:—

Class of constituency with number of seats.	Population. (*b*)	Most and least populous constituencies with population. (*b*)	Average population per seat. (*b*)	Number of electors.	Constituencies with largest and smallest electorate.	Average electorate.
1	2	3	4	5	6	7
Non-Muhammadan rural—42	29,048	Purnea 1,179 North Balasore 432	692	280,562	West Gaya 17,597 North-west Monghyr 2,669	6,680
Muhammadan rural—15. (*a*)	3,460	Purnea 429 East Patna 53	231	29,216	Chota Nagpur Division 5,423 Shahabad 620	1,948
Non-Muhammadan urban—6.	1,076	Tirhut Division 196 Patna City 92	179	50,267	Tirhut Division 11,835 Chota Nagpur Division 4,850	8,3[illegible]5

Class of constituency with number of seats.	Population. (b)	Most and least populous constituencies with population. (b)	Average population per seat. (b)	Number of electors.	Constituencies with largest and smallest electorate.	Average electorate.
1	2	3	4	5	6	7
Muhammadan urban—3. (a)	229	Patna Division 104 Bhagalpur Division 60	76	11,578	Patna Division 6,020 Tirhut Division 2,892	3,859
European—1 ...	6	...	6	1,959	...	1,959
Landholders—5...	...	...	...	389	Patna Division 131 Chota Nagpur Division 36	78
Planting—1 ...	...	...	...	50	...	50
Mining—2 ...	...	..	...	196	Association 117 Federation 79	98
University—1 ...	...	...	...	795	...	795

(a) In the Orissa and Chota Nagpur divisions, the urban Muhammadans who number 66,000, vote, if qualified, in the rural constituency, and are consequently included here with the rural Muhammadans.

(b) " Population " means total population in thousands. Males of 21 years or more constitute almost one-fourth of the population, but in the large towns they are about one-third, and among Europeans 42 per cent. It is assumed that half the European population is urban and half rural.

161. *Territorial distribution.*—The seats of the Indian general constituencies are distributed territorially thus :—

Division.	Area in square miles.	Population in thousands.	No. of seats.	Average population in thousands.
Patna	11,149	5,544	15	370
Tirhut	12,598	9,949	18	553
Bhagalpur	18,613	7,889	16	493
Orissa	12,055	4,786	9	532
Chota Nagpur	27,065	5,653	8	707

162. *Resultant representation of important interests.*—The rural constituencies show marked variation both in population and electorate. The individual Muhammadan vote is more than three times as potent as the non-Muhammadan vote. The urban constituencies have much smaller populations than the rural, but distinctly larger electorates, as their greater experience of representative institutions warrant. The Muhammadan urban voter accounts for more than two non-Muhammadan voters. The urban constituencies are generally well-balanced both in population and electorate. The territorial distribution of seats is fairly even, the Patna Division with its relatively high urban population and tradition of political importance coming off best, and Chota Nagpur, with its large aboriginal population, worst.

163. *Demands for amendment.*—A request was received in 1922, from a body interested in the improvement of the status of the aboriginal population of Chota Nagpur, urging that the franchise qualification be lowered from Rs. 16 to Rs. 5, that all male aborigines who had passed the lower primary standard should be given votes as well as all male members of the families, who were first founders of villages. In view of the Joint Select Committee's opinion that the qualifications should not be altered for ten years, the local Government declined to examine the questions. A resolution urging that the minimum age of candidates be reduced from 25 to 21 years was twice put in, but was never actually moved in the Legislative Council. Another still-born resolution urged that the number of landholders' seats should be increased from five to ten. The Orissa Students' Conference demanded that all matriculates should have a vote for the Council. The Sambalpur local rural body has urged that that district is as populous as Balasore or Puri, and should have like them two members instead of one. The large tenure-holders of Chota Nagpur, especially Ranchi district, have represented that they should be given votes in the landholders' constituency.

164. *Plural member constituencies.*—There are no plural member constituencies for the Legislative Council.

165. *Reservation of seats.*—Candidates for non-Muhammadan, Muhammadan or European general constituencies must be non-Muhammadans, Muhammadans or European as the case may be, but may be registered for any constituency in the province. Candidates for a special constituency must be registered for that constituency.

166. *Communal electorates.*—The figures already given show the extent to which the system prevails, and to which it leads to inequalities in representation. It is impossible to answer statistically the questions adumbrated in paragraphs 229-232 of the Joint Report whether—

(1) communal electorates have perpetuated class division;
(2) minorities, having special representation, have settled down into a feeling of satisfied security;
(3) majorities, feeling that the minorities are already sufficiently protected have used their power freely for their own purposes;
(4) minorities still feel no small anxiety for their welfare under a system of popular government, and regard separate representation and communal electorates as their only adequate safeguards.

Nor is it appropriate to consider here the more limited question of the continued justification of the separate landowners and European constituencies, though it may be remarked that the European member has hitherto always been returned unopposed.

One of the reasons, which led the authors of the Joint Report to recommend the retention of the Muhammadan constituencies, was the existence of a pledge which must be honoured. No authoritative Muhammadan body has yet released the British Government from that pledge.

CANDIDATES.

167. *Nominations.*—In 1920 there were 194 candidates for the 76 seats on the Legislative Council, filled by election; 28 candidates were elected unopposed. In two Muhammadan rural constituencies, no candidates were originally forthcoming and fresh dates for nomination and polling had to be fixed.

In 1923, 164 candidates were nominated; 22 seats were uncontested. In 1926, 161 candidates were nominated; 14 seats were uncontested. The European, Planting, and the two Mining seats have never been contested. Two of the five landholders' seats were uncontested in 1923 and again in 1926.

In the last two elections, all urban seats have been contested; there have been 7 uncontested to 23 contested elections in Muhammadan rural constituencies, and 17 uncontested to 67 contested elections in non-Muhammadan rural constituencies. Agreed candidates are thus slightly more common in

Muhammadan than in the non-Muhammadan constituencies. Three rival candidates are fairly common, but more are very rare.

168. *Nomination by parties or interests.*—At the first election there was no sign of party loyalty among the candidates, or of representation of particular interests except in some North Bihar constituencies, where raiyats' men stood against the landlords' men. It must be remembered that the party which has successively assumed the name of non-co-operator, Swarajist, and Congress stood aloof from candidature, though by no means uninterested in the elections. In the second general election the Swarajists took a hand, and the raiyats' cadidature again appeared, but in most constituencies the votes were cast for a person and not a policy. For the third general election the Congress party was really organized and had practically absorbed the raiyats' party. The appeal to communal or sectarian bias was more pronounced. Babhans appealed to Babhans, Rajputs to Rajputs, pleaders to clients, and, where agrarian relations were not strained, landlords to their raiyats.

169. *Status and quality of candidates.*—No detailed record of the candidates has been kept, and only general impressions can be put forward. At the first election there was a considerable proportion of candidates, who put themselves forward without much hope of election, urged by personal vanity or the novelty of the thing. The absence of non-co-operators withdrew a few men of genuine conviction and considerable force of character and intellect, but also excluded the class of immature and ill-balanced youths, who have formed the bulk of the candidates of that party at subsequent elections. On the whole the candidates, many of them lawyers and landholders of the upper middle class, who had, as a rule, served as municipal commissioners or on district boards, were of as good status and quality as might have been expected.

The second election took place after the requirement of a deposit of Rs. 250 was imposed, and the number of utterly frivolous candidatures was somewhat reduced. The decision of the Swaraj party to enter the Council brought in some candidates of low status and quality, but otherwise no radical change in the candidates occurred.

The officer, who was in charge of the 1926 elections, reported that no great care was shown in the selection of candidates. Many had no standing. Hardly any attention

was paid to educational qualifications and it is doubtful whether many of them can be said to be truly representative of any class or community. There is clear indication that men of superior status are showing more and more reluctance to face the asperities of a contested election. Again a general impression may be recorded that the candidates for the Legislative Assembly have not been markedly superior in quality or status to those for the local Council. Indeed, the Assembly appears to offer little attraction to the politicians of Bihar and Orissa and most of those, who are prominent in public affairs, have preferred to stand for the local Council.

170. *Scrutiny of nominations, challenge, rejection, disallowance.*—Challenge is freely made by rival candidates, the principal ground being the misdescription of the candidate or his proposer or seconder, or the fact that the same proposer or seconder has subscribed to more than one nomination paper. By the third general election candidates had learnt to multiply nominations in order to minimize the risk of mistake. An Election Court has recently decided, in Mahendra Nath Sahi Deo *versus* Devaki Prashad Sinha, Palamau, 1926, that where a candidate is sufficiently described to enable the electors and the Returning Officer to identify him, the nomination is valid in spite of a slight technical error in description. This decision should minimize challenge on the ground of misdescription. The following decisions on points arising out of scrutiny have also been made by Election Courts in this province:—

(1) P. C. Lal Chaudhuri and another *versus* Ram Prashad, Purnea, 1920.

An election agent need not be an elector of the constituency.

The right of a votor, if on the register, to vote, propose or second can only be challenged on the ground of personal disability or want of status. Otherwise the electoral roll is binding on a Returning Officer and an Election Court. But evidence as to identity may be taken by both.

(2) Ram Ran Vijaya Singh *versus* Braja Nandan Sahay, Shahabad, 1920.

A declaration appointing an election agent need not be stamped.

(3) Khwaja Hakim Jan *versus* Sheikh Muhammad Hussain, Chota Nagpur, 1923.

A Court of Wards manager is ineligible for nomination on the ground that he is a Government servant.

(4) Maheshwar Prashad Narayan Sinha *versus* Ramasray Prashad Chaudhury, Samastipur, 1923.

Serious discrepancies between the descriptions of the proposer and seconder in the nomination paper and the entries of the electoral roll, put forward to prove that they are electors, invalidate nomination.

(5) Shaikh Mahmud Hassan Khan *versus* Saiyid Athar Hussain, Shahabad, 1923.

The correct description of the " subdivision " of the electoral-roll, required to elucidate a serial number, is not necessarily the polling station.

(6) Madhava Surendra Sahi *versus* Krishna Deva Narayan Mahto, Tirhut Landholders, 1923.

A trivial misdescription of the constituency in which a candidate is registered may be condoned.

(7) Suraj Kumar Prashad Sinha *versus* Jagat Narayan Lal, Patna urban, 1926.

A person registered in a special constituency is eligible for nomination in a general constituency, unless debarred on communal grounds. The Returning Officer may take evidence to decide to what community a candidate belongs.

(8) Ram Ran Vijaya Singh *versus* Dudhnath Pande and another, Central Shahabad, 1926.

Deposit in the local treasury of which the Returning Officer is, as Collector, in charge, is a valid deposit.

(9) Sitakanta Mahapatra *versus* Harekrishna Mahatap, South Balasore, 1926.

Registration of a candidate in two constituencies and reference to the two different rolls in two nomination papers, does not invalidate either nomination.

(10) Ramanugraha Narayan Singh *versus* Sarada Prashad Singh, South Shahabad, 1926.

It is open to an Election Court when improper refusal of a nomination is alleged to examine the eligibility of a candidate, who has not established his eligibility before the Returning Officer. If a candidate makes out a *prima facie* case for his eligibility and no rebutting evidence is offered, rejection of the nomination is improper.

171. *Withdrawals.*—Withdrawals within the permitted time have been infrequent. Attempts were made in the 1923 elections to withdraw after the statutory period, but they were not permitted.

172. *Uncontested elections.*—The figures have been given above. The lack of a contest was occasionally due to the failure of nomination papers to pass the scrutiny.

173. *Joint candidature.*—There is no plural member constituency for the Legislative Council and consequently no joint candidature.

174. *Multiple candidature.*—At the first elections many persons stood for two or more seats, on the Legislative Council, or simultaneously for that body and for the Legislative Assembly. One discharged lunatic stood for 12 constituencies. Exact figures are not on record, but two by-elections were rendered necessary by this tendency. It has largely diminished in subsequent elections. In 1923 two persons stood for three and one for two constituencies. In 1926 two persons stood for two constituencies.

175. *Administrative machinery.*—The Divisional Commissioners are the Returning Officers for the constituencies which extend over a division, and the District Magistrates for those that include a district or smaller area, while the Legislative Secretary acts for the provincial European constituency, the Vice-Chancellor for the University, and their own officials for the Planting and Mining constituencies. Subordinate officers are appointed as extra Returning Officers to relieve the Returning Officer of minor detail and to act for him, if he is unavoidably prevented from performing the essential duties of acceptance and scrutiny of nomination papers, and counting of votes. The system now established works smoothly enough.

ELECTIONS.

176. *Polling areas, times of voting, polling agency, experience gained.*—The existing constituencies are based on the administrative units of the subdivisions, districts or divisions, or occasionally the smaller unit of police-station jurisdiction (thana). No difficulty has been experienced in dividing the constituencies into suitable polling areas, a duty assigned to the District Officers.

Two days have been assigned for the poll, one for non-Muhammadan and one for Muhammadan constituencies and these days are declared holidays. All superior officers of the local Government, including judicial officers, as well as the

officers of the Postal and Income-tax departments, are placed at the disposal of the District Officers for use as presiding officers. The polling officers are drawn from the ministerial officers of the district. How far the available staff would be able to poll a substantially larger body of voters should the electorate be expanded, and what steps could be taken to widen the choice of polling agency are questions that require further examination.

The polling hours in 1920 were from 7 A.M. to 5 P.M. In 1923 these were reduced, and polling only permitted between 9 A.M. and 5 P.M. In 1926 the hours were from 10 A.M. to 5 P.M. These are generally sufficient, though in 1926 serious congestion was reported at six polling stations. It appears that 800 votes is about the maximum that can be conveniently recorded at one polling station, though individual officers have passed 150 voters in one hour, reaching a speed of three votes a minute. Thorough rehearsal is necessary to secure adequate knowledge of the instructions and practical experience of the procedure.

177. *Method of voting.*—The majority of the electors are illiterate, and voting has to be carried out by placing the ballot paper in the coloured and numbered box, assigned to the candidate preferred, and not by marking the paper. Immediately before the ballot paper, which is merely a numbered ticket from a perforated roll, is issued to an elector, it is stamped with the secret official mark, the number, name and description of the elector read out from the electoral roll, the number of the elector entered on the secret ballot paper list against the number of the ballot paper to be issued, and the entry in the electoral roll marked to indicate that a ballot paper has been issued. This method is essential for securing rapid and secret voting by an electorate mainly illiterate, and where the presiding officer is competent, as he usually is, has worked well. The highest poll for any constituency yet reached is 8,112 in West Patna in 1926. Four other polls of over 7,000 have been taken.

178. *Means of securing attendance of voters.*—At the first general election it was manifest that no political issues were at stake, and that all through personal considerations counted a great deal, many of the contests being purely personal between candidates representing the same interests. Their election addresses, as far as these were published, were nearly all similar. They promised to oppose taxation on land, at the

same time they undertook to look after the welfare of the raiyats, and improve education, sanitation and communications, and above all to bring down the cost of living. In many areas it was generally believed that electors were required to vote by Government order, and the village headman or the village watchman sought the permission of the presiding officer to leave the polling station, after explaining that he had brought in all the electors, for whom he considered himself responsible, except those physically incapable of the journey.

It must be remembered that for this election the non-co-operation party, which had already obtained a large number of adherents in the province, held completely aloof except in so far as a few candidates, who had very little chance of success, were induced to withdraw, and some electors, in places where the movement was strongest, were persuaded not to cast their votes.

The officer in charge of the elections of 1923 reported :—

" The candidates generally did not introduce themselves personally to their electorate. Public meetings in connection with the elections were almost unknown, some candidates naively expressing a fear that such meetings would be attended only by their opponents and not by their own party. Political canvass was almost entirely the canvass of leading residents of the constituency who could command votes, zemindars who would marshal their tenants to the poll and lawyers who would influence their clients. Election addresses (which set forth the past public services of the candidate rather than his future policy) were issued in some places, but not broadcast; election posters were limited to a few constituencies; handbills with exhortations to vote for a particular candidate, or more explicitly for a particular colour were the commonest means of appeal. But these contained no argument and no explanation of the political position and even the fairly educated portion of the electorate must have been very much in the dark on the meaning of the election, and on the reasons why they should vote for one candidate rather than the other. From the percentage of votes polled it might be imagined that there was great interest and enthusiasm connected with the election, but the local officers report that there was practically no interest except in North Bihar, where the contests were between representatives of the raiyats and their landlords, and in a few of the urban constituencies. Elsewhere electors voted generally to order and not from choice, and one candidate even lodged a formal protest against the ballot boxes being kept in a private

room because his agents were unable to see if the electors were voting according to their instructions.

It is still common belief, as at the election of 1920, that electors are required to vote by Government order, and villagers marched to the polling booth by companies escorted by their chaukidars; this belief accounts for the extraordinary polls, sometimes exceeding 80 per cent. in rural districts where a polling centre served an area with a radius of eight miles or more. The townsfolk being more sophisticated voted in fewer numbers though their polling station was not more than a mile from their homes.

It is fair to recognise that in the entry of the Swarajya candidates into Council we have the first signs of the formation of a party system. Except for the few cases where raiyats' candidates were standing for election the remainder of the constituencies voted for a person and not for a policy. The majority of the Swarajya candidates were personally of no standing or ability, but they had some notion of organizing an ignorant electorate on party lines to vote against the Government. And if the party system is an integral part of the democratic constitution which has been bestowed upon India, they may take credit for their part in beginning the education of the masses in democratic government. But they have also revealed the amazing credulity and ignorance in the electorate which has to be overcome. They have conjured with the name of Mr. Gandhi to such an extent that voters have been convinced that Gandhiji was a candidate for their constituency and have left the poll in disgust on finding their mistake. They have attributed to their opponents responsibility for raising the price of postcards, salt, oil, cloth and the other necessities of life; they have promised to effect a millennium of no rent and no taxes if elected. They have even exploited the superstition of the masses in regard to the colour of the voting boxes: if their candidate's box was green this was the colour of the raiyats' rice crops, and of the junlges they were to make their own. If the other candidate's box was white, let those who voted in it beware of white leprosy. These and similar arguments were used with some effect. It is not to be supposed that all their calumnies and all their promises were believed, but their programme at least concerned matters directly affecting the electors while the supporters of the other side could only canvass the amiable personality of their candidate. Thus callow youths, in themselves insignificant, could secure election because they stood for a party and a policy while their opponents stood for nothing but themselves."

The conditions in 1926 were described as follows:—

" The only party which had any real organization was the Swarajya or Congress party. Its members and supporters canvassed enthusiastically for the candidates of the party, and issued leaflets and posters freely. Electoral addresses were also delivered. Use was made of magic lantern slides, depicting the poverty of India, important events of Indian history and some cartoons against loyalists and co-operators. The principal plank in the platform of this party was a promise to redress the grievances of the tenants and to secure to them concessions regarding their tenancies. Facts were often misrepresented and false hopes held out. Influential men from outside the province such as Dr. Moonje, Pandit Madan Mohan Malaviya and Pandit Moti Lal Nehru visited different parts of the province and urged the claims of their respective parties. Pamphlets were also issued in their names.

The usual form of canvassing was by electoral addresses and distribution of leaflets and posters. No objection can be taken to employing paid canvassers. But the way in which local bodies were utilised in many cases for canvassing purposes is open to criticism. Clerks of district or local boards and in some cases of municipalities worked as canvassers. In some cases, local Indian doctors and *gurus* (masters) of village schools were made to canvass openly for the candidate, connected with the local or the district board. In one or two cases, the district board employees, who refused to do such work, were threatened with punishment. The inconvenience caused to the public by a doctor thus leaving his hospital or the district board clerk leaving his office and the misuse of money, coming from the local funds, which is caused by such arrangements, are obvious. The unfair advantage which the nominee of a local body so gains over his rivals is also undesirable, and any steps that may be possible might well be taken to stop this form of canvassing at future elections. Unfortunately there are no rules, corresponding to the Government Servants' Conduct Rules, to guide these servants of local bodies. But perhaps rules could be framed so as to put an end to this abuse.

The leaflets which were circulated generally dealt with the following matters:—

(1) Criticisms of the past activities of candidates either in the Council or in other spheres of life.

(2) Appeals to communal instincts, *e.g.*, to Hindu voters to vote for none but those pledged to the

protection of the cow or their religion or to the Muhammadan electors not to vote for those who showed any sympathy to the Hindus.

(3) Appeals to caste prejudices, *e.g.*, to Rajputs to vote for a Rajput candidate only, or holding out false hopes that by voting for a particular candidate the members of the lower classes would be converted into a higher caste.

(4) Setting up tenants against landlords by promising to redress the grievances of the tenants and to secure to them greater concessions and privileges.

Moslem priests were employed in one constituency to coerce the voters to vote for a particular candidate. Threats were held out to district or local board contractors and payment of their bills withheld to make them work on behalf of a candidate favoured by the board.''

It is necessary to supplement and in some degree correct these two reports. In 1923 the Swarajya party were, in this province, a comparatively small section of the Congress party, now split up into ' no-changers,' who advocated the boycott of the Legislatures, and Mr. C. R. Das' adherents who wished to enter them for the purpose of obstruction. With difficulty a compromise was reached in May 1923 which secured the neutrality but scarcely the support of the ' no-changers ' for Swarajya candidates. Consequently their success was small. By 1926, however, the bulk of Congress supporters in the province had been converted to the policy of Council entry, though a new split had occurred separating off those, who, while in general sympathy with the Congress aims, were not prepared to limit themselves to pure obstruction. These formed the Independent Congress party, and their candidates stood both against the supporters of Government and against Swarajya party candidates. The canvass found the majority of electors quite ignorant of the Congress programme, and the Swarajya candidates saw that they had no chance of succeeding on the Swaraj ticket alone. Besides invoking the name of Mahatma Gandhi and representing that they had his support, they appealed freely to the communal sentiment of the voters, where success depended upon it, although such appeals were definitely inconsistent with the Congress creed. In particular they sought the support of the leaders of the Goala caste, the largest caste in the province. Again contrary to the Congress creed they declared themselves advocates of tenants in strong opposition to landlords. The Independent Congress party,

though unable to invoke the name of Mahatma Gandhi with any success, adopted the other two planks of the Swaraj platform. Both parties chose their candidates for local influence and with an eye on the predominant caste in the constituency. It is therefore scarcely correct to say that the Swarajya party alone had any real organization, nor is the inference, that that party fought the elections on its avowed programme, one that can be correctly drawn. Its candidates in the non-Muhammadan constituencies owed their success primarily to their association with the predominant caste or to their advocacy of the more extreme demands of the tenants.

Though leaflets appealing to the extremer forms of communal loyalty were circulated among Muhammadan voters, they had less effect than the corresponding appeal to caste antagonism in the other constituencies. The existence of the separate electorate saved the Muhammadan candidates from the need either of placating Hindus or of bidding for the support of the extremists of their own religion. The Congress creed proper made even less appeal to the Muhammadan electorate than to the Hindus, and where Congress candidates got in they did so on personal grounds. In some constituencies the danger of adhesion to the Congress was realized by the candidate in time to allow of repudiation with fortunate results. It was only in North Bihar, where the non-co-operators' organization of 1920-22 still retained a Muhammadan element, that organization had much effect on the result.

179. *Use made of the vote.*—The following statement shows the extent to which the electors went to the poll at the three general elections. Uncontested elections are ignored:—

—	Percentage in 1920.	Percentage in 1923.	Percentage in 1926.
Non-Muhammadan urban ...	27	46	49
Non-Muhammadan rural ...	42	53	63
Muhammadan urban ...	12	53	61
Muhammadan rural ...	28	61	64
Others	61	79	85
All	41	52	61

In 1920 the non-co-operation movement had some effect on the size of the polls especially in urban constituencies. In the subsequent elections this cause no longer operated, and polls have steadily grown throughout. It is noteworthy that the Muhammadans poll more freely than the non-Muhammadans, and that, in spite of the difficulties of transport and lower standard of education, the rural poll is markedly higher than the urban.

180. *Conduct of voters.*—A method of polling has been adopted, and has already been described, for enabling illiterate voters, to vote without assistance. They are only required either to be able to read numbers, or to distinguish the primary colours. Women have not yet been enfranchised and consequently no special problems have arisen in recording their votes.

There was little evidence of treating in the 1920 elections, and it was not alleged in any election petition of that year. The Elections Officer of 1923 remarked that treating in the form of providing voters with food on the polling day appeared to have been common—so common in fact that one presiding officer received a demand for the *khoraki* (halting allowance) which a candidate was not giving his supporters for attending to their civic duty. Treating, by conveyance and feeding, was alleged in the South Saran Election case, 1923, but the charges were not substantiated. No other case of treating was brought before the Election Courts.

The Elections Officer for 1926 reported that rumours were rife that many candidates paid the electors for their votes and there were instances where the price increased by competition. In one case a voter told a certain official in all innocence that he would give his vote to the candidate who paid him most. At many polling stations arrangements were made for feeding the voters and one voter refused to leave the polling station without the electoral card given him by the candidate as without it he would not be supplied with refreshments. Hired cars and carriages were freely employed to convey electors to the polling stations and in many cases the drivers, to avoid detection, deposited the voters at a safe distance from the polling stations.

In election case, South Balasore, 1926, it was found that some voters were carried to the poll on behalf of the respondent in hired conveyances. In the same case it was found that the respondent's agents arranged for the refreshment of voters

and gave feast and entertainment to them, with the corrupt intention of influencing the voters.

A case was noticed in which several voters at a polling station fraudulently took away their ballot papers and subsequently all the papers were put into a box by one voter. There is reasonable suspicion that this course was adopted, because that voter was reckoned a safe man, while the others were capable of taking their money and voting against their paymaster.

There is good ground for believing that the practice of treating has largely increased. It remains to be seen, whether the unseating and disqualification of the successful candidate in South Balasore on this, among other grounds, will check the growth of the practice. It is somewhat remarkable that while rumours of corrupt practices are rife, it is rare that they form part of the charges in election petitions. A plausible explanation is that the probability of recrimination deters the making of the charge.

181. *Personation and tendered votes.*—No case of personation was reported in 1920, in which election every voter had to be identified before the presiding officer. Personation was alleged to have been frequent in 1923, when the onus of challenging was placed entirely on the polling agents. Challenges were, however, rare, either because the agents were not themselves acquainted with the electors or possibly by reason of a pact of mutual forbearance. In 1926 challenges were again rare and in a few cases, where personation was established, the offender was prosecuted. In one case a voter, while endeavouring to smuggle in a second ballot paper, was caught by the polling officer, and when pressed to show it, swallowed it.

In South Saran Election case, personation was alleged but the charge was abandoned. In no other case has it been alleged.

There appear to have been no tendered votes in the 1920 and 1923 elections, and it is reported that there were few in 1926.

182. *Election agents.*—Each candidate is obliged to appoint either himself or some other person his election agent, for the purpose of keeping an account of election expenses. He may employ other agents for canvassing, etc., and one polling agent for each polling station to watch his interest during the poll and again one agent to attend at the counting of votes. In the great majority of cases the candidate

appoints himself as election agent, and election agency has not yet risen to the dignity of a profession. No particular point of interest has arisen regarding these agents except that the agents appointed to attend at the counting of votes have sometimes attempted to find out how many votes their candidate secured at each polling station.

183. *Disorder at elections.*—The 1920 elections passed off without any disorder. In 1923, at two places polling was interrupted for ten or fifteen minutes. In 1926, there was excitement in many of the polling stations and temporary disorder in a few of them, where peace was maintained by the help of the police. The disorder was of a fairly serious nature at one station, where polling had to be adjourned to the next day. At some polling stations there was congestion owing to the presence of a large number of electors, and at six of them many had to go away without recording their votes. At one polling station the rush was so great that a voter was trampled under foot and died from his injuries. The remedies are better arrangements for admitting electors to the polling enclosure and increase of polling stations or doubling of the staff at the most frequented stations. There is reason to believe that in the 1926 elections at some polling stations electors who had already recorded their votes again claimed the right to vote in order to delay proceedings.

184. *Spoilt votes.*—Only 150 votes at the 1920 elections were proved to be invalid, either for lack of the official mark or for presence of identification marks, or because they were placed in a box relating to another constituency. It may be remarked that elections for the same class of constituency, for the Legislative Assembly and for the Legislative Council, are conducted simultaneously, and consequently this mistake occasionally occurs. In 1923, 1,583 votes for the Legislative Council were declared invalid, most of them because, by neglect of duty on the part of certain presiding officers, the ballot papers displayed marks of identification. The figure for 1926 was 317. There were again many instances, where, under a misapprehension, Council electors put their votes in the Assembly box and *vice versa*. This mistake should be rendered very unusual by more adequate arrangements at the polling stations, while thorough rehearsal should eliminate mistakes by polling officers. Seeing that some 550,000 votes have been validly given in the two last elections against 1,900 invalid votes, the existing system for the ordinary polling may be held to be suited to the *mental* capacity of the voter.

185. *Intelligence of the electorate.*—It is by no means, however, so clear that the *political* capacity of the average elector is equal to the task of giving an honest and reasoned vote. On the 1923 elections the officer-in-charge remarked :—

" One may search in vain for signs that three years of the Reforms has educated the electorate to the meaning of an election and the business of a legislature. From every district the reports of the presiding officers declare that a large proportion of the voters did not know the name of the candidate for whom they voted but had only been told the colour of the box. Many voters after entering the polling booth threw away their ballot papers remarking that they had been forced to come by fear of a fine, but would not vote for anybody. A large number believed the voting to be concerned with a question of the chaukidari tax (the only tax they knew), whether it should be increased or not, or whether it should be paid to the Sarkar or to Gandhi Maharaj."

In the 1926 elections the attitude of the electorate was described as follows :—

" The electors generally did not seem to know the candidates, much less their politics and when they came to the polling station it appeared that it was only a momentary impulse which decided them to vote in any particular box. Many asked the presiding officer for whom they should vote and looked to him for a lead in utter helplessness. At one polling station the electors out of reverence for elections removed their shoes before entering the polling room and saluted the ballot boxes."

186. *Counting of votes.*—The counting of votes cast and the declaration of the poll have in general been carried out smoothly and promptly. But there is one difficulty that has not as yet been fully solved. Under the regulations the ballot boxes relating to each polling station must be opened one after another and the ballot papers taken out and counted in the presence of the candidates or their representatives. It is true that these persons are not permitted to see the statement compiled by the returning officer showing the number of votes cast for each candidate at each polling station. But it is not difficult for an intelligent man to guess fairly closely this number, when the ballot papers are taken out of the box, and thus to know whether a body of electors, on whose support he had reason to count, have actually voted for him. To this extent the secrecy of the ballot is not completely secured.

187. *Special methods of voting.*—Postal voting was originally confined to the University and Planting constituencies, but was extended in 1923 to the Landholders and European constituencies. Under the system every elector receives by post a form of attestation and ballot paper. He attests his identity before a responsible official and then returns his attestation paper with the ballot paper duly marked to the returning officer of the constituency. The system has worked well for the small and scattered electorates concerned, giving the minimum of trouble to the electors and returning officers, and contributing to the high percentage of polling.

188. *Proportional representation.*—There has been no application of or demand for proportional representation.

189. *Status and quality of elected members.*—The classification of the elected members according to personal status is a matter of some delicacy and difficulty. The classification proposed is:—

(1) Persons who have either inherited or have gained by their own efforts a position of respect and influence apart from their political activities, such as substantial landowners, prominent lawyers, merchants, bankers and the like;

(2) Persons who have little influence or who have gained their influence entirely by politics, including small landowners and traders, lawyers of small practice, etc., as well as nominees of powerful interests possessing little influence of their own.

	1920.	1923.	1926.
Class I	49	46	41
Class II	27	30	35

The second class is not entirely, though now largely composed of professional politicians or, at any rate, persons who appear to have little other means of livelihood. But few of them are carpet-baggers. In order to get a seat a man has to have *some* local influence.

Classification according to profession and source of income is also somewhat difficult, as many lawyers have some land, and some lawyers scarcely practise but depend on their political activities, while some politicians have some interest in land, though any who have substantial interest have been classed as landlords.

The result of classification is as follows:—

	1920.	1923.	1926.
1	2	3	4
Landlords	38	30	27
Lawyers	30	25	22
Politicians	2	9	21
European planters	2	2	2
Land agents	1	4	1
Coal-owners	2	2	2
Retired Government servants ...	...	2	1
Traders, money-lenders, etc. ...	1	2	...
Total ...	76	76	76

The growth of the politician member at the expense of the landlord and the lawyer member is significant. It is also noticeable that there were ten Bengalis returned in 1920, and only four in 1926. Of the present members one was convicted for embezzlement, shortly before his election, and one has been twice convicted for publishing obscene advertisements. Another was a sub-inspector of police and was discharged from the force for corruption. Five others were imprisoned during the non-co-operation period.

190. *Election petitions.*—A schedule of election petitions relating to the Legislative Council elections is appended to this chapter. Most of the cases have been referred to in the course of the description of the elections.

191. *Costs.*—The cost to Government of the 1926 elections including both Council and Assembly, came to Rs. 1,17,000.

There was no separate budget head for the two earlier elections, but it has been estimated that the 1920 elections cost Rs. 1,50,000 and that of 1923, about Rs. 1,35,000.

The cost to candidates is still more uncertain. From the elections expenses returns put in it appears that the average cost of a candidate was Rs. 325 in 1920, Rs. 550 in 1923, and Rs. 1,140 in 1926, but there is scarcely any doubt that much larger sums were expended at any rate in the last two elections. There is no present limit to election expenses.

II.—ELECTIONS FOR THE CENTRAL LEGISLATURE.

LEGISLATIVE ASSEMBLY.

192. *Seats and qualifications of electors.*—There have been three elections for the Legislative Assembly for which there are twelve seats in Bihar and Orissa, eight non-Muhammadan, three Muhammadan and one Landholders. The qualifications for the electors of the Landholders' constituency are payment of land revenue of Rs. 10,000 or local cess of Rs. 2,500.

For the other eleven constituencies the qualifications are:—

(1) for proprietors, payment of local cess of amounts varying from Rs. 12 to Rs. 30 in different districts;

(2) for tenure-holders, local cess annual valuation of amounts varying from Rs. 100 to Rs. 400 in different districts;

(3) for raiyats, payment of rent of amounts varying from Rs. 40 to Rs. 160 in different districts, or of local cess of amounts varying from Rs. 1¼ to Rs. 5 in different districts;

(4) assessment to income-tax on an income of not less than Rs. 3,840;

(5) assessment to Rs. 15 as municipal tax.

193. *Demands for revision.—Growth of electorate.*—No estimate of the number of electors was made originally. The following table shows the growth of the electorate:—

Legislative Assembly.

Constituencies.	Number of Electors.		
	1920.	1923.	1926.
Eight Non-Muhammadan ...	58,519	62,836	67,360
Three Muhammadan	7,341	7,858	8,893
One Landholders	Not known	135	129

For the first two elections two of the non-Muhammadan constituencies, Tirhut and Orissa, returned two members each. One of these, Tirhut, was split up in 1926, in answer to a popular demand of some strength. A request to split up the Orissa constituency was also received, but it appeared to have little popular backing and so was not supported by the local Government. There was a demand for special representation of aborigines in the Legislative Assembly, which was not supported because the questions which concern the aborigines are almost exclusively the business of the Legislative Council.

The growth of the electorate is mainly due to more accurate registration. About 2.3 per mille of the total and 4.6 of the male population can vote for the Assembly. There is no marked difference between the enfranchisement of Muhammadans and non-Muhammadans. About one Council elector in five is an Assembly elector. It was found in 1926, that of the electors for the general constituencies about 154 per mille were qualified as proprietors, 61 as tenure-holders, 181 as municipal tax payers, 23 as income-tax payers and 582 as raiyats. The raiyats' franchise extends down to the man holding about 45 acres of average land.

194. *Candidates and elected members.*—In 1920, no candidate came forward on the due date for two out of the twelve seats. For the remaining ten seats 24 persons were nominated. In 1923, 27 nominations were received and in 1926, 23. Four members were returned unopposed in 1920, two in 1923 and one in 1926. In the 1920 contested elections, 31 per cent. of electors voted, in 1923, 44 per cent. and in 1926, 53 per cent. The figures, though they show a substantial increase in interest, are still well behind those of the Legislative Council elections.

Of the successful candidates in 1920, all had made some mark in public life before the Reforms, or held considerable landed property. In 1923, only half of them could be so described and four of the others were professional politicians. Of those returned in 1926, seven of the twelve are men of some mark, and of the other five, four are professional politicians.

COUNCIL OF STATE.

195. *Seats and qualifications of electors.*—There have been two elections for the Council of State, in 1920 and 1925. The province returns either three or four members to the Council of State, the non-Muhammadans constituting a plural member constituency, returning two members at the odd elections and

three members at the even elections, while the Muhammadans return one at each election.

The qualifications for an elector are :—

(1) for proprietors, payment of Rs. 1,200 land revenue or Rs. 300 local cess (reduced to Rs. 750 and Rs. 187½ respectively, for Muhammadans);

(2) for tenure-holders, local cess annual value of Rs. 300 (Rs. 187½ for Muhammadans);

(3) income-tax assessment on income of Rs. 12,000 (Rs. 6,400 for Muhammadans);

(4) present or past non-official members of the Indian Legislature or the Bihar and Orissa Legislative Council;

(5) present or past chairmen or vice-chairmen of certain local bodies;

(6) Members of the Senate or Fellows of an Indian University;

(7) Holders of the title of Mahamahopadhyaya or Shams-ul-Ulama.

196. *Number of electors.*—The electorate in 1920 numbered 1,666, and 2,392 in 1925.

It was distributed as follows among the different qualifications :—

Year.	Proprietors and tenure-holders.	Income-tax payers.	Others.	Total.
1920	60	26	14	100
1925	62	30	8	100

197. *Candidates and elected members.*—The successful candidates in 1920 were the chairman of the Patna District Board, a landowner of considerable wealth who was returned unopposed for the Muhammadan constituency, and two of the leading Hindu noblemen of the province, who easily defeated a Patna barrister for the two seats of the non-Muhammadan constituency. In 1925 a Swarajist was successful for the Muhammadan constituency securing 60 per cent. of the votes polled. He is a barrister and has been for some time chairman of the Monghyr District Board. In the non-Muhammadan

constituency three Swarajists stood, and against them no less than five members of the landed aristocracy for the three seats allotted to the province for that election. This error in tactics was disastrous to the latter interests, since although one of the leading Hindu noblemen was again returned at the head of the poll by a substantial majority, the other two seats went to the Swarajists by small majorities, which the split vote created. Of the two successful Swarajists one has been vice-chairman of the Saran District Board and is the brother of the most consistent non-co-operator in the province. The other was in 1920 a young briefless vakil of the High Court who suspended practice in pursuance of the non-co-operation programme. When the local bodies were made almost entirely elective, he became chairman of the Gaya District Board as well as vice-chairman of the Patna municipality.

198. *Votes cast.*—In the contested election of 1920, 1,411 votes were polled out of a possible poll of 4,446. In 1925, 4,272 votes were polled out of a possible poll of 6,332. On the second occasion the feature of the election, which is conducted by post, was the high proportion (nearly 10 per cent.) of spoilt votes on the total number of votes recorded in time.

सत्यमेव जयते

Table of Election petitions.

Serial no.	Constituency and year of election.	Names of petitioner and respondent.	Grounds of petition.	Results.
1	2	3	4	5
1	Non-Muhammadan rural, North Bhagalpur. 1920.	Vishwanath Jha *versus* Swami Vidyanand *alias* Bishwabharan Prashad.	(1) Respondent not a voter and as such ineligible for election. (2) Corrupt practices.	Dismissed and Rs. 700 awarded as costs to the respondent.
2	Non-Muhammadan rural, North-East Darbhanga. 1920.	Kesi Nath Misser *versus* Sheo Shankar Jha.	(1) Corrupt practices. (2) Votes obtained by personation.	Dismissed and Rs. 850 awarded as costs to the respondent.
3	Non-Muhammadan rural, Purnea. 1920.	1. Sashibhusan Konar, 2. Rai Bahadur P. C. Lal Chaudhuri *versus* Ram Prashad.	(1) The Returning Officer held that the candidate was not duly nominated because his election agent was disqualified from acting as such not being an elector of the constituency. (2) Nomination paper rejected as name of seconder did not tally with name in electoral roll and as no one appeared at the scrutiny the Returning Officer held that it had not been shewn that the seconder was an elector.	Election declared void and petitioners awarded Rs. 100 each as costs. Petitions not opposed by respondent.
4	Non-Muhammadan rural, Central Shahabad. 1920.	Ram Ran Vijaya Singh *versus* Braja Nandan Sahay.	Declaration made by returned candidate appointing an election agent had been stamped in accordance with Article 4, Schedule I, Indian Stamp Act, while those of the petitioner and the other four candidates had not been stamped. The Returning Officer therefore held that only one candidate had been nominated and declared him elected, without contest.	Election declared void and the petitioner awarded Rs. 150 as costs.

Serial no.	Constituency and year of election.	Names of petitioner and respondent.	Grounds of petition.	Results.
1	2	3	4	5
5	Muhammadan rural, Chota Nagpur Division. 1923.	Khwaja Hakim Jan *versus* Shaikh Muhammad Hussain.	Petitioner's nomination was wrongly rejected on the ground that, as a manager under the Court of Wards, he was an official within the meaning of section 80B of the Government of India Act.	Dismissed and respondent awarded Rs. 160 as costs.
6	Landholders, Tirhut Division. 1923.	Madhava Swarendra Sahi *versus* Krishna Deva Narayan Mahta.	Petitioner's nomination was wrongly rejected on the ground that the constituency was incorrectly described.	Election declared void and petitioner awarded Rs. 80 as costs.
7	Non-Muhammadan rural, Samastipur. 1923.	Maheshvar Prashad Narain Sinha *versus* Ramasray Prashad Chaudhury.	Nomination paper wrongly rejected as the father's name of the proposer and the seconder's name given in the nomination paper did not tally with those in the electoral roll.	Dismissed and respondent awarded Rs. 80 as costs.
8	Muhammadan rural, Shahabad. 1923.	Shaikh Mahmood Hassan Khan *versus* Saiyid Athar Hussain.	Nomination paper wrongly rejected on the ground of misdescription of the subdivision in the electoral roll of which the name of the proposer was entered.	Election declared void and Rs. 80 awarded as costs to the petitioner.
9	Non-Muhammadan rural, South Saran. 1923.	Nirsu Narain Sinha *versus* Chandraketu Narain Sinha.	Almost every ground possible under the rules.	Dismissed, but no costs awarded as respondent had filed recriminatory petition.

Serial no.	Constituency and year of election.	Names of petitioner and respondent.	Grounds of petition.	Results.
1	2	3	4	5
10	Non-Muhammadan rural, North Champaran. 1923.	Upadhya Ambika Prashad *versus* (1) Lakshmi Mohan Misra, (2) Rai Sahib Ram Gopal Singh Chaudhuri.	A number of votes recorded on behalf of the first respondent was improperly accepted by the presiding officer and there was material irregularity in conducting the election.	Election of first respondent declared void and petitioner awarded Rs. 80 as costs.
11	Non-Muhammadan rural, Palamau. 1926.	Mahendra Nath Sahi Deo *versus* Devaki Prasad Sinha.	The Returning Officer wrongly rejected the petitioner's nomination paper because the reference to the relevant entry in the electoral roll was incomplete.	Election declared void and petitioner awarded Rs. 80 as costs.
12	Non-Muhammadan urban, Patna Division. 1926.	Suruj Kumar Prashad Sinha *versus* Jagat Narayan Lal.	(1) The name of the returned candidate stood only on the electoral roll of a special constituency, to wit, the Patna University and he was therefore not eligible as a candidate for election. (2) The electoral roll of a special constituency does not show the community to which an elector belongs and the procedure adopted by the Returning Officer in holding a summary enquiry in order to ascertain whether Babu Jagat Narain Lal was a Hindu, was unwarranted and wholly *ultra vires*.	Dismissed and respondent awarded Rs. 80 as costs.

Serial no.	Constituency and year of election.	Names of petitioner and respondent.	Grounds of petition.	Results.
1	2	3	4	5
13	Non-Muhammadan rural, West Patna. 1926.	Dasu Sinha *versus* (1) Rajandhari Sinha, (2) Poondeo Prashad Sharma.	The voting in two of the polling stations in the constituency, was conducted in an illegal manner and was vitiated by non-observance of the provisions of law, and by threats, undue influence and duress which prevented a free exercise of the right to vote on the part of a large number of voters and the result of the election had been materially affected thereby.	Dismissed and Rs. 400 awarded as costs to the first respondent.
14	Non-Muhammadan rural, Central Shahabad. 1926.	Ram Ran Vijaya Singh *versus* (1) Dudhnath Pande, (2) Rajeswari Sinha.	Nomination papers of the respondents were invalid in law inasmuch as they had not made the deposits with the Returning Officer as required by sub-rule (1) of rule 12 of the Bihar and Orissa Electoral Rules and the petitioner was the only candidate who was validly nominated.	Dismissed and Rs. 100 awarded as costs to the first respondent.
15	Non-Muhammadan rural, South Shahabad. 1926.	Ramanugrah Narayan Singh *versus* Sarada Prashad Singh.	Nomination wrongly rejected on the ground that petitioner failed to satisfy the Returning Officer of his eligibility to stand as a candidate.	Election declared void and Rs. 80 awarded as costs to the petitioner.

Serial no.	Constituency and year of election.	Names of petitioner and respondent.	Grounds of petition.	Results.
1	2	3	4	5
16	Non-Muhammadan rural, South Balasore. 1926.	Sitakanta Mahapatra *versus* Harekrishna Mahatap.	1. The nomination papers filed on behalf of the respondent were defective and should have been rejected. 2. Corrupt practices— (*a*) interfered with the free exercise of the electoral right of the petitioner and of the electors; (*b*) made use of his position as chairman of the Balasore district board to intimidate some of the district board employees who were also voters; (*c*) treating, by supplying food and refreshments to a large body of electors and conveying voters to the polling stations in hired taxis.	Election set aside and Rs. 100 awarded to the petitioner as costs and the respondent and his agents disqualified.

CHAPTER VII.

THE PROVINCIAL LEGISLATURE.

199. *Constitution.*—The Legislature consists of a single chamber known as the Legislative Council, comprising 103 ordinary members, to which the Governor is empowered to add not more than two " special " members for the purpose of any Bill on a subject of which they have special knowledge or experience. The two Members of the Executive Council are *ex-officio* members of the Legislative Council. Nominated members, at the moment, number twenty-four, of whom twelve are officials, two represent the aborigines, two the depressed classes, and one each the industrial interests other than planting and mining, the domiciled Bengalis, the Anglo-Indians, the Indian Christians and the labouring classes. Seventy-six members are elected, somewhat more than the statutory proportion of 70 per cent. The nominated members are in defect by one, though for part of the 1928 spring session a " special " member was added. The constituencies for which the elected members are returned have been fully described in the previous chapter.

200. *The officers of the Council.*—On its first constitution one of the Members of the Executive Council, of whom there were then three, was appointed by the Governor to be President. This arrangement continued till November 1922, the Hon'ble Mr. Sinha succeeding the Hon'ble Sir Walter Maude on his retirement in April 1921. Then on the reduction of the Executive Council to two Members other than the Governor himself, a non-official elected member of the Legislative Council, Khan Bahadur Khwaja Muhammad Nur, was appointed to preside over its deliberations. This gentleman was again chosen by the Council as President in August 1925, when the post was made elective, and was re-elected by the third Council in January 1927. The pay of the post was fixed at Rs. 24,000 a year by the Legislative Council President's Salary Act, 1925. The Deputy President has throughout been a non-official member elected by the Council. His salary was fixed by an Act passed in the first session at Rs. 3,000 a year. The post of Secretary to the Council was filled in the first instance by a member of the Indian Civil Service, but has since April 1924 been filled by a barrister who is assisted by another barrister.

201. *Legislative action of the Council.*—The Legislative Council's activities will be indicated in some detail in the following chapter when describing the working of the departments both reserved and transferred. It will be convenient to summarize here the most important of them. They fall naturally into three spheres, legislative, financial and advisory. In the legislative sphere, twenty-seven Acts have been passed. Of these two dealt with the salaries of the President and Deputy President, and thirteen made minor amendments in existing Acts, which did not arouse serious controversy. Of the remaining twelve, five affected local self-government, which has thus been by far the most important field of legislative action. These were the Village Administration Act of 1922, the Municipal Act, 1922, the Local Self-Government Act, 1923, the Central Provinces Municipal Repealing Act, 1924, and the Local Fund Audit Act, 1925. The first established a scheme for the creation of local bodies responsible over small rural or semi-urban tracts for sanitation, medical relief, primary education and village roads, and for the control of the village police. Committees (*panchayats*) of these local bodies can be entrusted with judicial powers in minor criminal and civil cases. The next two recast very materially the existing urban and rural boards, freeing them almost entirely from the control of the local officers of Government. The fourth brought the municipality of Sambalpur into line with other municipalities of the province. The fifth secured adequate audit of the accounts of local bodies. The non-official element in the Councils was fully effective in shaping all these Acts, though the Local Fund Audit Act would have been delayed but for the support of the nominated non-official members.

Two other Acts related to irrigation, and were in the main the result of pre-Reforms discussion. These were the Private Irrigation Works Act, 1922, and the Minor Irrigation Works Act, 1922. The latter was accepted without opposition by the Council. The former, after a smooth passage up to the report stage, was the subject of a dilatory motion which was pressed by the landlord element of the Council, alarmed at the invasion of their rights. The motion was only defeated by 30 votes to 26, and a concession had to be made to save the Bill, which in practice very greatly limits its effectiveness as a means of enforcing the obligation of landlords to keep their irrigation works in proper order.

The industries of the province have been the subject of two Acts. The first, the State Aid for Industries Act, 1923,

was designed primarily to benefit Indian enterprise, especially in small industrial concerns. It enables Government to provide loans and other credit facilities for the establishment of new industries. This measure received a cordial welcome from the Council and passed without difficulty. The second, the Aerial Ropeways Act, 1924, facilitates the construction of overhead ropeways and is intended, among other things, to encourage the practice of replacing hewn coal with sand, thus enabling the coal seams to be more completely worked out without danger of subsidence. The Council passed the Bill without any serious opposition.

The Chota Nagpur Rural Police (Amendment) Act, 1926, was designed to enable Government to make more satisfactory police arrangements in the mining areas and to legalize the collection of the village police tax from mine-owners. It passed without any difficulty as did also a non-contentious measure, the Highways Act, 1926, to provide for better maintenance of Government roads and traffic control on them. The only other Act deserving of special mention was the Court Fees (Amendment) Act, 1922, which will be discussed under the financial business of the Council.

The Council has declined to pass two Government measures of some importance and has failed to solve the problems presented by one other. The last is the Bihar Tenancy Bill introduced in 1922, which was withdrawn by Government in the following year when it became apparent that no agreement acceptable in the main to the representatives both of the landlords and the raiyats could be reached. The subsequent attempts to reach such an agreement will be described in detail in the following chapter, under " Tenancy Legislation." The first of the two Government measures to be defeated was the Civil Courts (Amendment) Bill, 1926, designed to facilitate the disposal of civil cases by enhancing the summary powers of the lower grades of civil judges. The determining factor was the interests of the lawyer element in the Council. The second was the Mica Mining Bill, 1928, which aimed at preventing the theft of mica from the mines and the dealing in stolen mica. This was thrown out without any debate apparently on the suspicion that the chief benefit would go to European firms engaged in the industry.

Of the Acts and Bills mentioned above six related to transferred subjects, and nine, including the Court Fees Act, and the abortive Tenancy, Civil Court and Mica Mining Bills,

to reserved subjects. The Local Fund Audit Act is classed with the latter, since it was introduced by the Finance Member. The reserved side has had the greater difficulty in getting legislation through the Council, though no really vital question requiring legislation has come to the front in the past seven years, concerning the reserved subjects.

A feature of the later Councils has been the number of private measures brought forward. Only one such measure was introduced in the first Council, for including drugs among the articles to be controlled by the Food Adulteration Act, and this passed in the last session of that Council. In the second and third Councils twenty private measures have been introduced, two relating to Muhammadan religious trust, of which one passed into law, six designed to amend the tenancy laws, five relating to local bodies, two each to the collection of public demands, and the protection of cattle and one each to the administration of wards' estates, the Patna University and the Court Fees Act. None of these are likely to pass into law in their present shape, and some of them were introduced rather with a view to show constituents and others that the movers had done something than with the object of remedying grievances.

202. *Financial action of the Council.*—On the financial side the activities of the Council have been considerably greater than in legislation. The budgets have every year excited a great deal of discussion, and the policy of Government has been to a great extent moulded by the views of the Council. Supplementary demands too have been subjected to close examination. The following table shows how the budgets have been dealt with in the Council:—

Motions for reduction or omission.	First Council.			Second Council.			Third Council.	
	1921.	1922.	923.	1924.	1925.	1926.	1927.	1928.
Put in	142	406	312	124	239	235	465	504
Moved	55	132	82	27	30	20	21	31
Opposed by Government but carried.	10	6	3	6	2	...	1	6
Opposed and defeated on a division.	7	12	14	6	8	3	10	8
Opposed and defeated without a division or withdrawn.	36	100	57	14	20	17	10	17
Accepted by Government or withdrawn on a promise of reduction.	2	14	8	1	...	...	...	...

The first point that is noticeable is the small proportion of motions put in that are moved, especially in the later years. The reason is mainly that obscurities in the budget, which induce members, especially the more inexperienced, to put in motions, are now usually cleared up by prior consultation. A number of motions, too, are crowded out, while the members of the Swarajya party have of recent years declined to press some motions put down by them in accordance with the decision of the party. In 1926 they " walked out " in a body during the budget session. The second point is that Government have no longer to accept a number of motions or to run the risk of defeat; the attitude of the Council is more fully diagnosed in advance than it was in the early years and the budget is thus, on the whole, presented originally in a form likely to command general support.

The total cuts voted by the Council have been :—

In thousands of rupees.

1921	...	...	24,30	1925	...	...	token cuts only.
1922	...	...	54	1926	...	...	nil.
1923	...	...	98	1927	...	...	1,00
1924	...	...	9,96	1928	...	...	1,22

In 1921 the main reduction was the refusal to sanction a loan of twenty lakhs to the Jharia Water Board. A cut was made in the provision for officers of the Provincial Civil Service owing to a misunderstanding of the intricacies of the budget as then presented. A desire to postpone the inception of the Orissa settlement operations, unwillingness to accept the need for agricultural and veterinary buildings until the Minister had had time to sound the feelings of the Council on policy in those departments, opposition to expenditure on communications, on a saloon carriage for a railway police officer, and on travelling allowance for excise officers, as well as doubt as to the soundness of an experimental sanitary survey, accounted for the other cuts.

In 1922 the Forest department bore the brunt of the attack, though the Police suffered another reduction as a protest against burdening the inhabitants of disturbed areas with additional police and the establishment of the High Court formed the subject of an acrimonious debate resulting in two cuts being carried.

In 1923 the main reduction was due to opposition to the starting of re-settlement operations in Ranchi; communal feeling occasioned the omission of the provision for the Deputy

Commissioner of Excise; a small cut was made in the Police budget.

In 1924 General Administration and Public Works were the principal subjects of attack. The whole provision for Commissioners' establishments was omitted, on the view that Commissioners, whose pay is non-voted, were no longer necessary. A desire to bring the administration of a backward tract, the Santal Parganas, into line with other districts, induced the Council to cut the provision for the district staff as a whole to the extent required for that district. The Irrigation budget was substantially cut, mainly to express dissatisfaction with the retention of Superintending Engineers. The other branch of the Public Works Department suffered substantial reductions to enforce the Council's view that too much money was spent on "bricks and mortar." The provision for kanungos, a subordinate agency for performing miscellaneous land revenue work, was omitted on the representation that they were an unnecessary service.

By 1925 the immediate demand for economy was no longer so urgent, and either Government had met the main wishes of the Council, or the Governor, by exercise of his power of restoration in reserved subjects, had indicated that they would not be met. Only two token cuts were carried against Government; both related to Administration of Justice.

In 1926 the proceedings of the Council in the budget session were curtailed by the walk-out of the Swarajist members. Only three divisions were taken and Government won them all handsomely. In the first budget session of the third Council, in 1927 the only division lost by Government was one relating to provision for acquiring private forests in Chota Nagpur, designed to test the views of the Council as to the need for protecting the plateau from further denudation.

In 1928 two token cuts were carried to express disapproval with the failure of the Irrigation department to undertake certain schemes for irrigation in Bihar. One token cut was carried in protest against the appointment made to fill a temporary vacancy in the Executive Council, and one to advocate the payment of travelling allowances to members of the Legislative Council, residing within five miles of the Council Chamber. Two substantial cuts were made by the Council, one omitting the long standing grant made to the Salvation Army for looking after a settlement of Magahiya Doms, a criminal tribe, on the ground that improper pressure was brought to bear to convert them to Christianity, and one

omitting the provision for the police on the Bengal and North-Western Railway, on the ground that the charge should be met by the Government of India or the Company.

203. *Use by the Governor of his power of restoration.*—The Governor did not exercise his power of restoring, under section 72 (D)(*2*)(*a*) of the Government of India Act, reductions made by the first Council, but he found it necessary to restore in 1924 the cuts which would have paralysed the administration of the Irrigation Department, deprived Commissioners of their establishments and left the district of the Santal Parganas with none but non-voted officers. Enough of the vote for kanungos was restored to enable their services to be retained until a full enquiry could be carried out, and the greater part of the rest was subsequently voted by the Council as a supplementary demand. No further exercise of this power was necessary until the present year when the whole sum omitted from the demand for railway police on the Bengal and North-Western Railway was restored and the bulk of the sum omitted from the demand for reclamation of Magahiya Doms was also restored.

No occasion has arisen for the use by the Governor of the power given by section 72 (D)(*2*)(*b*) to authorize expenditure necessary for the safety or tranquillity of the province or for the carrying on of any department.

204. *Motions for reduction defeated by the use of the official block.*—Although the presence of a number of nominated officials, usually called the " official block " is part of the constitution, since the question will certainly be raised whether it shall remain a permanent part, the effect of this nucleus for a Government majority has to be examined. Its ordinary strength is about twelve, and thus with two Executive Councillors and the two Ministers, Government budget proposals may be counted to have the support of sixteen members of the Legislative Council. This was a modest counterpoise to the Swarajist and Independent Congress block of 38 votes which in the third Council has been almost invariably cast against Government. The budget motions, which were defeated by a majority of less than sixteen, will therefore be recounted, in order to show the action, which the Council, as it is at present constituted, might have imposed upon the Government but for this aid, though it is fair to say that in some cases at least members were disinclined to take the unpopular course of supporting Government, when it was fairly clear that their support was not really needed. But for

this aid in the first Council the settlement operations in progress in Sambalpur would have been seriously delayed, and the inception of those in Orissa would have been postponed for two more years at least; both results would have occasioned serious loss of revenue. The Police department would have been cut half a lakh in 1921 and again in 1922, made up of specific items of considerable urgency, while in 1923 besides such items amounting to Rs. 34,000, a general cut of Rs. 5,00,000 would have been carried. Irrigation expenditure would have been curtailed by more than 2½ lakhs in the three years. On the transferred side Agriculture would have lost the provision for opening small farms, Education would have lost that for physical training and the construction of a high school, while Excise would have had to reduce establishment to save half a lakh. One censure motion against the administration of jails (a reserved subject) and one against the administration of the medical department (a transferred subject) would have been carried.

The absence of an official block in the second Council would have again led to some serious results. In 1924 the Police budget would have been reduced by seven lakhs, establishment for the Board of Revenue and the Irrigation department cut down and a measure of economy in Government printing by purchasing up to date machinery defeated. On the transferred side the Excise budget would have been completely thrown out of gear by a cut of ten lakhs, and the participation of the province in the British Empire Exhibition seriously hampered. In 1925 the Police budget would have lost one and a quarter lakhs by a lump cut, while the post of one Deputy Inspector-General, which happened in that year to be filled by an officer promoted from the Provincial Police Service, and consequently to be placed among the "voted" items, would have been abolished. The Orissa settlement operations would have been stopped in mid course postponing the increase in land revenue to be obtained therefrom and dislocating the future progress of the work. The Irrigation department would have been kept short of essential funds. In 1926 the walk-out of the Swarajya party greatly reduced the ranks of the opposition and only one cut was saved by the votes of the official blocks, a censure motion in the (transferred) Registration department.

In the first budget session of the third Council the funds required for the inception of revision settlement operations in Ranchi were obtained only by the presence of the official block

which also saved some of the provision for the Criminal Investigation Department of the Police and for the pay of the Education inspectorate. More important constitutionally is the fact that a direct censure motion against the Ministers would have been carried by nine votes but for the aid of the official block. The main ground for the attack on the Ministers was their acceptance of office, without commanding a majority of elected members of the Council. This ground for criticism was greatly weakened by the known fact that, if the Ministers' posts had been offered to the leaders of the party with the largest numerical strength, they would not have been accepted. The other motions defeated by the same aid were two censure motions in the reserved subjects and one relating to Excise. In 1928 the motions, which were similarly defeated, were one economy motion to omit the provision for allowing European sergeants of police passages to England once in seven years, and four censure motions, criticising the action taken to secure enhancement of rent by compromise in a Government estate, urging the substitution of competitive examination for selection to certain Government posts, pressing that Secretaries in the transferred departments should be officers of the Provincial Civil Service instead of Indian Civil Service officers, and objecting to certain passages in the annual report on the police, which were interpreted as interference with the discretion of the courts.

205. *Taxation and revenue.*—Apart from budget debates, the attitude of the Council towards provincial finance has been illustrated by the reception of a Government resolution on enhancement of registration fees, and of the Court Fees Bill. The first was moved by the Minister in March 1922 and after slight concessions had been promised the resolution approving the policy Government proposed to adopt was carried by a substantial majority. The motion to refer the Court Fees Bill to a Select Committee was only carried by the help of the official block, but at the report stage a delaying motion was substantially defeated and the Bill became law after some amendments in favour of the poorer classes of litigants had been accepted. Two subsequent attempts were made in the second Council by way of resolution to modify the decision then reached, one to reimpose a maximum limit to Court-fees, designed mainly to retain the litigation in respect of very large estates within the province, was defeated by the President's casting vote. Another to reduce the fees for suits of low value, a course that would have meant the loss of six and a half lakhs of revenue was substantially defeated.

On two occasions the question of canal water-rates has been before the Council. In March 1923 a resolution for cancelling the recent increase in the rates on the Son canal was carried by 24 votes to 15. In August 1925 a resolution that the previous approval of the Council should be required for any revision of canal water-rates was carried by 34 votes to 23.

A bid for the rural votes was made in February 1926 when the Council carried a resolution to abolish the local tax raised to pay the village police, who were to be replaced by a much smaller force paid from provincial revenues at the cost of seven or eight lakhs.

206. *Resolutions.*—In its advisory capacity the Council has throughout shown great activity, and resolutions have been with the budget the business which has occupied most of its time. The majority of the resolutions of any importance will find mention in the description of the working of the departments, and it is only necessary here to refer to the more important of them, and those which do not find such subsequent mention. A resolution usually aims at stimulating Government to greater activity, in regions where it is supposed to have been guilty of lethargy, or curbing what is represented to be the excessive or unnecessary use of its powers in other spheres. The Bihar and Orissa Council has been liberal with advice tending in both directions.

In the medical sphere the Council at once displayed an earnest desire for the wide extension of facilities for medical relief. The very first resolution passed called upon Government to allot large grants for medical relief in rural areas and to initiate a liberal programme for the establishment of new dispensaries so that every police-station area should contain at least one dispensary. A similar resolution was also carried later in the first session. Again in 1922 a well-meant, but not very wise, resolution was carried demanding the provisions of trained *dais* (Indian midwives) in all rural dispensaries. At the same time the Council has displayed its interest in the ancient systems of medicine, and three resolutions asking for their recognition and encouragement were moved, of which one was carried. This resolution asked that district boards and municipalities should be allowed to establish *ayurvedic* and *tibbi* hospitals, and called on Government to take immediate steps for the establishment of a *tibbi* and *ayurvedic* school. The matter was again pressed in the second Council and the Ministry has taken steps to meet the demand.

In the educational field the Council showed itself no less zealous, but here it was evident that the Council not only desired rapid progress, but also substantial modifications in the existing arrangements. In the first session of all Government accepted a resolution for the appointment of a committee to review the whole system of primary and secondary education, and two years later the Council adopted a resolution definitely committing itself to the ideal of universal free and compulsory primary education. In the second Council the question of the future of the Patna University was raised by the Minister himself and the debates that followed enabled him to meet the wishes of the majority of the Council, especially on the important question of site. That Council by its votes advocated the teaching of spinning as a compulsory subject for boys and girls, and the transfer of the control of the subordinate inspectorate to the local bodies. The third Council advised a costly increase of pay for officers of the Subordinate Educational Service.

During the first session of the Council the subject of "repression" was debated twice, once on a substantive resolution and once on a motion of adjournment. The first resolution, recommending that repressive measures should not be taken against non-co-operators, was withdrawn in view of the assurances given on behalf of Government, and similarly the motion for the adjournment was dropped without a division. The subject did not again come directly before the Council until January 1922, when a resolution demanding the cancellation of the notification under the Criminal Law Amendment Act and the release of the persons convicted for contravening its terms, was carried after a debate lasting three days against the opposition of Government. In the same session other resolutions were moved all bearing on the same topic. One resolution demanded the appointment of a committee to enquire into the disturbed condition of the Champaran district, and this was carried against Government by 21 votes to 13. Government declined, however, to give effect to it. In December 1922 a resolution, demanding that the notification declaring the Santal Parganas to be a backward tract should be withdrawn, was carried against Government. The main underlying reason for the resolution was the success with which the Deputy Commissioner had dealt with the non-co-operation movement in that district.

In the winter session of 1923 the question of the Criminal Law Amendment Act came up once more. A resolution was

moved demanding the immediate release of all political prisoners, and an amendment was also moved asking that the notification under the Act should be cancelled. The division on the amendment resulted in a tie, and it was defeated by the casting vote of the President. The substantive resolution was carried by 26 votes to 23, but Government did not consider that circumstances justified any wholesale measure of clemency, and declined to give effect to it. Other resolutions arising out of the situation created by the non-co-operation movement occupied a considerable part of the time of the first Council, but were either accepted in part by Government, withdrawn or defeated. Notable among these were two relating to the treatment of political prisoners in jails, and one protesting against compensation to a European planter for destruction of his factory by rioters. The second and third Councils have had little reason to concern themselves with the subject of "repression", and no resolutions of importance on this matter have been debated in the last five years.

The salaries of Ministers came twice before the Council. In 1921 a resolution was moved for the reduction of their salaries, and a number of amendments were also moved, each suggesting a different figure. All were defeated, however, and the salaries of Rs. 5,000 a month were eventually carried by 28 votes to 9. No member of the Government took part in the debate. In 1923, a reduction was moved when the budget was before the Council, and eventually a salary of Rs. 4,000 was voluntarily accepted by one of the Ministers on behalf of himself and his colleague.

It is impossible within any reasonable compass to say much about the remaining resolutions, but a few points may be noted. The frequency with which the appointment of committees was asked for has already been noticed. Reference should be made to the group of resolutions, moved for the most part by one member, with the object of remedying the alleged grievances of Muhammadans; to the resolutions dealing with the Council itself and its proceedings, *e.g.*, that the discussions should be carried on in the vernacular (defeated) and that vernacular summaries of the proceedings should be circulated (carried but the experiment proved a failure), and finally to the resolutions designed to accelerate the Indianization of the services, *e.g.*, the increase of listed posts and the recruitment of the higher judicial services from the bar. A resolution advocating the appointment of a committee to enquire into the condition of the depressed classes was defeated. Another

resolution recommending the abolition of *begari* (forced labour) was not opposed by Government and was carried. A question which interested many non-official members was the employment of non-officials in the management of wards' estates and a resolution on this subject was accepted by Government. Another resolution which asked Government to appoint a mixed committee to enquire into the condition of the insane Maharani of Bettiah and the administration of her estate was strongly opposed by Government but was carried by a large majority. Government declined to appoint the proposed committee, being fortified in their decision by a communication from His Highness the Maharaja of Benares, who took grave objection on behalf of his family to the suggested inquisition on his kinswoman. The failure of Government to carry into effect a scheme for the separation of judicial and executive functions was discussed in the first session of the second Council, the majority supporting the motion that Government should publish its conclusions after a definite period but rejecting the proposal that budget provision should be made forthwith. The Council reiterated its opinion at a later session and carried by a large majority a resolution for giving immediate effect to the scheme prepared by the committee which had been appointed at the suggestion of the first Council. Prohibition was advocated in a resolution moved in March 1921 but the motion was defeated by 32 votes to 10. A second resolution on the subject in February 1925 led to a full dress debate on which the Council supported by 48 votes to 21 the policy of Government.

It has already been mentioned that a series of resolutions were brought forward in the first Council with the object of remedying the grievances of the Muhammadan community. Though the subject had twice been discussed in the previous Council and though a similar resolution had been defeated by a large majority a large number of members at the third session of the second Council gave notice of a resolution for making the Urdu script permissive in Court papers. A Bengali member moved an amendment that the Bengali script should also be allowed, but both the amendment and the resolution were defeated by a large majority. Owing to the absence of the Swarajya party and the neutrality of Government the proposal, when renewed in 1927, was carried. A resolution asking for more holidays at the " Id " was withdrawn on the Minister of Education undertaking to meet the wishes of the mover. It is satisfactory to record that, though notice was given of a resolu-

tion regarding the Bakr-Id, the mover had the good sense to withdraw it and refrained from stirring up communal feeling in the Council by a discussion on this controversial question.

The affairs of Orissa came before the Council in several resolutions partly because of the settlement operations which were in progress and partly because of the floods of 1925. In dealing with these subjects, the Council showed itself to be inconsistent; a proposal in favour of the Orissa landlords for a permanent settlement of revenue was carried by 34 votes to 29 but at a later session a motion for extending the term of the settlement from 30 to 60 years was negatived by a large majority. In connection with the floods the Council considered the relief measures taken by Government to be inadequate and passed a resolution recommending an expenditure of two lakhs on gratuitous relief, but a few days later did not approve of the proposal that there should be a suspension of rent and revenue. On another occasion the Council showed its sympathy with the landlords by holding that the enhancements of rent allowed by the settlement officers were not excessive. The desirability of uniting all Oriya-speaking people under one administration was affirmed unanimously by the first Council, but no further debate on this question nor on the kindred question of a separate province has occurred.

The resolutions dealing with local matters in Bihar referred principally to irrigation questions and protection from floods. Thus a resolution advocating the reopening of the Saran canals was carried against Government by a considerable majority, overlooking the argument that the canals could not be made efficient except at a cost of about a crore of rupees. The Council also disregarded practical difficulties when they passed a resolution regarding the diversion of the river Sakri. More practical proposals which were accepted by Government were that committees should be appointed to devise measures to prevent floods in the Ganges, Kosi and Son and that steps should be taken to construct canals in non-irrigated parts of the Shahabad district. Attention has already been drawn to one resolution in which the Council showed a tendency to usurp the functions of the executive, when they proposed that a revision of canal water-rates should be subject to the previous approval of the Council.

Reference may also be made to the resolutions dealing with the Council itself and its proceedings. A resolution recommending the publication of vernacular summaries which had been carried by the first Council was repeated, in spite of Government pointing out that popularization had already

proved a failure. The Council also resolved that Hindi and Urdu reporters should be appointed although Government pointed out the difficulties and expenses involved. Notice was also given of similar resolutions at a later session, and, though they did not come up for discussion, Government have now made arrangements for reporting Hindi speeches. It may be noted that in the first Council only 82 speeches were delivered in the vernacular and an even smaller number in the second Council. The approach of the third general election led to a resolution recommending that a deposit should not be required of candidates, but an amendment proposing an increase in the deposit from Rs. 250 to Rs. 500 was carried by one vote, Government members being given a free vote. Finally both the first and second Councils showed their conservatism by rejecting a resolution in favour of votes for women.

207. *Resolutions disallowed.*—Nineteen resolutions in the second Council were disallowed by the Governor under the rules, in most cases because they were not primarily the concern of the local Government. Some of these referred to questions of local importance in which the initiation rested with the local municipality or district board, *e.g.*, resolutions dealing with such topics as the division of the Patna City municipality, the supply of drinking water in Patna, the abolition of tolls on bridges, the metalling of a district board road. Others dealt with general political questions, such as the abolition of dyarchy, while in the early days of the Council a resolution recommending the release of Mahatma Gandhi and at a later stage a resolution referring to the Bengal Ordinance were disallowed. Others referred to central subjects which should be dealt with by the Government of India, *e.g.*, the withdrawal of the Bill to amend the Mercantile Shipping Act, 1923, the removal of troops from Muzaffarpur, the encouragement of the salt industry under a system of bounties. Some also referred to matters which are under the constitution left to the discretion of the Governor such as the allotment of days for non-official business, the reservation of one of the two offices of Ministers for an Oriya, and consultations with the standing committees.

Thirteen resolutions were disallowed by the President on the ground that the subject had been discussed within the year or because they were defective in form. One was also disallowed because it referred to the conduct of an officer otherwise than in his official capacity, while another recommending that speeches should be explained in Hindi was disallowed as it was not of public interest.

208. *Questions.*—The total number of questions asked during the first seven sessions, which covered the period of the first Council, was 2,157, but after the third session a distinct falling off was noticeable. In the three winter sessions the numbers were 438, 226 and 174, respectively. The decline in numbers may be due, in part, to the fact that a Council in its third year is seldom so keen and inquisitive as a Council fresh from the excitement of the polls, but much also must be ascribed to the salutary advice given by the President at the end of the second session, when high water mark was touched with a list of 586 questions. He pointed out that 639 questions had been tabled for a session lasting only ten days of which 41 were disallowed as contravening almost all the standing orders and rules on the subject, and 311 were admitted only after excessive alterations—amounting almost to rewriting—by the President. All of these would have been disallowed had the rules been strictly enforced. Two very assiduous members were responsible for 264 questions, of which 20 were disallowed and 141 had to be completely recast. The strain placed on the Council office and the Secretariat had become almost intolerable at the end of the session.

A detailed analysis of the questions cannot be attempted within any reasonable compass, and only the main features can be noticed. The pay, promotion, prospects and organization of the various public services accounted for 265 questions. Usually they were designed to call attention to the real or supposed grievances of individuals or classes, rather than to bring to notice any defect in the policy of Government. In the same class may be included 77 questions relating to the appointment, dismissal or suspension of individual Government servants and to the manner of filling particular posts. There are obvious objections to wire-pulling of this kind. Government generally declined to be drawn into a discussion on questions of disciplinary action or the merits of respective candidates.

The questions falling under the head "political" numbered 254. Of these 58 related directly to the non-co-operation movement, and many others were concerned with matters arising out of it, *e.g.*, the action taken against seditious publications, the posting of additional police in disturbed areas and the treatment of political prisoners in jail. For the rest the major transferred subjects accounted for 450 questions, while other important topics were as follows: communal interests (120), distress caused by floods and other

natural calamities, want of communications, etc. (111), inconveniences suffered by railway passengers (62), administration of justice (45) and tenancy and the condition of cultivators (39).

As the questions on the paper dwindled, the supplementaries grew, rising from 72 in the first session to 447 in the fifth, and in three sessions they outnumbered the questions on the paper. There was a curious difference of practice in this respect between the local Council and that in Bengal where supplementary questions were rare, and at times the proceedings rather resembled a cross-examination in a court of justice. The majority of the 1,536 supplementary questions were asked by five or six members and related chiefly to political matters.

The second Council showed itself rather less keen on obtaining information than its predecessor and only 1,606 questions were asked and answered or about 750 less than in the first Council. One member was as before particularly assiduous in his demands and asked no less than 387 questions, while a second scored a more moderate total of 171; no other members exceeded 100 questions. The total number of questions of which notice was received was considerably larger than the number actually asked and answered. Notice was received of 2,992 questions of which 281 were disallowed for non-compliance with the rules. As in the previous Council supplementary questions were unduly common. The President had frequently to draw the attention of members to their excessive indulgence in supplementary questions; a warning which he gave in August 1924, after some 36 supplementaries had been asked in regard to three primary questions, had some effect, but again in August 1925, he had to draw attention to the fact that though only three and a half hours had been allotted to questions more than double that time had been spent on them.

In the third Council also the newly-returned members of the Swarajist party have shewn the same pertinacity; in regard to one question about teaching the *charka* (spinning wheel) no less than 24 supplementary questions were put to the Minister.

A further analysis of the subjects of the questions would hardly be profitable; they covered practically the whole field of administration.

209. *Amendment of standing orders. Adjournment motions.*—The Council has made occasional use of its power

to amend its own standing orders, but none of the amendments have been of constitutional importance. The adjournment of the Council has been moved on four occasions, in 1921 to call attention to a Government circular to district officers regarding the action to be taken against non-co-operation, in 1922 to discuss the propriety of raising the pay of village police, in 1924 to discuss the report of the Muddiman Committee on the working of the Reforms, and in 1928 to express disapproval of a phrase contained in a Government officer's views on a Bill, which members interpreted as casting an aspersion on their honesty. In some cases the President has checked the abuse of this privilege of the Council, when the matter was not urgent. In others the Council has itself refused permission to the mover. In one case, on an attempt to discuss the attitude of the Imperial Government on the Khilafat question and the revision of the Treaty of Sevres, the Governor has interfered.

210. *The Public Accounts Committee.*—Apart from the activities of the Council as a whole, individual members of the Council have been largely employed on committees. These have been of three kinds, statutory, standing and occasional. The only statutory committee is the Public Accounts Committee constituted under Rule 33 of the Bihar and Orissa Legislative Council Rules. It has performed its annual duty of examining the audit and appropriation report on the accounts of the year. The Committee originally consisted of three official and six non-official members, but in 1923 one of the official members was replaced by another non-official, and since then the Committee has consisted of two official and seven non-official members. The attendance has been reasonably satisfactory. To begin with the Committee was handicapped by a lack of knowledge of the structure of Government accounts and the method of audit. Several of the members, however, are now acquiring a useful working knowledge. It may perhaps be said that it is the personal aspect of these reports in which members show the keenest interest.

In addition to the contents of the audit and appropriation reports, the Committee has recently been considering the Auditor-General's proposals regarding the future form of these reports, a matter which was referred to them by the Finance Department. The reports of the Committee have generally been accepted by the Council without discussion, but the presentation of their report on the audit and appropriation report for 1924-25 was the occasion for a lively discussion

in the first session of the third Council. The drafting of the report of the Committee has hitherto been done by one of the official members, and no difficulty has been experienced in conveying the intention of the Committee without causing friction with the Executive Government. In some cases the Committee has thrown out suggestions of which the local Government have been glad to avail themselves. Generally speaking it has been content to criticise with a view to future action and has avoided provocative challenges of particular decisions of Government.

211. *Standing Committee.*—During the first Council two standing committees were appointed under the orders of the Governor, one for the reserved and one for the transferred subjects, before whom were laid new schemes, for which it was proposed to provide in the budget, as well as supplementary estimates. Later such standing committees have been appointed for each department or group of departments. They are constituted of a small number of non-officials elected by the Council, with the Member or Minister in charge as chairman. The Secretary to Government in the department concerned attends. The main use of these committees is to enable Government to explain their proposals to a smaller circle and in a calmer atmosphere than that of the Council Chamber. On the transferred side the members have usually refrained from opposing schemes on which they have been consulted, while on the reserved side the probable reception which the schemes will get in Council, and the grounds on which they are likely to be opposed are at least ascertained.

212. *Committees* ad hoc.—The occasional or *ad hoc* committees have been appointed by Government, as a rule in answer to a declared request of the Council, embodied in a resolution, to examine some particular problem of administration. Thus one committee examined the question of primary and secondary education, including *inter alia* such important questions as the medium of instruction, the teaching of English in middle schools and the transfer of control of these schools to local bodies; another dealt with vocational training; a third dealt with the policy and organization of the Agricultural department, while a fourth was convened by the Minister to advise regarding the future excise policy. On the reserved side a committee was appointed to consider the question of the separation of judicial and executive functions, while another endeavoured to solve the problem of the development of the mineral resources of the province. Finally a

Retrenchment Committee made a detailed examination of all branches of administration with a view to effecting economy. This very complete survey having been made by the first Council, there was a lull in the demand for committees during the lifetime of the second Council, though two committees were constituted by the Minister of Education, one to consider the question of development of vernaculars and the other to consider the development of Sanskrit education. The third Council has also carried a resolution demanding a committee on the administration of the Son canals and another committee to investigate the causes of depression in the coal industry.

A resolution was also moved in 1927 urging that a committee be appointed to prepare a Bill for the better administration of Muhammadan religious endowments known as *wakfs*. The subject had already excited some degree of interest in the Council. In 1924 a resolution had been carried urging Government to enforce the all-India Mussalman Wakf Act, 1923. In 1926 a private Bill was passed to amend that Act, to the extent of providing that the accounts required by it may be furnished to the courts in Urdu. The resolution of 1927 was not carried, and notice was given by a private member of his intention to introduce a Bill. Government decided to meet the demand by appointing a committee to examine in what respects the existing law is defective and to suggest remedies. The committee has not yet reported. There has been some activity among a few Hindu members to secure better management of Hindu religious endowments, but they have not yet done more than give two notices of intention to bring in Bills.

These committees have assisted the Ministers to formulate their policy in the transferred departments; further, while throwing considerable volume of work upon the officers of Government concerned and making a heavy call upon their patience, they have served an educative purpose in ventilating popular fallacies concerning the administration and also in bringing members of the Council into touch with the practical problems of the various departments. They have also demonstrated that a committee is not a panacea for all difficulties.

213. *The Council and public opinion.*—In Bihar and Orissa a general public opinion on the matters which are discussed in the Council is still in the process of formation. In the first Council it was the case that except when agrarian questions were under discussion, the opinion of the unofficial

members of the Council was the opinion of the intelligentsia and reflected the views taken on public questions by the bar libraries. Since that time the Swarajists have introduced an organized party in the Council and there is in process of formation in opposition to the Swarajists a party of constitutionalists. The Swarajya party is undoubtedly the most vocal outside the Council and the leading English paper in Bihar and most of the vernacular papers publish their views on public matters in the same strain, that is reproduced within the Council. The opposite party is lethargic, has a worse press and a less persuasive tongue, but is probably more representative of responsible public opinion. It is believed that the walk-out of the Swaraj members in the budget of 1926 was generally disapproved, while their present policy of destroying the Ministry and offering nothing but obstruction to Government measures is contrary to the views of a large majority who favour constitutional lines of progress.

The district board elections which followed the third Council elections are a more correct indication of public opinion; and the Swaraj party have, in most districts, lost ground. The successes of the Swarajists in the elections to the third Council was mainly due to their capture of the machinery of the local bodies, which they are now losing. Their defeat in the more limited constituencies, where they are personally known, is a hopeful sign of a return of sanity. Thus it may be said that the two divisions of public opinion in the educated classes are represented in the Council although their respective strength is not correctly indicated in the debates. In any case the Council does not lead public opinion, but follows it, one reason for this being that many of the influential leaders on both sides have refrained from entering the Council.

214. *Relations between members and their constituencies.* —The ordinary member does not maintain any personal relations with his constituents. He depends for election on the support of a few persons commanding votes by their influence, but he often takes advantage of local or communal agitation to push himself into the public eye as the champion of his party.

In regard to tenancy matters it has been necessary for a landlord-candidate to promise support or concession to the tenants' interest this being almost the only political question on which the average elector holds his own views. Whether such promises will be redeemed or not remains to be seen.

At present nothing is in sight except a private tenancy Bill, sponsored by the Swarajya party, which takes the extreme view of the tenants' case. In other matters coming before the Council the majority of the electors take no interest.

Of more importance to the candidate than the views of his constituency is the conciliation of political associations such as the Provincial Congress committee, the Hindu Mahasabha, or the Moslem League which may otherwise oppose him when the next election occurs. It is to these associations and to influential individuals rather than to the body of their constituents that the Council members are subservient.

The members of the first two Councils have in fact signally failed to contribute to the political education of the mass of the electorate, nor can it be anticipated that much will be done till there is a permanent party organization within the constituencies.

215. *Groups and parties in the Council—Party organization within the Council.*—These two subjects can hardly be treated separately. In the first Council it was only in connection with tenancy legislation that there were any signs of a party organization. The introduction of a Government Bill to amend the Tenancy Act caused a well-marked cleavage and the formation of a powerful zamindari party with a large majority over a small but active raiyats' party. In the second Council also there was a similar division, when the raiyats' party, slightly strengthened, tried to introduce their own legislation, but in neither Council did this division extend to the general field of politics. The second Council showed the first signs of the formation of a party within the Council when a small group of Swaraj members united together and acted throughout in concert, invariably in opposition to Government. The remaining members acted and voted independently; there was no ministerial party pledged to support the Ministers but the Ministers could usually rely on the votes of a certain number of members, attached to them by personal rather than political ties. There were also, as in the first Council, groups formed on local or communal lines.

The third Council showed a further development of the party system. The Swaraj or Congress members are now 33 in number and form a definite party, under the control of a leader and whip and pledged to act in concert in support of their programme. As an outward and visible sign of the party system, members no longer take their seats according to their

constituencies as in the first Council but sit with their party, the Swarajya party occupying the front opposition benches. The Swarajya party includes four Muhammadans who vote at present with their party irrespective of its effect on Muhammadan interests. It is too early to say whether this alliance will continue or whether the Muhammadan members of the party will join the twelve non-Congress Muhammadan members who have formed a distinct group of their own and have hitherto opposed the Swarajya party. One member returned as a Swarajist has recently " crossed the floor ". Outside the Swarajya party there is a small group of five members of the Independent Congress party, who almost invariably vote with the Swarajists. Seven other members, who are not yet constituted into a party, are to be generally found in the opposite lobby to Government on " reserved " subjects, but accord support as a rule to the Ministers. Two members are definitely free lances, and one seldom votes. The Ministers have the promised support of 31 members, including the non-Congress Oriyas, who form a group on the look out for opportunities to press the claims of Orissa, and the non-Congress Muhammadans. The rest of the Ministerial party are mainly landlords and members nominated to represent special interests. The reserved side of Government cannot count on the support of all this group, and have distinctly greater difficulty in getting outside support for critical divisions, but on the whole the recent session has shown some increase in cohesion.

सत्यमेव जयते

CHAPTER VIII.

THE WORKING OF THE DEPARTMENTS.

216. *The method of treatment.*—The working of particular departments has now to be examined, but it is necessary to explain on what principle the different departments have been treated. In those that deal with reserved subjects no attempt has been made to give a complete review of the activities of the last seven years. All that has been done is to bring out the points in which the influence of the Legislature has been felt and to describe the extent to which superintendence, direction and control, reserved to the Government of India and the Secretary of State by the Government of India Act has come into play. Otherwise the detail given is intended merely to make clear what are the functions of the department and in what circumstances the influence or control came to be exercised. For the departments, charged with administrating the transferred subjects, a fuller treatment has been adopted. There not only is it desirable to show how the constitution has facilitated or hampered the administration, but also to give the facts needed to estimate what standard of practical efficiency has been attained. For the latter purpose a brief account of the development of each department in the period from the creation of the province in 1912 to the inception of the Reforms in 1921 has been admitted, before setting out the problems with which the Ministry was faced and the degree of success that has been obtained in solving them.

The departments are grouped together according to their present distribution among the Members of Government.

I.—THE RESERVED DEPARTMENTS.

THE APPOINTMENT DEPARTMENT.

217. *The functions of the department.*—The Appointment Department is in charge of the general magisterial and judicial administration of the province. It controls, in the first place, the officers of the Indian Civil Service, whose position and duties are too well-known to require description. In the second place, it controls the cadre, recruitment, organization and discipline of the Provincial Executive and Judicial Services and of the

Subordinate Executive Service. The members of the Provincial Services are appointed primarily to fill the magisterial and judicial posts subordinate to the District Magistrate and District Judge respectively, and are themselves eligible for promotion to a limited number of posts as District Magistrate or District Judge reserved for them in the cadre of the Indian Civil Service. The Subordinate Executive Service is recruited for executive and magisterial posts of minor responsibility.

218. *The influence of the Council.*—The charge of the Appointment Department has been held throughout the Reforms period by the official Member of the Executive Council. Both he and the Chief Secretary have invariably been European members of the Indian Civil Service. Consequently there has been, on the whole, less change in the working of this department than in most others.

219. *The attitude towards the Indian Civil Service.*—This department of Government has been attacked mainly with a view to obtain a reduction in the number of appointments held by the officers of the Indian Civil Service and to obtain a more rapid Indianization of the higher posts. The first resolution of this character was moved in November, 1921, urging that the number of promotions from the Provincial Civil Service to the superior posts ordinarily reserved for Indian Civil Service officers should be raised substantially. The resolution was carried, but no effect was given to it, since the action proposed would prejudice the vested rights of junior officers secured to them by the guarantee of the Secretary of State.

The Council in the same session debated a resolution urging that no office, which was not specifically reserved for I.C.S. officers, should be filled by officers of that service without the sanction of the Standing Committee, composed of Council members. Government successfully resisted this invasion of the sphere of the executive. In the spring session of 1922 a resolution urging the recruitment of members of the bar for superior posts in the judicial service was carried. The proposal had already obtained the support of the Public Services Commission, and Government, when an opportunity arose, made one appointment of a District Judge, by selection from the bar. The same matter was the subject of a budget motion in 1925, when a censure was carried on the ground that Government had failed to recruit more judges in this way. No further recruitment has yet been made for the reason that officers of the I. C. S. of more than fourteen years' service are

still waiting for vacancies to be appointed to the judicial cadre. In 1923 a resolution was adopted that the post of Secretary to the Legislative Council should be filled from the Provincial Service. Government decided instead to appoint a barrister, who is not a member of any service, and this action has satisfied the Council. Indirectly the Council has pressed for the reduction of the number of Indian Civil Service officers employed in the province, through the recommendations of the Retrenchment Committee, appointed by Government in 1921 in response to a resolution passed in the first session of the reformed Council. This Committee recommended that the following posts should be thrown open to the Provincial Service (now known as the Bihar and Orissa Civil Service):— Registrar of Co-operative Societies, Director of Agriculture, Director of Industries, Commissioner of Excise, Director of Land Records and Surveys and Registrar of the Patna High Court. The first was then filled and has continued to be filled by a Provincial Service officer. The Directorships of Agriculture and Industries have been removed from the I.C.S. cadre and are now filled by technical officers. Government have not seen their way to appoint to the other three posts, except for short vacancies in the post of Excise Commissioner, officers of lower standing than senior members of the Indian Civil Service. A further recommendation of this Committee, that one of the posts of Under-Secretary should be abolished, has been accepted.

220. *Weakening of the executive.*—Efforts have also been made by the Council both to reduce what is considered in some quarters the unnecessarily elaborate organization of local administration and to carry out a complete divorce of the local executive from the magistracy. These efforts are considered together because both would, if successful, have the effect of weakening the executive. The former took the shape of pressing for the abolition of Commissioners of Divisions, officers who, among other duties, control and co-ordinate the work of the heads of the districts and keep Government informed of the state of affairs in the divisions under their charge. Their abolition was recommended by the Retrenchment Committee and the matter was referred to the Government of India, who decided that the recommendation could not be accepted. The Council, however, attempted to enforce the views of the Retrenchment Committee by rejecting in 1924 a portion of the demand for the establishment of Commissioners. The Governor restored the omitted provision by the exercise of his powers of certification. A further attempt in 1927 was

defeated. To secure the separation of executive and judicial functions a resolution was moved in July 1921. Government appointed a committee to enquire into the question, which reported in 1922, and their report was submitted to the Government of India. In 1924 the Council pressed by way of resolution for the publication of the report and for inviting public opinion on it. This was done, but no opinions were received. The difficulties in the way of separation are legal, administrative and financial which are unsuitable for discussion in the compass of this memorandum.

221. *Recruitment for the provincial services.*—On two occasions the Council has shown an interest in the question of recruitment for the provincial service. In 1921 a resolution urging that recruitment should be by competitive examination was debated. The theoretical advantages of that method were admitted, but the difficulty of securing to all communities a fair share of appointments was felt to stand in the way of its adoption, and the resolution was withdrawn. In 1923 a resolution was moved for placing the appointment of candidates to the provincial service in the hands of a Board with a non-official majority. Government have met this recommendation to the extent of forming a Selection Board with a non-official element to interview and select candidates nominated from the divisions.

222. *The Lee Commission.*—The only other resolution of importance with which the Appointment Department has been concerned, was one in 1924 urging that no provision be made in the budget for carrying out any of the recommendations of the Lee Commission until the report of that Commission had been discussed in the local legislature. This was carried and Government forwarded a report of the debate to the Government of India.

223. *Superior control.*—In view of the statutory position of the Indian Civil Service the control of the Secretary of State and of the Government of India over the working of this department has always been close, and before the Reforms were introduced further control was exercised on financial grounds over action in other matters. The latter control has been largely relaxed and some relaxation has also resulted in matters affecting the Indian Civil Service. No points of importance have arisen in the Reforms period out of the exercise of this control.

POLICE.

224. *Organization of the department.*—The police force is unified within the province, not, as in England, raised and in the main controlled by local authorities. It has had for some years now an officer of the Indian Police Service as its departmental head working under Government in the Political department, a portfolio held throughout the Reforms period by an official Member of Council. Under the Inspector-General come four Deputy Inspectors-General, the province being divided into three ranges, while the fourth takes charge of the Criminal Investigation department. The district police are controlled by Superintendents, assisted, except in the lighter districts, by Deputy and Assistant Superintendents. The main body of the regular police consists of the inspectors, sub-inspectors, head-constables and constables employed on the prevention and detection of crime and the prosecution of offenders, and posted throughout the districts at some five hundred police-stations, whose jurisdiction averages about 168 square miles. The chaukidars, forming with their petty officers (dafadars) the force of village watchmen, on whom the police largely rely for information, are subsidiary to the regular force. In addition, each district has its own reserve of armed police varying according to the importance of the district from 55 to 110 for use as a local striking force: while the military police consisting of three companies of infantry and a mounted squadron, form a provincial reserve for use when the district forces are unequal to an emergency arising.

The Inspector-General, the Deputy Inspectors-General, the Superintendents and Assistant Superintendents are largely European officers, but the European recruits to the Indian Police Service, in which these posts are comprised, are now limited to 50 per cent. Otherwise the force is entirely Indian, except for a small body of men employed as sergeants-major and sergeants in connection with the training school for constables, the mounted military police, the armed police and certain industrial areas. These are mainly retired British soldiers and are required to give to all the rank and file a modicum of military training and to instil discipline into the men employed in the military or armed police. There are also a few European or Anglo-Indian inspectors at certain railway junctions.

225. *Strength of the force in the pre-Reforms period.*—When the province was created in 1912 the police force was

found to be very inadequate and was inadequately paid. The civil police numbered 12,968, including the armed reserve of 840 men. The military police contained only two companies, numbering 222 officers and men, and the total police budget stood at roughly 41 lakhs.

In eight years following the formation of the province the numbers were increased to 14,990 civil police, and the military police were doubled. The increases in the civil police were chiefly due to the completion of the cadre of the subordinate police force according to the recommendations of the Police Commission, 1902-03; the substitution of constables for town chaukidars, the bringing of the strength of the armed police reserve of each district up to 4 head-constables and 50 constables and the additional location of such armed reserves at Dhanbad and Jamalpur; the transfer of a portion of the East Indian Railway line falling in Bihar and Orissa from the jurisdiction of the Bengal police to this province and to numerous increases of staff throughout the province, particularly on the Purnea frontier and in Jamshedpur and Dhanbad. The military police were increased, because their strength was found insufficient for the safety of the province, and both in the Feudatory States of Orissa and in Bihar military assistance had been necessary on the outbreak of serious rioting. At the same time, the local Government had been warned that the province ought to be made self-sufficient in this respect, as the policy of the Army Department was to concentrate troops at strategic military centres, and not to keep them dispersed for internal security work.

226. *Cost of the force in the Reforms period.*—The increase in numbers was accompanied by an increase in pay rendered necessary by the rapidly rising cost of living. The pay of a constable varied according to the district from Rs. 7 to Rs. 11 a month in 1912 and later from Rs. 11 to Rs. 14, where it stood until the year 1921. Up to that period the increases in pay and the provision of better equipment had increased the cost of the police by just over fifty per cent. from 41 lakhs to 62 lakhs. When in 1921 a further increase of pay was found necessary the need for economy was pressed home on the department, and as a result of the enquiry into the possibility of reducing the numbers, a reduction of 500 was made, not without misgivings, in the personnel. With the general increase of pay in 1921 for all the Services, the police budget rose to 81 lakhs, a figure which has been practically stabilised in the last seven years.

The doubling of the police expenditure in the past sixteen years may appear to be extravagant; but the fact that every important increase of expenditure up to 1921 required the sanction of the Government of India, if not of the Secretary of State, is a satisfactory guarantee that a fully supported case for the additions was made out by the local Government; and as a matter of fact, Bihar and Orissa, as will be shown later, in spite of these increases has still much the cheapest force of any province of India. At the present time the force contains 14,459 civil police and 448 military police, the number having been practically unchanged during the Reforms period.

227. *Comparison with other provinces.*—The following statement demonstrates that the force is not stronger than its duties require and not expensive in comparison with the forces of the other provinces :—

Province.	Annual cost per head of population in annas.	Police to population. Bihar and Orissa 100.	Police to cognizable crime. Bihar and Orissa 100.	Police to area. Bihar and Orissa 100.
1	2	3	4	5
North-West Frontier Province ...	21·0	586	273	242
Bombay	11·3	307	176	102
Punjab	7·8	225	115	118
Central Provinces	6·7	188	136	62
Madras	5·7	155	54	114
United Provinces	5·0	172	103	181
Bengal	5·0	127	111	200
Assam	4·6	135	97	47
Bihar and Orissa	3·8	100	100	100

Thus even after the increase both in strength and cost made between 1912 and 1921 the Bihar and Orissa police still imposes the lightest burden on the population and its strength is the lowest relatively to that population. In only two provinces is a heavier burden of detecting crime imposed on an equal number of police, and again in only two provinces is a larger area controlled. Each individual in the province has to pay on the average slightly over four pence a year for the police, of

whom there is one for every 2,330 persons and less than one for every 5½ square miles.

228. *The attitude of the Legislative Council.*—These facts have been brought out time and again in debate in the Legislative Council. Yet the police budget has been the object of persistent attack there. The motions for reduction fall into three classes: (*a*) reduction of a nominal amount, implying a censure on the department; (*b*) reduction under particular items; and (*c*) lump reduction from the budget as a whole.

Many motions of censure have been threatened, but none have been moved till 1928; the reason being that the time allotted for discussion of the budget has not sufficed to dispose of motions belonging to the other two classes, which have taken precedence, but on motions for lump reduction the debate has always assumed an aspect of censure as well as of economy.

During a period of seven years, between 1921 and 1927, forty-one motions for reduction of particular items were moved. Twenty-two were withdrawn; nineteen as the result of an explanation of the proposed expenditure, one because the mover found his point had already been met, one on an assurance that expenditure would be carefully scrutinized and economy effected, where possible, and one in order to make room for a similar motion. Four were negatived without a division, and one, for omitting provision for a training school for detectives, carried without being forced to a division. Of the fourteen which went to a division, eleven were lost, and three won, including one by the casting vote of the President. Of these three Government defeats, one was for the provision of a saloon for a Superintendent of railway police (which was successfully carried two years later), one for the provision of additional police in disturbed areas and one for the provision of a sergeant for the mounted military police.

Of the seven motions for lump reductions, two were withdrawn on a promise to exercise strict economy, one was negatived without a division, and the remaining four were lost.

The favourite objects of attack were the Deputy Inspectors-General, the Criminal Investigation department, and in particular, the staff known as the Special Branch, which supplies Government with confidential information of a political bearing, the police band, and the provision for constructing

buildings by departmental agency, known as " petty construction ". The Special Branch has been most bitterly attacked, and its complete excision was recommended by the Retrenchment Committee of the Council, on the ground that there was no scope for its activities. Only one motion for the reduction of the clothing grant was brought, although that grant was often indicated as a suitable contributor towards a lump reduction.

229. *The use of the official block.*—It may be said that the direct results of the Council's control on the police budget in the past seven years have not really been unfavourable. Government have been able to secure sufficient support from the non-official benches to maintain intact the standard of police administration that existed at the inception of the Reforms in spite of the attack of the regular opposition. Further, considerable additions have been secured for the clothing grant which was formerly most inadequate. Equipment has been improved by the provision of mosquito nets for the feverish districts, a certain proportion of water-proofs and great coats, and sentry boxes for police on point duty Progress has also been made in the provision of better housing for the force and the construction of better police buildings. But indirectly the effect of the opposition has been the shelving of major improvements, which are very necessary for effective police administration. The development of organized crime requires the institution of a detective training school. The rapid spread of motor traffic calls urgently for a body of trained traffic police, and increases in the staff for the surveillance of criminals are becoming most necessary; but the feeling of the Council against any increase in police expenditure has been so strong that these improvements have been postponed. From an analysis of motions for reduction and their results an important fact emerges. All but three of the eighteen motions for reductions which went to a division would have been carried had Government been without the support of the official block of about sixteen votes. The non-official votes recorded during the seven years' voting of police demands were 400 against Government and 237 for Government. In 1924, the motions for reduction approached, and in 1925, exceeded, fifty per cent. of the whole budget to be voted, and in only one year, 1921, have they fallen below thirteen per cent. Allowances being made for more than one motion intended to effect the same reduction and for motions which over-lapped, it is a fair assumption that but for the

official block, from 1924 onwards, in the present constitutional composition of the Council, the department would have received less than three-fourths of the sum required for its proper maintenance. From the temper of the speeches of the opposition it appears that they would have been ready to abolish the Special Branch, to starve the Criminal Investigation department, to cut down the grant for travelling allowance to a point far below the barest needs, and to refuse the cost of the decent clothing and housing of the force which are so necessary for its discipline and morale.

230. *The budget of 1928-29.*—During the voting of demands for 1928-29, notice was given of thirty-one motions, of which only six were moved. Three, including one vote of censure, were withdrawn and three went to a division, two of which Government lost. The whole provision of Rs. 1,10,782 for the Bengal and North-Western Railway police and Rs. 11,102 for the maintenance of a settlement for the reclamation of Magahiya Doms (a criminal tribe of North Bihar) was rejected by the Council. Neither rejection was the result of a direct attack on the police, the first being due to a strong feeling that the police force on a wealthy railway should be paid for by the railway company, and the second to a suspicion of proselytism on the part of the Salvation Army to whose charge the main settlement has been entrusted. It was of course open to the Council to take the constitutional course of expressing dissatisfaction in respect of these items by means of a token cut, but they preferred to take the less responsible action of refusing the whole provision. The provision for the railway police and most of the provision for the Doms' settlements have been restored by His Excellency the Governor under his powers of certification.

The third motion, which was to reject the provision of Rs. 16,106 for passages for sergeants-major, was lost by 34 votes to 45.

231. *Influence of the Council by means of questions and resolutions.*—The Council has conducted its attack on the police mainly during the budget session and by asking questions. There have been very few resolutions moved affecting the department. The most important of these was one moved in 1926, urging the abolition of the chaukidars (village watchmen) and the payment of their petty officers (dafadars) out of provincial funds, instead of by means of a local cess. The resolution

appears to have been moved mainly to gain support at the coming election by an attempt to get rid of local taxation. It was carried by one vote. The argument that either a large increase in regular police or the retention of the village police are necessary for any kind of check on crime failed to impress the majority of the elected members of the Council.

Questions regarding the police have been somewhat numerous. Some of these have been inspired by a wish to benefit individuals, others have been asked in order to bring discredit on officers who have been active in opposing non-co-operation or in a few instances have been prominent in cases in which individual members of the Council are interested. Others again have had the object of drawing attention to alleged misconduct of bodies of police. The posting of additional police in disturbed areas has been the subject of many questions, intended to bring out the heavy burden of costs imposed on the population. It is worth noticing that in spite of questions and arguments used in debate which indicated a desire for a more rapid Indianization of the higher ranks of the police, requests for European officers in many places, especially those in which communal feeling has been pronounced, have received backing in the Council.

232. *Legislation.*—Only one Act has been passed during the Reforms period, which affects the administration of the police department. This is the Chota Nagpur Rural Police (Amendment) Act introduced to enable Government to make more satisfactory police arrangements in mining areas and to legalize the collection of the tax for village watchmen from mine-owners. The Bill was passed in 1926 without any difficulty, the opponents being for the most part the habitual opponents of Government measures.

233. *Effect of the attitude of the Council on the force.*—It is undoubtedly true that police officers, and particularly Indian police officers, are gravely apprehensive of any constitutional development which would place them, or that part of Government to which they are attached, at the mercy of a Council vote, and the tone of the debates on police matters in the Council gives justification for their anxiety. They have been made continuously the target for the most bitter abuse and the most violent attacks on the Government administration, and their defence has been left almost entirely to the Government benches. The transfer of the control of the future would certainly be disastrous to the morale of the force in its present temper.

POLITICAL DEPARTMENT.

234. *Functions of the department.*—Apart from its administration of the police force through the Inspector-General, which is separately treated, the Political department is concerned with all the subjects which have a direct relation to the preservation of law and order. It is true that the posting of officers for the general and judicial administration is in the hands of the Appointment department, that the detailed administration of the Jail department is separately provided for and the Judicial department relieves the Political department of other work, such as the examination of petitions for mercy. Yet the Political department has the duty of obtaining information on all important matters likely to affect the fundamental functions of Government and of issuing the orders of the local Government thereon. It thus receives periodical reports from the Commissioners as well as from the police on the state of affairs in the districts, examines the newspapers, watches the decisions of the judiciary on cases of political importance and generally keeps the local Government as well as the Government of India informed of the trend of feelings and events. Besides this it has charge of territorial adjustments, of the special treatment of backward tracts and of the administration in Angul of some subjects which elsewhere are dealt with in other departments. It has functions of some importance as the agent of the Government of India in relation to military matters, including the Territorial and Auxiliary Forces and in administering the Arms Act. In the same capacity it regulates local ceremonial. Finally it is the instrument for the relations of the Governor in Council with the Feudatory States, situated in the province.

The department has throughout the Reforms period been in the portfolio of the official Member of the Executive Council, except in so far that some subjects, in particular the relations with Feudatory States, are dealt with by His Excellency personally. The Chief Secretary is the Secretary in charge.

235. *Attitude of the Council.*—The early years saw a great deal of interest displayed by the Legislative Council in the working of the department, owing to the activities of the non-co-operators. The facts have already been set out at length in Chapter II, and need not be repeated here. In the calmer atmosphere of the later years the department has

offered fewer points of attack, though questions on political subjects are frequently asked and pressed home with supplementary questions. The subject of the administration of the backward tracts has been raised from time to time. These tracts consist of the district of Angul, which is entirely excluded from the Reforms and seven districts, the five constituting the Chota Nagpur division with Santal Parganas and Sambalpur, in which Acts passed by the local Legislature shall, if the Governor-in-Council so direct, not apply or shall apply subject to such exceptions or modifications as the Governor may think fit, and in which the powers of both the central and local Legislature to make laws solely applicable to these tracts are similarly restricted. The administration of Angul cannot be discussed in the Council without the sanction of the Governor, and hitherto the Council have not desired to discuss it. A resolution was moved and carried in December 1922 demanding that the notification declaring the Santal Parganas to be a backward tract should be cancelled. This motion was prompted not only by a desire to assimilate the system of administration in the district to that in force in the bulk of the province, but also by resentment at the strong action which the Deputy Commissioner had been forced to take against non-co-operation. Government, after full consideration, decided that it was impossible to meet the Council's views in any respect. Another resolution was moved in August 1923 urging Government to withdraw certain notifications so as to enable the district boards of Chota Nagpur to elect their own chairmen. On this occasion the resolution was defeated, but it was moved again in February 1927 and carried by a small majority. Government met the wishes of the Council to the extent of authorizing the Manbhum district board to elect their own chairman. A similar resolution was moved in February 1927 with regard to the Santal Parganas, which was also carried by a small majority. Government declined to give effect to this in any way, since its actual result would not only have been to bar the Deputy Commissioner from being chairman of the rural board, but also to alter completely the constitution of that board, which is still a district council and not subject to popular election.

236. *United Orissa.*—One other matter of great importance dealt with in the Political department has come before the Legislative Council by way of resolution, namely, the question of amalgamating the Oriya-speaking tracts. A resolution was moved in November 1921 and carried without a division, recommending that the Oriya-speaking tracts now under four

different provincial Governments, Bihar and Orissa, Madras, Bengal and the Central Provinces should be united under one Government. In view of this resolution and one which had been moved in the old Imperial Council, just before the inception of the Reforms, the whole question has been closely examined. In the autumn of 1924, a special commission of two officers was sent by the Government of India to the districts of Ganjam and Vizagapatam to ascertain on the spot the attitude of Oriya inhabitants of the Madras Presidency towards the question of the amalgamation of the tracts inhabited by them with Orissa. Other enquiries were pursued in the tracts concerned in Bengal and the Central Provinces; and finally the financial question of the probable cost to the Government of Bihar and Orissa, if the Madras areas were transferred to this province, was examined. The matter was further debated in the Legislative Assembly in February 1927.

The question is one which concerns three other provinces and the Government of Bihar and Orissa cannot speak authoritatively for these. But so far as the Orissa division is concerned, there is a strong feeling in favour of an " United Orissa ". The cost of administration, however, of the Oriya tracts of Madras is so greatly in excess of the revenue of these tracts that the Government of Bihar and Orissa in its present financial straits would find it impossible to undertake the burden.

237. *Superior control.*—In so far as the political movements, with which the local Government have to deal, are parts of all-India movements and the steps taken in the province and in other parts of India have mutual reactions, the degree of control exercised by the Government of India is necessarily more close than in regard to other subjects. Thus the attitude to be adopted towards the non-co-operation and Khilafat movements was dictated by conditions and circumstances not special to this province. But in the province's domestic affairs, although the Government of India has to be kept informed of all matters of interest or importance, there has been no marked measure of control of the local Government's authority.

SURVEY AND SETTLEMENT.

238. *Meaning of " Settlement ".*—The survey and settlement department deals with all important survey and settlement work in the province, and with the preparation of small

scale maps. In the greater part of the province the land revenue is permanently settled, and consequently the work of survey and settlement is not usually undertaken for or concerned with the assessment of land revenue as in other parts of India. Here " settlement operations " as a rule mean the preparation of maps and records-of-rights to secure to all with interests in land their just rights, the decision of the disputes incidental to the preparation of the record and the settling of fair rents where this is applied for.

239. *Temporarily-settled areas.*—The only parts in which the revenue is temporarily settled and settlement work includes land revenue assessment also are the district of Sambalpur, the greater part of the three coastal districts of Orissa, Balasore, Cuttack and Puri, the Government estates, where the State is the proprietor, and a small number of petty estates, mainly those on the banks of the large rivers liable to change their courses. The whole district of Angul is a Government estate and there are large Government estates in the districts of the Santal Parganas, Singhbhum, Puri, Cuttack and Palamau, and smaller ones in nearly all other districts.

240. *Variety of Tenancy Acts.*—Survey and settlement are conducted under the Tenancy Acts in force in different parts of the Province, and the tenancy law is particularly complicated because it is not uniform. There are three main Tenancy Acts, the Bengal Tenancy Act in force in the three Bihar divisions, except the Santal Parganas district, a total of ten districts, the Chota Nagpur Tenancy Act in the five districts of the Chota Nagpur division, and the Orissa Tenancy Act in the three districts of Balasore, Cuttack and Puri. The districts of Sambalpur, the Santal Parganas and Angul have each a separate tenancy law of their own.

241. *Method and finance of settlement.*—Settlement is taken up in blocks of 600 to 1,200 square miles in successive years, and to complete all the stages in one block takes about four years, the next block finishing a year later. Where settlement includes land revenue assessment the cost is borne by Government, but in permanently-settled areas three-quarters of the cost is recovered from the landlords and raiyats in original settlements, and the whole cost in revision settlements.

A detailed survey on the scale of 16″ to the mile will have been completed and a record-of-rights for the whole province on the conclusion of the operations at present in progress in Orissa, with the exception of unstable diara areas along the banks of the larger Bihar rivers.

Revision survey and settlement has been done in two Bihar districts and in the temporarily-settled areas, and is in progress in Ranchi and the Santal Parganas districts.

The volume of work done by the settlement department since the province started may be judged from the following figures :—

—	1912—20.	1921—27.
Area surveyed	20,658 square miles	9,005 square miles.
Area of which records were finally published.	27,551 square miles	7,747 square miles.
Number of tenancies for which rents settled.	981,734	884,764.
Amount of rent settled ...	Rs. 73,21,841 ...	Rs. 25,53,199.

The average annual expenditure of the department over both periods was Rs. 10,64,000.

242. *The Settlement staff.*—The personnel of the department is not a fixed one. The superior officers, Director of Land Records and Surveys, Settlement and Assistant Settlement Officers are deputed temporarily from the cadre of the Indian, Provincial and Subordinate Civil Services; the rest of the settlement staff, including some of the Assistant Settlement Officers, consists entirely of temporary men appointed from year to year as the work requires. Only the staff of the Survey Office, which conducts the traverse survey, the reproduction of village maps and the preparation and reproduction of small scale maps, is permanent.

243. *Effect of relaxation of superior control.*—The effect of the reformed constitution on the actual working of the department has not been very large. The relaxation of the control by the Government of India has been felt as a relief from the necessity of explaining and justifying projects which were not always fully understood by those not cognizant of local conditions and from the uncertainty of intervention which might throw out the provincial programme. But it is doubtful if it has much affected either the principles or the progress of the work. In original settlements some part of the funds used to be met from Imperial revenues, the budgets were scrutinised

by the Government of India, and the inception of major settlements required their sanction. The details of revenue settlements were also scrutinised closely. These restrictions have been stopped.

244. *An attempt at superior control.*—The main question at issue between the local Government and the Government of India in recent years was that of the annual maintenance of settlement records which was urged by the latter, and regarded as impracticable by the former. On this point the Government of India had already before the inception of the Reforms given way after the failure of an experiment on those lines in the temporarily-settled estates of Orissa.

In one important matter, however, the central Government has recently attempted to exercise their powers of control. The principles of land revenue settlement in India have not hitherto been reduced to statutory form, and although there had been since 1902 some demand from the public for such action the Government of India up to 1919 steadily declined to accede to it. The Joint Select Committee of the Houses of Parliament on the Government of India Bill were, however, impressed with the objections raised by many witnesses to the manner in which certain classes of taxation can be levied upon the people of India by executive action and made the following definite recommendation in paragraph 11 of their report. " The Committee are of opinion that the time has now come to embody in the law the main principles by which the land revenue is determined, the method of valuation, the pitch of assessment, the periods of revision, the graduation of enhancement and the other chief processes which touch the well-being of the revenue payers." They considered that the system should be established on a clear statutory basis before the time comes when the subject of land revenue is transferred to Ministers. Though directly contrary to their previous revenue policy, the Government of India felt bound to adopt this recommendation and most local Governments, though not the Government of Bihar and Orissa, have under pressure from the central Government or local public opinion attempted to draft Bills to carry it out. Most of these attempts have been abortive. In August last, the Government of India drew the attention of all local Governments once more to the recommendation and recorded their opinion that early efforts should now be made to introduce legislation in the local Councils to carry it into effect. The reason which they gave for taking this step at the present

juncture was that the attitude of the Councils towards introducing such legislation may afford evidence before the Statutory Commission.

The local Government decided that the action desired by the Government of India could not be taken in this province. The recommendation of the Select Committee was made in view of conditions obtaining in provinces where agricultural land is generally held on temporary settlement and where the conditions of cultivators and land tenure are fairly uniform over large areas. By far the greater portion of this province is permanently settled and in the remainder the level of rents is in most cases definitely regulated by statute. Legislation, therefore, could only apply to small and scattered areas, and the differences in tenancy laws, in the nature of land tenures and in the development of cultivation in these areas are so great that any general legislation would be inapplicable. The question of legislation to fix the principles of land revenue assessment is not a live issue in the province and the local Government felt that if they undertook such legislation they would merely raise an acrimonious controversy in Council for no purpose.

This is the only instance since the inception of the Reforms in which the central Government has sought to interfere with the policy of the local Government in the subject of land revenue and settlement.

245. *The influence of the Legislative Council.*—The Legislative Council have displayed a tendency to doubt the necessity of revision settlements and to approve of a permanent settlement of revenue in the temporarily-settled estates of Orissa. The principal debates and motions on settlement have been as follows.

In 1921 the provision of funds for the Orissa Settlement was rejected with the result that the start of that settlement was delayed by a year and the revenue assessment has not been completed by the expiry of the previous settlement. This has meant appreciable loss of revenue. In the same year a motion to reject the provision for the revision settlement in Sambalpur, also a revenue settlement, was pressed, but lost by 29 votes to 27.

In 1922 a resolution not to enhance rents generally in the Orissa Settlement and to fix the revenue permanently was

debated but withdrawn, and a motion to reject the provision for the Orissa Settlement was put to the vote and lost by 26 votes to 20.

In 1923 the provision for the start of the Ranchi revision settlement was rejected by 25 votes to 24, and a motion to reduce the settlement budget further by over 3 lakhs was lost by 30 votes to 26. This if carried and given effect to would have completely dislocated the settlement work already in progress.

In 1924 a resolution was carried by 34 votes to 29 that the revenue assessed in the settlement of Orissa now in progress should be made permanent. This resolution was not accepted by Government.

In 1925 motions to reject the provision for the Orissa Settlement and the Santal Parganas were lost by 28 votes to 22 and 28 votes to 21, respectively. A resolution for a lower enhancement of rents in the temporarily-settled estates of Orissa was moved but lost by 31 votes to 26.

In 1926 a resolution to confer proprietary rights on the *gaontias* in the district of Sambalpur was moved and lost by the deciding vote of the President. These *gaontias* have already got proprietary rights in their own home farms, but are rent-collecting headmen so far as the tenants are concerned.

In the same year a resolution to fix the revenue settlement in Orissa for 60 years instead of 30 was moved and lost by 33 votes to 21.

In 1927 a motion to reject the provision for the start of the Ranchi Settlement was lost by 45 votes to 31.

246. *The use of the official block.*—It can be seen that but for the vote of the official block, the activities of the settlement department would be almost at an end by now, and the land revenue in Orissa would be permanent. The estimated increase in land revenue in Orissa is Rs. 6,00,000 while the recent revision settlement of Sambalpur increased the revenue by Rs. 1,00,000 as did that of the large Government estate in the Santal Parganas which has just been completed. Had the elected members of the Council had their own way, practically the whole of this increase, which the provincial revenues sorely need, would have been lost.

247. *The uncertainty of future progress.*—For settlement work to be done efficiently and economically there should be

a fixed programme which will employ approximately the same number of officers and staff. The officers and staff must be trained and sudden expansions result in inefficiency and higher costs, while sudden reductions mean the throwing out of employment of a large trained staff, the waste of their training, and the deterioration if not the complete loss of stores, instruments, forms, etc. Such a fixed programme is difficult to obtain under the present conditions, and is likely to become more difficult, if the power of the Council is increased.

The main question of the necessity of periodical revision settlements in areas where the revenue is permanently settled is one on which the Legislative Council does not appear to agree with Government. The harassment and cost of settlement proceedings loom large in the vision of the members of the Council. The Government as at present constituted view with apprehension the difficulties of preserving security of tenure and of checking rackrenting among a body of cultivators, of whom many are unable to fight for their rights on equal terms, except by bringing land records up to date. They know well too the danger to the maintenance of law and order, when agrarian relations are uncertain and disturbed.

OTHER LAND REVENUE AND KINDRED SUBJECTS.

248. *The Board of Revenue.*—Besides the important subject just dealt with, which requires a whole-time officer of the Indian Civil Service for its detailed control, there are a number of other matters coming under the general head of land revenue administration, or closely connected therewith. These, like surveys and settlement, are under the control of the Board of Revenue, but this control is exercised through the general administrative and executive staff of Commissioners, Collectors and their subordinates.

249. *Assessment and collection of land revenue.*—The Board of Revenue is thus responsible, subject to the orders of Government, for the assessment and collection of land revenue. The assessment is permanently fixed for the greater part of the province. But within the Reforms period there has happened to fall the revision of the land revenue in the two most important temporarily-settled areas, the Orissa coast districts, and Sambalpur, matters which have already been dealt with. A certain amount of other work under this head is always

coming forward from accretions to or diluvion from the estates situated on the banks of the large rivers of the province. The administration of the Estates Partition Act, enabling proprietors to subdivide their estates and to apportion the land revenue on the new estates so formed is an important function of the Board, which is the final appellate authority. The collection of the land revenue demand requires considerable attention, though the system has been in operation so long that few points of great importance arise now-a-days.

250. *Crown lands and government and wards estates.*— The Board is, too, the controlling authority for the colonization and disposal of Crown lands and the alienation of land revenue, matters of small importance in this province, and for the management of government estates, *i.e.*, lands in which the State is proprietor. These are fairly extensive and their management presents problems of some magnitude. A kindred subject is the development of mineral resources, which are found in government property, and this subject has special constitutional importance, since it is governed by rules made or sanctioned by the Secretary of State. The Board again in its capacity as Court of Wards is responsible for the management of estates voluntarily surrendered to its care or taken under it during minority, lunacy or other incapacity. To these may be added estates attached under order of Court.

251. *Collection of loans, local cess and other demands.*— Another function is the collection of land improvement and agricultural loans, though the distribution of these being, as a rule, intimately connected with famine relief is administered directly by Government through the local officers. The Board has charge of the assessment and collection of local cess, the proceeds of which form the main part of the resources of the district boards. This function arises from the fact that the collection is made largely along with, and by the same machinery as, the collection of land revenue, while the assessment depends on close knowledge of land tenures and rural economics which the Board obtains through its connection with settlement and survey and through its management of government and wards' estates. The last subject that comes within the purview of this section is the administration of the Public Demands Recovery Act, which secures prompt realization of certain charges payable to the State or local bodies, of which the most important is the local cess, and may, under due safeguards, be applied to private demands such as agricultural rents.

252. *Scope of this section.*—The general duty of keeping Government informed on the working of the tenancy laws and of advising Government on their amendment, which is also imposed on the Board of Revenue is sufficiently important to merit a separate section. There is no need to describe in detail in what way this wide field, in which the Board operates under the control of the local Government in the Revenue department, has been administered in the last sixteen years or even in the Reforms period of seven years. Broadly it may be said that the administration has continued on much the same lines as before, and without loss of efficiency. It will be enough to state the aspects of the administration in which the Legislative Council has shown an interest and to indicate what attitude was adopted, and to refer briefly to the degree of control exercised by the Government of India and the Secretary of State.

253. *The Council's attacks on the land revenue agency.*—The first point on which it is necessary to touch is the attack made on the agency for the administration as a whole. On the recommendation of the first Council Government appointed in 1921 a Retrenchment Committee, which among other matters examined the need for the Board of Revenue and for the Commissioners. The recommendation was that the Commissioners should be abolished and the Board strengthened. Government were not able to accept this recommendation. The further attacks on the employment of Commissioners, whose functions in general administration are as important as those in the land revenue administration, will be detailed elsewhere. The Board itself has escaped direct attack, and it does not appear that there is any demand for the transfer of its judicial powers to the Civil side of the High Court or generally for the curtailment of its functions.

254. *The Council and land revenue law.*—Regarding land revenue assessment there is nothing to add to what has already been said in the previous section on settlement and survey. But the Council in 1926 adopted by a large majority a resolution, which might have very seriously affected collections had Government agreed to accept the advice of the Council. This was to amend the law relating to sales of estates for default of land revenue payment. As matters stand, in return for the permanency of their revenue demand proprietors are required to pay it without fail on the due date under penalty of having their estates put up to auction. Although considerable leniency is shown between the due date of payment and the

date of the auction, yet save in very exceptional circumstances the sale once made by auction is final. It was proposed to permit any person interested in the estate so brought to sale to get the sale set aside by depositing the arrears together with a small penalty. Such a change, introduced merely to protect a few indolent or incompetent proprietors from the consequences of their failings, would have rendered all such sales speculative and greatly diminished the stimulus to punctual payment.

255. *The Council and the management of government estates.*—The steps taken from time to time to secure adequate rents from tenants of urban government estates have excited some opposition in the Council, but the Council as a whole has recognized their propriety. In the 1928 session a budget cut was moved to raise the question of a general enhancement of agricultural rents in a large government estate in Orissa. This it is proposed to carry through by amicable agreement with the tenants. The mover of the cut had already attemped to disturb the harmony of the proceedings in the locality, and now tried to secure the support of the Council. It was possible to show that the terms offered by Government were very reasonable, and the mover was hardly able to secure the backing of his fellow Congressmen, while the rest of the Council gave him no support.

256. *Minerals in government estates.*—The chief mineral resources found in government estates are the iron-ore of Singhbhum and the mica of Hazaribagh. Practically all the coal, by far the most important item in the mineral wealth of the province, lies in private estates. The iron-ore of Singhbhum assumed great importance during the closing years of the war and immediately afterwards, as there was evidence of a strong competition among existing or potential companies to draw on the large supplies. The iron and steel industries were, however, among the first to suffer from the post-war depression, and, but for the help afforded by the tariff, they would have in all probability collapsed. The depression greatly reduced the importance of the raw material commanded by Government. Similarly for mica the war demand produced a tremendous boom, followed by a temporary slump, which has now passed away. The Council in the first year of its existence displayed some interest in these among other mineral resources of the province, and a long, though somewhat rambling debate occurred in the 1921 autumn session on a resolution recommending the appointment of a committee to examine the possibilities of development. Government supported the resolution which

was carried and the committee was appointed in 1922. Owing largely to the slump it failed to make any useful suggestions in regard to development, but directed most of its attention to schemes for enlarging the opportunities for training Indians for mining careers.

257. *The Mica Mining Bill.*—The only other intervention in this sphere that the Council has made is in respect of the Mica Mining Bill which was introduced by Government in 1927 and came up for later stages in January 1928. The Bill was designed to check theft of mica and dealing in mica, which is certainly stolen. Until a check is applied, Government are unable to enforce proper scientific mining, and so get rid of methods, which waste the deposits and obliterate the surface traces of the mineral. The Member of Government in charge of the Bill was able to show that twice as much mica came into the market as the returns of raising showed that the mines were producing, and that the proportion had been steadily rising for ten years. In spite of this demonstration of the notorious fact that traffic in stolen mica is rife, the Council declined even to allow the Bill to go to a Select Committee. They appeared to believe that the Bill was designed to protect the large European mining companies at the expense of the small Indian miner and dealer, though, since the Member's speech elicited no reply whatever from the opposition benches, it is not on record on what grounds the Bill was thrown out. Its defeat has undoubtedly delivered a severe blow to the industry, has deprived the public purse of a considerable amount of royalties, and has jeopardized the production of a commodity, which was found essential to the successful prosecution of the War.

258. *The wards' estates.*—The management of wards' estates has evoked a fair amount of interest in the Council. In 1921 a resolution was moved recommending the appointment of suitable non-official Indians as managers. Government accepted the resolution while pointing out that they were already so appointed. In the same year the Council tried to interfere in the affairs of the richest wards' estate under management, that of the mad Maharani of Bettiah. A resolution, urging Government to appoint a committee of certain named members of the Council to enquire into the condition of the Maharani and the administration of her estate was strongly opposed by Government but was carried by a large majority. Government declined to appoint the proposed committee, being fortified in their decision by a communication from His Highness the Maharaja of Benares, who took grave

objection on behalf of his family to the suggested inquisition on his kinswoman. In 1925 a further attack was made on the management of the same estate. This time it arose out of a somewhat petty dispute between the manager and the Swarajist members of the local municipality. Again the recommendation was for a committee containing a majority likely to see eye to eye with the mover, if the enquiry was taken up. The Council had the good sense to reject the resolution by a large majority. It is noteworthy that the criticism of the management of 'wards' estates has been almost wholly confined to the single estate of Bettiah which is managed mainly by Europeans, and is situated in an area specially affected by the non-cooperation movement.

259. *The Council and local cess and other miscellaneous collections.*—The only point on which the Council has pressed for action in regard to the collection of local cess has been in the matter of directing coercive action against the actual defaulters among a body of co-sharers leaving those who have already paid their quota untouched. A resolution advocating this was adopted by the Council in 1925, but after an elaborate enquiry it was found that no real hardship existed. An attempt was made in 1926 to relieve landholders from the levy of cess on profits obtained from lac cultivation. The Council, as a whole, showed little sympathy with the resolution which was rejected.

The working of the Public Demands Recovery Act has twice occupied the attention of the Council. A resolution was moved in 1921 urging that the officers entrusted with its working should be instructed to proceed first by putting up the immovable properties of a defaulter to sale, before attaching movable property. The Council declined to support the resolution. In 1925 a private bill to amend the Act itself was introduced, aiming at automatic stay of execution, whenever an appeal or petition for revision or review is filed, and also for provision for making elaborate restitution in any case where a demand realized by execution under the Act is subsequently found to be invalid. Government has opposed the Bill throughout on the grounds that stay of execution is discretionary even in the much more important cases coming before the Civil Courts, and is wholly out of place in an Act designed to give a speedy realization of dues that can seldom be successfully contested, and that the existing powers of giving restitution are ample. In practice scarcely one per cent. of the demands are found to be invalid. The Bill was circulated

for opinion and condemned by every officer, who had ever had experience of the working of the Act. A motion to refer it to a Select Committee was rejected in August 1926, but on its reintroduction in September 1927, the same motion was carried by a narrow majority. The report of the Select Committee has not yet been brought before the Council by the private member in charge of the Bill. If the first part of the Bill ever becomes law, those who habitually delay paying their just dues to Government and local bodies will benefit at the expense of the citizen who meets his obligations promptly. The second part, which seeks to enlarge the power of the appellate authority to make restitution, is less open to objection.

260. *Superior control.*—In the sphere of administration dealt with in this section the control of the Government of India and Secretary of State has never been close, except in the matters of Crown lands and of mining leases. The first is of no importance in this province. The second was the subject of discussion between the central and local Governments in the early years of the Reforms period, when there were prospects of large developments in iron and steel production. The local Government contended that the lease of large tracts of iron-bearing land to existing concerns, beyond their reasonable requirements for future developments deprived Government of the advantage that increased competition might bring in the shape of larger royalties. It was further urged that the maximum royalty allowed under the statutory rules, prescribed by the Secretary of State, was too low, and that in other respects the standard forms of lease did not sufficiently protect the State against the lessee. On all these points the contentions of the local Government were generally accepted after discussion.

The local Government still believe that the existing methods of fixing royalties are too rigid and that they do not secure to the local Government an adequate return from their mineral property. They have, therefore, advocated the delegation to the local Government of a discretion to fix differential rates of royalty for new mineral concessions according to the richness, accessibility etc., of the deposits.

They also hold that the control of the central Government over the manner of settlement of mining concessions might with advantage be relaxed and a larger discretion in the selection of lessees be given to the local Governments which are in direct touch with local mining conditions. The existing

rules of the Government of India compel the local Governments to grant concessions to the first applicant in the field save in very exceptional circumstances. But the local Government consider that they can secure better lessees, better exploitation of their mineral resources and a better return to the State if they are allowed discretion to settle mining concessions by a system of selection after competitive tender.

TENANCY LEGISLATION.

261. *The tenancy laws.*—Bihar and Orissa has advanced further than many provinces in India in providing by tenancy legislation that cultivators shall enjoy security of tenure and protection against unconscionable demands for rent. Five different tenancy laws are in force in different parts of the province, subject to the reformed constitution, while the excluded district of Angul has its own code. The major principles of tenancy law are now fixed. While the Bengal Tenancy Act, now over 40 years old, requires to be brought up to date, the amendments needed are not matters of fundamental principle. Nevertheless, the period 1920 to 1928 shows a steadily increasing activity in tenancy legislation in the Legislative Council, though this activity has been almost wholly infructuous.

262. *The Bihar Tenancy Bill.*—The most important piece of legislation initiated by the local Government has been the Bihar Tenancy Bill. The course of settlement operations in Bihar made it apparent by 1918 that the Bengal Tenancy Act, passed in 1885, and amended in 1898 and 1906, still required revision in certain respects to adapt it to modern conditions and ascertained facts. After an investigation extending over two years an amending Bill was prepared by the local Government in 1920, but, in deference to the argument that legislation affecting millions of the population should be postponed for the consideration of the reformed Council, Government withdrew the Bill. Simultaneously with the formation of the new Council a small but insistent raiyats' party began to make itself heard in North Bihar and a prominent member of that party took an early opportunity in the autumn session of 1921 to move a resolution for the appointment of a roving commission to enquire into the grievances of the raiyats throughout the province. The local Government welcomed the opportunity of bringing up again the question of amending the Bengal Tenancy Act, but the landlords were alarmed at the motion which was the first

open attack in the Council upon their position. After negotiations all parties agreed to a modified resolution recommending the appointment of a committee to consider what amendments were necessary in the Bengal Tenancy Act. A committee containing representatives of landlords, tenants and official experts sat in the autumn and winter of 1921 and produced a Bill, based on the Government Bill of 1920, which was introduced by Government in the Legislative Council as the Bihar Tenancy (Amendment) Bill, 1922. The report of the committee was not unanimous and there were already plain indications of the differences between landlords' and tenants' parties which afterwards became so acute. But the Bill had the general support of Government as indicating the lines upon which an equitable compromise might be reached and the lengths to which Government would go to secure such a settlement. The Bill was on the whole favourably received in the Council and was referred to a select committee in March 1922. The proceedings of the select committee developed into a struggle between the landlords' and raiyats' parties and it became increasingly apparent that in spite of all the attempts of Government to secure a compromise, there was a residuum, on which the opposing parties were irreconcilable. When the committee finally reported to the Council, only five out of nineteen members signed the report without reserve, and there were thirteen notes of dissent. The main issues on which the opposing interests could not agree were—

(*a*) the recognition of the right of transfer in raiyats' holdings,

(*b*) the respective rights of landlord and tenant in trees on raiyats' holdings, and

(*c*) the privileges of proprietors in lands in their own direct possession.

The local Government, in an endeavour to secure the landlords' agreement to a recognition of the raiyats' claims on the first two points somewhat reluctantly consented to substantial concessions in favour of the landlords on the third point. But even these concessions failed to bring the parties together. Negotiations continued between the Government and the two parties right through the cold weather of 1922-23, and both His Excellency the Viceroy and His Excellency the Governor exerted their influence to secure a reasonable compromise. All these efforts were wrecked over the dispute regarding the landlord's right of pre-emption when a raiyat

desires to transfer his interest. While the landlords' party was in a position to secure an occasional majority on particular issues, neither party was sufficiently strong to impose its will unaided upon the Council, and Government, having reserved their Bill specially for the consideration of the representatives of the people in the Reformed Council, would not lend their support to an amended Bill upon which there was not a substantial agreement. The local Government, therefore, were compelled, on the 16th March 1923 to withdraw their Bill, and the Bill has since then been held in abeyance. The question was revived in the Council in August 1924, and the Government then stated that they would not undertake legislation unless either the differences between the two parties became so acute as to compel their intervention, or there was evidence of a strong desire on the part of all concerned to make up their outstanding differences and a reasonable expectation of attaining an amicable settlement. Up to this stage both parties had left it to Government to take the initative in propounding legislation. But in the new Council in 1924 a party of twelve Swarajists were present and to this the remnant of the raiyats' party attached themselves. This combination ushered in a new stage in which the initiative passed to the private member. Five non-official members, mostly attached to the Swaraj party, introduced in March 1925 a Bill professedly drafted in the raiyats' interest. It was a one-sided measure and was, therefore, unlikely to meet a better fate than its predecessor. The landlords did not oppose its introduction but made their attitude clear from the first and subsequently strongly opposed the motion for reference to select committee. The debate was adjourned till the next session, when the promoters of the Bill were heavily defeated on a division at which Government refused to support a Bill which offered no chance of an amicable agreement. It was apparent, however, that time must be on the side of compromise and that the landlords' party must ultimately modify their unyielding attitude. The Swarajists have now been renamed the Congress party and have completely absorbed the raiyats' party. They command some 38 votes in a house of 103, and have returned to the attack, reintroducing the Bill in September 1927. During the debate the landlords showed that they realized the impossibility of maintaining the policy of inaction and at the instance of Government the Council agreed that the raiyats' Bill should be referred to a select committee on the understanding that the landlords would be given an opportunity to introduce a Bill of their own which

should form a more reasonable basis of compromise. It was decided accordingly by the Council that the select committee on the raiyats' Bill should not sit until the landlords had introduced their Bill, and both could be considered together. Since then Government have received notice of two Bills, a new Bill from the side of the raiyats and a Bill drafted by the landlords. Both Bills, and in particular the landlords' Bill, are still uncompromising in character and outwardly at any rate both parties are as far from an agreement as they were in 1923. It is possible, however, that although both sides have now formulated their demands in an extreme form, they are actually in a more amenable temper than on previous occasions.

263. *Other Government measures.*—The only other tenancy Bills introduced by Government have been :—

(1) a small Bill to amend certain provisions of the Chota Nagpur Tenancy Act, relating to the jurisdiction of revenue and civil courts which was passed without serious difficulty in 1924;

(2) a Bill to amend the Chota Nagpur Tenancy Act, in order to enable mining lessees to obtain surface land required for their mining operations. The Bill was introduced in September 1927 and was referred to a select committee after a fairly favourable reception by the Council.

264. *Private members' Bills.*—In the first reformed Council, 1920 to 1923, no private Bills were introduced. In the subsequent Councils private Bills on the subject of tenancy legislation have become increasingly frequent. Mention has already been made of Bills to amend the Bengal Tenancy Act. Two Bills were also introduced to amend the Orissa Tenancy Act in January 1926. The first was an unworkable Bill which aimed at facilitating the exchange of holdings or parts of holdings with the object of encouraging the creation of holdings of economic size. The second was a haphazard and random collection of amendments, many of which were ill-advised, and some of which would have most harmful consequences. The local Government were unable to accept either Bill. They moved for circulation and the motion was adopted, with the result that no further progress was made and the Bills lapsed. In the current year, however, the first of these Bills was revived and the author gave notice that he would reintroduce it, but when the time came, he withdrew his motion, on the ground that he realized that the Bill was unworkable.

The Chota Nagpur Tenure Holders' Separate Rent Account Bill was introduced to give relief to tenure-holders whose estates are liable to be sold up for arrears of rent incurred by their co-sharers. The Bill was circulated for opinion in 1925 and was almost universally condemned as impracticable. The Council also was generally opposed to the Bill and it was withdrawn on Government undertaking to explore alternative measures of alleviating the grievances of the tenure-holders. Government were unable to find a satisfactory remedy, and the author reintroduced the same Bill in 1926. It lapsed on the dissolution of the Council, but was immediately reintroduced in 1927, when the new Council was elected. A motion to refer it to select committee was defeated, but the author gave notice that he would introduce it afresh at the January session. He failed to do so only because of the boycott which was declared during that session by the Swaraj party, and his avowed attitude is that he will continue to reintroduce the Bill, unworkable as it is, until such time as Government themselves devise a remedy for his grievances.

265. *Effect of the reformed constitution.*—The history of the Bihar Tenancy Bills furnishes the clearest illustration of the effect which the reformed Council has had upon tenancy legislation. The most marked features are that the initiative has for the present passed from Government to the non-official benches and that it has become increasingly difficult to carry important remedial legislation, which will be fair to all. I can be stated that four-fifths of the non-official members ar definitely either " pro-raiyat " or " pro-landlord " and unles a compromise is reached between these discordant elements there is no chance for Government to pass a disinterested Bil of moderate tone which would be unacceptable to either extreme Under the old regime, with an assured majority Governmen were able to carry through remedial measures, where necessary With the reforms they have lost that power. They have not th strength to impose upon the Council a Bill which would be fai to both sides; they have only the strength to prevent either th landlords or the tenants from carrying a one-sided measure Government have been forced to wait till the outstanding point of difference are settled by agreement among the parties themselves, and the experience of the last six years has not been encouraging. Another marked feature of the Council which is here illustrated is the difficulty it finds in reaching any final decision on a debatable matter. The existing deadlock is mainly due to the fact that the most powerful single party in the

Council, the Congress party, has adopted as a political move, the most extreme claims of the raiyats, and at present balances the votes of those who are inclined to uphold the landlords' cause.

The passing of the initiative from the executive Government has been marked by an increasing number of private Bills. Such attempts at legislation have up to date been infructuous. Most of the private Bills have been crude and ill-conceived efforts which have proved on examination to be unworkable; and many of them seem to have been put forward by members more from a desire to show their constituents that they are up and doing than from any intention to press the Bill to a conclusion. Some of them have been marked by irresponsibility and a readiness to meddle with difficult problems in a superficial and lighthearted way, which contains an element of danger for the future, when the restraining hand of an executive Government with wide revenue experience may have lost its present force. In other cases, such as the Chota Nagpur Tenure Holders' Separate Rent Account Bill, the weapon of the private member's Bill has been used not so much to introduce legislation as to put repeated pressure on the Government to solve a problem, which is of only local and personal importance.

266. *Control by the central Government.*—This control has not yet led to any difficulty chiefly because legislation of real importance has not reached the stage of final shaping. Under the existing rules for referring to the Government of India proposed amendments, which may crop up at the stage when the Council is considering the report of a Select Committee, it would be exceedingly difficult to obtain the flexibility which is required to get through a Bill affecting strongly opposed interests only to be reconciled by compromises of great delicacy. It is to be hoped that some means can be devised to relax the present control over a highly technical and purely localized class of legislation, before the Council is again in a position to deal with the final stages of an important Tenancy Bill.

FORESTS.

267. *The functions of the department.*—The primary functions of forest administration are to preserve those forests which are essential on climatic or physical grounds, to conserve and develop commercially forests which are a valuable source of timber, and to supply the immediate requirements of the local

agricultural population while safeguarding the forests for the benefit of their future descendants. The forests under the control of the State are accordingly divided into two main classes: firstly the reserved forests comprising those whose preservation is economically or physically essential, and these are administered with a view to bringing in the maximum revenue compatible with sound provision for the future; secondly the protected forests which are run primarily to supply the demands of the local population.

In Bihar and Orissa the scope of the Forest department is more limited than in any other province in India. While twenty-three per cent. of the total area of India is State forest, only four and a half per cent. of the area of Bihar and Orissa is forest controlled by Government. The reason for this is that the permanent settlement of 1793 gave to the landed proprietors the ownership of the great majority of forests, and the State has no control over these. The forests controlled by the Forest department, therefore, are only those which lie in the scattered Government estates in Palamau, Singhbhum, Puri, Hazaribagh and the Santal Parganas. The area is small, as the table below shows, and the possibility of extension remote.

Year.	Reserved forest.	Potected forest under the Forest Department.	Other Government forests.	Total.
	Sq. miles.	Sq. miles.	Sq. miles.	Sq. miles.
1912	1,719	1,057	927	3,703
1920	1,747	1,210	854	3,811
1927	1,796	1,225	686	3,707

268. *Advance made from 1912 to 1920.*—Even within these narrow limits the development of forest conservancy was much retarded until this province was separated from Bengal. Few of the forests were worked under intensive modern working plans, they were inadequately exploited owing to lack of communications, the department was under-staffed, the forests were notoriously unhealthy and the bad health of the staff seriously interfered with its efficiency. In spite of the interruption caused by the War, considerable progress was made between 1912 and 1920 and the revenue from forests rose

between those years from about four lakhs to nearly eight lakhs, while the expenditure rose from three and a fifth lakhs to over five lakhs.

Between the end of the War and the creation of the first reformed Council in 1920 the foundations of further advance were laid by strengthening the superior staff and by recruiting an increased number of Indians with a view to the gradual Indianization of the department. The number of Imperial Service officers was raised in 1919 from eight to thirteen, while the number of Provincial Service officers was raised from eight to eleven. Subsequently the strength of the two Services was fixed at seventeen and eight.

269. *Problems at the inception of the Reforms.*—At the date of the Reforms then the principal problems confronting the administration of Government forests were (*a*) the completion of the work of bringing all State forests under modern working plans; (*b*) the development of forest communications; (*c*) the provision of measures to secure the health of the staff; and (*d*) the development of research and the utilization of subsidiary forest products.

270. *The denudation of the Chota Nagpur plateau.*—Another most important problem awaited, and still awaits, solution, namely, the problem of the wastage of private forests and the consequent rapid denudation of the Chota Nagpur plateau. The forests in Chota Nagpur belong mostly to private owners. They have been recklessly wasted for more than half a century, partly owing to the indebtedness and improvidence of the landlords, who sell their forests to contractors for immediate profit, partly owing to the wasteful exercise of forest rights by the villagers. The consequent denudation of the catchment areas of important rivers is believed to have accentuated in its turn the periodic floods to which the coastal tracts of Orissa are subject. Although Government have no control over private forests, they could not view this progressive destruction without anxiety, and in 1909-10 the Bengal Government proposed to legislate to provide for the preservation of private forests and to secure the afforestation of waste lands not owned by Government. The Government of Bihar and Orissa, however, had to drop the Bill in 1914 owing to the opposition to Government interference with private rights.

271. *The attitude of the Legislative Council.*—The Forest department was one of the first to come under a strong fire of criticism in the Council. In 1921 Government desired to inaugurate a ten years' programme of construction for the proper housing of the forest staff. The scheme was essential

in order to prevent the high casualties caused by the unhealthy surroundings in which they work. A motion was brought forward in the budget debates of 1921 to reduce the provision of Rs. 71,600 under this head by Rs. 40,000. After some debate the motion was rejected by 37 votes to 12. In the following year a motion to reduce a similar provision by Rs. 20,000 was carried by 20 votes to 17, and in the same session the Council reduced the provision for superior staff by Rs. 20,000 as a protest against the over-staffing of the department with Imperial officers, and because they considered that the profits of the department were not commensurate with its expenditure. On this occasion every non-official member of the Council voted against Government. In 1923, the Forest budget passed without comment, but in 1924 began an attack which has been repeated from year to year upon the general policy of forest protection and the consequent restrictions upon public use of the forests. In 1924 a resolution was moved and carried urging that free removal of forest produce from the protected forests of Singhbhum should be allowed. As the rules for the protected forests permit the tenants concerned to remove the produce of these forests free for their own domestic use, the resolution was not based upon a real grievance, but was merely a handle for a general attack upon the policy of protection and restriction of rights. This attack was repeated in the discussion upon the budget. In the August session of 1925 a resolution that an enquiry should be made into the grievances of the people living near the Chota Nagpur forests regarding the use of fuel and building materials was defeated. In February 1926 a resolution was moved suggesting that the reserved forests in Sambalpur should be thrown open to the inhabitants for grazing and removal of fuel. In spite of the fact that the residents of Sambalpur possess greater facilities for grazing and obtaining forest produce than the residents of any other district in the province, the resolution was carried against Government by one vote. Government did not consent to take any action upon this vote, but it is a sufficient illustration of the general and unreasonable prejudice which exists with regard to any restrictions on grazing and forest produce.

The solution of the problem of denudation has not progressed any further under the reformed Government. The attempt to persuade landlords to enter into agreements with Government for the protection and management of their forests has produced little result. Government, therefore, investigated once more in 1924 the question of introducing special

legislation to secure the necessary control. But the repeated attacks on forest policy in the Councils of 1924 and 1925 and the proceedings of a special conference with the landlords, held at Ranchi, forced them to realize that it would be impossible to carry such legislation in the present uninformed state of public opinion. They decided, therefore, that the only method of safeguarding essential areas was to acquire the forests compulsorily. They accordingly proposed to undertake a ten-year programme of acquisition, costing about ten lakhs of rupees. For this object a provision of Rs. 1,07,000 was included in the budget estimate for 1927-28. This was decisively rejected by the Council by 55 votes to 33.

The general attitude of the Council to forest policy and to the Forest department is undoubtedly hostile. This is partly due to genuine ignorance, a failure to appreciate the benefits of well conserved forests, and an unwillingness to look to the future. The raiyat sees in forest conservancy merely interference with his liberty and the landlord generally sees only that it will deprive him of a convenient way of raising ready cash by cutting down his forests. It may be said that a considerable section of the Council is apathetic so long as the department works in its own groove, and is stirred to opposition when Government propose to widen the scope of forest control or when popular grievances against forest restrictions are voiced in the Council. The attitude of the Council while preventing any important increase in the scope of State control of forests has not interfered seriously with the progress of development within the existing State forests. The revenue has increased from eight lakhs in 1920 to an average of nearly 10½ lakhs in 1923-26, while expenditure has risen from five to 7⅔ lakhs in the same period, and much valuable work has been done in research and utilization work.

272. *The question of transfer.*—The advisability of transferring this subject was discussed with the Government of India in 1925 as a result of the Reforms Enquiry Committee, but the Governor in Council strongly recommended that the subject should remain reserved, partly because forest administration is intimately connected with the revenue administration of the backward tracts, and partly because they felt that no Minister, however desirous of efficiency, would be in a position to safeguard essential forest conservancy, since he must in matters of policy be amenable to the feeling of the Council which he represents. A Minister would have found it difficult to carry out any constructive policy in the face of the adverse votes

which have been cited in the previous paragraph. It was less difficult for Government on the reserved side to resist this pressure. The Ministers did not accept these views and advised transfer of the subject.

273. *The Forest services.*—The reaction of the Reforms on the staff of the department has not been very marked. There is at present no sign that the staff shows any marked falling off in enthusiasm. Indeed the period has been one of development. Indianization is now proceeding steadily, though Indians as yet number only six out of an Imperial Service cadre of seventeen. The limit of recruitment for Indians has since 1924 been fixed at seventy-five per cent. The methods now sanctioned for recruitment, however, do not make for efficiency. The future Indian recruits to the Imperial Service are to be trained at Dehra Dun and the absence of Western training will probably react on efficiency; indeed it is now proposed to remedy the defect by grant of study leave. The recruitment of the Provincial Service entirely from the subordinate ranks is bound to lower the standard of that Service.

274. *Superior control.*—Under item 14, schedule 1, part II of the Devolution Rules, forests are a provincial concern, subject to legislation by the Indian legislature as regards disforestation of reserved forests. This control was presumably retained in view of the unpopularity of the Government policy of forest reservation. As no attempts have been made in this province by the Legislative Council to press for disforestation of reserves, the power has never been called into action.

The central Government retains also certain financial powers. Financial limits are imposed by the Forest Department Code upon the powers of the local Government to give free grants of forest produce, to write off stores and to write off irrecoverable revenue. No occasion has arisen for the exercise of these powers. The Inspector-General of Forests now exercises no control, since the necessity for his sanction to working plans was removed.

The central legislature has affected the subject of forests in the matter of recruitment. In a resolution passed on the 11th September 1922, the Legislative Assembly recommended that all recruits to the Indian Forest Service should in future be trained at Dehra Dun. The Council of State adopted a similar resolution on the 19th September 1922. In accordance with these decisions, the Government of India have inaugurated a scheme whereby Indian recruits (representing seventy-five

per cent. of the recruitment) will be trained at Dehra Dun. The effect of this change on the efficiency of the department has already been indicated.

A resolution was proposed in the Council of State in March 1927 that a committee should be appointed to revise the Indian Forest Act. The resolution was based on ignorance of the existing law, and expressed a desire to limit the procedure for reservation in certain directions. An amended resolution was passed whereby the central Government was asked to consult the local Governments whether the Forest Act required revision. This Government replied in the negative. The matter is still under the consideration of the Government of India.

FINANCE DEPARTMENT.

275. *The position of the department before and after the Reforms.*—Although the Finance department is much the most important part of the charge of the Indian Member of the Executive Council, it is not one on which a great deal need be said. Prior to the Reforms the department was entrusted by executive order with much the same duties that are now imposed upon it by the Government of India Act and the rules thereunder. It had, however, in some respects greater freedom than it now has, in that, prior to the Reforms, the expenditure had merely to be kept within the total accepted by the Government of India, and re-appropriations could be made freely in the original budget estimates, whereas now the expenditure for the year is voted in separate grants by the Legislative Council, and the figure for each such grant cannot be exceeded without further permission for such excess obtained from the Council by way of a supplementary vote. On the other hand the control exercised by the Government of India and the Secretary of State over expenditure particularly in the transferred subjects has been greatly relaxed as a result of the Reforms, and references to higher authority have become comparatively rare, now that financial rules have been adjusted to the new state of affairs. The duty of watching expenditure against the grants voted and their distribution to districts and other units has been delegated to various authorities subordinate to Government or to the Secretariat departments concerned. But this duty is performed subject to the control of the Finance department. On the whole the Reforms have tended to make the control of the Finance department more effective and to improve both accuracy in budgetting and economy in expenditure.

276. *The attitude of the Legislative Council to the department.*—The members of the Legislative Council have from time to time in course of debate attacked the department, on the ground that the Ministers have not had sufficient funds for nation-building activities and have been hampered by the detailed control exercised over their schemes. But there has been only one formal motion of censure, which was debated during the 1928 budget session on the vote for the department. It was only pressed because the Swarajists had abstained from the general debate on the budget at the time of its presentation, when criticism of the financial policy of Government is offered on broad lines. It was easy to show that the Finance department is not responsible for the distribution of funds between reserved and transferred subjects, that without further taxation the grants available for new schemes in the latter could not be increased, and that it is the statutory duty of the department to examine all new schemes. The motion was defeated.

277. *Reference to other chapters dealing with finance.*—The financial conditions under which the Reforms have worked have been sketched in Chapter III and will be more fully dealt with in a separate memorandum. The manner in which the available funds have been distributed between the reserved and transferred subjects has been given in Chapter V. The general attitude of the Legislative Council to financial matters is described in Chapter VII. The department, except for the first 18 months, has been in charge of the Indian Member of the Executive Council, with a European member of the Indian Civil Service as Secretary. The Ministers have not expressed any desire to have a Joint Secretary to watch the interests of the transferred departments.

JUDICIAL.

278. *Scope of impact of the constitution on the department.*—The Government of India Act of 1919 left untouched the powers of the High Court as regards the actual administration of justice in the regular civil and criminal courts of the province, and it is in the sphere of legislation, and of the control exercised by the Executive Government in the matter of appointments of judicial officers and their establishments that the influence of the reformed constitution is to be sought.

279. *The Court Fees (Amendment) Act.*—The most important measure affecting the administration of justice in the Reforms period has been the Court Fees (Amendment) Bill of 1922, introduced by Government with a view to enhance the

court-fees by about 50 per cent. all round and to abolish the maximum limit. The motion to refer the Bill to a Select Committee was carried by 24 to 16, and in August 1922, when the report came up for consideration a delaying motion to recirculate the Bill was defeated by 40 to 17. It then went through after amendments in favour of the poorer classes of litigants, which were accepted by Government as a compromise. On the whole, the attitude of the Council on this Bill was creditable as they took the view that an addition of taxation was necessary if expansion on the transferred side was to be effected.

On the other hand, since 1923 efforts have been directed to securing the repeal or at least the modification of the enhanced rates fixed in 1922, more particularly in the direction of fixing a maximum for court-fees, though that certainly would not have benefited any but a few litigants who may wish to throw into the melting pot the title to some of the big estates in the province.

In the first session of the second Council (5th March 1924) a resolution advocating the imposition of a maximum limit was defeated by the casting vote of the President; in its second session a further resolution to benefit the poorer litigants, and reduce court-fees in suits of low value, was also defeated by 37 votes to 31, Government having pointed out that the amendment would mean a loss of about 6 lakhs of revenue; a Bill to fix a maximum was introduced in 1928 in the January session and is at present pending. It is clear that only the official block prevents a reversion to something like the old rates, though there is no sign that the present enhanced rates are diminishing the volume of litigation which tends to increase every year, while the finances of the province are by no means flourishing.

280. *The Civil Courts (Amendment) Act.*—A second judicial measure marked the year 1922, namely, a Bill to extend the pecuniary jurisdiction of munsifs (the lowest grade of civil judge) from Rs. 2,000 to Rs. 5,000 in specially selected instances, with a view to check the growth of expenditure in the civil courts. It was referred to a Select Committee and passed unopposed with a slight modification of the limits on the 23rd August 1922.

281. *Another amending Bill.*—A third Bill affecting the administration of justice was introduced in January 1926, designed to give effect to the proposal of the Civil Justice Committee to enhance the summary powers of sub-judges and

munsifs with a view to expedite the disposal of civil cases, but was rejected after only one speech in opposition. The rejection was probably due to a regard for the interests of the lawyers rather than of the public.

282. *Debate on the High Court establishment.*—The 1922 budget session was marked by a peculiarly vigorous and bitter attack by the Bihari members on alleged Bengali predominance in the ministerial establishment of the High Court. It took the shape of motions to omit the provision for the special allowances of the Deputy and the Assistant Registrars of the High Court, and to reduce the total High Court vote by Rs. 1,000. Both were carried, the allegation being that these two officers were favouring clerks and lawyers of their own community at the expense of the Biharis. The debate did not disclose that there was any foundation for these charges.

283. *Urdu script in the Courts.*—Communalism is also at the back of the persistent resolutions of the Muhammadan members to make Urdu an optional court script. Though the subject was discussed in 1921 and though a similar resolution was defeated by a large majority in 1923, a large number of the members in the third session of the second Council gave notice of a resolution for making the Urdu script permissive in court papers. A Bengali member moved an amendment that the Bengali script should also be allowed, but both the amendment and resolution were defeated by a large majority.

Resolutions were again tabled on the subject in August 1926, and in January 1928, one was carried by 14 votes to 12, the Swarajist members having walked out, whilst the Government members abstained from voting.

The same spirit prompted claims put forward generally through the medium of token cuts in the budget demands for a Muhammadan Judge in the High Court, a Muhammadan district judge and more Muhammadan munsifs.

284. *Corruption in the Court offices.*—On the other hand laudable interest was displayed in March 1923 in a resolution urging measures for the prevention of bribery in all Courts. Though the duty of the public and especially of the bar to second the efforts of Government officers was placed somewhat in the background and the duty of Government stressed, yet the debate had some useful results; notably the appointment of special officers in three districts to assist the district judge to watch the work of his office and prevent the harassment of suitors.

285. *Exemption of agricultural produce from attachment.*—A useful resolution was tabled by one non-official member in the August session of 1927, to the effect that Government should pass an order under section 61 of the Civil Procedure Code exempting agricultural produce from attachment to such extent as may be necessary for the purpose of providing until the next harvest for the due cultivation of land and for the support of the judgment-debtor and his family. The resolution was withdrawn on Government undertaking to examine the feasibility of such an order.

286. *Lowering of legal qualifications.*—In the January session of 1928 a resolution was moved with a view to relaxing the qualifications of pleaders and mukhtears. The resolution was, however, withdrawn on Government pointing out that they had no intention whatsoever of recommending the High Court to relax the rules, as the Bar Commission had found that the legal profession was seriously over-crowded, that touting had undoubtedly increased with the increase of the number admitted, and that the qualifications of the legal profession should be raised rather than lowered.

287. *The general attitude of the Council.*—Other judicial matters which attracted the attention of the Council though not in the form of definite bills or resolutions but rather through the medium of budget debates were more judicial appointments to be made from the Bar, more appointments of judicial officers, improvement of pay and prospects of the ministerial and menial staff attached to the Courts. To sum up it can be fairly said that the Council recognized and adhered to the principle that purely judicial matters were outside their ken though there was an inclination to exclude from this principle judicial decisions with which they did not agree. With the few exceptions already indicated all the demands both regular and supplementary of the Judicial department were met. Whilst ready to advocate the creation of more posts, more courts, more establishment, increase of pay, increased holidays and cheapening of litigation, the elected members seemed at times to shut their eyes to the fact that the pecuniary resources of the province are limited.

288. *Superior control.*—There has been no instance in which the executive control of the Government of India or the Secretary of State has been exercised in this department, but in two matters the central Legislature have taken action, which has had a considerable effect on the administration of justice. These are the amendments of sections 109 and 162

of the Criminal Procedure Code, passed in the autumn session of 1922. The first substituted simple for either simple or rigorous imprisonment for persons called on to give security because they have no ostensible means of subsistence or cannot give a satisfactory explanation of themselves. It was intended to ameliorate the condition of those persons, who supplied a useful recruitment for the rank and file of the non-cooperation forces. It had the effect of leaving not only these but a number of vagabonds, who had no political excuse for their incarceration, to idle away their time in jail to the marked disadvantage of discipline. The central Legislature recognized the mistake made, and corrected it in 1925.

The second amendment dealt with the use that could be made in trials of statements made to the police in the course of an enquiry. Prior to the amendment these could be used for the corroboration of evidence of prosecution witnesses, for the cross-examination of hostile prosecution witnesses, who had made such statements, and for the purpose of showing that the accused had put up a different defence during the enquiry from that put forward at the trial. As now amended such statements can only be used by the defence to show that a witness made a different statement before the police to that which he is making at the trial. This amendment has increased the difficulty of bringing offenders to justice without any compensating advantage of protecting innocent persons from false prosecutions, while its interpretation has led to a great waste of the time of the Courts.

JAILS.

289. *Warders' pay.*—The Jail department, which has throughout the Reforms period been under the charge of the Indian Member of the Executive Council, has furnished matter for several discussions in the Legislative Council, and these have left some marks on the administration. Though in the first session of the first Council a cut of some magnitude was voted on warders' pay, it was subsequently re-admitted as a supplementary demand, and the motive inspiring the action was merely the desire for the closest possible economy. Later when financial prospects were brighter the Council accepted without demur substantial increases in the rates of pay of jail officers.

290. *Prisoners' food and dress.*—In the earlier Councils, too, considerable attention was paid to the standard of food supplied to prisoners, and it is possible that pressure brought

to bear has made the superior jail staff more careful in supervising the stores and the kitchens. Other matters that have excited interest, on which the views of the Council have to some extent been met, are the provision of a more appropriate dress for Muhammadan prisoners, and minor relaxations during religious festivals or fasts. A good many of the recommendations of the Jail Commission, which reported in 1920, have been pressed on Government by members of the Council, and where possible, financially or otherwise, they have been brought into force. The revision and reprinting of the Jail Manual was pushed on as a result of a Council resolution.

291. *Treatment of political prisoners.*—On two subjects, however, Government were unable to accept in full the views of the Council. In August 1921, when the press was full of the grievances of political prisoners, *i.e.*, the persons, who in furtherance of the non-cooperation programme had overstepped the limits of the ordinary criminal law, a resolution was moved proposing the appointment of a committee to enquire into the whole subject. This Government resisted and the resolution was defeated. In November 1921 another resolution asking that special treatment should be accorded to political prisoners was sympathetically received by Government and was carried. Government met the demand by creating a special division of prisoners, sentenced to simple imprisonment for offences which the trying magistrate classifies as political. The magistrate's order is subject to confirmation by the local Government. Prisoners placed in the special division are granted certain privileges during good behaviour. These, as well as prisoners not entitled to be so classed but whose offences are connected with political movements, are segregated from ordinary prisoners.

292. *Whipping.*—The other resolution of importance, carried against Government in 1923, was that advocating the abolition of whipping as a jail punishment. In vain it was urged that whippings were infrequent and that they were only given when all other methods of preserving discipline had been tried, that no political prisoners had been whipped and that special orders had been issued that persons, who were clearly in that class, must not be whipped without Government's orders. The whole trouble was that certain members of that class of prisoners were doing their best to undermine jail discipline. Government declined to accept the view of the Council that whipping could be safely abolished.

293. *Superior control.*—No case of the exercise of superior control has occurred in this department.

IRRIGATION.

294. *Scope and staff of the department.*—The department deals not only with irrigation itself, but also with the kindred subjects of drainage and embankments for flood protection. It has been placed throughout the Reforms period in the portfolio of the Indian Member of the Executive Council. The head of the department is the Chief Engineer, who is also Secretary to Government, an arrangement which is not followed in respect of other technical departments in this province except in the sister department of Civil Works. In the purely irrigation sphere the principal concerns of the department are the Orissa system of canals and the Son canals which irrigate a considerable portion of the Patna Division. There are two other less important canal systems, the Tribeni and the Dhaka which irrigate a part of the Champaran district, from streams flowing into the province from Nepal. The Orissa main canals and to a less degree the Son main canals serve the purpose of communications, but the construction of railways has much reduced the traffic by water. Drainage and embankments are of great importance in the coast districts of Orissa, and of some considerable importance in most parts of North Bihar which suffers periodically from the vagaries of the rivers flowing south from the Himalayas as well as from floods in the Ganges. Floods have also from time to time affected some of the south Gangetic districts especially Shahabad.

295. *Orissa Canals.*—The department has come in for a good deal of criticism from the Legislative Council. The principal attack has centred round the activities of the department in the coastal districts of Orissa, where it has the double duty of the upkeep of canals for irrigation and navigation and of controlling embankments and drainage in the face of frequent and disastrous floods. The Orissa canal system was constructed in 1868 when irrigation experience in India was mainly confined to Madras. That experience pointed to the vast possibilities of bringing prosperity to agriculturists while increasing the revenues of the State at comparatively small cost. The fact that Orissa ordinarily enjoys a bountiful rainfall was obscured by the great calamity of a drought famine in 1866, while the expenses which the recurring floods would add to ordinary upkeep both on account of repairs to embankments and of silt clearance were greatly under-estimated. Lastly the absence of any railway and the difficulty of road

construction in a delta with a network of rivers, many of which are nearly dry for months together, led to the decision to make the irrigation canals navigable for vessels of some burthen and to add to the system a salt water canal linking up the big rivers of the northern delta and designed to connect with Calcutta itself. These factors taken together have produced a system, which in many years has failed to bring in from navigation receipts and irrigation rates sufficient to cover upkeep charges, and has seldom paid an appreciable dividend on the capital sunk. The construction of the Calcutta-Madras railway line has diminished the need for navigable canals though it has by no means abolished it.

Certain Orissa members of the Legislative Council have fastened on these aspects of the Orissa Canal system to urge the abandonment of the whole or a great part of the salt water canal and of several sections of the irrigation canals, partly as a measure of economy and partly on the ground that the canals obstruct the drainage of the country. Enquiries have been made from time to time both by the staff of the department and by the Indian Member of the Executive Council, in whose portfolio the subject is placed. The results have not been great because it is found on the spot that the measures recommended by the members of the Legislative Council appeal only to a section of the local population and are hotly opposed by other sections.

296. *Floods in Orissa.*—The attack on the department regarding its responsibility for mitigating the evil effects of floods has been somewhat more fruitful in results. In the pre-Reforms Council a debate occurred on this subject, in view of which a special level survey of the greater part of the delta was carried out. Pressure in the new Council brought about the appointment of a Flood Drainage Committee, which examined the whole problem on the spot. The value of its recommendations was lessened by the difficulty of reconciling the divergent views of the non-official members, who represented interests of different localities, arising from the obvious fact that diversion of flood water from one locality to another does little to solve the problem. A further depreciation occurred, when it became clear that engineers, who shared with the experts on the committee a considerable amount of local knowledge and experience, did not by any means participate in the conclusions those experts had reached. A certain amount of action was taken on the recommendations in the matter of lowering the sills of some of the anicuts and improving the exits of the rivers to the sea. But the main questions of

removing large private embankments and of providing escapes in the public embankments along the rivers have been left open. A fresh enquiry by distinguished engineers lent from other provinces is now in progress.

297. *Water rates.*—Though the members of the Legislative Council, who have ventilated these subjects, have not been able to present a comprehensive idea of the feelings of their constituents on them, nor have contributed much that is of value to the discussion, they have undoubtedly performed a very useful function in pressing the local Government to obtain the best possible advice on matters which are of the greatest possible concern to a large group of the population. In other matters the pressure exercised by the Council has scarcely been so well directed. In 1923 the water rates for all the irrigation canals were raised to meet the increased charges, which the general rise in prices had occasioned, and to keep pace with the increased money value of the crops, which the water supplied by the canals permits to be grown. The increase was the subject of a budget motion in that year, but the motion was withdrawn after debate. A few days afterwards a resolution urging the cancellation of the increase in regard to the Son canal system was carried by a considerable majority. The underlying reason for this decision seems to have been that the Council considered it unfair that the users of the Son canals, which are now just a paying proposition, should be required to pay a little more to meet the deficits of the other systems. None of those who voted for the resolution seem to have realized that, failing the patrons of the Son canals, some other body of the public that pays taxes or utilizes services would have to meet those deficits. The users of the Son canals even now pay only four per cent. of the value of their crop for water, though in Egypt about 12½ per cent. is paid and in America 16 per cent.

298. *Other influence of the Council.*—Other subjects that have interested the Council are the revival of a canal in Saran district, long ago abandoned as uneconomic, and the diversion of certain rivers in Bihar to rehabilitate private irrigation canals, which have for many years been out of use. Another impracticable resolution which the Council accepted was the formation of standing committees with full executive powers to devise measures and to take action for the prevention of floods in certain districts. Government have gone some way to meet this demand by appointing advisory committees, but could not agree to delegate their responsibility to bodies with a non-official majority lacking in expert knowledge. More

useful work has been done in securing by pressure in the Council economy and improvement in methods of distribution of water, of assessment and collection of water rates. Conferences were held in 1923, 1924 and 1925 to discuss these and other grievances and in 1926 an advisory committee was formed to enable the local officer responsible for the Son canals to keep in closer touch with the users of the irrigation facilities.

In the budget debate of 1928 the department again came under fire and two token cuts were voted to draw the attention of Government to the need for irrigation in the Saran district, and the advisability of reviving long-abandoned inundation canals there, to the continued complaints of the users of the Son canals regarding the corruption of the lower grades of officers in the department, and to the slow rate of progress in investigating drainage proposals and new irrigation schemes in various parts of the province.

299. *Legislation.*—The first Council passed two Acts which affect this department. The Minor Irrigation Works Act, 1922, makes provision for the control of the use of the irrigational resources of rivers, and for the construction, improvement and upkeep of irrigation works on a smaller scale than that contemplated by previous legislation. The Private Irrigation Works Act, 1922, provides for the repair and maintenance of irrigation works that have been neglected by private owners and for the regulation of the supply and distribution of water from these sources, and facilitates their construction and repair. Both Acts were designed mainly to meet the conditions of South Bihar, where there are private irrigation systems of great complexity, many of them in danger of falling into disuse owing to the subdivision of estates, and where the promotion of new irrigation schemes is hampered by vested interests. The two Bills, which were the result of many years' deliberation and enquiry, had a smooth passage through Council, except that at the eleventh hour the more important landlord interests took fright at the Private Irrigation Bill, and the motion to take the Select Committee's unanimous report into consideration was only carried by the help of the official votes. Later the maximum limit of compulsory expenditure on repairs was reduced in view of the opposition of the landlord interests, and this reduction has considerably impaired the utility of the measure. Neither Act has yet borne much fruit, though one minor irrigation scheme has made some progress towards adoption, and the possibility of intervention by Government has perhaps stimulated better maintenance of some private irrigation systems.

II.—THE TRANSFERRED DEPARTMENTS.

EDUCATION.

300. *The importance of the department.*—The department of Education deserves special prominence among the transferred subjects for several reasons. In the first place " the growth of education " is one of the tests specifically applied by the Government of India Act to the consideration of further constitutional advance. This aspect has already been examined in the separate memorandum on that subject. Secondly it was a matter of some controversy when the Reforms were under discussion, whether the subject as a whole could safely be transferred. Thirdly it is the department which has always made a considerable call on public funds and in recent years has taken the first place among the spending departments. It is proposed to describe briefly the progress which was made between the creation of the province in 1912 and the inception of the Reforms at the end of 1920, then to state the problems with which the Ministry was faced and finally to examine at length the degree of success attained by the Ministry in their solution.

301. *Development under pre-Reforms Government.*—The inception of the Reforms at the end of 1920 found the province, after nearly eight years of separate existence, with a literacy standard of 95 per mille among males of 5 years or more, 6 among females, and 51 for the population as a whole. The corresponding figures for 1911 were 88, 5 and 45. In point of literacy Bihar and Orissa stood fifth among the eight major provinces, well behind Burma, Bengal, Madras and Bombay, but a little in front of the Punjab, Central Provinces and United Provinces. Whereas in 1911 from every thousand of the population aged 5 years or more nineteen were receiving instruction, twenty-two were under instruction in 1920. The Patna University had been created. The colleges had increased from eleven to fourteen and their pupils nearly doubled; high schools and middle schools had increased by 13 per cent. and their pupils by the same proportion; primary schools and their pupils by 11 per cent. Total expenditure on education had risen from 54 lakhs to 114 lakhs. The advance had been made for the most part under the shadow of the Great War, while in the last three years of the decade the non-cooperation movement, the influenza epidemic and the failure of the 1918 monsoon had seriously affected the progress. In spite of these drawbacks education had developed markedly under the

pre-Reforms Government, but its development had to some extent accentuated certain tendencies already apparent in the educational system, while other defects had not been remedied.

302. *Defects of educational system.*—In the first place the attention paid to college and secondary education at the expense of primary education has long been a subject for criticism. In 1920 out of every 100,000 of the male population 18 boys were at college, 236 obtaining secondary, and 3,816 primary education. In 1912 the figures had been 10 at college, 142 at secondary schools, and 3,313 at primary schools. Thus the number of boys at the college stage had risen by 80 per cent., the number at the secondary stage by 66 per cent. and the number at the primary stage by merely 15 per cent.

The progress between 1912 and 1920 was thus most marked in the college stage and least in the primary stage, accentuating the top-heaviness of the educational machine. Next, there was a great disparity in the educational standard between different parts of the province. The pre-Reforms Government had failed to reduce this disparity.

Thirdly the education of the lower Hindu castes and of the aborigines was markedly behind that of the higher Hindu castes, while it was currently believed that Muhammadan education was also behind. The latter belief was apparently ill-founded, and at any rate under the pre-Reforms Government Muhammadan education more than held its own, until the Khilafat movement induced a neglect of opportunities. There was a marked advance in aboriginal education but very little was effected in educating a larger number of the lower Hindu castes, or in depriving the five highest castes of the lion's share of education.

Fourthly, female education had scarcely made a beginning when the province was created. Only 33 girls out of 1,000 of school-going age were attending school. During the pre-Reform period by more than doubling the expenditure on this branch of education the proportion was raised to 43 out of 1,000.

Fifthly, there has always been a very pronounced waste of educational effort in the primary schools. It was reported by an Inspector in 1911 that at one school children had been there for three, four or even six and a half years and had just learned the alphabet and were fairly capable of reading the first three lines of words of two letters in their first reading

book. How much had been done under the pre-Reform Government may be judged from the fact that there were in 1922 still rather less than 12 children in the highest lower primary class to 100 in the lowest class, while in 1912 there had been rather less than 11.

Sixthly, it has been urged as a defect of Indian education that it is of too literary a character and little effort is made to train the young for practical work.

Lastly, there remained the vital problem of securing for the great mass of the population such a degree of sound education, as will fit them to exercise the functions of citizenship.

303. *Problems at the inception of the Reforms.*—Thus the Ministry of Education, at the inception of the Reforms, was faced with the following problems of first class importance :—

(1) To restore a proper equilibrium between primary and higher education.

(2) To secure greater equality between the different parts of the province in educational standards.

(3) To secure for all classes a fair share of educational opportunities.

(4) To develop female education.

(5) To check the wastage of educational effort in the primary schools.

(6) To make education less purely literary.

(7) To expand the educational sphere so as to give opportunities of reaching an adequate standard of citizenship to the whole population.

(8) To improve the teaching staff.

(9) To secure an efficient controlling agency.

(10) To furnish the schools with adequate buildings and equipment.

Other problems of considerable importance were :—

(11) The development of the University and the colleges.

(12) The choice between the vernaculars and English as a medium of higher education.

(13) Association of non-officials with education in all its branches.

(14) The encouragement of character building activities in schools and colleges.

(15) The encouragement of the study of the classical languages of India.

Finally, the satisfactory solution of these problems depended ultimately on the adequacy of the financial resources of the province, supplemented by fee income and private benefactions.

304. *Restoration of a balance between primary and higher education.*—The following figures supply the three principal methods of testing the inequalities of educational advance :—

	Pupils.		Institutions.		Direct expenditure in thousands of rupees.	
	1922.	1927.	1922.	1927.	1922.	1927.
Colleges ...	2,479 **100**	4,495 **182**	14 **100**	16 **114**	8,64 **100**	15,13 **175**
High and middle schools.	59,003 **100**	101,799 **173**	567 **100**	730 **129**	23,40 **100**	32,29 **138**
Primary schools	688,188 **100**	941,675 **137**	24,956 **100**	30,247 **121**	36,15 **100**	55,86 **155**

(The lower figures in heavy type are percentages taking 1922 as 100.)

Since it is admitted that the advance had been uneven in the pre-Reform period, an unduly large share of attention being paid to higher education, it is proper to scrutinize the figures to see whether that unevenness is disappearing. The result of such a scrutiny is somewhat disappointing. In the number of institutions primary education shows a somewhat greater proportionate advance than college education, though secondary education here leads the field. It is evident that to recognize a private venture school for thirty or forty little boys, is a simple matter compared with establishing a middle or high school or founding a new college. In expansion of finance, primary education comes midway and shows almost precisely the same advance as collegiate and secondary education

taken together. In proportionate increase of pupils it falls markedly below the other two fields of education.

305. *Equalization of development in the different territorial divisions.*—The success obtained by the Ministry in removing inequalities between different parts of the province is shown by the following table :—

Number of boys at school from each 1,000 *boys of school-going age.*

Division.	1911-12.	1921-22.	1926-27.
1	2	3	4
Patna	312	321	426
Tirhut	218	195	355
Bhagalpur	193	263	375
Orissa	436	455	484
Chota Nagpur	233	252	366

These figures are much more gratifying to the supporters of the Reforms, than those quoted in the previous paragraph. A defect in the educational organization, on which the pre-Reforms Government had been able to make but little impression, has been to a great extent remedied. There is no doubt that the prejudice among the rural population against education, which is a feature of most agricultural countries, has materially lessened, and that, given adequate funds and well planned organization, there is no serious obstacle to a vast advance spreading to every corner of the province.

306. *Equal opportunities for all classes.*—The problem of securing for all classes of the population a fair share in the educational opportunities has two aspects. In the first place the population is divided into a number of homogenous sections, each of them spreading over a considerable part of, if not, over the whole of the province, and in the second place, these sections differ materially among themselves in their present capacity to benefit by education. That capacity, as modern sociological research has gone far to establish, is mainly a hereditary function, and where religious inhibitions against mixture of blood are well nigh omnipotent, there is little hope of

levelling up intellectual ability. All that can, perhaps, be done is to see that economic or social obstacles are not added to the natural handicap that heredity imposes on certain classes.

The classes, whose position in the race for education has long exercised the educational authorities, are (1) Muhammadans (2) aborigines (3) Hindus of the middle castes (4) untouchables. It was, for many years after the first attempts at a general spread of education were made, a fact that the Muhammadans failed to seize their opportunities in the same degree as the Hindus. By the date of the constitution of the province of Bihar and Orissa, however, this statement had ceased to be true in the area so constituted. The problem of Muhammadan education has been to maintain rather than create a balance. It is different with the other three classes of whom the "untouchables" were well nigh hopelessly and the others markedly behind the general educational level of the population. The table below, which is unfortunately incomplete, gives some indication of what has been done to remedy matters. In the main body of the statement the figures indicate the number of scholars of a particular class in every thousand scholars at that stage of education. Thus the figures total across to 1,000, where they are complete. In the last line is indicated the relative importance of the different classes in the population as a whole.

——	Muhammadans.	Aborigines.	Untouchables.	High caste Hindus, viz., Bhumihar Brahmans, Paidyas, Rajputs, and Kayasthas.	Other Hindu castes.
1	2	3	4	5	6
College.					
1912	157	Not known	...	...	...
1917	183	6	...	700	111
1922	188	15	...	702	95
1927	148	14	...	Not known	...
High.					
1912	166	Not known	...	...	...
1917	170	21	...	625	184
1922	126	37	...	682	155
1927	119	29	·3	Not known	...

—	Muhammadans.	Aborigines.	Untouchables	High caste Hindus, viz., Bhumihar Brahmans, Baidyas, Rajputs and Kayasthas.	Other Hindu castes.
1	2	3	4	5	6
Middle.					
1912 ...	124	Not known	...	...	...
1917 ..	107	53	...	587	253
1922 ...	80	82	1	592	245
1927 ...	73	59	2	Not known	...
Primary.					
1912 ...	..	Not known		...	...
1917 ...	118	73	28	330	451
1922 ...	116	76	21	332	455
1927 ...	228	76	25	Not known	...
Distribution of 1,000 of total population among the classes.	108	111	30	123	628

The figures are incomplete for 1912, when the classification by caste, race and creed was made for the different schools and not for the different stages. Before 1917 figures were collected for aboriginal and indigent scholars but no clear instructions defining these classes had been issued. The tribes and castes to be included among (1) aborigines and (2) untouchables have now been defined. Between 1922 and 1927 the classification of high caste Hindus was widened to take in all the " clean " castes and consequently the figures for the five highest castes are no longer available. The Muhammadans more than hold their own in college and high school and primary education. In middle school education they are somewhat behind apparently, but actually many Muhammadan boys are educated at home at this stage, when instruction in public schools is given in Sanscritized Hindi and not in the Urdu which the Muhammadans use in their families. The sharp rise in 1922 of the proportion of the aboriginal scholars at the high and middle stages, followed by a considerable drop in 1927 was due to the decrease in pupils of other classes, which the non-cooperation movement occasioned. The figures bring out the extent to which the five highest castes of Hindus, who have the

longest tradition of learning, hold the educational field, particularly in higher education. The aborigines are now not far behind the bulk of the population in primary and middle education, though still decidedly behind in high and college education. The figures indicate that the untouchables have scarcely made a beginning except in primary education, but in actual fact one or two of them have now obtained a college degree and others are likely to do so before long. It may be noted that, while the non-Christian aborigines are sixteen times as numerous as the aboriginal Christians, the latter supply more than half the aboriginal scholars and 87 boys and 39 girls out of every 100 of school-going age are attending school, against 39 boys and 5 girls for the general population of the province.

307. *Sectarian education.*—Special schools for Muhammadans are of two kinds, primary schools (*maktabs*) and secondary schools (*madrassas*). The former teach the three R's as well as give religious instruction, and are thus comparable with the pathshalas, which were started in 1915 mainly to meet the demand of the orthodox Hindus, though now all classes of Hindus are admitted. These pathshalas give instruction in the Hindu religion, including an elementary knowledge of Sanskrit, besides teaching Hindi and the three R's. The madrassas are special secondary schools, where Arabic and some Persian are taught, and are designed to supply the demand both for religious instructors and scholars in those classical languages. They will be dealt with subsequently when the encouragement given to classical languages is described, in which place the parallel institution of Sanskrit *tols* which teach a higher standard of that language and give instruction in the Hindu religion will also be considered. The following table shows to what extent the demand for sectarian primary education has been met :

—	Year.	Number of institutions.	Number of pupils.	Direct expenditure from public funds in thousands of rupees.
				Trs.
Recognized *maktabs* ...	1922	2,251	54,743	1,72
	1927	3,477	86,384	3,20
Percentage of increase ...	...	**54**	**58**	**86**
Recognized *pathshalas* ...	1922	319	7,265	19
	1927	762	19,000	73
Percentage of increase ...	...	**139**	**161**	**338**
All recognized primary schools	1922	24,596	688,188	96,15
	1927	30,247	941,675	55,86
Percentage of increase ...	...	**23**	**37**	**55**

It will be seen that while maktabs have increased in proportion somewhat more rapidly than primary schools as a whole, pathshalas have increased still more rapidly. The Director of Public Instruction has recently invited attention to this multiplication of primary schools on a communal basis, and Government have endorsed his view that it is a disquieting feature, though it is difficult to see any immediate remedy for it.

308. *Aborigines.*—Among the aborigines education has made steady progress under the Ministry. It has been stimulated especially by increasing the Government grants to institutions managed by the Missions by 87 per cent. on the 1922 figure, and by increasing the expenditure for special training and other schools definitely reserved for aborigines by 44 per cent. Further the expenditure on all schools in the Chota Nagpur Division and the Santal Parganas is largely incurred for the benefit of the aborigines and the effect of the increase of that expenditure may be judged from the fact that from every 1,000 aboriginal children of school-going age 141 are now at school against 85 in 1922, an increase of 66 per cent., while in the population as a whole the figure has risen from 153 to 220, an increase of 44 per cent. Higher education among the aborigines, who are showing increasing signs of being able to profit by it, has been encouraged by raising the number of scholarships reserved for them in the colleges from four to seventeen at the instance of the Legislative Council.

309. *Untouchables.*—The problem of the untouchables is somewhat different as hitherto few of them have been able to profit by anything but primary education. Still from every 1,000 children of this class of school-going age 167 are now attending school against 94 in 1922, an even more notable advance than has been made by the aborigines. Under the Ministry the expenditure specially incurred for the benefit of the class from provincial reserves has been raised from Rs. 16,000 to Rs. 35,000 while the middle and high school education for untouchables has been facilitated by the remission of fees, the award of scholarships and provision of a hostel especially for this class in one school.

310. *Middle caste Hindus.*—In the absence of statistics later than 1922 it is impossible to say definitely whether the large share which the five premier castes previously had of the facilities for education has shown any diminution. The impression is that the other castes are taking advantage of

such facilities to a rapidly increasing extent, and the fact that members of those castes are coming forward in larger numbers for Government service, for which somewhat high educational qualifications are required, is evidence in support of that impression. It is probable, then, that while the five premier castes still retain their pre-eminence, it is not as great as it was, a development which the steady increase of educational facilities open to all has brought about.

311. *Success in solving the problem.*—It may be said then, that the importance of the problem of securing a nearer approach to equal opportunity for all classes, has been fully realized by the Ministry and some progress made towards solving it, though there is plenty more to be done when funds permit before the more backward sections of the population are brought up to the level of the more advanced.

312. *Female education.*—The advance in female education is illustrated by the following table:—

—	1911-12.	1921-22.	1926-27.
1	2	3	4
Percentage of girls at school to girls of school-going age.	3.3	4.1	4.6
Direct expenditure on public instruction for females (Rs. 1,000).	2,75	6,36	8,33
Number of institutions for Indian girls ...	1,480	2,570	2,971

Some progress has been made, though female education in the province is still in its infancy, and the Reformed Government has made some advance on the position left by its predecessor. The Reforms have made little impression on the social customs of the country such as the purdah, that hamper female education; nor have they begun to bring about a widespread realization of its advantages, which is a necessary preliminary to substantial progress. Trained women teachers are still scarce, and though co-education under male teachers is advocated in some quarters, the objections to such an arrangement are strongly felt by large classes of the community.

313. *Wastage of effort.*—The grave wastage in educational effort is mainly to be judged by the proportion of the total

school population to be found in (1) Class I, the infant class, (2) Class III, the highest of the lower primary classes and (3) Class IV, the lowest of the upper primary classes. The first gives an idea of the number of children, who have barely begun their education. These are mainly confined to children of less than eleven, but actually include some young men of over twenty. The second class covers the children who are nearing the stage of literacy, and the third those who have definitely become literate. The percentages of the children in these three classes on the total of the children at primary or secondary schools were as follows :—

—	1922.	1927.
1	2	3
Infant class	71.0	58.0
Highest lower primary class	8.3	12.0
Lowest upper primary class	2.1	3.1

It will be seen that the Reformed Government has made a very distinct impression on this defect, though the situation is still far from satisfactory. The first wastage, *i.e.* the failure of the child to reach the top class of the lower primary school, is mainly due to withdrawals for work in the fields, to an inadequate supply of competent teachers, and to the prevalence of one-teacher schools, where only the clever children learn anything. The failure of the child to attain complete literacy by proceeding to the upper primary school may be partly ascribed to the insufficient number of such schools. Neither form of wastage can be adequately checked unless further funds are forthcoming and compulsion is applied after an adequate education has been guaranteed.

314. *Vocational education in schools.*—To meet the criticism that education in Bihar and Orissa is too literary, action was taken in several directions by the Ministry. The whole question was thoroughly considered by a Committee on vocational education in 1925. For primary schools it was considered that nothing is required beyond making the teaching of school-gardening, nature-study, clay modelling and paper

work as efficient as possible. In middle schools their recommendation to introduce vocational subjects with a definite economic object was accepted and arrangements have been made to start as an experiment, five classes in agriculture, five in carpentry, two in weaving and seven in tailoring. Success is still uncertain. For high schools the Committee emphasized the importance of manual training and science. Manual training is now taught in eleven schools, elementary physics and chemistry in fourteen schools and botany in one, while commerce is a subject for three schools, and office work for six. Drawing, which is compulsory in high schools except in the two highest classes, is now taught in fourteen schools in those classes, and in Government high schools there are now seventeen well qualified drawing masters against eleven in 1922. It is not found, however, that the managing Committees of aided schools are prepared as yet to follow the lead given even though subsidies for encouraging vocational education have been offered. The Committee did not deal with the question of spinning but under pressure from the Legislative Council and the local bodies the Ministry agreed to make spinning, which some people believe to have an educational and even an economic value, a compulsory subject for girls over ten and an optional subject for boys over ten in the primary schools.

315. *Special institutions for vocational education.*—Much more important developments have occurred, as a result of the labours of the Committee, in the special institutions for vocational training. On the engineering side the most notable advance has been made by converting the Bihar School of Engineering into a college. An engineering school has been started at Cuttack in Orissa, and a technical institute at Muzaffarpur. The Ranchi Industrial School has been enlarged by the addition of mechanical apprentice classes. Similar classes have been started at the Canal Engineering Works at Dehri, while an extension of the Jamalpur Technical School attached to the East Indian Railway Workshops has been largely subsidized by the Bihar and Orissa Government in return for securing two-fifths of the vacancies for students of this province. There are thus now facilities for engineering training in all five divisions. Further the technical institute at Jamshedpur, the principal industrial centre in the province, was developed, while the new school of Mines and Geology established by the central Government at Dhanbad affords an opportunity for some young men of the province to qualify for the higher posts in the mining industry. Similar opportunities have been created at the Calcutta Research Tannery, the Bengal

Engineering College and the Victoria Jubilee Technical Institute at Bombay. In addition there are now nine evening mining classes in the coal fields against five in 1922. Lastly eight technical scholars of the province are receiving training abroad in electrical engineering, mining, mechanical engineering, oil and sugar technology and the ceramic industry. In the more humble spheres of training for artizans and the like, a cottage industrial institute has been opened, as well as three weaving schools, and a school for compositors, while the existing industrial schools for teaching youths carpentry, machine tool work, fitting, motor-repairs, blacksmithy, boot-making, etc., were developed. All these activities were carried on under the Industries Department in close touch with the Education Department, the same Minister being in control of both. The direct expenditure from public funds rose from Rs. 2,46,000 to Rs. 4,92,000.

316. *Medical education.*—Mention may here be made of the progress in medical education, although that subject is in the portfolio of the Minister for Local Self-Government. A long-felt want was satisfied at last by the foundation of the Prince of Wales' Medical College, providing for higher medical education within the province. The college admits forty students each year to a five-year course. The degrees for which it teaches have not yet been recognized by the British General Medical Council, but it is hoped that they will be, by the time the graduates are persons who have undergone their whole training at the college. The Temple Medical School which it replaced was transferred to Darbhanga while the existing Cuttack Medical School was developed. For the two schools the direct expenditure from public funds was Rs. 1,01,000 in 1922; for the College and the two schools it was in 1927 Rs. 2,07,000.

A new departure was made in 1926, when two schools were opened at Patna, one to give instruction in medicine on traditional Hindu lines, known as *ayurvedic*, and the other to give similar instructions in the *tibbi* or traditional Muhammadan system. One hundred and seventy-five students attend these schools and the cost met by provincial funds is Rs. 27,000. This move was in direct response to a strong expression of feeling in the Legislative Council that the merits of these two systems of medicine were being ignored in favour of modern medical science.

317. *The general problem of universal elementary education.*—The pre-Reform Government had already taken the first

step towards facing the problem of universal primary education by calling in 1916 on the local bodies for programmes for its expansion. These programmes were approved in 1920. It was not, however, till 1923 that the financial position of the province had sufficiently improved to enable the distribution of Government grants to be placed for the first time on a systematic basis. The district boards were then divided into classes according to their local cess income per thousand of population and the grants were allotted on a consideration of density of population, and to enforce an adequate expenditure by the boards from their own resources. In the two following years the grants were substantially raised so as to enable the approved programmes to be put into effect more rapidly, and in 1924 fresh programmes were called for. The most important questions arising out of these programmes were discussed by a representative conference in August 1926. The programmes are designed to furnish estimates of the cost of providing elementary education for 80 per cent. of the boys of such ages, as would normally attend the infant and lower primary classes, as well as providing facilities for a certain proportion of them to proceed to the upper primary and middle vernacular stages. They are meant to secure that the schools shall be evenly sited, that there shall be one teacher for every twenty boys in sparsely populated areas and one for every twenty-five in the most densely populated, that the boys will not have to walk more than a mile to lower primary schools. It has been accepted as a cardinal feature of policy, that every lower primary school should have two teachers. Special instructions were issued regulating the conditions under which *maktabs* and *pathshalas* may be opened and aided, and for promoting the education of the depressed classes; the supersession of the system of stipendiary schools, where the master draws a salary without any control except occasional inspection, by schools controlled either by local committees or by the local body directly, was strongly advocated; rates of pay for teachers, favouring trained men, were prescribed, and the principle that one trained teacher should be employed in each lower primary and two in each upper primary school was definitely laid down. Finally the Ministry stated that at present no further extension of free education could be accepted, except where the local body is prepared to finance it out of its own resources, since the provision of new schools, the increase of teachers and improvement of their pay are more pressing needs, and that the time was not yet ripe for any comprehensive scheme of compulsion in rural areas, though proposals for the extension of the Primary Education Act to limited areas would be sympathetically considered.

The programmes, which aim at carrying into effect the policy of the Ministry, are estimated to involve a further direct expenditure of 74 lakhs a year on middle and primary schools, while if education is made free in the primary classes another 19 lakhs a year would be required.

318. *Compulsory education.*—The Primary Education Act, to which reference has just been made, was passed in 1919, and enables compulsory education to be introduced under the orders of Government. It is in force, together with free education, in one municipality, Ranchi, and four rural areas, while schemes for introducing it into three other municipalities are under consideration. In Ranchi, the experiment has been tried since 1921, long enough to gain useful experience and the judgment is favourable. Compulsion is effective; 97 per cent. of the boys between six and ten are at school and the percentage of attendance is 78. In no other place has the Act been put into force for more than three years, except Banki rural area in Cuttack district. There the experiment has also been successful. Before its inception only 35 per cent. of the boys of school-going age were attending school. By 1927 the proportion had risen to 72, and the percentage of attendance in the same year was 80. A further satisfactory point is that the proportion of boys in the lowest class is very much less than the provincial average.

319. *Free education.*—Free education without compulsion has been introduced into one entire district, Saran, and in the smaller rural areas scattered over three other districts, as well as in two municipalities. In Saran the introduction has led to serious financial difficulties, partly because the compensation due to masters for loss of fees was underestimated, and partly because every village now asks for a school and complains that it is being unfairly treated if it does not get one. In one municipality free education has been followed by a fall in the number of pupils.

320. *Degree of success attained.*—It may be said then, that under the Ministry a great step forward has been taken in reckoning the cost of universal elementary education for males, and laying down a policy for development up to that goal, while something has been done to experiment with compulsory education in preparation for the time when its introduction becomes practical politics. The prospects of further development are briefly surveyed at the conclusion of this section.

321. *Improvement of pay of the teaching staff.*—The following table shows the improvement in the average monthly pay of teachers.

——	Colleges.	Secondary schools.	Primary schools.
1	2	3	4
	Rs.	Rs.	Rs.
1917	147.6	29.2	7.2
1922	181.6	37.0	8.8
1927	224.7	35.0	10.5

The figures for 1912 are not fully available, but it appears that the average monthly pay in primary schools was then about Rs. 6. In primary schools the increase in pay has thus more than covered the extra cost of living, assuming that the rural figure has, like the urban figure, risen by 60 per cent. over the standard prevailing just before the War. Even so, the average is barely a living wage. But little can be deduced from the figures of the secondary schools since separate figures are not available for high school, middle English and middle vernacular teachers and the rates of pay vary greatly between these classes. The increase of institutions of all three kinds was much the same between 1917 and 1922, but from 1922 to 1927 middle vernacular schools, where the pay is lowest, went ahead much more rapidly than the other two kinds. It may, however, be remarked that there is very little difference between the minimum rates of pay in high schools fixed by rule in 1913 and those now current. The college teachers have certainly secured terms which more than compensate them for the rise in the cost of living, and it may be presumed that as a result a better class of man is attracted to and retained in the higher ranks of the teaching profession.

322. *Training of teachers.*—At the inception of the Reforms there was only one training college in the province, intended to train teachers in secondary schools as well as the lower branches of the inspectorate. It admitted 40 students for a one-year course. This provision was supplemented in

1923 by a second college at Cuttack capable of training 20 more students. In 1926 a second year's course was added to enable prospective teachers to secure an educational degree. Next come the five institutions for training vernacular teachers in the secondary schools. No alteration in the number has been made by the Ministry, but the rules for admission have been changed to secure men of higher qualifications, capable of being trained in a shorter time, the annual output being retained as before. The number of trained teachers of this class were 1,639 out of 2,328 in 1922. In all in that year there were 1,785 secondary school teachers, vernacular and English knowing, out of 4,102 trained for their profession, or 44 per cent. In 1927, for which year separate figures for vernacular trained teachers are not available, 2,533 teachers out of 5,078 or 50 per cent. were so trained. A substantial advance has been made here, and it must be mainly among the higher grade of teachers. Among the vernacular teachers the principal advance has been in securing a higher standard of general education among the pupils of the training schools.

Lastly there are the institutions for training vernacular teachers for the primary schools. Here there has been a small reduction from 119 in 1922 to 116 in 1927. The output of trained teachers has somewhat increased from a yearly average of 1,288 in the five years ending 1922 to one of 1,434 in the five years ending 1927. It is held, however, that many of these schools are unsuitably placed, the staff insufficiently qualified and the course too short, and a scheme is waiting for financial provision to remedy these defects. All the same these schools have done good steady work both before and after the Reforms in increasing the number of trained elementary teachers from 3,070 in 1912 to 14,928 in 1927. The annual increase averaged 540, 789 and 1,043 in the three quinquennial periods. In 1912 less than 13 per cent. of the elementary teachers were trained while now 37 per cent. are trained, although the number of teachers has increased by 52 per cent. in the interval. The improvement effected under the Ministry is from 32 to 37 per cent. the number of teachers rising by 30 per cent. When it is remembered that the rate of expansion in primary education has depended mainly on the conditions of provincial finance, which cannot be foreseen far ahead, that primary education is for the most part organized through the agency of local bodies, and that an increase of trained teachers means a substantial addition to recurring charges, it will be admitted the improvement is gratifying.

323. *Controlling agencies.*—The agencies through which the Ministry's policy is or should be carried out fall under three heads :—

(1) Officers of Government.

(2) Local bodies.

(3) Private organization.

324. *Directorate and inspecting staff.*—Under (1) fall the directorate and the inspecting staff. The cost of these two services at several periods is shown in the following table, the lower figures being the percentages on the total expenditure on education for the year :—

——	1912-13.	1916-17.	1921-22.	1926-27.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Directorate	75,254	77,837	1,06,215	1,24,347
	1.19	.95	.92	.70
Inspection	4,39,649	5,30,688	7,62,515	8,17,164
	7.10	6.51	6.62	4.61

The Ministry has effected a substantial decrease in the proportion of these overhead charges to the total expenditure. On the total expenditure from public funds only the proportion has dropped from 11.8 per cent. in 1922 to 7.7 per cent. Though the inspecting staff has not been reduced there are complaints that there should have been a proportionate increase in respect of the lower grades and these cannot be dismissed as groundless.

The official inspecting staff comprises officers of (1) the Indian Education Service, (2) the Bihar and Orissa Educational Service, (3) the Subordinate Educational Service. The first class will rapidly disappear as a result of the orders passed on the recommendations of the Lee Commission.

The second class has not been so greatly affected by the Reforms. This part of the inspectorate comes in close contact with the local bodies, and where there has been a strong Swarajist majority there has been some friction at times.

The third class have been placed in a more difficult position *vis-a-vis* the local bodies. It was indeed resolved by the Legislative Council that their control should be completely transferred to the local bodies and though the Ministry has decided to retain them as Government servants, the local bodies have been given large powers in the matters of their appointment and control.

325. *Other official agency.*—Apart from the whole-time educational officers the local civil officers responsible for the general administration have always been required to devote considerable attention to education within their charges. This they did up to the end of 1923, mainly by reason of their direct or indirect control of the local bodies. The cessation of this control has made their connection with education less close but their assistance is still given and welcomed. The districts are as yet staffed for the most part with officers who worked under the old regime. It is possible that their successors will not be in so good a position to give valuable assistance.

326. *The local bodies.*—The second class of controlling agency comprises the local bodies, rural and urban. The importance of this agency may be judged from the following figures showing the grants given by Government to the local bodies and the expenditure of the local bodies from their own resources. (Sums in thousands of rupees.)

Year.	Total expenditure by local bodies.	Amount of Government grant.	Net expenditure from local funds.
1	2	3	4
DISTRICT BOARDS.			
1922-23	23,11	12,72	10,39
1923-24	25,68	18,06	7,62
1924-25	32,53	22,21	10,32
1925-26	40,86	30,40	10,46
1926-27	46,26	41,53	4,73
MUNICIPALITIES.			
1922-23	1,85	97	88
1923-24	2,24	1,22	1,02
1924-25	2,35	1,07	1,28
1925-26	2,98	1,20	1,78
1926-27	3,17	2,37	80

The increase in the amount of Government grants is noticeable. The figures for 1926-27 for net expenditure are somewhat unfair to the local bodies, since large parts of the Government grants for buildings, etc., were paid to them too late in that year. It was too late to undertake fresh building, and the building already carried out was charged against the Government grants, allowing their own funds that were thus set free to accumulate in the closing balance. Up to 1918 the local bodies were the agency not only for primary schools but also for middle schools, both English and vernacular. In that year the control of the middle English schools was transferred to Government in order that the local bodies might be free to devote their whole attention to vernacular education.

This decision was, however, reversed in 1925 when Government permitted local bodies to resume control over all the middle English schools within their jurisdiction, subject to conditions intended to ensure that the vernacular schools were not starved to develop English education and that the choice once made would be irrevocable. Thirteen of the twenty district boards and three of the 58 municipalities have accepted the conditions. Another change which occurred about 1918 was the abolition of the inspecting pandits, who as servants of the local bodies did much of the work of inspecting primary schools. Thus at the creation of the Ministry this agency had been relieved of the function of inspection and concentrated on the development of vernacular education, a position which has continued save for the modification made in 1925.

327. *Release of the local bodies from official control.*— A much more important change occurred in 1923, when the elected element in the local bodies was greatly increased and most of them set free from the direct control, which the official chairman used to exercise, and from the indirect control of the District Officers and Divisional Commissioners over their finance.

These changes were effected by the two Acts, the Bihar and Orissa Municipal Act, 1922 (VII of 1922), and the Bihar and Orissa Local Self-Government Act, 1923 (Bengal Act III of 1885, as amended by the Bihar and Orissa Act I of 1923). These were passed under the guidance of the Ministry of Local Self-Government but they have had profoundly important results in the Ministry of Education. In pre-Reforms days Government had in the local bodies an agency for controlling vernacular education which was in practice their own executive instrument, viewing, with hardly any exception, as commands

the wishes of Government. As a result of these two Acts the agency was given a large measure of independence in interpreting or even evading those wishes. And it was not long before some local bodies began to show that they realized this changed position.

328. *Conduct of local bodies.*—It is fortunately true that in many districts wise use has been made of the much more liberal grants which Government has been able to make, and the non-official chairmen appear to be more interested in education than some of the old official chairmen used to be. In such cases the only difficulties that have arisen are due to the fact that the chairman cannot disregard demands made by the party on the Board which happens to be in a majority, *e.g.*, it is difficult for him to resist pressure for the opening of new middle schools even if he feels that primary schools are more urgently needed.

The defects that accompanied the complete removal of official control over local bodies before an effective public opinion had developed to render control unnecessary naturally showed themselves also in the educational work of these bodies though possibly there has been more public interest in this work than in the administrative work of the bodies. These defects have taken mainly two lines. Where the local body has been the arena of political strife it has endeavoured to use its position as an educational agency to further its peculiar political purposes. This endeavour has taken many forms; *e.g.*, the demand for the use of khaddar, the insistence on expert knowledge of the *charka*, the inculcation of extreme political doctrines among the teachers and the persecution of those who do not conform to them or assist the political party at elections or in other ways; while more attention has been given to the political than the general education of the children; holidays have been given in honour of politicians of a particular class, unsuitable books have been prescribed and in some cases even seditious songs. The other line has been to allow private interests to prevail over public interests, *e.g.*, in the site of new schools, in the appointment of teachers and in the scrupulous administration of public funds. The interests of teachers have not always been duly considered nor have they been given the support and protection to which they are entitled. There are indications from the last elections that politics will not in future be allowed to play so large a part in local administration and it may be hoped that the growth of public opinion will also prevent party feuds and

individual quarrels and remedy the other defects. The fact, however, remains, that Government were at the time unable to prevent the evils enumerated above. Should such circumstances again arise and persist in the future, the absence of any really effective control by Government over the local bodies that administer primary education might prove to be a real danger.

329. *Position of the Minister.*—The Minister's position has been one of great delicacy. On the one hand he was responsible that the increased resources available for vernacular and especially primary education were used to the best advantage and the only agency through which they could be so used was the local bodies. On the other hand detailed control of the local bodies was alien to the whole spirit of the Reforms, in fact a direct negation of the first formula, on which the authors of the Joint Report based their proposals for the new constitution. " There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control."

Further, members of the Legislative Council have somewhat inconsistently combined an eagerness to require the Ministry to *direct* local bodies to take certain action and generally to interfere with their discretion in matters of purely local interest, with hostile criticism of any attempt to assert the final authority of Government, when grave abuses are brought to light.

330. *Private organizations.—Missions.*—It is time to turn from the second class of agency to the third, consisting of private organizations. This class mainly consists of the Missions. Twenty-two Christian missionary societies were working in the province in 1927, an addition of one since 1922, while four non-Christian Missions entered the field in the period. The number of institutions has remained constant at 950 but pupils have increased from 32,000 to 36,000.

The total expenditure has risen from Rs. 5,46,000 to Rs. 9,13,000 while the contributions from Mission funds has risen from Rs. 2,48,000 to Rs. 3,28,000. The admirable work done by the Missions especially among the aborigines and the depressed classes has been fully appreciated by the Ministry, an appreciation which has taken the practical form of increasing the Government grants from Rs. 1,34,000 to Rs. 2,51,000. The local bodies have also shown their appreciation by increasing their contributions from Rs. 53,000 to Rs. 73,000.

331. *Managing committees.*—A less satisfactory record of private enterprise is to be found in the failure of the long-sustained attempt to secure efficient managing committees for primary schools aided by the local bodies. There has been a large increase in the proportion of schools directly managed by local bodies, and it seems to be generally agreed that this is the best system and that managing committees for primary schools seldom do any useful work. The main success in this sphere has been gained in handing over the management of primary schools to the co-operative societies, whose members may be expected to show sufficient public spirit to devote some time and trouble to looking after the school. Although this expectation has not always been realized, the co-operative societies have done creditable work here, and deserve to be more fully employed in the management of primary schools than some local bodies are ready to permit.

332. *Equipment of schools and colleges.*—The following statement shows the annual expenditure incurred on buildings, furniture and apparatus (1) average of the four years 1917—1921 and (2) average of the six years 1921—1927. The figures are in thousands of rupees:—

——	Colleges.	High Schools.	M. E. Schools.	M. V. Schools.	Primary Schools.
1	2	3	4	5	6
Pre-Reform period ...	5,07	3,13	1,77	87	1,80
Post-Reform period ...	6,31	4,27	1,34	1,43	3,35

——	Special Schools.	Inspection.	Patna University.	Total.
1	2	3	4	5
Pre-Reform period ...	1,15	18	44	14,41
Post-Reform period ...	1,51	39	33	18,97

The most noteworthy point about these figures is the substantial increase of attention paid to equipment of the vernacular schools, primary and middle, controlled by the local bodies. This has been rendered possible by large assignments

from the provincial revenues to the local bodies for the purpose. There is unfortunately little present prospect of continuing these assignments, although large expenditure on existing schools is still required, and it is calculated that three crores of rupees are needed to equip the schools wanted for a really satisfactory system of vernacular education.

333. *The University and its colleges.*—The Patna University came into existence on the passing of the Patna University Act of 1917. It was originally intended, on the recommendation of the committee that examined the question in 1913-14, to establish the University within the New Capital site, and to make it at once a teaching institution containing in its own area six colleges of a purely residential character, and a federal body supervising and testing the activities of affiliated colleges in distant parts of the province. A severe blow to this ideal was struck by the decision of the Government of India that a substantial contribution, which had been confidently expected towards the non-recurring cost estimated at nearly one crore of rupees, could not be made from central resources after the inception of the Reforms. The immediate consequences of that decision were the reopening of the question of site and the indefinite postponement of the assumption by the University of its functions as a teaching institution.

To this situation the Ministry succeeded at a time when the finances of the province did not permit the realization of expensive schemes however desirable. It was only in 1924 that a final decision was reached, after a wide ventilation of the subject and protracted debates in the Legislative Council, to abandon the New Capital site and to erect around the existing Patna College the buildings required for the University and additional collegiate accommodation. Land has now been acquired in that area, and buildings are completed or in course of erection. Notable among these are the Wheeler Senate House, provided by private munificence, and the new Science College, which is taking over and expanding the science teaching hitherto carried out in Patna College. Further the orbit of studies conducted under the ægis of the University has been widened by the creation of faculties of engineering and medicine as a result of the establishment of the Prince of Wales' Medical College and the conversion of the Bihar School of Engineering into a college. Within the University there are now two colleges, Patna and Bihar National, primarily devoted to Arts, one training college for Education, the Patna Law College, the Medical and Engineering Colleges just

mentioned and the new Science College, all located in Patna. There is a considerable volume of opinion demanding an immediate change in the character of the University from a purely federal one to one which undertakes teaching as well, and that question is now being examined. Of external colleges to which the supervising and examining functions of the University extend there are now the Ravenshaw College at Cuttack, the Greer Bhumihar Brahman College at Muzaffarpur, the Tej Narayan Jubilee College at Bhagalpur and St. Columba's College at Hazaribagh, of first grade institutions together with colleges with intermediate classes at Ranchi, Monghyr and Nalanda and the Ravenshaw Girls' School at Cuttack, while there is now a training college at Cuttack started during the control of the Minister. In all these much progress has been made during the Reforms period in extending the range of teaching and increasing the number of pupils as well as in the provision of better buildings. Indeed the equipment of most of the colleges now leaves little to be desired.

334. *Instruction in the vernaculars.*—The possibility of conducting a large part of instruction in the vernacular was examined by the important Committee on Education which sat in 1921-22. It is obviously difficult for students to acquire knowledge through the medium of a foreign language. But the province is markedly polyglot and to provide instruction and to conduct examinations in all languages would be very expensive, while to select one or two vernaculars would be unfair on minorities. The problem is at present limited to the high school classes in which the medium of instruction had hitherto been English. The Committee recommended that compulsory use of the vernacular should be introduced in all high schools within six years. The Ministry was not prepared to find the money, Rs. 2,50,000 a year for this, and has only permitted duplication of the four classes in eleven high schools maintained by Government. It is somewhat curious that on the other hand, several local bodies have adopted the policy of converting many of their middle schools from vernacular to English while two district boards have so converted all. In 1925 Government at the instance of the Legislative Council appointed a Committee to consider what measures should be adopted for the development of the principal vernacular languages and literature of the province. The Committee was instructed to confine its attention to Hindi, Urdu and Oriya, as the Bengali element in the Council had already expressed their satisfaction with existing developments. The report was received in 1927 and is still under the consideration of

Government. Its main recommendation is the establishment of an academy to foster the development of the three languages and their literature.

335. *Encouragement of popular control.*—The Ministry has definitely encouraged the substitution of an element of popular control for one of a strictly bureaucratic character. Thus a Board of Secondary Education was constituted in 1922 to take over the Director's powers of recognizing schools as fit to present candidates for matriculation. It is empowered to distribute Government grants to institutions under its control, and to inspect those institutions and advise on questions of policy relating to them. Of twenty-two members, five are elected by the Legislative Council, and three by the popularly constituted Senate of the University. Again in 1926, the Text-Book Committee, whose function is to decide what books are to be used in recognized schools, was reconstituted with a much larger non-official element. Further, for the post of Vice-Chancellor of the University, which had up to 1923 been held by an officer of the Educational Service, a distinguished non-official who was prepared to serve without emoluments was selected in response to a strong public demand. Another indication of the tendency was the appointment of non-official members on the managing committees of Government high schools.

336. *Character building.*—On the advice of the Committee of 1921—23, the Ministry decided to require regular religious instruction in all aided non-denominational schools. A very hopeful development is that of troops of boy scouts and companies of girl guides in the schools. In 1921 the movement had only just started with six troops including 221 scouts. There are now 300 troops of scouts 9,000 strong, and 70 packs of cubs, while the girls number 460 guides and 91 blue birds. The movement is commonly reported to be doing very good work, though in a few places communal feeling has appeared with unhappy results.

337. *Care of the children.*—Hygiene is now a compulsory subject in middle and primary schools, and candidates for matriculation must prove that they have received some instruction in it. First-aid classes under the St. John Ambulance Association are held in high schools, secondary training schools and colleges but interest in them has declined. Nor has the medical inspection of schools introduced in 1920-21 hitherto met with success. Recently, however, a cadre of eleven school health officers has been formed which should remedy matters

considerably. Some attempt has also been made to develop physical education by training three inspectors, who in their turn are to train drill masters. The latter are at present generally neither competent to teach nor physically up to their job. Few managing committees of private high schools appear to attach much importance to physical instruction.

338. *Oriental languages.*—In addition to the maktabs and pathshalas, to which reference has already been made there are special schools whose activities run parallel to the normal stream of education, the Sanskrit *tols* and Muhammadan *madrasas*, which correspond to secondary schools.

The advance made in these schools is shown below.

	Recognized institutions.		Pupils.		Direct expenditure from public funds.	
	1922.	1927.	1922.	1927.	1923.	1927.
1	2	3	4	5	6	7
					Rs.	Rs.
Sanskrit *tols* ...	233	260	6,927	8,025	54,488	61,896
Madrasas ...	10	37	667	2,605	20,840	39,860

339. *European education.*—In order to complete the review of education in the province it is necessary to note briefly the developments of European education and reformatory schools, though these subjects are not under the control of either Ministry.

The chief event in the period has been the opening of the Nankum School near Ranchi for girls in 1923 and the corresponding boys' school in 1927 to help the large European community working on the mines and railways in Chota Nagpur. For these buildings, Government gave between 1920 and 1922 a sum of about one and a half lakhs, while an equal sum was raised from private sources.

Scholars rose from 1,194 to 1,370, the percentage of those at school to the European population being 12.3, which indicates that practically the whole number of children of school-going age are at school. Public funds contributed Rs. 1,08,000 in 1927 against Rs. 1,18,000 in 1922 or barely one-third of the total cost against nearly one-half.

340. *Reformatory.*—There is only one reformatory institution in the province, that at Hazaribagh, and this has made steady progress in equipment. The boys are taught a wide variety of trades and the school can now be fairly classed as up-to-date technical school. The standard of literary education has recently been raised from the lower to the upper primary. The last report shows that nearly 86 per cent. of the boys discharged are known not to have relapsed into crime against a percentage of 74 in 1922.

341. *Transfer of control of educational policy.*—The principal features of the reaction of the Reforms on this as on other transferred departments have been the withdrawal of close control by the Government of India over the direction of policy and the substitution of the power or influence of the Legislative Council.

342. *Pre-Reforms control.*—The importance of the former feature is readily perceived, when it is found that between 1912 and 1917 the central Government provided as much as Rs. 90,37,000 as grants for educational expenditure in the province out of a total of Rs. 3,50,00,000 spent on education in those years. Further the grants were in many cases definitely earmarked. By this means, as well as by the rule under which all important schemes required the sanction of the Government of India, if not that of the Secretary of State, very effective control over the pre-Reform Government of the province in the educational sphere was secured.

343. *Limitation of control by the Secretary of State and the Government of India under the Reforms.*—The exercise of the statutory control by the Secretary of State over the transferred subjects is now limited to:—

(1) Safeguarding the administration of central subjects.

(2) Deciding questions arising between two provinces.

(3) Safeguarding Imperial interests.

(4) Determining the position of the Government of India in respect of questions arising between India and other parts of the Empire.

(5) Safeguarding his own powers regarding the High Commissioner, borrowing and the services.

The exercise of the control of the Government of India is limited to the first, second and fifth of these purposes. In the administration of education during the last seven years, no case has arisen for the exercise of the control, though without it the Ministry might have had to face a determined attack on the

position and emoluments of the Indian Educational Service. The relaxation of extra provincial control has also for practical purposes been complete, as no case has arisen requiring the sanction of the Secretary of State in Council under the rules relating to transferred subjects. Thus the Ministry has been able to spend, in the furtherance of the policy decided upon, all the funds, which the financial position of the province could spare for educational development, subject only to the need for persuading the Legislative Council to vote the demands.

344. *Attitude of the Legislative Council to educational finance.*—The Council has shown little reluctance to vote the educational demands placed before it. Indeed it has pressed for large expenditure by all the means in its power, for example moving a resolution that Rs. 60,00,000 should be spent on the expansion of primary education in the years 1925 and 1926. With this support the Minister has been able to press vigorously his claims on the provincial purse and has obtained (albeit at the expense of other branches of the administration) the lion's share of any funds available. Education has now wrested from the police the position of the principal spending department and absorbs one-sixth of the financial resources. The result has undoubtedly been a more rapid development than would have occurred under the old regime.

345. *Influence of the Council on policy.*—The Council, too, has played a very important part in the decision of policy. It was directly at the Council's instance that the Committee to consider the whole subject of primary and secondary education and the Committee to advise on vocational education were appointed. It further decided the vexed question of the site of the University, and strongly influenced the decision to replace an official by a non-official Vice-Chancellor. It has pressed for, but not yet obtained a revision of the constitution of the University reducing to a minimum the control of Government over it and increasing its own control over the colleges. It has secured a special examination of measures for developing the vernacular languages and literature and a more recent investigation of the state of Sanskrit education. Yet another very important effect of the Council's action in the sphere of education was brought about by the passing of the two Acts relating to local bodies. By these the Ministry was deprived of the official machinery for the administration of the funds available for primary education and called upon to rely on a non-official agency. It has already been sufficiently indicated that the immediate result was the capture of a considerable portion of

this agency by persons who were not prepared to accept the policy of Government, and who were ready to resent the exercise of any control. That phase has fortunately passed off and it is now to be hoped that the confidence of the Council in the good sense of local bodies may in the long run be justified.

346. *Hampering action by the Council.*—The Council has shown some tendency to interfere in matters of detail, leading to a marked lack of finality in decisions taken. It has pressed for more colleges, more Sanskrit *tols* and more *madrasas* though these could only be provided at the expense of primary education which is admittedly the most urgent need of the province. It resents any restrictions on the recognition of new primary schools, which are essential to enforce a reasoned spacing of such schools throughout the province, and views with suspicion a policy of replacing a large number of inefficient one-teacher schools by a smaller number of larger and better staffed schools. There is some tendency to press for sectarian institutions which in the circumstances of the province could only result in considerable weakening of general primary education.

347. *Financial difficulties.*—The picture of the working of the Education Department under the Reforms would be incomplete without a brief reference to the financial problem that confronts the advocates of a policy of expansion, designed to give the mass of the population an education adequate for full citizenship. As has been already noted, to give even the present poor standard of primary education universally at the lowest stage and adequately at the upper stage would cost something like one crore of rupees recurring. To raise it to a better standard means increasing the teaching staff, training them more adequately, and paying them better. Further, the inspectorate would clearly have to be much enlarged to maintain the standard. No estimate of the cost of these schemes has been framed, but it would probably reach one and a half crores. To reach the all-India standard in middle and high school and college education would require about double the present expenditure, *i.e.*, an addition of half a crore recurring, as well as a very substantial sum for equipment.

These are rough figures for bringing the level of education in Bihar and Orissa to a standard, under which every child will have the opportunity of becoming literate and a reasonable proportion of them the chance of going further. They involve an increase of provincial revenues by three crores. There are signs of the formation of public opinion in favour of the

imposition of some of the extra taxation that alone could implement such a policy, but it will take several years for this opinion to gain general support. The existing financial resources of the province are barely adequate for present needs, and in none of the heads of revenue is there any reasonable hope of substantial expansion. Between 1912 and 1927, while expenditure from public funds has been multiplied nearly five times, the receipts from fees and from private resources have barely doubled. Thus there is little hope that either parents or private benefactors will come forward to relieve the general tax-payers of the burden.

AGRICULTURE.

348. *Staff in the pre-Reforms period.*—In 1912, when the province was created, the Agricultural department had been in separate existence for eight years, but had only recently been staffed with trained scientists capable of systematically investigating the agricultural problems of a province of marked diversity in local conditions. On its separation from Bengal, the Agricultural College at Sabour, opened in 1910, naturally fell to Bihar and Orissa, which also obtained the services of three scientific officers of the all-India Agricultural Service and of nine officers of the provincial service. Following the practice in Bengal, dictated by the lack of administrative training in the newly-created Agricultural Service, a member of the Indian Civil Service was placed at the head of the department, and this arrangement continued till 1919.

Further recruitment between 1912 and 1914 raised the number of officers of the all-India Agricultural Service to six, but owing to deputations to Pusa and other provinces and later the departure of three officers on military service, the number actually employed was much below that strength, and at one time in 1920 only two such officers were at work in the province. In 1915 a special post, filled by a retired planter, was created to provide management of a sugarcane station and cattle-breeding farm. But it was not till the end of 1920, when a comprehensive scheme of reorganization had been approved by the Secretary of State, that three new recruits were obtained, as well as an Agricultural Engineer on special terms primarily to supervise well-boring. In the meantime the provincial and subordinate services had been expanded to staff the central and small farms that were started in that period.

349. *Functions of the department.*—Apart from the general duty of accumulating knowledge of local agricultural

conditions, of affording help in the matter of insect pests, and of collecting and publishing agricultural forecasts and statistics, the functions of the department were (1) the imparting of scientific agricultural education at Sabour College, (2) the prosecution of research directed towards discovering improved types of crops, the effect of manures on different soils and the life-history of plant enemies, which was carried on at Sabour and the large farms, and (3) the dissemination of the results of such researches both by demonstration on the small farms and by propaganda in suitable rural tracts.

350. *Sabour College.*—The Sabour College never attracted any substantial number of students of the right type specially from this province. Those that came almost without exception aimed at immediate employment in the Agricultural Service, for which the recruitment was small. Consequently an institution which cost a good deal of money and occupied most of the time, which might have been better spent on research or other duties, of the majority of the trained scientists, gave little return in stimulating a wide interest in scientific agriculture.

351. *The central farms.*—The central farms in 1912 consisted of the farms at Sabour, adjacent to the College, another at Cuttack in Orissa and a third at Patna unhappily placed on a site, where uncontrollable floods frequently prevented any conclusions being drawn from a year's work on carefully planned experiments. To these was added in 1913 the sugarcane station and cattle-breeding farm at Sipaya already mentioned, which had the disadvantage of being placed in a remote corner of the province. A more fortunate addition was made in 1915, when a farm typical of Chota Nagpur conditions, was started near Ranchi.

352. *The small farm.*—Of small farms there existed in 1912 two staffed by the department, but financed by wealthy proprietors. To these were added between 1917 and 1919 four departmental farms. Expansion in this branch was necessarily slow, as long as valuable results obtained from laboratory research at Sabour or by field experiment on the large farms were not forthcoming.

353. *Reasons for slow emergence of results.*—The reasons why those results were slow to emerge may now be briefly explained. Apart from the obvious fact that crops, which are the subject of experiment, only come to the stage of comparative test once a year, the field for experiment in this province is immensely widened by the diversity of soil and

climatic conditions found within it. There are at least seven broadly marked tracts, and even within these local differences of considerable importance occur. Further, results to be of any general value must be such as can be adopted by an uneducated cultivator, working with very little capital on a small and scattered holding. Lastly, the higher agency for conducting experiments consisted of men trained in the totally different conditions of England, who had first of all to familiarize themselves with India and Indian ways of thought and methods of work. None of them had been more than five years in India before the province was started, and thereafter the pre-occupation of most of them with the somewhat unprofitable task of teaching at Sabour College, and the call of three of them to military duty, in the performance of which the most brilliant of them gave his life, rendered their own education a slow business.

354. *The attack in Council in* 1921.—A somewhat lengthy account of the department in the pre-Reforms period has been necessary in order to explain subsequent events, to which it is now possible to turn. The reorganization scheme sanctioned by the Secretary of State in 1920 provided for ten posts in the all-India service, one special post of Agricultural Engineer, and fifteen posts in the provincial service. In addition the subordinate service was reorganized and rendered capable of gradual expansion. These schemes aimed at staffing the Agricultural College, the seven large farms up to which it was proposed to work, as well as the general charge of the tracts, in which those farms were or were to be situated, and the small farms, for whose gradual development the department was now ready. The budget of 1921-22 was prepared in accordance with this programme, and was presented in the first session of the new Legislative Council. It met with a very hot attack, which was renewed at a subsequent session in July 1921, in spite of an attempt to formulate a programme more acceptable to the Council and informed public opinion by means of a conference held just before the Council session. The abolition of Sabour College was advocated, the expenditure of money on research work by experts was stigmatized as extravagance, and their work called unpractical, and the fact that the superior staff was mainly European was brought up as a cause of the lack of valuable results. A section of the Council stoutly maintained that the Indian peasant had nothing at all to learn in the way of agriculture.

355. *The Agricultural Committee.*—Faced with this situation, the Minister decided to summon a committee consisting

of three officials, two of them agricultural experts, and seven non-official members of the Council. This committee reported early in 1922. It unanimously recommended the closing of Sabour College as well as a large expansion of small farms, but the official minority strove to retain the programme of seven large farms and the superior staff required for their efficient management and resisted the proposed abolition of the botanical and chemical research staff. The Ministry accepted the unanimous recommendations, but with some modification agreed to the majority view of abandoning for the time being the expansion to seven farms, though that expansion has continued to be the ultimate policy of Government. The research sections were retained, but, instead of recruiting an all-India service officer to replace the Economic Botanist who had died of wounds, his chief assistant of the provincial service was placed at the head of that section, while the post of agricultural chemist, shortly afterwards vacated by retirement on proportionate pension, was similarly filled.

356. *Development of institutions and changes of personnel.*—The policy adopted in 1922 has been followed for the last six years, during which the Minister who then formulated it has remained in office. On the institutional side it has left the central farms numerically as they were in 1919 at five, the abandoned Patna farm being replaced by one at Gaya. The small departmental farms have grown from four to eighteen. One farm financed privately but staffed by the department has been added but the two previously existing have been closed. A large farm devoted to dairying has been established. Lack of funds has held up the establishment of a new central farm at Dumka in the Santal Parganas, and of six more small farms, for which proposals are ready. The personnel has been largely Indianized and there are now only four officers of the all-India Service, of whom one is an Indian recruited in England.

357. *The achievements of the department.*—The department working with this equipment has had some successes. The chief of these is in selecting and distributing seed of improved rices, of which five have been tried out as specially suitable to certain localities, and are now grown on nearly 30,000 acres. The practice of growing a green manure crop prior to rice has been applied at the instance of the department to more than 7,000 acres. Over 5,000 acres are now cultivated with sugarcanes, giving a very much heavier return of sugar, three varieties having been selected from those bred at Coimbatore and tried out under local conditions before distribution. Ground-nut, after several years of experiment on the farms,

has been established on over 2,000 acres of poor land, which it previously hardly paid to cultivate at all. Another 1,000 acres are cropped with recommended varieties of wheat, gram or tobacco. A recent development has been the popularization of chemical manures, such as gypsum and ammonium sulphate, of which some 160 tons were sold at the instance of the department in 1925-26. A Calcutta firm has recently decided to open depôts for pursuing this development. Apart from the opening of a dairy farm at Monghyr, successful advance in cattle-breeding has been made at Ranchi and at Sabour and both the experience and the actual stock will be available for the new cattle-breeding station established under control of the Veterinary Department at Patna. A scheme for expanding the Cuttack central farm so as to establish a dairy herd there awaits provision of funds.

Well-boring and other engineering developments have formed an increasingly important part of the department's work since the appointment of an Agricultural Engineer in 1921. Originally started by the Agricultural Department as an insurance against recurring scarcity, the boring of wells with small open tubes, which ensures and approximately doubles the supply of water, had practically come to an end as a result of being made over to the district boards. Under the Agricultural Engineer the number of borings of this kind has increased to over 150 yearly. Improved water lifts have been introduced which enable the increased supplies to be fully used, and larger borings with strainer tubes are being undertaken and power pumps installed. For the small borings the public pay only about half the full cost, but other improvements are only effected where the persons benefited are prepared to pay the full cost. A scheme for expanding this side of the department's activities, in view of the success already obtained, is now ready but awaits as improvement in the finances of the province.

The engineering section is also co-operating with the territorial staff of the department in laying out contour enbankments for conserving surface water for rice irrigation on the hilly land in the south of the province where well-boring is impracticable.

358. *The effect of the attitude of the Council on the department.*—Partly because the criticisms of the first Council were accepted in the main by the Ministry and partly because the agricultural budget is taken very late in the session, the

Council after the first attack, described above, has left the department alone as a rule, though in 1923 a budget cut was moved to question the wisdom of the Minister's decision to move the headquarters of the department from Patna to Sabour. The motion was defeated by a large majority. The Council's sole important intervention was in 1925 to stop the establishment of a new central farm near Muzaffarpur, where the site was selected by the Minister after personal inspection. The apparent reason was the unfounded suspicion that a European firm would be benefited by the purchase of the site chosen.

The failure of the Sabour College to produce the right type of Indian officer, capable of replacing the European officers or even of filling the less important posts, and its closing in 1923 has left a most important problem for the future unsolved. The Director, himself, who is about to retire, after holding charge throughout nearly the whole of the Reforms period, has relied on practical training on the farms under the Deputy Directors. This method certainly does not completely provide for the future. There is the primary defect of the absence of any methodical training in agricultural theory, while the Deputy Directors are not sufficiently numerous to train all the young men that are or will be required. A further difficulty is that it is doubtful whether, even if Indian recruits of adequate scientific training and habit of mind as well as of practical ability and power of work are now forthcoming on the pay, which this province can afford, the Legislative Council will approve their engagement unless they are natives of the province itself. A large section of the Council is still hostile to central farms and has little faith in research work, and can only be reconciled to expenditure on these objects if it involves provision of employment for Biharis or Oriyas. As long as this attitude persists there seems to be little hope of the department taking its rightful place as one of the most important in a predominantly agricultural province.

359. *Receipts and expenditure.*—The following statement gives the receipts and expenditure of the department by triennial averages in thousands of rupees :—

Triennium.	Receipts.	Expenditure.
1912—15	21	3,04
1915—18	30	3,53
1918—21	65	4,25
1921—24	64	4,74
1924—27	96	5,43

360. *Superior control.*—The relaxation of the superintendence, direction, and control exercised by the Government of India and the Secretary of State allowed the local Government to put through the considerable change of policy made in 1922 with a free hand. There have been no cases of importance in which the reduced powers of control have been called into play, though references were necessary to settle the terms on which officers, who found themselves unable to serve under the changed conditions, would be permitted to retire. It is only necessary to add that the work of this department, together with that of the Veterinary and Co-operative Departments, has been recently examined by the Royal Commission on Agriculture whose recommendations have not yet been published.

VETERINARY.

361. *State of the department in 1912.*—At the creation of the province in 1912 the Veterinary department was staffed with one all-India service officer, as Superintendent, five inspectors and sixty-one veterinary assistant surgeons of the subordinate veterinary service. A proportion of the pay of most of the last-named officers was borne by the local bodies, who had some voice in their posting. There were fifty-six hospitals and dispensaries in the province, at which animals could be treated.

362. *Progress prior to the Reforms.*—The department made a steady and fairly rapid development in the pre-Reforms period. A little before the close of it the sanction of the Secretary of State was obtained for a scheme by which two more all-India officers were added, as well as three officers of the newly-formed provincial veterinary service. The scheme also provided for the enlargement of the subordinate service, including officers for laboratory and other work under the superior officers and a reserve to meet casualties and to assist in fighting epidemics, besides the increasing numbers required for service at the hospitals and dispensaries managed by the local bodies, or for touring in defined areas.

363. *Growth of staff during the Reforms period.*—The extra all-India posts were filled in 1920 and 1921 and two of the provincial posts in the latter year. The third has not yet been filled. In 1921 ten inspectors and 92 subordinate service officers were employed. By 1926-27 these numbers had risen to fourteen and 147 respectively. The department has been placed under its own departmental head, now designated

Veterinary Adviser, whereas up to 1920 the Director of Agriculture had controlled it.

364. *Growth of the work.*—The fifty-six hospitals and dispensaries had grown to ninety-one in 1920 and have since increased to a hundred and eighteen. These treat some 120,000 patients annually against 75,000 treated five years ago. An even more important branch of veterinary work is the protection of cattle against disease by inoculation, carried out mainly by the touring veterinary assistant surgeons in the villages. In the early years of the province's existence, before the prejudice against inoculation had been overcome only about 20,000 cattle were so treated each year. The figure for 1925-26 was 170,000.

The importance of this work may be judged from the fact that 6,408 outbreaks of contagious cattle-disease were reported in 1925-26. The veterinary staff were able to attend to 4,912 of these, and to check effectively the spread of the two most dangerous epidemics, rinderpest and hæmorrhagic septicæmia.

365. *The new veterinary college.*—A very important advance has just been made in the foundation of a veterinary college at Patna for which building is now in progress. Hitherto the lower grades of veterinary officers, employed in the province, have been trained at the Bengal college. The new college is being fully equipped and staffed and will have the advantage of the proximity of the large cattle-breeding farm, that has also just been started. A special officer for work under the Cruelty to Animals Act has recently been appointed in Patna City, the expense being shared between Government and the municipality. He has already made some impression on checking ill-treatment of animals in that area.

366. *Influence of the Legislative Council and control.*—The Veterinary department has not been the subject of any serious attack in the Legislative Council. Resolutions were accepted by the Council in 1921 and 1925, recommending the provision of a veterinary dispensary in every police-station area, when funds permit. Recently that body has accepted without demur the provision for the college and the cattle farm. There has been no instance of the exercise of the Government of India or the Secretary of State's power of superintendence, direction and control in this department. The main difficulty of the future will be to secure adequate European staff, while enough Indians are being trained for the higher posts.

367. *Expenditure.*—The expenditure on the department from provincial and local funds is shown below as a triennial average in thousands of rupees.

Years.	Provincial.	Local.
1912—15	54	62
1915—18	65	1,06
1918—21	84	1,47
1921—24	1,73	2,34
1924—27	3,25	2,63

The growth of expenditure from provincial funds is evidence that the Council has been satisfied with the working of the department, while the local bodies, though they have not increased their expenditure nearly so fast, have given some solid indication of their interest in this branch of their functions.

CO-OPERATIVE SOCIETIES.

368. *Government's function in the department.*—The function of this department is to supply the necessary degree of control over the movement for establishing co-operative societies, which aims at encouraging thrift, self-help, and co-operation among agriculturists, artisans, and persons of limited means. Government comes in in two ways, firstly by supplying experienced officers to exercise on their behalf the control, by inspection, audit and liquidation, that the societies require to preserve public confidence in them, and secondly by providing funds, over and above those required for the pay and allowances of such officers, to supplement the resources raised by the members themselves to meet expenditure on audit, inspection and extension of the movement.

369. *Progress of the movement.*—The movement started in a small way in the first years of the century, and was brought under the formal direction of the local Governments by the

all-India Act of 1904. The following table shows the development in Bihar and Orissa since the creation of the province :—

——	1912-13.	1920-21.	1927 (calendar year).
1	2	3	4
1. *Number of societies* ...	573	3,458	8,295
2. *Total number of members*	21,225	107,514	243,626
	Rs.	Rs.	Rs.
3. *Working capital* ...	9,39,142	57,86,460	2,37,57,219
4. *Reserves*	75,698	7,34,732	25,30,277
5. *Expenditure by Government.*	Not known	1,48,000	3,11,229 (1926-27).
6. *Expenditure by members*	Do. ...	64,414	2,71,085

370. *Rural credit societies.*—The societies are for the most part rural credit societies of unlimited liability designed to assist members in clearing off indebtedness and in borrowing at reasonable terms for seasonal or emergent needs. Where the true co-operative spirit exists litigation is discouraged, and much can be done to enable the Public Health and Veterinary Departments to get into touch with the masses, while the societies can bear their part in the advancement of primary education. Especially important is their actual and potential part in the spread of agricultural improvements. In this class of society about 20 out of every 21 societies fall, and it is here that the chief successes of the movement have been won. They are organized under the control of central banks, from which they derive their finance. These now number 65 against 7 in 1912-13 and 41 in 1920-21. In recent years the intermediary agency of guarantee unions has been introduced with some success to relieve the central banks of detail, where the number of societies has placed too great a burden on the banks. Finally there is the Provincial Bank, as an apex, to supply finance to the central banks. To the ordinary rural credit societies may be added the grain banks, which now number 87. These eschew cash transactions, but are doing successful work in the backward tracts by lending grain for seed or food, and building up a reserve against

times of scarcity. The rural credit societies and their controlling banks have fulfilled their functions, on the whole, satisfactorily. But there are signs that the rate of expansion has, of late years, outrun the absorption by the members of true co-operative principles. The proportion of primary societies, that stand fully, or at any rate reasonably well, the tests which can be applied to them, has fallen markedly, and of the 59 central banks, no less than 11 were pilloried in 1925-26 by the Registrar. These failed to collect their dues or were torn by internal dissension. Lack of supervision by directors permitted embezzlement by the staff, or losses from over-financing societies. Here and there serious losses have been incurred by ill-conceived ventures, which failed, or by downright dishonesty of the directors.

371. *Other kinds of society.*—In other classes of co-operative societies little success has been obtained in this province. Agricultural stores and sales societies, dairy societies, special societies for providing the raw material of their trade to weavers or their implements to fishermen, as well as urban societies for cheapening retail purchases have all either failed or are carrying on a precarious existence. At the moment it is clear that the right policy is consolidation of the ground rather than rapid and perhaps disastrous expansion.

372. *The policy of Government.*—The general policy of Government towards the movement had already been laid down by the pre-Reforms administration before the Ministry took over the control. It was that, while retaining the control necessary to fulfil their responsibility for adequate audit, and providing officers and funds to that end and, to a more limited degree, to secure the development of the movement on sound lines, Government would endeavour to encourage the development of non-official administration as much as possible.

373. *The Co-operative Federation.*—To this end the Co-operative Federation was founded in 1918 which took over from Government the audit of primary societies and the training and discipline of the staff required for that purpose as well as for management of the central banks. It is true that up to last year the Council of the Federation has been in theory a purely advisory body, and the last word has remained with the Registrar (the official head of the department) in his capacity of Governor of the Federation. But the Council has, in fact, had a good deal to say in the management of affairs, and has recently been granted full control in the sphere in which the Federation operates, though this

decision cannot relieve the Registrar of his statutory responsibility for seeing that the societies are properly audited.

374. *Financial and other aid from Government.*—Government have met their obligations to the movement by providing at the expense of provincial revenues a number of officers, which has risen from two in 1912, besides three temporary officers, to six in 1921 and again to twelve in 1927 including a chief auditor. For the last four years they have provided three special officers for the development of areas hitherto untouched by the movement, and have paid Rs. 10,000 for the travelling expenses of honorary organizers.

To the Co-operative Federation a grant of Rs. 62,000 was made in 1926-27 towards the cost of audit to enable the Registrar to meet his statutory liability for the proper audit of all classes of societies while another Rs. 8,500 was given for inspection and management in new and backward tracts and for the training of the staff employed by the Federation. In 1920-21 the Government contribution amounted to Rs. 17,192 for audit cost only.

The growth of Government expenditure of all kinds in this department is shown below, averages for each triennium being taken :—

In thousands of rupees.

Triennium.	191[illegible]—15.	1915—18.	1918—21.	1921—24.	1924—27.
Average expenditure ...	64	92	1,29	2,21	2,83

375. *Superior control and influence of the Council.*—The department has worked throughout the Reforms period with very little comment in the Legislative Council, whose members are generally in sympathy with its ends, though members have occasionally beaten the communal drum and accused the late Registrar of partiality in making appointments, an accusation which the Minister was able to refute completely. There have been no matters in which the Government of India have found it necessary to exercise their limited powers of superintendence, direction and control, and the relaxation of those powers much facilitated the last two reorganizations of the cadre employed in the department.

376. *A possible danger.*—The chief danger at the moment is that Government may find that they have relaxed the control exercised on their behalf by their officers, before the growth of a public opinion well informed on true co-operative principles has rendered that control unnecessary. Though in fact Government have no financial liabilities as regards the operations of the societies the strength of their credit is due to the confidence of the public in the control exercised by Government and any serious financial trouble would have a most disastrous effect far beyond the limits of the province and not confined to the co-operative movement.

INDUSTRIES.

377. *Origin of the department.*—The history of the Industries department belongs wholly to the post-Reforms period. The necessity for an officer to study and develop the industries of the province was indeed felt early in its history and was actually proposed in 1915, but the shortage of officers during the War and the appointment of an Industrial Commission led to the postponement of the scheme. On the issue of the Commission's report, however, a department of Industries was constituted in April 1920 with a director, who was a member of the Indian Civil Service, and a deputy director with engineering experience, assisted by a textile expert and a personal assistant. The senior Professor of Chemistry at Patna College was appointed to work as chemical adviser to the director and this arrangement has continued ever since.

378. *Expansion of activities and growth of staff.*—Shortly after its constitution the new department took over from the Director of Public Instruction the control of technical and industrial education, and in the following year (1921) the subject of Fisheries was also transferred to it. In the same year a Board of Industries was constituted consisting of 15 members, the majority of whom represent industrial interests, for the purpose of advising the Director upon technical education and upon the work of the department generally. Since 1923, when a State Aid to Industries Act was brought into force for the province, this Board has also possessed statutory powers of an advisory nature under that Act, and in 1927 it was reconstituted with 20 members.

The staff of the department now consists of a director, who is an Indian officer with commercial and engineering experience appointed in 1926 on contract for seven years, an industrial engineer also on contract, a textile expert, an intelligence officer and a fishery superintendent. There are three

circle officers and three temporary mechanical supervisors working under the industrial engineer. Under the textile expert are weaving supervisors and superintendents of the Cottage Industries Institute at Patna and the Silk Institute at Bhagalpur. The Principal of the Bihar College of Engineering performs the duties of inspector of technical schools.

379. *Technical and industrial education.*—When the department came into being there were in existence only three technical and industrial institutions under Government control viz., the Bihar School of Engineering and the Ranchi and Phulbani Industrial Schools; the expenditure by Government on this form of education amounting only to a little over one lakh a year. The growth of the department in this direction has been very marked, expenditure under this head having risen by 1927-28 to over five and a half lakhs, or over two-thirds of the total expenditure of the department. In 1924 the Bihar School of Engineering was raised to the status of a college and classes for training mechanical apprentices were added to it. An engineering school had been opened at Cuttack in Orissa in the preceding year and has recently been re-organized by the addition of a third year class and the introduction of mechanical apprentice classes. The Ranchi Industrial School has been greatly enlarged, and with the starting of mechanical apprentice classes there also has been raised to the status of a technical institute. A similar institute for Tirhut was opened at Muzaffarpur in 1925. The evening mining classes in the area of the coalfields had been in existence since 1905, their cost being shared since the separation of the provinces with Bengal. These were re-organized on a provincial basis in 1921 and stipends awarded for the encouragement of natives of Bihar and Orissa. Technical classes for giving training in composing, letter press printing and book-binding have been opened in the Government Press at Patna, and an apprentice class has been started at Dehri to train the sons of blacksmiths and those boys who have left school at about the middle English stage as fitters and mechanics.

Assistance in the form of grants-in-aid is also given to a number of private institutions, notably the Jamshedpur Technical Institute and the Jamalpur Technical School for both of which one-third of the capital cost was found by the local Government, two and a half lakhs in all. At both these institutions seats are reserved for students of this province.

Seats are similarly reserved at the Calcutta Research Tannery, the Victoria Jubilee Technical Institute, Bombay, the Bengal Engineering College and the Indian School of Mines, which has recently been started by the central Government at Dhanbad; and stipends are awarded to students of Bihar and Orissa for training outside the province in subjects for which no facilities exist in it. Three State technical scholarships are also awarded annually to enable students of the province to obtain a specialized training abroad, and twenty-four stipends are provided to enable students to train either within the province or elsewhere in India in industrial subjects. The department also serves as an enquiry office in all matters relating to industrial and technical education.

380. *Industrial development.*—The activities of the department in this direction comprise both experimental and propaganda work for the improvement of industrial methods in the province, and may be roughly divided into four branches, viz., (1) textile, (2) engineering, (3) fisheries and (4) State aid. The total expenditure on these branches of the department's work, excluding the cost of direction, amounted in 1927-28 to one and a half lakhs.

381. *Textile.*—The work of this branch mainly consists of the introduction of improved appliances among the weavers and other classes of artisans by means of stationary or peripatetic demonstration parties, their practical training in cottage industries at Government institutes, and the introduction of improvements in the trade organization of such industries. The branch also aims at securing wider markets for the products of cottage industries by introducing improved patterns and by advertising both in India and Europe. It further undertakes to give advice regarding such industries and to inspect jail factories, aided weaving schools, weavers' societies, and so forth. In addition, it carries on experimental and propaganda work in connection with sericulture. Weaving demonstration parties for the purpose of introducing fly shuttle and other improved appliances were started as far back as 1915, but when the department came into existence there were still only four such parties operating in four of the districts of the province. The number of parties has now risen to ten and their activities cover all the districts except two. Since 1921 they have been instrumental in introducing nearly 16,000 fly shuttle looms, besides other improved appliances. In 1922 a silk institute was started at Bhagalpur and a blanket factory at Gaya, in order to evolve improved methods and appliances for

these industries. In 1924 a cottage industries institute was opened at Patna containing sections for weaving, dyeing, toy-making, etc., and a sales depôt was opened in the town in connection with it. In these institutions the suitability of improved appliances for cottage workers is tested, so far as is possible, under commercial conditions, and stipends are granted for the training of artisans in working these appliances according to the methods recommended by the department. The products of the cottage industries institute and the silk institute at Bhagalpur have been markedly successful, commanding a ready sale not only in India but also in England, where a special agent is employed under a commission basis to push their sale in the London market. The blanket factory at Gaya, now termed the Wool Weaving Institute, which had till recently been less successful among the conservative wool weavers of that neighbourhood, introduced this year twelve improved blanket looms, which promise better results. Experimental work in sericulture is also being carried out at the Bhagalpur Silk Institute and ten rearers are employed at different centres in the province to encourage the introduction of *eri* culture in suitable localities as a subsidiary occupation for the cultivators. Some experimental work has also been set afoot in Chota Nagpur and Champaran with a view to ascertain the possibility of introducing mulberry silk culture in the province.

382. *Engineering.*—The function of this branch is to advise industrialists regarding the purchase of plant and machinery, to supervise their installation, and to arrange for regular periodical inspection for it, if so desired. Small fees are charged for these services. In addition to the industrial engineer, the circle officers are employed on this work.

As a result of the suggestions contained in the Indian Sugar Committee's report proposals were drawn up in 1921 by the Director of Industries for starting a demonstration sugar factory in South Bihar at a cost of four lakhs to test the supply of cane in that area and the possibility of carrying on the manufacture of sugar on a commercial basis. An official resolution to this effect was placed before the Council in January 1922 and was carried unanimously. It was subsequently found, however, that the cost of erection and the bill for wages had been greatly under-estimated, and in August 1923 the Council was asked to vote a supplementary grant of one and a half lakhs for the purpose, as recommended by the Board of Industries. This was, however, refused—mainly on the ground that the industry was already a developed one and

did not require Government intervention,—and the proposal was dropped.

Early in 1926 a Government demonstration match factory was started at Patna at a capital cost of one lakh to demonstrate the possibility of working match making machinery in this province at a commercial profit and to train natives of the province in working such machinery. Owing mainly to irregular and inadequate supply of suitable wood, the factory had to be closed down during a considerable part of its first year of working and has remained closed since October 1927, by which time it had incurred a net loss of over Rs. 17,000. The percentage of raw material suitable for the manufacture of splints, which could be obtained from the kinds of wood available, had been greatly over-estimated, while the selling price of the finished article had fallen much below that on which the estimates had been framed. It has now been decided to hand over the machinery on the hire purchase system to a private industrialist, who is prepared to proceed with the undertaking on rather different lines.

383. *Fisheries.*—During the early years of its separate existence, the province shared with Bengal the services of a single Director of Fisheries. Apart from this officer, the only staff employed on fishery work in Bihar and Orissa was one temporary officer. When in 1921 the newly created provincial department of Industries assumed control of the work, the staff was strengthened by the appointment of a separate fishery superintendent, with an assistant and a temporary inspector. The activities of the branch have hitherto been mainly confined to the breeding of carp and distribution of fry for the stocking of private tanks, and the general supervision of fishermen's co-operative societies.

384. *State Aid.*—A State Aid to Industries Act based upon that already in force in Madras was passed in 1923, since when aid in the form of loans and cash credit has been granted to the amount of nearly six and a half lakhs. The largest amount was five lakhs made in 1925 in the form of debentures to a company manufacturing steel wire nails at Jamshedpur. This company has now ceased working, with the result that the trustees appointed under the debenture trust deed have been forced to take over the concern and to dispose of it at a considerable loss to the debenture holders. The Act also allows Government to purchase plant and sell it on the hire purchase system, and some use has been made of that method of helping industries, while cash credit has also been given.

385. *Influence of the Legislative Council.*—The Council has usually been prepared to vote the money for the requirements of the department without demur, the only important exception being that of the demonstration sugar mill to which reference has already been made. In criticisms of Government for their alleged parsimony in the allocation of funds to the transferred departments the shortage of funds for the Industries department and particularly for distribution under the State Aid to Industries Act has been frequently cited. In point of fact, State aid has in no case been refused on account of lack of funds. Where the recommendations of the Board of Industries have not been accepted, this has been due either to legal obstacles or to differences of opinion between the Government and the Board of Industries as to the inherent soundness of the scheme which the latter proposed to finance. On more than one occasion proposals for State aid recommended by the Board to Government for acceptance have been found on further investigation to be unsuitable for the investment of the tax-payers' money.

In the matter of technical education members of the Council have shewn considerable interest, and as a result of a non-official resolution a committee was appointed in 1924 to investigate the whole subject of vocational teaching in the province.

386. The cost of the department since its inception is shown, in thousands of rupees, below. Receipts from sale proceeds, etc., must be set against this expenditure as shown in the statement.

	Technical and industrial education.	Other expenditure.	Total.	Receipts.	Net expenditure.
1920-21	1,19	82	2,01	5	1,96
1921-22	2,07	1,36	3,43	10	3,33
1922-23	3,50	1,47	4,97	10	4,87
1923-24	4,21	2,09	6,30	14	6,16
1924-25	4,69	2,40	7,09	18	6,91
1925-26	4,84	3,03	7,87	26	7,61
1926-27	4,97	2,61	7,58	42	7,16
1927-28	5,64	2,59	8,23	87	7,36
1928-29 (budget) ...	5,93	4,08	10,01	2,42	7,59

The above figures exclude sums advanced to industrialists under the State Aid to Industries Act, as such sums are ordinarily recoverable with interest. Losses may, however, occur in this connection and, as mentioned above, in one important case a large part of the loan has proved to be irrecoverable. Such losses should strictly be added to the total cost of the department.

REGISTRATION.

387. *Function of the department.*—This department provides facilities to the public for securing that parties to documents admit their execution before a Government officer and for tracing and supplying copies of old documents so registered. Originally the officers entrusted with these duties were local gentlemen working in their leisure hours and employing their own staff, remunerated on the number of documents registered. A whole time service was created in 1905, but when the province of Bihar and Orissa was formed little had been done to provide accommodation for the numerous offices and nothing for housing the officers, who were now liable to transfer throughout the province.

388. *Provision of buildings.*—The provision of these buildings has been one of the principal problems arising in the department both before and after the inception of the Reforms. By 1921 the proportion of offices lacking proper buildings had been reduced from 73 per cent. in 1912 to 42 per cent., and a small beginning had been made in constructing residences. Under the Ministry the proportion has been further reduced to 19 per cent., which means that only 25 offices still require buildings. At the same time 29 residences have been built and the building programme is within reasonable reach of completion.

389. *Revision of pay.*—Substantial improvement in the pay and conditions of service especially of the clerical establishment was made in 1914, but the rise in prices due to the war had completely nullified its effect by 1921, and it was realised that on the existing scale of pay the temptation to corruption, for which the department had a bad name, was considerable. Simultaneously with starting a campaign to improve the honesty of the department, it was necessary to increase their legitimate remuneration. Such increment was made in 1921 and further concessions followed in 1923 and 1925.

390. *Check of corruption.*—The most important problem, however, has been the checking of corruption. Prior to the

Reforms action was spasmodic. It was hoped that the improvement in pay and prospects made in 1914 would by itself solve the problem, and enquiries were only taken up on specific complaints. The Ministry in 1921 began to tackle the problem by requesting the local civil officers to enquire into the reputation of the registration officers, and by impressing on the senior officers of the department that it was their duty to check corruption in subordinate offices. A conference, to which members of the public were invited, was held in 1922, whose main recommendation was the licensing of the deed-writers employed by the public to prepare their documents, and the prescription and publication of scales of standard fees for that work. A further reform was the adoption of the principle that proved honesty was to be the main ground for special promotion.

As a result of the enquiries now made thirty-two sub-registrars were subjected to departmental proceedings between 1921 and 1927, of whom two were discharged, five removed and five dismissed from the service, and several others punished to a less degree. The clerical staff was purged to an appreciable extent. Seventeen clerks were dismissed and there is no doubt whatever that the standard of honesty in the service has very greatly improved.

391. *Raising of fees.*—The department not only pays for itself, but has also made a welcome contribution to the provincial revenues. When the financial situation of the province was at its worst immediately after the Reforms were introduced, it was proposed to increase the scale of fees, payable by the public for registration, as well as search for and copying of registered documents. This scale had remained unchanged for a great many years, while the real value of money had fallen markedly. The Ministry decided to increase the scale by various proportions ranging from 50 to 100 per cent., and the proposals were placed before the Legislative Council, who assented by a remarkably large majority.

The effect has been to raise the revenue from fees from a triennial average of Rs. 8,06,000 in 1918 to 1920, to the figure Rs. 14,52,000 in 1924 to 1926 in spite of a slight fall in the number of documents registered.

392. *Expenditure.*—The improvements in the pay of the services effected by the Ministry has naturally raised the expenditure on the department. The average of 1918 to 1920 was Rs. 4,79,000 and for 1924 to 1926 Rs. 5,73,000. A fair

degree of economy has, however, been effected by the closing of small offices and by using officers of other services at places where the employment of a whole-time registration officer was not justified. The introduction of a proper piece-work system, and the abolition of unnecessary statistics have also produced some saving.

393. *Attitude of the Council.*—The acceptance of the Legislative Council of the need for raising the registration fees has already been noted. The first Council was active in denouncing the prevalence of corruption in the department and the campaign designed to check it has on the whole had the support of the Council throughout and is acknowledged to have been successful. One of the methods employed to check corruption was to encourage by special promotion officers of proved honesty. Many senior officers, both Hindus and Muhammadans, were reported against by the District Registrars, who are mainly officers of the Indian Civil Service, with a result that they were superseded. This led to a hostile criticism in the Council, specially by Hindu members, who wrongly thought that the supersessions were due to the report of the Inspector of registration offices who then happened to be a Muhammadan. Some of the Hindu members went so far as to propose that the budget provision of the Registration department should be reduced by the amount of his pay. The motion was however defeated. Questions have not infrequently been asked which indicate dissatisfaction at the supersession of certain officers and special promotion to officers of proved honesty. A communal tinge has at times been given to such questions by suggesting that promotion of sub-registrars to district sub-registrarships should be given not on efficiency but on a communal basis. Some Hindu members have gone so far as to suggest that the Minister who is a Muhammadan has shown special favour to members of his community. They have not observed that the number of Muhammadan sub-registrars superseded has been greater than the number of Hindu officers superseded. In the last budget session of 1928 some Hindu members proposed to reduce the budget provision by the amount of the pay of a district sub-registrar on the ground that a Muhammadan district sub-registrar through his influence on a District Registrar secured the dismissal of a Hindu sub-registrar and heavy punishment of Hindu clerks for trivial offences and light punishment of a Muhammadan head clerk. They alleged that the Inspector-General of Registration, who is an I. C. S. officer, supports the recommendations of the District Registrars under the influence of his Muhammadan personal

assistant. They forgot that the appointment and punishment of clerks rests with District Registrars, with the Inspector-General of Registration as the final appellate authority. The motion was however withdrawn on the Minister's giving an undertaking to look into the cases of the clerks on which his opponents relied.

Communal questions have also been raised from time to time in the matter of recruitment although in this the policy laid down shortly after the creation of the province by the Hindu Member of the Executive Council then in charge has hitherto been followed.

The only other division in which the department has been concerned was one taken in March 1926 on a budget motion brought forward to urge further improvement of pay for the service. The motion was defeated. The Council has of recent years been eager to improve the pay of several of the lower-paid services.

394. *Superior control.*—The department has never called for the exercise of much control from the Government of India and Secretary of State, and the relaxation of that control, as a result of its inclusion among transferred departments, has consequently made little difference.

395. *Internal working of the department.*—Save for its head, who has been throughout the Reforms period a European member of the Indian Civil Service combining that duty with the control of the Excise Department, the department is staffed entirely by Indians. It depends, however, to some considerable extent for its efficiency on the help afforded by the heads of the districts who among their other offices hold the post of district registrar. The Provincial Civil Service officers in charge of subdivisions, though holding no statutory position, have been used largely in the campaign against corruption. These officers owe no allegiance to the Ministry, but have rendered willing help none the less. The head of the department himself has been allowed a free hand to work out the accepted policy of Government and there has been no friction arising from the fact that he too is not under the control of the Minister.

LOCAL SELF-GOVERNMENT.

396. *The function of the department.*—The department of local self-government is one of the departments included in the portfolio of that Minister, who takes his official designation from it. Its function is to enable the local Government, *i.e.*, the Governor acting with his Minister, to exercise their powers of direction and control over local bodies. The

structure of the local bodies, their functions and the extent of the statutory control over them have already been explained in Chapter IV, where will also be found a description of the manner in which they have performed their duties in recent years. It remains to give some account of the way in which the powers and influence of Government have been exercised and of the extent to which their exercise has been facilitated or impeded by the reformed constitution.

397. *The policy laid down in the Joint Report.*—The Ministry at the inception of the Reforms was confronted with the task of putting into effect the policy adopted by the authors of the Joint Report as their first formula:—"There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." This policy had been fully endorsed by the Government of India in May 1918, and it was found at once, when the first reformed Council met, that there was no lack of support for it in that body. The only open question was the interpretation of the word "possible" occurring twice in the formula quoted.

398. *The preparation of the Bills relating to local bodies.*—The field had already been widely explored for some time back, and in 1920, the last year of the pre-Reforms Government, a representative committee was appointed to recommend on the broad outlines of policy. This committee had the advantage of the report of the committee appointed at the instance of the Government of India to study the system of local Government in England, as well as a note of the representative of Bihar and Orissa on that committee, in special reference to the problems of this province. On the basis of the 1920 committee's recommendations, Bills dealing with municipalities, district and local boards and village administrative unions were prepared.

399. *The Acts as passed.*—These were considerably modified in the course of their passage through the Legislative Council, and finally became law, the Municipal Act and the Village Administration Act in 1922 and the Local Self-Government Amending Act in 1923. The policy of the Ministry, formed after calling in conference representatives of most of the local bodies of the province, in regard to these Acts, and especially the first and third, was to go a very long way to meet the demand that control should be reduced to the barest minimum and concentrated in the hands of the Minister. The powers of the local officers of Government to take action

themselves, which had been considerable, were well nigh abolished, a logical outcome of the policy enunciated in the Joint Report, and a change which the transfer of the subject indicated. Another important point, on which the Ministry accepted a deviation from the recommendation of the committee was in the matter of taxation. The committee had advised that the taxation powers of municipalities should be substantially increased. The Act as passed allows only a very meagre addition to the latrine tax. The majority of the committee advised that the statutory maximum of the local cess rate, from which district boards derive the bulk of their income, should be abolished. The Ministry at the instance of the Council retained it. In both cases the ground on which the proposal to give increased powers of taxation was refused was that the taxpayers were unable to pay more. Lastly the committee recommended that in all local bodies one-fifth of the members should be nominated by the Commissioner of the Division, three-fifths elected, and one-fifth co-opted by the remaining four-fifths for a period of seven years, thus adopting the aldermanic principle found in many English local bodies. The Acts as passed rejected the principle of co-option, and left only one-fifth of the members of municipal boards, and one-fourth of those of rural boards to be nominated. The nomination for the municipal and district boards was retained in the hands of Government and for the minor rural boards placed with the district boards.

400. *The responsibility of the Minister of the time.*—Thus the Ministry of that time and the Council of that time share the responsibility, if it is now found that control in essential matters is difficult to exercise, that the boards are unable to perform their functions adequately by reason of insufficient taxation powers, and that the boards themselves lack the steadying influence of experienced and respected men, who are unwilling to face the hustings or unable to make the appeal, which can secure the support of the electorate. The proportion of members nominated has, however, on the whole proved sufficient to find room for such men.

401. *The Local Fund Audit Act.*—Neither the Minister nor the Council survived to see the results of their handiwork, which are set out at some length in Chapter IV. The present Minister, who came into office in March 1923, has had to face the situation created by his predecessor, while maintaining his position *vis-a-vis* the Councils, elected in November 1923 and November 1926. The only legislation of this later period

has been the Local Fund Audit Act of 1925. This had been recognized by the 1920 committee as necessary, as soon as the real power in local bodies was transferred from the hands of officers, subject to the disciplinary powers of Government, to non-officials over whom no control could be exercised, once their term of office had expired. This Bill was presented to the Council by the Finance Department. It aroused a considerable amount of opposition, but was successfully steered through the Council without surrender on the essential points, the giving to the auditor power to enforce disclosure of documents and the imposing upon the Examiner of Local Accounts the statutory duty of surcharge. This surcharge is subject to an appeal to an authority appointed by the Governor, who has selected the Minister himself. Up to now the Act has been administered with considerable leniency, as is reasonable while its provisions are somewhat unfamiliar.

402. *Withholding of Government grants.*—Of other forms of control the most important in practice is that given by the distribution of large grants from provincial revenues to local bodies. In recent years these grants have been made mainly to the rural boards, particularly for education and medical relief. By exercising the power of withholding grants, the Ministry has been able to do something to restrain the excesses of some boards in the matter of introducing politics into educational administration, and to insist on their implementing long-standing obligations to institutions such as leper asylums. The use that can be made of this form of control is clearly limited. The grants made are as yet by no means sufficient to provide what is generally regarded by public opinion as a minimum standard of primary education and medical relief. The local bodies are wholly unable with their present resources to provide that standard, and they do not consider it practicable to increase their resources by extra taxation. Thus the withdrawal of grants would not, as a rule, have the effect of forcing the boards to finance a policy, which the Ministry cannot endorse, by imposing extra taxation, but of starving services, which public opinion considers are still inadequately supported from provincial funds.

403. *Treatment by local bodies of their servants.*—Government can and does prescribe by rule the qualifications for the superior servants of the local bodies. But several of the Swarajist boards have disregarded, or at best given a technical compliance to such rules, and appointed unsuitable persons. Further some of them have bullied their servants to a marked

degree, and used them as an electioneering agency for Council and board elections. These actions the Ministry has found itself unable to check effectively, and it is difficult and probably undesirable to devise means for centralized control in this matter, which the growth of public opinion and administrative experience should remedy in time.

404. *The Local Self-Government Board.*—The Municipal Act saddled the administration of municipalities with the needless complication of a Local Self-Government Board, against the advice of the 1920 committee. The first Council endeavoured to make this an instrument for controlling the acts of the Ministry in detail. The second Council more wisely declined even to elect its representatives on it. The third has, however, reverted to the attitude of the first, but has so far not made any progress in its aim. The last few years have also witnessed the growth of an annual ' conference of local bodies ', to which members of the boards are invited by the promoters. The conference after a promising start came under Swarajist influence and displayed a tendency to seek to interpose itself between the Ministry and the local bodies. Although, therefore, if run on the right lines it might perform the useful function of interchanging ideas and helping to form public opinion in favour of improved administration, Government has had for the present to decline to recognise it.

405. *Attitude of local bodies to Government officers.*—The relations between the local bodies and the officers of Government have caused considerable anxiety to the Ministry. In other departments, where there are still a number of officers, who have statutory powers or have to be used to assist in the administration and yet are not under the control of the Ministry, there has been little or no friction. In local self-government the Minister has to depend very largely for his information as to the actual working of local bodies on the inspections of the local civil officers, the Commissioner and the District Magistrate, as well as on the audits of the Accountant-General's staff. Again on the medical side, the Civil Surgeons were still responsible under standing orders of Government for the general health of the districts in their charge. The provincial Public Health department is, except for its head, an officer of the Indian Medical Service, under the control of the Ministry, but the officers, enumerated above, are not.

Though in not a few cases the administration has worked smoothly enough, in others a good deal of friction has arisen.

The local bodies, where they came under Swarajist influence, showed a marked impatience of all advice or criticism. Some of the civil officers of Government found their position exceedingly difficult under the new system. They viewed with dismay the rapid decline of administrative standards, which the capture of many of the rural boards by a party comprising a large proportion of adventurers brought about. They are necessarily somewhat out of touch with policy at the provincial headquarters, and do not fully realize the need of conciliating the various sections of the Council, on whom the Ministry must rely for support. Being no longer responsible for the working of the local bodies their criticisms tend to become divorced from practical possibilities. They have no *locus standi* except as critics and their getting into touch as friendly advisers must depend very largely on the attitude of the boards, but where this has been done the results have been good. In some cases the Civil Surgeons have found their advice on technical matters, such as indents for medicines, rejected for reasons which appear to them wholly insufficient, with serious results to the efficiency of the dispensaries. They have objected to the introduction of other considerations than professional ability into the selection and posting of medical staff, and have not found it easy to work alongside of the health officers, appointed by some district boards, as long as their respective spheres are not adequately defined. At the same time the great increase of dispensaries has made it difficult for them to keep up the old standard of inspection and driven the district board executives to rely on their own knowledge or that gained from other members of the boards. In audit matters, where questions of policy hardly arise, the difficulties have not been so prominent, though there are problems regarding the fixing of responsibility and the consequent surcharge, which are yet unsolved. The Public Health inspections, which are mainly applied to the municipalities, reveal, as they have always done, the difficulty of adjusting ideal standards of sanitation to realities of municipal finance. In this transition stage these difficulties have been perhaps inevitable, though some of them have been accentuated by the general atmosphere of distrust, which the non-cooperation movement produced. The ideal agency is, no doubt, one wholly responsible to the Ministry, which again should be responsible to an informed public opinion expressed through representatives in the Legislative Council. The Ministry is already seeking to create a separate inspectorate, while the present constitutional enquiry is directed towards securing the other ideal.

Something has also been done to make clearer the position of the Civil Surgeons *vis-a-vis* the district boards, though pending the establishment of an efficient local service of public health officers, and the consequent relief of Civil Surgeons from that side of their duties and responsibilities, causes of friction still remain.

406. *Loans.*—There is one other matter, in which action has recently been taken by the Ministry. The committee of 1920 accepted the recommendation of the committee which had studied local government in England, that local bodies should be encouraged to defray capital charges by means of loans. In order to give effect to this policy loans have since 1926 been offered from provincial funds at four per cent., but so far little response has been made to this offer.

407. *The Minister* vis-a-vis *the Legislature Council.*—It is clear then that the Ministry has had problems of considerable complexity to face, and has by no means seen the end of them. The early part of the Reforms period saw the passing of two Acts, which in the event led to a serious decline of administrative standards, particularly in some of the district boards. There are already hopeful signs of a recovery, but the part that the Ministry has been able to play in stimulating that recovery has been beset with difficulties. Theoretically the Acts give to the Ministry a fair degree of control for checking the graver abuses. Actually that control has not been fully exercised. Municipalities and district boards might have been superseded or the latter dissolved. But it is doubtful if dissolution would have improved matters while supersession involves the provision of Government officers to do the work—supersession for a short period imposes an unfair burden on them while supersession for a long period is a negation of local self-government. Drastic action of either kind would have aroused the sympathies of the Council and evoked probably an attack on the Minister, if not on the whole transferred side of Government. As it is, the Minister's action after the last elections in using his power of nomination to secure a more stable and experienced element in some of the more inefficient local bodies was the subject of a non-confidence motion in the August session of 1927, in the course of which the Minister's motives were misrepresented in the grossest fashion. The Council has constantly attacked the use of the power to withhold grants, as a means of checking grave abuses. The Minister's power to keep things straight depends on his influence in the Council and he is therefore bound in

the interests of the administration to carry the Council with him.

408. *The Council's attitude towards local bodies in backward tracts.*—The Council has made its influence felt in another matter, which concerns the department, but not the Minister. In exercise of his personal power, derived from the notification under section 52(A) of the Government of India Act constituting certain districts "backward tracts", the Governor declined to permit the Local Self-Government Amending Act of 1923 to be applied at all to the Santal Parganas, and only permitted its application to the five districts of the Chota Nagpur Division with certain modifications, the most important of which is the retention of official chairmen of the district boards. This action, which was taken solely to safeguard the aboriginal population of these districts, was attacked in the Legislative Council at once, and was the subject of further unsuccessful attacks at frequent intervals. A resolution aimed at abolishing these safeguards was carried in February 1927, and the Governor agreed to meet the wishes of the Council by permitting the official chairman of the Manbhum district board to be replaced by an elected non-official.

409. *Excessive centralization.*—Local self-government is in fact in a transition stage at present. Before the Reforms it was practically in charge of the local officers and the criticism was evoked that more attention was paid to efficiency than to self-government. After the Reforms the most natural way of carrying out the spirit of the Reforms, that as far as possible there should be complete popular control in local bodies, seemed to be to cut out the local official entirely, thereby depriving the local bodies of the advantages they might have derived from the administrative experience of these officials. At the same time it was realised that there did not exist sufficient sound and effective public opinion on which these local bodies could safely be based and until it had developed checks and controls had to be continued. As the local official was eliminated, these checks and controls had to be placed in the hands of the Ministry. It was clearly impossible without an enormously increased headquarter staff to exercise these powers effectively from the Ministry and the local officials had to be retained as the agents of the Ministry for inspection and report on local circumstances; but the suspicion and distrust of Government officers engendered by the non-cooperation movement made it impracticable to delegate powers of initiation from the Ministry to these officers. In the result, they have become

merely reporters to the Ministry and channels of communication between the Ministry and the local bodies with the resultant delays that have greatly hampered any possible detailed supervision by the Ministry. It is easy for an offending local body by deliberate delay practically to neutralise any effective power of control by the Ministry. It may be hoped that in course of time an effective public opinion will develop which will render it unnecessary for the Ministry to intervene except to enforce public opinion. In the meantime the most hopeful course appears to be the creation of an inspectorate under the Ministry to take the place of the local officials and to perform the duties which under happier circumstances the local officials could have continued to perform under the direction of the Ministry.

410. *Superior control.*—The exercise of the powers of the local Government in this sphere has never had many points of contact with the Government of India or the Secretary of State, except in the matter of subsidies for education and medical relief, which had to be expended largely through the agency of local bodies. Since the provincial revenues have been separated from the central revenues, these subsidies have ceased. In pre-Reforms days the Government of India from time to time indicated their views on general policy. No such pronouncements have been made during the Reforms period, since the subject is pre-eminently one in which the ability of the local population to manage their own affairs and to profit by their mistakes has to be tried out during the transition stage towards full responsible government.

EXCISE.

411. *The importance of the department.*—The importance of the Excise department in this province from a constitutional point of view arises from two causes. Firstly the revenue, which it is designed to collect, always of much concern to those responsible for the finance of the province, has in recent years risen to the first place in the receipt heads of the budget, and has by its expansion provided the largest part of the extra money available for financing the nation-building departments. Without this aid the province would have stagnated, and the working of the reformed constitution would have been infinitely more difficult than it has been. Secondly the department in the early years of the Reforms period presented a particularly favourable point of attack for those who aimed at proving the new constitution a failure, since in this attack they were able to call to their aid a genuine dislike among persons, who did not otherwise agree with them or their methods, for the system,

which drew profit from the weaknesses of the population. These facts justify a somewhat full account of the working of the department.

412. *Excisable articles.*—Since the creation of the province in 1912 the fundamental policy in excise matters has been to combine a steady decrease in consumption with a steady increase in revenue. Before showing to what extent this policy has been carried out, it is necessary to describe the excisable articles with which the department is concerned. The most important is country spirit, distilled from the flowers of the *mahua* tree, which grows freely in the central plateau of Chota Nagpur and in the broken country fringing that plateau, but is comparatively rare in Bihar and in the coast districts of Orissa. Country spirit is the popular drink of the bulk of the consumers and from it is derived about half the excise revenue. Next in importance comes *ganja*, a drug produced from a species of hemp, not found in the wild state in the province, but easily capable of cultivation. This is consumed throughout the province by a more well-to-do clientele. Opium comes next, appealing especially to the inhabitants of Orissa, where it is largely eaten, though not so frequently smoked. Then comes *tari*, the drink fermented from juice taken from two kinds of palm tree, both common in most parts of the province, but especially in south Bihar, where the bulk of its consumers are to be found. Of considerably less importance from a revenue point of view are *pachwai* and *bhang*. The former is a beer fermented from rice, consumed almost entirely by aborigines, who are in some tracts still allowed to make it for private consumption. The latter is another drug extracted from hemp and appeals to a somewhat limited class in this province. A number of minor articles, including foreign liquor, bring in the rest of the excise revenue.

It will be seen from the account given above that excise policy, though easy to state, presents, from the number of important excisable articles, their varying appeal and the different degree of facility with which they can be smuggled or illicitly produced, a wide range of practical problems.

413. *Distillery and outstill areas.*—The pre-Reforms Government succeeded to a marked degree in carrying out the main policy already stated, in respect of nearly all excisable articles. The most important of them, country spirit, requires some preliminary explanation. In 1912 there were two systems in force for the production of country spirit, and for bringing it under excise. In the parts of the province where communications are best, the liquor is manufactured at large

private distilleries, under the constant supervision of an excise officer, who checks issues and collects the duties. It is moved out to bonded warehouses, also under close control of the department and thence distributed to the shops. Thus it is easy to obtain very accurate figures of consumption in the areas served by the distilleries. In the less developed parts of the province it has been found necessary even up to the present date to continue the old system of permitting small stills to be worked, from which issues are made to shops within a short distance, and of taking excise revenue entirely from license fees. The production of these stills and the consumption at the shops served by them cannot be determined with anything like the same degree of accuracy in this, " the outstill area ", as they can be in the " distillery area ". In the former, too, there is undoubtedly a fair amount of consumption of illicit liquor. Both for revenue reasons and for the better control of consumption it has been part of the policy of Government to extend the distillery and to contract the outstill area, and great progress was made between 1912 and 1921 in that matter. In the former year 42,500 square miles was distillery and 40,500 square miles outstill; in the latter year the figures were 70,000 and 13,000. A further reduction of 1,400 square miles has been effected in the outstill area under the Ministry, and it is expected that by 1930, when the necessary warehouses and other buildings have been completed, that only 5,000 square miles will be left under the outstill system. Naturally the rate of progress has slowed down, as the more difficult tracts only are left.

414. *Reduction in consumption of country spirit.*—After this explanation it is possible to examine the progress made in reducing consumption, and here some detail is required. The figures for country spirit are as follows:—

Tract.	Date by which whole area was distillery.	Consumption in L. P. gallons at that date.	Consumption in L. P. gallons in 1920-21.	Consumption in L. P. gallons in 1926-27.
Bihar	1913-14	972,672	821,255	638,962
Orissa Coast Districts	Before 1912-13 ...	18,827	15,282	87,720
Sambalpur	1920-21	...	34,781	
Chota Nagpur ...	Still partly outstill ...	...	433,293	337,730
Total	...	...	1,304,611	1,064,412

The figures for Bihar can be taken as very accurate and display a remarkable decrease in an area, which has been

continuously since 1913-14 served by distilleries and where more than half the total consumption occurs. The Orissa consumption has always, except in Sambalpur, been unimportant, the people preferring opium. The increase in late years is largely due to successful preventive work in Sambalpur, a district surrounded entirely by Feudatory States. It thus represents replacement of consumption of smuggled liquor by liquor that has paid excise. The Chota Nagpur figures and the totals are for reasons already explained somewhat conjectural, but there is no doubt whatever that consumption has gone down markedly.

415. *Fall in consumption of drugs.*—The fall in consumption of drugs can be presented with less preamble, as these are all issued from warehouses under complete official control, and the consumption must tally closely with the issues, in the absence of evidence of serious smuggling.

The figures are given below in *seers* (about two pounds) :—

——	1912-13.	1920-21.	1926-27.
1	2	3	4
Ganja	99,934	76,619	61,766
Opium	37,055	29,743	24,834
Bhang	21,515	19,288	12,775

They show that consumption has fallen even more rapidly in the last six years than in the previous eight. No figures are available for the other important excisable articles *tari* and *pachwai* but there is little doubt that the policy of the pre-Reforms Government, which has been continued and developed under the Ministry, has been equally effective in promoting temperance in the use of these stimulants.

416. *Raising rates of duty.*—A brief account may now be given of the principal details of that policy, touching first on the measures taken, which have contributed directly to reduction of consumption, and then on other matters which have less direct connection with that result.

The most important of the former measures is undoubtedly the raising of the rates of duty, though of course this has also been the principal means, by which the increase of revenue yet to be described has been effected. The rates have always varied from district to district, partly owing to local conditions

and partly in order to smooth out the variations found in the districts of different provinces, lying on the provincial boundary. Hence only the prevailing rates are given below :—

—	Country spirit per L. P. gallon.	*Ganja* per seer.	Opium per seer.	*Bhang* per seer.
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1912-13	1 9 0	11 0 0	26 0 0	0 10 0
1920-21	2 8 0	20 0 0	47 0 0	1 0 0
1927-28	5 0 0	35 0 0	81 0 0	2 8 0

It is evident that the increases made during the last six years have been distinctly bolder than those of the previous eight years.

417. *Reduction in number of shops.*—While the increase in price, consequent on the raising of the rates of duties, diminished the means of some of the population to indulge in excess, the reduction of the number of shops and the curtailment of the hours of sale and of the amount that may be sold to the individual consumer at a time have further diminished the facilities for over-indulgence.

The following figures give the progress made in reducing the number of shops :—

Number of shops for retail sale.	1912-13.	1920-21.	1926-27.
1	2	3	4
Country spirit	2,088	1,866	1,579
Ganja	1,334	1,234	1,102
Opium	563	540	505
Tari	7,665	5,621	5,485
Pachwai	355	330	348
Bhang	297	290	282

In most classes of shops a substantial reduction has been effected, and the Ministry has well maintained the standard of progress set by the pre-Reforms Government. A small increase in *pachwai* shops has been required to meet the needs of an immigrant population of aborigines, accustomed to this comparatively mild stimulant. It may here be remarked that the Ministry has tackled a problem left untouched before, by withdrawing in industrial and other urban centres the concession hitherto granted to aborigines of brewing *pachwai* for home consumption free of duty.

418. *The hours of sale.*—The pre-Reforms Government prohibited sale of opium after sunset, and of country spirit before 10 A.M. The Ministry has prohibited the sale of country spirit before mid-day and has put further restrictions on the sale of drugs. The details of the limitations on the quantity that can be retailed to the consumer are somewhat elaborate but it can be safely said that here too the Ministry has followed the example already set.

419. *Strength of liquor.*—Another important measure for the promotion of temperance is the reduction in the strength of liquor sold, in the expectation that the consuming population will get accustomed to a less deleterious beverage. Here again details would be tedious but the strength of the country spirit issued to the shops has been very considerably reduced particularly of late years.

420. *Sliding-scale fees.*—A very important step taken under the Ministry which has had its effect both in consumption and revenue has yet to be described. The excise revenue is partly derived from the imposition of duties on the excisable articles and partly from the fees paid for licenses to sell those articles at retail shops. Up to 1919-20 those licenses were granted to the persons who made the highest bids for them at auctions held by the Collectors. Only in exceptional circumstances was the highest bid refused. In 1919-20 an experiment was made of a new system of selecting a reputable vendor and offering him the license at a fee which is based on actual sales during the year. This is calculated so as to allow him a fair profit from a normal sale, but is increased so as to absorb to a rapidly increasing degree the extra receipts he gets from abnormally high sales. This is called the sliding-scale system To be a success it is necessary to know fairly accurately what the normal demand of the area served by each shop is, and to ensure that the vendor to whom the offer is made is selected without

favouritism. These points being secured this system has great advantages. It links taxation closely to consumption and renders accurate budget estimates more possible. It almost entirely removes the temptation to deal in smuggled articles and to undersell neighbouring shops, and takes away the stimulus to push sales or to cheat the consumer, practices which speculative bids greatly encouraged in the past. It supplies an incentive to good management by giving a fair degree of security of tenure. It relieves the officers of Government from having to conduct noisy and often disorderly auctions and to break monopolies by inviting outside bidders. It makes it possible without unfairness to the vendors to alter rates of duties at any period of the year, if that is desirable to check undue consumption.

The experiment was greatly extended in the difficult year of 1921-22, when the success of the non-cooperation movement scared off the bidders at the ordinary auctions. Its advantages were fully recognized by the Committee that sat in 1922, and the Ministry with that support decided to go ahead with it, and it has now been adopted as the method of settling shops of all kinds in nearly every part of the province.

421. *Licensing authorities.*—A considerable step forward in the matter of securing some degree of local control over the retail sale of excisable articles, especially country spirit, has been taken by the Ministry. In the pre-Reforms period advisory committees had been set up in all municipal towns as well as in the rural areas of the Chota Nagpur Division. In 1924 these committees were constituted licensing boards in the eight principal towns of the province, and were empowered to determine what premises should be licensed and to select the licensees.

422. *Smuggling and other matters.*—Other matters in which the department has been active have been the suppression of smuggling, the improvement of the excise on *tari* and the cultivation of *ganja* under license. To deal with smuggling a special intelligence bureau was established in 1913 and in 1917 a special patrol along the Nepal boundary was organized. Under the Ministry these have been maintained and a patrol to guard the boundaries of Sambalpur, which is surrounded by Feudatory States, has been added. The revenue from *tari* has hitherto been drawn entirely from vendors' license fees, and has not been effectively linked to the quantities passing into consumption. An experiment has recently been started of taxation on the number of trees from which the *tari*

can be drawn to supply the shops, the method adopted in Madras.

The province previously drew all its supplies of *ganja* from Bengal, and that province showed signs of using its position as monopolist. In the last year of the pre-Reforms period experimental cultivation was started on agricultural farms, and, this proving successful, licenses to private persons have been granted since 1925, and an appreciable portion of the *ganja* consumed is now grown in the province. The Bengal monopoly has already been broken, and a new industry started, which may expand until the whole demand is met by the provincial supply.

423. *Expansion of revenue.*—These activities of the department, or most of them, have had their effect on the excise revenue the expansion of which is the second fundamental point of the policy of the local Government. The success gained here may be judged from the following figures :—

Revenue in thousands of rupees.

—	1912-13.	1920-21.	1926-27.
	1	2	3	4
Country spirit	54,07	67,15	91,54
Ganja	22,53	29,52	43,92
Opium	12,15	18,35	25,43
Tari	12,66	14,57	21,34
Pachwai	1,31	1,50	3,76
Bhang	52	64	1,09
Other heads	77	74	1,39
Total ...	1,04,01	1,32,47	1,89,47

From the figure for opium in 1926-27 a sum of Rs. 9,51,000 has been deducted, which is the price paid to the Government of India for opium supplied. In the earlier years the corresponding amount was deducted in the accounts. The year 1920-21 was an unfavourable one, as the non-cooperation campaign

against excise had already begun, and probably Rs. 13,00,000 was lost through that cause. Roughly speaking, allowing for this, the pre-Reforms Government added 40 per cent. to the revenue, in spite of the marked decrease in consumption already explained, while the Ministry has raised revenue by another 30 per cent. while effecting an even more remarkable reduction in consumption.

424. *Non-cooperation attack.*—Reference has already been made to the attack of the non-cooperators on excise. While drawing support at any rate at its earlier stages from a genuine temperance movement the campaign was in the main political, intended to cut off from Government a most important source of revenue, and thus to make it impossible to demonstrate the success of the Reforms by expansion of the nation building departments and even to paralyse the administration completely by lack of funds. The campaign was conducted on aggressive lines. Excise shops were picketted by young men assisted by untouchables and hired roughs, threats and actual violence were used to frighten intending bidders off taking settlement of shops, the shops themselves were looted and burnt. In some cases drinkers, or more frequently persons paid to impersonate them, were paraded on donkeys through the bazars with their faces blackened; men connected with the liquor trade or the excise department were boycotted socially, and attempts made to interfere with their purchase of the ordinary necessities of life; the funeral rites of dead vendors were interrupted and in one case a grave was desecrated and the corpse mutilated. The whole brunt of the movement was directed against liquor. Drugs for the most part consumed by persons, who were in a better position to resent interference with their habits, were left severely alone, and their consumption actually went up considerably in the period when the campaign was successful in reducing consumption of liquor, at least of excise paying liquor. Where the liquor drinking classes were in a position to resent the activities of the boycott, as in the backward tracts, they were frequently assured that the objection was only to shop-made liquor, and encouraged to distil illicitly. The campaign lasted from November 1920 to March 1922, and seriously affected the revenue both of 1920-21 and of 1921-22. The other result was a very great increase in illicit distillation.

425. *Influence of the Council.*—There was a section of the first Council, that was not unfriendly towards the non-cooperation campaign against excise, while many members found it difficult to condemn it whole-heartedly in view of their religious

or long-standing social objections to liquor traffic. To meet the views of the latter section expressed in a resolution, Government in 1921 appointed a Committee to examine excise policy as a whole. The Committee advised that total prohibition was wholly impracticable, and accepted the Government policy of controlled consumption. Their advice encouraged the Ministry to proceed with the change to the sliding-scale system and with the experiment in forming licensing boards, while in other less important matters it was of service to Government.

Nevertheless prohibition resolutions have twice been moved in the Council. These have been defeated, on each occasion a majority of elected members voting against the resolution. The most recent development was an attack on the 1928-29 Excise budget, which the Minister repelled by promising to look into the possibility of an experiment in prohibition in a limited area. The budgets of 1924-25 (in which year a motion to cut 10 lakhs received considerable non-official support), 1925-26 and 1927-28 were only preserved intact by the help of the official votes, while in 1923 the demand for the pay of the Deputy Commissioner of Excise was refused, and the post left vacant for five months, until the provision for it was restored by a supplementary demand. The effect of this uncertainty is inevitably detrimental to the department. In all cases the main burden of complaint was the failure to accept a policy of prohibition open or disguised. The elected members of the Council have displayed some inconsistency in supporting motions urged on this ground while opposing resolutions in which the issue is specifically joined.

Of legislation there has been little, and that of no great importance. The Excise Act was thoroughly revised in 1916, and is in no immediate need of general amendment. Two Acts have been passed in the reformed Council, one which aims at the complete though gradual abolition of the habit of smoking opium, never a widespread habit in this province, and the other raising the minimum age of persons to whom excisable articles can be sold to sixteen and forbidding employment in spirit shops under the age of eighteen.

Finally a resolution passed in early 1927 induced Government to appoint a committee to investigate the reasons for the high consumption of opium in Orissa.

426. *Superior control.*—The department has considerably more points of impact with the Government of India and the Secretary of State than the other transferred subjects have.

Indeed this impact has increased rather than disminished since the inception of the Reforms. The principal reason is the activity of the League of Nations whose recommendations are passed on by the Secretary of State, and have to receive the respectful consideration of the Ministry. The control of the Government of India is still operative in the decision of questions of excise policy affecting sister provinces, and excise is such an important source of revenue that the financial independence of the provinces has caused the raising of many points, which had previously been left vague.

427. *The internal organization of the department.*—The department was originally placed in the portfolio of the Minister for Education and Development, and he had to guide it through the troublous times of non-cooperation and to resist the premature cry for prohibition. As a Musalman, that Minister found his position somewhat inconvenient, and the subject was accordingly transferred to the portfolio of the Minister for Local Self-Government in 1924. The head of the department has been a European member of the Indian Civil Service throughout the Reforms period, and he has been left a free hand to administer his department on the general lines approved by Government, a devolution which has contributed greatly to the efficiency of its working. The Board of Revenue still exercises general supervision, but that authority has had much less occasion to intervene than was the practice in pre-Reforms times. The department is also peculiar among transferred departments, because the Collectors, *i.e.*, the revenue heads of the districts, have a statutory power of control in certain matters, while the Commissioners of Divisions are required to pay some attention to the local working of the department. Though these officers are not under the control of the Minister they have loyally accepted the instructions and orders issued from the Ministry, and no friction has hitherto arisen. The superior staff of the department is recruited for the most part from the executive branch of the Provincial Civil Service, but officers once taken in are as a rule retained throughout their period of service. The lower grades are specially recruited for the excise service and can by good service rise to the superior grade. Save for the Excise Commissioner himself and a few Europeans with Indian domicile in the superior grade, the staff is entirely Indian.

MEDICAL.

428. *Organization and functions of the department.*—The department has throughout the Reforms period been in the

portfolio of the Minister for Local Self-Government. The administrative head has been a member of the Indian Medical Service, from which service many of the Civil Surgeons employed as the chief medical officers in the districts have also been drawn. The department is concerned with the provision of medical relief throughout the province, and thus with the establishment, and working of medical institutions and the training and registration of medical practitioners. A separate department that of Public Health, deals with the prevention and control of epidemics as well as with the provision of water-supply and drainage required to minimize the risk of their occurrence. The Civil Surgeons as well as the subordinate Government medical staff in the districts have duties which bring them in touch with the Public Health department. On the other hand a large part of the duty of providing adequate medical relief has to be performed through the agency of the local bodies, urban and rural. The department is thus staffed to some extent with officers, who are not fully under the control of the Minister, and these officers are required to work in conjunction with popularly elected local bodies.

429. *Changes in staff.*—At the formation of the province in 1912 the personnel of the department included 24 Indian Medical Service officers, three military assistant surgeons, one uncovenanted medical officer, 55 civil assistant surgeons and 201 sub-assistant surgeons. It is now staffed with 15 permanent Indian Medical Service officers, and four temporary officers of that service, apart from six officers employed in the Jail and Public Health departments. There are still three military assistant surgeons and two uncovenanted medical officers. The number of civil assistant surgeons, now organized into the Bihar and Orissa Medical Service, has greatly increased, and now stands at 120, including 12 probationers and temporary men. Of these seven are holding charge of districts as Civil Surgeons. The number of sub-assistant surgeons has decreased to 142, partly by reason of replacement by more highly qualified men at the more important hospitals and partly because the district boards are now allowed to recruit their own medical officers of this class.

430. *Expansion between* 1912 *and* 1921.—The expansion of medical institutions had made steady progress throughout the pre-Reforms period, in spite of the recall of most of the senior officers of the department to military duty and the restrictions on spending during the War. The expenditure from provincial funds rose from Rs. 5,83,000 in 1912-13 to

Rs. 16,41,214 in 1920-21. State hospitals increased from 15 to 25, and dispensaries under the control of local bodies from 166 to 237, while private institutions aided by public funds increased from 16 to 21. In such institutions some 29,500 persons were treated as in-door patients in 1912, while 42,000 were so treated in 1920. Out-patients rose from 2,100,000 to 2,850,000.

431. *Expansion between* 1921 *and* 1928.—There was thus plenty of evidence that an extension of facilities for obtaining medical relief was warmly welcomed, and on the inception of the Reforms the Legislative Council lost no time in voicing the demand for such an extension especially in rural areas. In fact the first resolution accepted by the Council in 1921 was one urging a rapid advance to the standard of one dispensary in every police-station jurisdiction, an area which on the average comprises 168 square miles. Such a programme will result in medical aid being available in practically all parts of the province within ten miles. It involved an addition of 337 dispensaries under the management of local bodies. Of these 229 have already been opened in the course of seven years, and only 108 remain to complete the programme; but difficulties have already arisen in the case of some boards over the increased recurring expense of these dispensaries and this has caused a check in the programme. For 132 dispensaries buildings have been completed and for 93 they are under construction. The progress has thus been remarkably rapid. In 1926, 5,836,000 patients were treated at the hospitals and dispensaries, of whom the majority sought relief at the rural dispensaries. To secure these results non-recurring grants of Rs. 20,72,000 have been given to district boards in the last seven years, while Rs. 13,01,000 has been handed over for recurring charges, for which the State has now assumed an annual liability of Rs. 3,22,000.

There has been no equal expansion of State hospitals, for the reason that every district already has one or more such institutions, to whose upkeep provincial revenues contribute materially. Attention has, therefore, been directed to improving these institutions, replacing obsolete buildings and adding new accommodation and up-to-date equipment. For fourteen institutions very important improvements have been made in the period, or are now in progress of execution, including the reconstruction, at the cost of two and a quarter lakhs, of the cholera hospitals at the two important pilgrim centres, Puri and Gaya.

432. *New institutions.*—Of new curative institutions the most important is the Indian mental hospital at Kanke near Ranchi, intended for the mental patients, including criminal lunatics, of Bengal as well as this province. The European mental hospital for the whole of northern India was opened there in 1918, and the Indian hospital scheme mooted in the pre-Reforms period. Under the Ministry the scheme has been brought to fruition, and in 1925 a well-equipped institution capable of accommodating 1,378 patients was opened. The final capital cost will probably be about Rs. 33,00,000, while the recurring cost will be nearly Rs. 8,00,000. Bengal pays three-quarters and Bihar and Orissa one-quarter and each province is entitled to a proportionate share of the accommodation.

The province was the first to encourage the use of radium in medical practice and in 1920 established a Radium Institute at Ranchi. This institution has done excellent work there, but the recognition of radium as part of the accepted body of medical practice, and the growing need for collaboration with specialists in the various branches of medicine and surgery have induced Government to decide to move the Institute to Patna, and merge it in the Medical College recently established there. In addition to the advantages of accessibility, accommodation for patients, and the presence of the necessary specialists and nurses, there is the added advantage of familiarizing the rising generation of doctors with a therapeutic method, available for their future patients.

The most recent institution is the sanatorium now being established at Itki in the Ranchi district for the treatment of tuberculosis patients at a capital cost of Rs. 5,40,000 and a recurring cost of Rs. 41,000. The buildings are under construction and will accommodate 52 patients.

For the treatment of lepers there are eight institutions in the province with accommodation for 1,806 patients. These are mainly managed by Missions aided by grants from Government and local bodies. The total cost of these had risen from Rs. 1,30,000 in 1921 to Rs. 1,95,000 in 1925 and Government are now providing about Rs. 1,00,000 against Rs. 54,000 in 1921, besides considerable sums for capital expenditure. Activity has also been shown in the establishment of leper clinics in three places in the province for the diagnosis of the disease and its treatment at the early stages, when a complete cure is now possible.

Medical officers in charge of rural dispensaries have been encouraged to treat lepers by the offer of a special allowance,

and a leprosy expert was appointed in 1927 to assist Government and local bodies in the arrangements for the treatment of the disease.

At Puri a special annex to the hospital with an up-to-date laboratory has been built to carry out research into methods of curing the disease filariasis, more familiarly known as elephantiasis, which is very prevalent in Orissa. Mention may also be made of steps taken to provide at the important hospitals for adequate treatment of venereal diseases and kala-azar.

433. *The Prince of Wales Medical College.*—Though these advances have been notable, perhaps the best achievement of the Reforms period has been the establishment of a really well-equipped medical college at Patna, commemorating the visit of His Royal Highness the Prince of Wales, and helped by generous donations of the leading men of Bihar which that visit inspired. This was opened in July 1925 and is capable of teaching all branches of medicine and surgery up to the standard required for the civil assistant surgeons, who form the main body of qualified medical practitioners in the province, well instructed in their profession and thoroughly imbued with its magnificent traditions. The necessary extensions of the Patna General Hospital as well as the buildings and equipment of the college itself have cost Rs. 27,35,000 and will cost yet another Rs. 4,51,000, while recurring charges amount to something over Rs. 7,00,000 a year. It has recently been visited by the deputation of the Health Section of the League of Nations who have expressed the opinion that it presents a standard of teaching which they have not seen excelled elsewhere in India. It has not yet secured recognition of its degrees from the British Medical Council, but no students have yet completed the whole of their medical training at the College, and it is confidently expected that recognition will be accorded as soon as that stage has been reached, provided that certain improvements which are now in contemplation can be made. The College replaced an existing medical school which has been transferred to Darbhanga since August 1925, while the other existing medical school at Cuttack in Orissa has been much improved. In both these places the hospitals have been taken over as State institutions, financed entirely from provincial funds, and have been enlarged and brought up to date.

434. *Encouragement of the Ayurvedic and Tibbi systems of medicine.*—It is necessary now to turn from the achievements

of the Ministry in the medical sphere, which must command the appreciation of all, to other matters where such unanimity is not to be expected. The first matter is the attitude adopted to a persistent demand voiced in the Legislative Council for encouragement of the Ayurvedic and Tibbi systems of medicine. The former is the product of the system of medicine, which Hinduism practised in ancient times. The latter is Islamic in origin and harks back to the Arabic tradition, which was once the main inspiration of medical science in Europe itself. To both the respect due to longevity may rightly be paid, and that respect is reinforced by national and religious feeling. A resolution urging the establishment of colleges for the teaching of the Ayurvedic and Tibbi systems was moved in the Council in February 1923 and was withdrawn on the assurance of the Minister that the question would be examined. A conference of practitioners of these systems was called and proposals were put forward and examined. The Minister was thus prepared to accept a second resolution moved in February 1926 urging the establishment of teaching institutions. Finally in August of that year a supplementary demand for Rs. 26,000 was placed before the Council and accepted by that body. With this sum two schools have been started in Patna to teach practically and theoretically the two indigenous systems of medicine and to supplement them by elementary instruction in anatomy, physiology, pathology, pharmacology, bacteriology, surgery, and medicine. The arguments in favour of this action are that there is a popular demand for the encouragement of the indigenous system and that treatment by their practitioners is cheaper than western medical treatment. It will be seen that so far no great inroad has been made on the funds available for medical relief.

In this connection it may be noted that Government have not permitted the diversion of grants made to the local bodies for the establishment or upkeep of institutions conducted on western lines, and have discouraged local bodies from unnecessarily spending their own money in establishing Ayurvedic or Tibbi institutions. Thirty-two such dispensaries have been opened by district boards and municipalities, principally where there are no other dispensaries at present.

435. *The position of the civil surgeons.*—The other matter, on which differences of opinion may exist, is with regard to the position of the civil surgeons *vis-a-vis* the district boards. As long as the civil head of the district was chairman of the board and able by his position there and his wide powers in

other spheres to give effective support to the civil surgeons, it was possible to impose on the latter a heavy responsibility for the general health of the district, without giving him the statutory powers for discharging that responsibility. From 1923 onwards in most districts the district officers have ceased to be chairmen and the boards, in which the majority of the members are now elected, are in a position to settle, within the limits imposed by Act or rule, the details of their medical administration, and to control their medical institutions and the staff employed therein. The change in the position of the civil surgeon was brought prominently to notice in certain districts, where the Swarajist element on the board was paramount and did not at the beginning find themselves able to work smoothly with the medical expert. A further complication arose from the creation of posts of health officers, whose relations with the civil surgeons and their respective spheres of responsibility were not precisely defined. Yet another difficulty was added by the increase of the number of rural dispensaries beyond the number which a civil surgeon could adequately inspect. The position arising from these new factors was examined by a small official committee appointed by Government, and the views of the district boards and of local officers sought in 1926. The majority of the boards expressed themselves willing to undertake the full responsibility for medical relief and public health including the control of epidemics. Most of them were, however, anxious not to exclude the civil surgeon from all parts of their medical work, but to retain the advantage of having his advice and experience available for their guidance. On the basis of these opinions Government have decided to retain the civil surgeons as members of the boards, where they have been so nominated. In all boards they are statutory members of the sanitation committees which the boards are required to appoint. They are expected to attend meetings regularly and advise the boards on all matters connected with medical relief and public health, and to bring before the boards all cases of abuse and injustice arising in those matters, which come to their own notice. The civil surgeons will not be divested of any powers they now have, and in particular will retain their control of vaccination and of the Government epidemic staff when deputed to their districts, while any special relief which Government may desire to give to any local areas will be given through them. They will continue to be inspecting officers on behalf of Government, required to keep Government informed of the condition of medical and sanitary work in the districts.

But they will no longer be held responsible for what they cannot control, and the responsibility for a breakdown will rest entirely on the boards.

The decision undoubtedly leaves the position of the civil surgeon a difficult one, as all positions in a transitional stage are apt to be. The civil surgeon has been relieved from the direct responsibility for a breakdown because, although it is true that his legal powers are no less than they used to be, he has in fact lost the actual power he used to exercise on behalf of the officially run district board; but it is impossible to relieve him from the worry of endeavouring to prevent one and he must often be in the disheartening position of seeing things which he believes to be wrong without the power to put them right. This however is part of the process of teaching the elected bodies to shoulder their new responsibilities, and the remedy must be looked for in the growth of public opinion, the increase of administrative experience and the development of effective local health organisations, a development which is at present blocked by lack of funds. A more difficult question which has not yet been solved is how far the local Government can divest itself of responsibility for local epidemics until the local bodies are in an assured position to assume it.

436. *Growth of expenditure.*—The expenditure incurred in the medical department, including the grants made to local bodies for medical relief has increased from about 17½ lakhs in 1921-22 to nearly 30 lakhs in 1927-28. In 1926-27 it stood at 35½ lakhs, and in that year a larger percentage of the provincial revenues was spent on this service than any other province showed.

437. *Interest of the Legislative Council.*—The Legislative Council has shown a marked interest in medical matters. As has already been noted one of its earliest acts was to press for the programme of one dispensary in each police-station area, which is now in sight of accomplishment. In 1922 a resolution for the provision of trained midwives in all rural dispensaries was carried, but practical difficulties have stood in the way of putting that proposal into effect. The interest displayed in indigenous systems of medicine has already been recorded. A resolution was carried urging Government to replace sub-assistant surgeons by assistant surgeons at all subdivisional headquarters, an improvement in the quality of medical relief which Government has put into effect. The

Council accorded full support to the scheme for establishing the Medical College and recognized the necessity of employing a large proportion of European medical officers there at its inception. It has shown itself anxious for a large increase of medical schools, a policy which Government are not yet ready to accept as long as there is no clear demand for the services of the class of medical practitioner, which those schools are capable of training, who are not as a rule distinguished by their knowledge or ability.

438. *Superior control.*—There have been no instances of the exercise of superior powers of control in this department, peculiar to this province. A final decision has not been reached on the future constitution and strength of the Indian Medical Service. Until the decision is known it is impossible to say whether it will hamper or facilitate the working of this department.

PUBLIC HEALTH.

439. *Organization of the department.*—The Public Health, or as it was previously designated, the Sanitary department, is placed in the portfolio of the Minister for Local Self-Government. It has two branches; at the head of the first, the medical branch, is an officer of the Indian Medical Service designated the Director of Public Health, while the second, the engineering branch, is under the direction of the Superintending Engineer. The functions, staff and working of the two branches will be separately described.

440. *The medical branch prior to the Reforms.*—The main responsibilities of the medical branch are the prevention of epidemics and infectious diseases, and the propagation of knowledge about the general principles of hygiene, sanitation and cleanliness. When the province was created the superior staff consisted only of the head of the department and one other officer, but two others were immediately added in 1912. In the following year health officers paid for by Government were appointed in twelve of the large municipalities and a sanitary school was opened for the training of sanitary inspectors, while in 1914, a sanitary laboratory was started for analysis of water, which was subsequently equipped to analyse food samples too, and a depôt was opened for the manufacture and distribution of calf vaccine lymph for provincial needs. In 1919-20 a Public Health Bureau in charge of a special officer was started, and the staff of the department enlarged further by the appointment of five school medical officers and a temporary cadre of epidemic doctors.

441. *Development subsequent to the Reforms.*—Under the Ministry a temporary cadre of ten epidemic doctors of higher qualifications was formed in 1922 as well as a cadre of vaccinators, whose services could also be utilized for epidemics and preventive work in the districts. In 1926, a permanent Public Health cadre was created incorporating the school medical officers, the health officers and the epidemic doctors. Thus the cadre has grown from the two officers in 1912 to its present dimensions of a director and three assistant directors of public health, two officers in charge of the bureau and the vaccine depôt, a chemical analyst, five school medical officers, three at present employed as health officers in towns and one under the medical department as a leprosy expert, twenty-five permanent officers in all, as well as six temporary epidemic doctors, all of whom are qualified members of the medical profession. There are also the vaccinators, who have no such qualifications.

The organization of a reserve of epidemic doctors was severely tested in 1924 when a very prolonged and widespread epidemic of cholera occurred. The reserve was strengthened by the employment of twenty temporary doctors for six months, while a special reserve of 200 vaccinators was entertained. These received a few days' training in the use of disinfectants and in the disinfection of wells and were placed at the disposal of the civil surgeons. The organization was of the greatest possible use in the crisis.

442. *Efforts to create local health organizations.*—Not only has the staff been increased as indicated above, but the duties of the department have expanded and to a great extent changed since the inception of the Reforms. One of the chief problems with which the Ministry has been faced in the matter of public health is the difficulty of co-ordinating the various authorities amongst whom the responsibility for public health is now distributed since the passing of the amended Local Self-Government Act and of the new Municipal Act. As has been already explained in the previous section, before the Reforms preventive and remedial measures for dealing with epidemics were taken by the civil surgeons, acting in co-operation with the district officers, who were then chairmen of the district boards and in close touch with the Public Health department. The new legislation consequent on the Reforms necessarily altered the system of control. The non-official chairmen of district boards and municipalities no longer have the prestige of a magistracy behind them and the civil surgeons, though they are still expert advisers of the district boards, are not under

their control, nor are the subdivisional officers, who each of them administer their own subdivision of the district, in such direct touch with a non-official chairman as they had been with the official chairman, though many of them still continue to be members of the boards. District boards began to feel the want of a medical organization of their own, independent of civil surgeons, and a scheme was drawn up in 1924 for supplementing Government's public health staff by the creation of a staff of health inspectors and subordinates appointed by each district board under the control of a health officer holding a diploma of public health, also appointed by the district boards. The intention of the Ministry was that district board organizations should take over the primary responsibilities of public health in the districts and that Government's public health organization should become a co-ordinating, supervising and controlling authority as it is in England. Government hoped to be able to bear about half the cost of this local public health staff and thus to be able to exercise due control over the district boards by the power of the purse. Unfortunately, lack of funds has made the provision of this financial assistance impracticable except for the three Orissa district boards, which are far the poorest in the province. The staff of the Director of Public Health has, therefore, been working under considerable difficulties. There has been an enormous increase of inspection work, for municipalities have been unable to afford to maintain qualified health officers, and most district boards have been unable to finance their public health organization schemes. The Director of Public Health's staff has also undertaken the new responsibility of inspecting high schools, and the expert advice and supervision of the Assistant Directors of Public Health have been required to an increasing extent at big cattle fairs and similar gatherings, while their responsibility for coping with epidemics has been complicated greatly by the factors described above. The district board health organizations are still in their infancy and do not yet provide an adequate means of coping with epidemics or with the general problems of public health. They are subsidized in only three districts and exist in only nine districts in all.

443. *The engineering branch.*—The engineering branch was started on the formation of the province with a Sanitary Engineer and two assistant engineers. Its functions were the preparation of sewerage, drainage and water-supply schemes, the inspection of the execution of such schemes, and advice to local bodies on the running of the completed works. In addition

the preparation and execution of schemes carried out for Government purposes falls within its duties, and during the building of the new capital at Patna occupied the greater part of the attention of the branch. For this reason it was found necessary to replace the assistant engineers by officers of the rank of executive engineers, who were appointed in 1915 and 1916, and these with the Sanitary Engineer himself and seven superyisors formed the staff of the department at the inception of the Reforms. In the course of the pre-Reforms period, apart from the construction of the works needed for the water-supply, sewerage and drainage of the new capital, three towns were provided with piped water-supplies, in addition to three which had already got them, and drainage schemes were fully or nearly completed in eleven towns, no towns having had such schemes while the province formed part of Bengal.

The earliest effect of the Reforms on the branch was the reduction of staff made on the recommendation of the Retrenchment Committee, which was appointed to satisfy the wishes of the Legislative Council. The services of one of the two executive engineers were dispensed with in 1922 and other economies were effected. The result was to limit the activities of the branch almost entirely to Government works. It was realized in 1925 that some extra staff would be required before the branch could resume its duties of pushing on new schemes for municipal improvements and of effectively advising the municipal boards on the upkeep of existing schemes. The post of executive engineer, which had been abolished in 1922, was revived on a five-year contract basis and new posts of an additional assistant engineer and of an assistant mechanical engineer created. But the staff is still most inadequate. Two more towns have since then been added to the eleven which had drainage works in 1920 and one more to the six which then had a piped water-supply, and many other towns are feeling the need of a pure water-supply, which, it is now universally recognized by the people, is the only adequate safeguard against cholera in towns, and are applying to Government to work out schemes for them. But the sanitary engineering staff is unable either to work out the detailed schemes which municipalities require or to give the expert advice necessary to ensure the efficient maintenance of waterworks where they exist. Municipalities in this province are none of them wealthy, and none of them have been able hitherto to afford to employ properly qualified engineers for their waterworks. A qualified mechanical engineer of the status of an Executive Engineer is

required to develop and help to supervise the maintenance and control of waterworks and drainage schemes in municipalities and also to maintain waterworks for Government institutions. An important function of the Superintending Engineer at present is the maintenance and control of the waterworks which supply the New City and a large portion of the Patna City municipality. These powers are exercised by him as chairman of a joint committee constituted by the two local bodies concerned, to which all their powers except those of taxation have been delegated.

444. *Public health in the coalfields.*—A special problem in public health, which has been before the Government of Bihar and Orissa since the province was created, is the sanitary control of the Jharia coalfield area, which extends over 900 square miles, and is very far from being completely urbanized. To solve this problem a Mines Board of Health was created to enforce sanitary principles, while a Water Board was formed to provide a pure water-supply. The former has an income of about four lakhs of rupees, derived from a cess on coal imposed on mine-owners and royalty receivers. It has successfully enforced sanitary precautions, and has been very effective in dealing with cholera, by insisting on prompt report of cases, and by treatment with kaolin. In 1919, before the organization was built up, there were 4,000 cases of cholera and 2,124 deaths in the coalfields proper, whereas in the six years 1920 to 1925 there have been only 3,979 cases in the more extended area now controlled and only 1,479 deaths. The Water Board has carried through in twelve years the vast project of supplying the coalfields with pure water involving the formation of a large reservoir at the foot of Pareshnath hill, and the conveyance of the water by pipes to the collieries.

445. *The Advisory Boards.*—Mention should be made of the functions of the Sanitary Board before the Reforms, and of its lineal successor the Local Self-Government Board after the amendment of the Local Self-Government Act. The old Sanitary Board was a purely official body up to 1919 designed to secure the more prompt disposal of business by bringing together officials who would otherwise have had to examine schemes separately. In 1919 the power of allotting funds provided in the budget for aiding local bodies in carrying out sanitary schemes was handed over to this Board which was re-constituted to include non-officials, while the official nucleus was retained as a technical committee which advised Government on the soundness of schemes. When the new Municipal

Act was passed in 1922, it contained a provision for a Local Self-Government Board which was intended to take the place of the old Sanitary Board; and in the amended Local Self-Government Act, provision was made for a Public Health Board, with somewhat similar functions. The Local Self-Government Board must contain fifteen members of the Legislative Council elected by the Council who can, however, co-opt other members. The Minister is the President and the Secretary to Government in the department is also an *ex-officio* member. The constitution of the Public Health Board, on the other hand, vests entirely in the Ministry which may appoint such persons as it thinks fit. The functions of the two boards overlap. They are both purely advisory, and as a result of undertakings given by the Minister in the Council when the Municipal Bill was under consideration, rural as well as municipal problems have in practice been laid before the Local Self-Government Board. This left no separate functions for the Public Health Board to perform. Hitherto, therefore, the same members have been chosen by Government for the Public Health Board as had been elected or co-opted for the Local Self-Government Board.

446. *The attitude of the Council. Expenditure. Superior control.*—The department has not called forth much discussion in the Legislative Council, which has voted the funds required for its work without serious objection. The expenditure in the department has been as follows:—

Year.	Expenditure by the department.	Grants to local bodies.	Total.
1	2	3	4
	Rs.	Rs.	Rs.
1921-22	5,09,757	1,65,215	6,74,972
1922-23	7,77,981	2,18,858	9,96,839
1923-24	9,37,896	2,82,386	12,20,282
1924-25	6,75,429	2,29,895	9,05,324
1925-26	7,55,195	5,04,846	12,60,041
1926-27	7,59,403	6,62,057	14,21,460

Apart from the Acts relating to local bodies, whose effects on the department have already been indicated, the Council has passed four Acts that concern it, *viz.*, three Acts making minor changes in the Jharia Water-Supply Act and one, the Food Adulteration (Amendment) Act, 1923, extending the operation of the original Act of 1919 to the sale of impure or adulterated drugs.

The relaxation of the control of the Government of India and the Secretary of State in the subject of public health has been complete, since no case has occurred in which the exercise of such control has been found necessary.



CHAPTER IX.

THE REFORMS IN THE DISTRICTS.

447. *Difficulty of the description.*—The working of the reformed constitution in the districts is a most important part of the general picture of the last seven years, but it is one which it is most difficult to portray. The acts of the provincial government, and the processes by which the decisions so to act were reached, as well as the debates and divisions of the Legislative Council, are on record and it needs little more than industry to bring the salient facts together. But there is no such record of the way in which the system of government has actually functioned in the daily life of the population as a whole, or of the feelings and ideas that the population have about it.

448. *The district officer's position before the Reforms.*—Though it is the tritest of commonplaces, it is yet necessary to repeat that the foundation of orderly government in India is the good administration of the district. The manner in which this primary need was secured for over a hundred years prior to the Reforms is fully described in paragraphs 122 to 128 of the Joint Report. Prior to the inception of the Reforms the head of the district, entrusted with the supervision of the magistracy, the control in its wider aspects of the regular and rural police, the administration of the land revenue system, the intimation of the policy and the supervision of the detailed work of the district board, the exterior if not the interior control of municipal boards, as well as a host of other duties, was the mainspring of nearly all effective action on the part of the State within his charge. No doubt his powers over the magistracy were circumscribed by the right of appeal to the sessions judge and to the High Court. In land revenue matters as Collector he was the subordinate of the Commissioner and the Board of Revenue. In district board matters and even more so in municipal matters he had to carry with him the non-official members of those boards. In these and in other matters of general administration the instructions of the Commissioner and of Government had to be obeyed. But still the district officer held a position without parallel outside India. He was far more than the functionary through which the State acted. He was the authority to whom all, rich and poor alike, could appeal for

remedy of wrongs, for protection against disease and for help in time of famine or flood. He was moreover, the main dynamic force for advancing the prosperity of his charge. And, finally, he had the responsibility of maintaining law and order, by direction of prosecutions and by taking the precautionary measures, which the law provides, against those who threatened to break the peace. To some extent the position of the district officer had already altered before the Reforms came in In the larger towns a degree of public opinion had emerged and gradually gathered strength and it was already exercising considerable influence upon Government action and thereby upon district officers also. The growing complexity of the business of administration brought about the codification of executive instructions and the multiplication of reports and returns, while the improvement of communications brought the district officer in closer touch with his superiors. All these factors tended to lessen his personal initiative or to reduce the opportunities for exercising it. Later the building up of new services such as those for the development of agriculture and co-operative credit and for the promotion of public health relieved him of duties, which he had been previously expected to perform to the best of his ability. But he was still required to keep in close touch with the activities of these and other services in his district, and his advice and influence were sought and valued.

449. *Changes in the district officer's position consequent on the Reforms.*—The Reforms have brought about further changes of a more vital character. The district officer in fifteen out of the twenty-one districts has no longer any direct connection with the rural board. He has lost his connection with the headquarters municipality. His functions *vis-a-vis* the local bodies are limited to the right to intervene to prevent action calculated to lead to a breach of the peace or to grave injustice to sections of the population, and to the duty of inspecting the local bodies and reporting his views to the Ministry. The district board in particular has been elevated into a parallel authority with that of the district officer, extending into the districts the principle of dyarchy. His loss of control there has led to loss of power to support the civil surgeon in matters concerning the health of the district. The reactions of this change have been described in dealing in Chapter VIII with the medical and public health departments. It is enough to say here that the transition to a full local organization for public health, effectively controlled by Government, has not yet been accomplished. The transfer of

education, excise, agriculture, co-operative credit, veterinary and industries to the charge of Ministers and the control of the Council has largely reduced the scope of his initiative, as the policy in those departments is laid down by the Minister in a form that the Council will support, and that policy must be carried out in all districts. The district officer is therefore left ordinarily with the duties of enforcing law and order through his control of the magistracy and police, and of collecting the land revenue and other public demands. His are the essential but sometimes unattractive duties of maintaining the fabric of Government and securing a good part of the revenue needed for such maintenance as well as for the benevolent activities of Government in which he has no longer much share.

450. *Relations between district officers and district boards.*—These are the facts of the present situation and were clearly foreseen. It was obvious that any substantial advance towards self-government, whether in the provincial or the local sphere, must curtail the power and influence of the local officers. It was, however, expected by the authors of the Joint Report that they would find a new field for their energies in training non-official members of the local bodies in administration. This expectation has not been generally realized. To some municipal boards and to most district boards the first popular elections brought in a majority of members whose political views and personal vanity prohibited them from seeking guidance at the hands of the local officers. This attitude did not, fortunately, persist everywhere even throughout the term of office of the first boards, and the more recently elected boards have shown still greater signs of co-operation. But where it did display itself, the estrangement of the officers whose experience might have kept it on the right lines caused a serious falling off in the standard of local administration, and left some officers with the feeling that their criticism and advice were alike unwelcome and ineffective.

451. *The district officer as Collector.*—The duties of the district officer in his capacity as Collector have not altered appreciably as a result of the Reforms. He has still to watch collections of land revenue and local cess, and enforce the law against defaulters, to carry through the partition of estates and to manage the estates in which Government is the proprietor or which have been taken under the charge of the Board

of Revenue as Court of Wards. Where the duty is not imposed on the civil courts, he has to arrange for the trial of rent suits and hear the appeals arising therefrom.

452. *As District Magistrate.*—As District Magistrate the head of the district has for the most part had a much more anxious time during the Reforms period than before. For the first eighteen months it was his duty to combat the non-co-operation movement, knowing that the slightest mistake would lay him open to strong attack, while lack of energy and foresight would render a bad situation worse. The collapse of the movement came as a most welcome relief, but it had left a spirit of lawlessness which took time to dissipate, while it had greatly reduced the power of the local officers to get things done, that wanted doing, without recourse to strictly legal sanctions. During the last three years in a great many districts the possibility of serious clashes between the Hindus and Muhammadans has had to be faced at a growing number of occasions, while inter-caste rivalry has in places introduced a new source of anxiety. These are undoubtedly the indirect result of the Reforms, which have not as yet shown much signs of bringing about the civic cohesion that was hoped for by the authors of the Joint Report.

453. *Duty of organizing relief.*—There remains a sphere in which the district officer's function is still of very great importance, the organization of relief in times of natural calamity. That such occasions are unhappily not rare may be seen from the following account of those that have arisen during the last ten years. The first was the result of the failure of the 1918 monsoon not only in this province but widely over India, so that food-grains could only be imported at high prices. Distress began early in 1919 and continued throughout most of that year in the majority of the districts of South Bihar and Chota Nagpur. Famine was actually declared in parts of Bhagalpur, Santal Parganas and Angul. The numbers on gratuitous relief reached 74,000 persons, and 200,000 people emigrated.

In 1919 floods occurred in the centre of Puri district and the south of Cuttack district, and required the continuation of relief measures in the former tract and their inception in the latter during the earlier part of 1920.

In July 1920, floods of a far more serious and widespread nature than those of the previous year occurred in Orissa, and were followed by two other floods in August. An area of 900

square miles with a population of nearly half a million was affected in the district of Cuttack. In Puri the numbers on relief expanded to 23,000, and the relieving centres remained open till November 1921. Balasore was visited like Cuttack by three successive floods badly damaging 300 square miles, and affecting 650 square miles in all.

In 1921 floods occurred at the other end of the province, in the district of Saran on the borders of the United Provinces. Very severe damage was done to the standing crops. Out of a total of 320,000 occupied houses, nearly ten per cent. suffered damage and one-third of these were totally destroyed. The headquarters town, Chapra, suffered very severely in this respect.

In 1923 very severe floods were experienced in the three most westerly districts of the province, Shahabad, Patna and Saran, and damage was also done in Gaya and Palamau. Between 600 and 700 square miles were affected, fifty thousand houses collapsed, and a vast amount of stored grain was destroyed.

In 1925 the Orissa coast districts were again visited with floods, from which they had been immune for three years. On this occasion it was the Puri district that suffered most. As a result it was found necessary to place 800 persons on gratuitous relief and the total remained about that figure up to August 1926 when fresh floods produced a new situation.

Again in 1926 serious floods occurred which affected all three coast districts. As in 1920 there were three floods at short intervals, a very severe one opening breaches in the embankments and two lesser ones filling again the areas originally flooded. In the three districts 240 square miles suffered severe damage, and another 344 square miles lesser damage. It is probable that crops valued at Rs. 53,00,000 were lost.

In 1927 again floods visited Orissa. Balasore was by far the worst sufferer, and there 50 lives were lost, and nearly 29,000 houses damaged, and though the original flood did not seriously affect the crops, a second flood as usual did a great deal of harm. The railway line was washed out for 11 miles and road and canal embankments went freely. At the present moment gratuitous relief is still continuing in Orissa, while in south-east Bihar the failure of the 1927 monsoon has created an anxious situation, which may have to be met by similar methods. There are thus considerable parts of the

province in which relief to meet the effects of flood or drought is an ever-present possibility, to cope with which the only effective agency is the district officer and his subordinates.

In all these calamities the initiative in relief lies with the district officer and to meet them the local Government retain a famine insurance fund of 67 lakhs. It is true that public subscriptions are often liberal, that individuals and associations frequently do admirable work, and that local bodies usually co-operate. But a failure to do all in his power and to stimulate others to follow his example in mitigating, as far as possible, the hardships that these calamities produce, is visited on the head of the district officer himself. Such a failure undoubtedly occurred in a small area in Puri in the early months of 1920 through misplaced reliance on a non-official agency. It was alleged with no sort of justification in Saran in 1921, and again in 1925 in Puri. Government cannot rely on spasmodic efforts of non-officials or even on the existing local bodies for effective action in these emergencies. Nor can they as custodians of the public funds and as guardians of the public interest, which precludes pauperization of large numbers of the population, allow themselves to be rushed into unnecessarily extravagant relief by local overestimates of the extent of the disaster. They must rely on the energy and discretion of their local officers to meet promptly the first onset of the calamity, to appreciate calmly and accurately the development of its effects, and to devise and execute adequate means of palliating them.

454. *The present sphere of the local civil officers.*—Thus the sphere of the district officer has been decidedly contracted as a direct or indirect result of the Reforms, but there is still an ample field for his activities, while in many districts opportunities are there, and can be and are seized by officers with the right kind of temperament, of exercising beneficial influence in matters, which are no longer directly their concern. Thus occasions have arisen, when the district officer has effectively intervened to meet the crisis of an epidemic, or to restore efficiency in a local body. Most of what has been said about the district officer applies with equal force to his superior officer, the Commissioner, and to his immediate subordinate, the subdivisional officer. For both the range of authority has contracted, but in some respects the importance of the reduced range has increased, and when the need for influence, outside authority, arises, it has become more difficult though even more necessary to exercise it.

455. *The effect of the Reforms on other local officers.*—It remains to discuss the reaction of the Reforms on the other local officers. The difficult position of the civil surgeon has already been explained. He has been relieved of full responsibility of the health of the district, but is expected to give to the district boards his advice on medical and public health questions, to influence them, as far as he can, to administer efficiently the dispensaries they maintain, and to protect the medical staff of the district from unfair treatment. The police of the districts from the Superintendent downwards have not been greatly affected by the Reforms. Hostile criticism and malicious libels became much more frequent during the early years of the Reforms period. At the same time it is true that latterly the growth of communal tension has forced the press and the vocal public to realize the need for the police. Criticism has become less frequent and has now and again given place to praise. The help rendered by the mounted police during the Shahabad floods of 1923 did much to establish a better feeling, and other incidents have strengthened that tendency. Still the local police work in a difficult atmosphere, and though their efficiency and discipline have not been impaired the chief reason is that they are still completely controlled by the reserved side of Government. There is a strong feeling among them that conditions would change rapidly if the ultimate control were in the hands of an elected body, of a character such as the chances of the ballot box have produced in some district boards, and might well produce in the provincial legislature in the near future.

सत्यमेव जयते

The effect of the Reforms on the other Services, whose work is mainly carried on in the districts, has not been very marked, though the officers of the Excise department had a most difficult time in the early years, and even now in some places have to face open resistance from detected offenders against the excise law, which was unknown before the non-cooperation campaign created a spirit of lawlessness.

The district civil judiciary, composed of the district judge, sub-judges and munsifs, is scarcely affected at all. The course of civil justice is ultimately determined by the High Court and the Privy Council, and the Reforms have made no change there. The district judge himself is also the sessions judge, and in some districts a senior sub-judge is vested with powers as an additional or assistant sessions judge. Here again the Reforms have made little material difference to the

course of criminal justice, though it is probable that certain amendments to the Criminal Procedure Code made in 1922 by the central Legislature, which have had the effect of prolonging criminal trials, would not have been enacted in the present form by the pre-Reforms Legislature.

456. *The Reforms and the raiyats.*—Hitherto the effect of the Reforms in the districts have been examined from the point of view of the administration. The more difficult task of describing the reaction on the people themselves has now to be undertaken. This may be best approached by attempting to answer the question how far the hopes and anticipations of the authors of the Reforms scheme have been realized or whether there are at present any signs of. their ultimate realization. With regard to the bulk of the rural population, the raiyats, these hopes were that in the first instance they would learn to exercise their votes in the elections for the rural boards, so as to secure for themselves from their representatives the schools, roads and other benefits, which they had previously been accustomed to seek from the Collector. It was expected that the process would take time, that the rural voter would perhaps find himself cajoled, bought or coerced into voting in a way that does himself no good. But it was hoped that it would eventually dawn upon him, that because he has a vote he has the means of protecting himself and that if those who claim to represent him neglect his interest he can discard them. Gradually his political education would extend beyond the affairs of the district to those of the province and he would find that he had a more effective weapon in the vote than in the *lathi* or the hatchet to redress his wrongs. Finally it was expected that he would come to realize that to control effectively the better educated men who represent him on the Councils he would have to acquire learning, and this realization would break down his traditional distrust for education.

There have been two principal obstacles to the speedy realization of these hopes in this province. The first was that the elections to the reformed Council preceded by some three years those to the reformed rural boards. Thus while three Council elections had been carried through by December 1926, only two district board elections had been held by June 1927. What may be called the " primary " political education of the raiyat has in fact lagged behind the " secondary." Further the whole atmosphere was poisoned at the start by the non-cooperation campaign, and the rural elector is still not altogether free from the bewilderment, which that campaign

caused in his mind. Though the millenium promised in the early years of this decade has not appeared, it is still easy for the Swarajists to gain cheap popularity by misrepresenting Government, and holding out large promises of what will happen under Swaraj. The first district board elections resulted in the return of a large number of men, who had no programme to put before the electorate except hostility to Government. It is a hopeful sign that the maladministration, which resulted in several district boards, caused some reaction in 1927. But it is too early to say that the rural elector has learnt the lesson that good administration in his own locality depends on the use he makes of his vote.

There is little sign that the raiyats have as yet absorbed much " secondary " political education, outside their immediate interests *vis-a-vis* the landlord. At the first Council election there was as a rule very little political difference between candidates, since the non-cooperators held aloof. The only issue that was put before the raiyats, in which they had any interest, was the amendment of the Bengal Tenancy Act to give them the right to trees on their holdings and the right to sell their holdings without permission from landlords. This issue had its appeal in three or four constituencies in North Bihar, and as a result the nucleus of a raiyats' party was formed in the first Council. The fate of the attempts at tenancy legislation has been recounted elsewhere. At the second election in 1923 the raiyats' party, or what remained of it, coalesced with the Swarajists and made no serious attempt to do anything except oppose Government. At the third election in 1926, the control of the district board organization enabled a larger number of Swarajists to be returned, but their appeal to the raiyats was as vague as ever. The rural elector for the Council is still in the stages of being cajoled or bought. Perhaps he may be said to have advanced from the former to the latter stage. He is quite glad to have the candidates and their agents approach him with some show of deference, ready to bargain with them, and pleased to get a free ride to the polling station and a feed there, but the reports of the latest elections show that he is as far as ever from understanding that the ballot is a serious instrument for improving his social or material condition.

The Joint Report gives the impression that the raiyats were then opposed to education and would only appreciate its advantages as a late result of their political education. Though, no doubt, there was and still is some reluctance on

the part of the poorer raiyat to leave his boys at school, when they are old enough to earn something for the family, it was probably not true then, and is certainly not true now that there existed in this province a real prejudice against education itself. The real obstacle to the spread of primary education was and is lack of funds, public and private. Further there is plenty of evidence that the desire for higher education as a means to a better livelihood is strong in most sections of the population, and it shows no signs of being damped off by the congestion of the professions and other means of livelihood to which such education is expected to lead.

457. *The Reforms and the landed aristocracy.*—Of the landed aristocracy, by position, influence and education fitted to take a leading part in public affairs, the authors of the Joint Report expected that, when they perceived that the protection of their interest depended upon doing so, they would find out how to organize and to argue and to make speeches. In the ten years that have passed since that Report was written there has been little sign in this province of such action. In the first Council, thanks to their special representation, the absence of non-cooperators and the general novelty of the election, they were able, in spite of a few humiliating defeats in North Bihar, to carry enough seats to ensure their own interests, and consequently did not trouble to attend the Council in force, except when those interests were likely to be attacked. They were not organized at all and few of them either wished or were able to speak in the Council. In the second election they fared worse, but still had a sufficient number of adherents to protect their interests, without improving their organization or exerting themselves in public speaking. The results of the first district board elections in 1924 and the way in which the successful candidates used their power in many districts brought home to the landed aristocracy to some extent the need for action, while the loss of most of the seats on the Council of State in the 1925 election emphasized the lesson. Still they had not moved fast enough to prevent a further loss of influence in the Legislative Council election of 1926, and barely fast enough to regain a little of the lost ground in some of the district boards at the election of 1927. In the present Legislative Council the appearance of 33 pledged supporters of the Congress party, with others more or less closely attached to that party, has stimulated the landlords into more regular attendance, but few of their adherents are yet effective in debate, and they have not yet

built up an efficient organization for future elections. Some of the most respected of the great landowners have definitely withdrawn from politics in their present state, as not consonant with their dignity and self-respect. As a whole they have not got further than the stage of treating the new political system as a means for protecting their own interests. The struggle over tenancy legislation has not yet brought out any indication of real statesmanship, capable of meeting the wishes of others and uniting the classes in a civic whole.

458. *The Reforms and the smaller landed gentry.*—Of the smaller landed gentry most have linked their fortunes with those of the landed aristocracy. They have entered more freely into the politics of the day, and a few of them have been attracted by the possibility of rising on the support of the Congress organization to positions, which they could scarcely gain in a party of conservative tendencies. The smaller landed gentry with the lawyers have formed an important section of each Legislative Council, and have made some advance in parliamentary education.

The trouble is that they have as yet failed to organize for themselves and this accounts for the readiness of some of them to accept nomination by the Congress party, without much intention of fulfilling their pledges to that party. Further those, who have held out against that temptation, have failed as yet to keep themselves in touch with their constituents and to help on their political education. Consequently a number of them have been consistently unsuccessful at the poll or have lost seats they had held before the Swarajya party had entered the field. But in the district boards this class have done much solid work, and showed commendable readiness to come forward again in 1927 to bring back those boards, that fell into disrepute in the preceding three years, to a decent standard of administration.

459. *The Reforms and the political adventurer.*—Lastly there is a class, which was outside the ken of the authors of the Joint Report, but has occupied the limelight throughout the Reforms period. This is the half-educated product of high schools and colleges just too indolent or unintelligent to obtain a livelihood at the bar or in the services, or not of sufficient character to retain a post they have gained. They have found in the profession of demagogue an interesting and for the time being remunerative source of livelihood, and have secured seats on district boards and even in the Legislative

Council itself. It is this class that has up to now been most active in promoting the political education of the masses.

460. *A pessimistic survey of the present situation.*—The immediate effects of the Reforms in the district have therefore not been all that the authors hoped for. Various reasons that have falsified the anticipation have been discussed in other places; but the facts remain that the landed aristocracy and the middle classes have not yet taken the place assigned to them in the scheme of the present reforms, while the raiyat is still aloof from political education and the links between the Council member and his constituents are as yet very frail. The press reaches a microscopic section of the population, and is largely composed of periodicals, whose main stock-in-trade is abuse of Government and fomentation of racial and communal ill-feeling. The non-cooperation movement has left a legacy of unrest, while the Reforms so far from uniting castes and creeds have intensified their antagonism. On the other hand the power of the agency, through which Government in the past have carried on administration in the districts, has been greatly circumscribed, and no effective substitute has yet been built up. The influence, outside their definite powers, of the district officer and the subdivisional officer which got things done has aroused resentment and been largely undermined. The mass of the rural population do not understand the change and blame Government when they are told by the local officer that he has no longer any power to remedy the wrongs of which they complain; they are still far from realizing that they have any power to help themselves by the use of their votes. This is the aspect of reforms that is most present to Government officers in closest touch with the people and it is not surprising that some, both British and Indian, in despair look for the only remedy in a return to benevolent autocracy. Others, while deploring the growth of communal ill-feeling and the maladministration of local bodies consider progress towards self-government inevitable, though they distrust the present elective system as the instrument of ascertaining the will of the people at large. Some on the other hand are more hopeful of development on the existing lines, believing that the middle classes, who have hitherto made the greatest advance in political education, are shaking themselves free of the influence of non-cooperation, and that the raiyats have begun to exercise the power of their votes on sound lines at any rate in local affairs. But it cannot be denied that the general trend of the opinions of officers in

close touch with realities in the districts is pessimistic. The masses, they say, have scarcely been touched by the Reforms; if the intention is that they should be the base on which a democratic constitution should rest, there are no signs of this consummation being reached.

461. *Grounds for hope in the future.*—On the other hand it may be urged that seven years is a very short time in which to test the soundness of a scheme, which aims at nothing less than replacing by peaceful stages an autocracy of foreign origin by responsible government carried on by Indians, who are to derive their power ultimately from the suffrages of the mass of a population, largely illiterate, divided by creed and caste, and for the most part utterly unaccustomed to the elective principle. The defects of the present stage are those, which are bound to appear in transition. Political changes inevitably throw up an undesirable element of adventurers, but these are found out in time. Government is far more responsive to the genuine wishes of the people than it was in the past and rapid progress has been made in meeting those wishes in many directions, notably in education and medical relief. If those wishes are not always expressed temperately or in due relation to actualities, that is not a feature peculiar to India. Communal and caste rivalry looms large on the horizon of the local officer, who has to be prepared to check its worst manifestations, but in most parts of the province Hindus and Muhammadans, high caste and low caste, live side by side without friction as they did before the Reforms.

सत्यमेव जयते

CHAPTER X.

THE SERVICES.

462. *Relations between the reformed Government and the Public Services.*—The inauguration of the Reforms coincided with a period of violent attack by the press and public speakers on the Services, especially the all-India Services. This, added to the uncertainty of their prospects, and the atmosphere of hostility, in which life in the districts was carried on during the height of the non-cooperation movement, produced a feeling of despondency especially among the members of the Indian Civil Service and the Indian Police Service. A large proportion of officers seriously considered the question of accepting the offer of proportionate pension which was at first only open till the 31st March 1924. The rapid improvement of conditions in the later part of 1922, and the extension of the option of accepting proportionate pension till the present Statutory Commission should report prevented extensive retirements, and though seven officers of the Indian Civil Service and five of the Indian Police actually retired prematurely before the end of 1926, some of these would have accepted the opportunity of giving up service in India, even apart from the Reforms. The concessions given on the recommendations of the Lee Commission further reconciled the younger members of the Services, and the pessimistic outlook of 1921 and 1922 has now been to a considerable extent removed. So far as the Ministers are concerned, officers in immediate touch have come to understand that their experience is valued and their assistance appreciated. At the same time, there has been a revival of confidence in the Services that Government will protect them from unfair attack, while hostile criticism by the extreme left of the Council has lost much of its sting by reason of its obvious perversity. In fact such criticism has recently changed its target and is levelled more constantly at the popular representatives in the Government itself than at the superior Government officers.

463. *The provincial and subordinate services.*—The conditions of service, especially in the matter of pay, had already been substantially improved for the provincial and subordinate services either just before or just after the inception of the Reforms. There remains, however, a considerable strain of nervousness concerning Council criticism among the officers of these services. Even among the officers, who are serving in

the reserved departments, there is a strong feeling that they are now required to please two masters, which is directly due to the attempts of the Legislative Council not merely to control policy but to meddle in details of the executive administration. More serious is the feeling of insecurity in the case of services working directly under the transferred departments; their very existence depends upon the annual vote of the Council and though in the last resort the Governor might interfere to save a service, it is felt that neither the Governor nor the Ministers might avail to save individual appointments. There is solid ground for the fear in the past action of the Council, of which a not inconsiderable section makes no scruple about using the Chamber as the forum for attack upon individual officers, who are for any reason unpopular, and for pressing Government for undue favour towards other individuals. The inevitable result is the tendency of some members of these services to regard individual members of the Council as in some degree masters of their fate, an attitude leading to demoralization and fatal to good work.

The officers engaged in district work feel that less interest is taken by the higher authorities in matters of local administration and that interest is centred in politics. They also feel that they are working under a temporary constitution which may be changed for better or worse after a brief period, and there is little to be done for the present but to " mark time."

464. *Relations with Ministers.*—Apart from this uneasiness and from mistrust of Council influence and interference, the relations between the members of the services and the members of the reformed Government with whom they have been brought into contact have been harmonious. The heads of transferred departments and Secretaries acknowledge the readiness of Ministers to discuss questions of importance and to attach full weight to their opinion and experience. The Ministers themselves consider that the relations between them and the public services are generally smooth. In this connection they have noted as follows:—" As we were anxious to have co-operation of the public services, our differences used to be settled by discussion. The orders passed by us were carried without apparent resentment. There were occasional protests from the local officers when the reformed Government did not act according to their wishes." Such protests from local officers were not unknown even in pre-Reforms days.

465. *The quality of recruits.*—The personnel of the officers of the all-India Services has undoubtedly suffered from the

Reforms. Premature retirement robbed the small provincial cadre of several officers of promise at a time when they could ill be spared and from all sides the tale is told that the more recent recruits—taken as a whole—are not of the quality which the services formely attracted.

466. *The Public Services Commission.*—The Public Services Commission has scarcely affected the situation in this province up to now. The services rely rather for their protection on the charge to the Governor himself, included in the Instrument of Instructions, and their sense of security would be greatly diminished if that safeguard were withdrawn.

467. *Indianization.*—The following statement indicates to what extent the services, which were at the inception of the Reforms predominantly European, have been Indianized :—

—	—	Superior posts.		Inferior posts.		All.	
		Europeans.	Indians.	Europeans.	Indians.	uropeans.	Indians.
Indian Civil Service.	1921 ...	45	(a)9	46	10	91	19
	1928 ...	43	(a)11	30	23	73	34
Indian Police Service.	1921 ...	31	1	17	2	48	3
	1928 ...	30	3	18	8	48	11
Indian Service of Engineers.	1921 ...	19	10	8	18	27	28
	1928 ...	15	12	2	6	17	18
Indian Educational Service.	1921 ...	...	...	...	...	26	10
	1928 ...	...	...	...	...	17	9
Medical, Public Health and Jails.	1921 ...	...	...	...	...	22	1
	1928 ...	...	...	...	...	22	10
Forests, Agriculture and Veterinary.	1921 ...	...	...	...	...	21	5
	1928 ...	...	...	...	...	15	14
Total ...	1921 ...	...	...	...	...	237	66
	1928 ...	...	...	...	...	192	96

(a) One Anglo-Indian is included.

The statement shows that Indianization has not yet had much effect in the superior posts. In the Indian Civil Service an officer does not generally obtain a substantive appointment to one of them under sixteen years' service. Police officers and Engineers gain the higher rank after about ten years. The next ten years will bring a large number of Indian officers into the higher posts and completely alter the present position.

Summary

of the

Memorandum on the working of the Reforms in Bihar and Orissa.

1. *Scope of the memorandum.*—The manner in which the reformed constitution has worked, its reaction on the population as a whole and particularly in the sphere of local self-government, and upon the public services, and the progress in the main branches of governmental activity have been set out in considerable detail in the main memorandum on the working of the Reforms in Bihar and Orissa. This supplementary memorandum aims at summarizing the facts there recorded in their constitutional bearing.

2. *The characteristics of the population.*—The province is one of considerable diversity, and includes in its population not only a considerable proportion (some 10 per cent.) of Muhammadans, but also a much larger proportion than most provinces of India of non-Aryan stock, of whom the bulk have not been and show no immediate signs of being absorbed into the civilization that prevails in the greater part of the province. The Gangetic plain contains a fairly homogenous population, though the presence of a large Muhammadan minority who are certainly apprehensive of their future complicates the problems. The Chota Nagpur plateau is the home of the aboriginals, who comprise nearly 55 per cent. of its population. The strong Bengali element in one district, Manbhum, is another factor of importance. The Orissa coast districts are populated by a race of distinctive language and traditions, which has spread into the southern districts of the Chota Nagpur plateau and contributes to the population of north Madras and south Bengal.

3. *The political history of the past eight years.*—The history of the last eight years covers the period of the rise of the non-cooperation movement, the defeat of the attempt to subvert the Government, the diversion of the energy of its adherents to the local bodies and the Council, and the partial recovery of the local bodies by the more moderate section of the community. It also has had manifestations of strong communal and inter-caste feeling, and of unrest among the industrial population. It may be generally stated that the reformed constitution was initiated in a very unfortunate political atmosphere and has worked in circumstances, which have always been difficult and at times really dangerous.

4. *The financial conditions.*—The financial resources of the province have been greatly straitened. Though the expansion of the excise revenue, the increase of court-fees, registration fees, water-rates, and, in a few districts, land revenue, has enabled the Government to finance the most pressing needs for advance in the nation-building departments, there is now little prospect of any further improvement in the existing sources of revenue. The standard of expenditure is still greatly behind that of the other provinces, and there is little opening for increased taxation. The Meston Settlement left the province in a position of grave inferiority to other provinces, and has never been accepted as fair.

5. *Representative institutions.*—The most important development directly due to the Reforms has been the placing of the local bodies in non-official hands. Both urban and rural bodies have been affected by the spirit of non-cooperation, and in many places administration seriously suffered in the earlier years. Recently some improvement has been brought about, but it cannot be certainly predicted that the improvement will be maintained.

There is little evidence of any growth in representative institutions of other kinds. The attempt to create representative institutions on a small scale, with which aim the Village Administration Act, 1923, was passed, has not yet had a full trial. There is some indication that the electorate for the rural bodies is beginning to understand the power of the vote, but they have still a long journey to travel.

6. *The Executive Government.*—Inside the Government itself the constitution has worked without serious friction. The relations between the members of the Government have been harmonious, and the Ministers have had full scope to

pursue their policies, as far as financial conditions permitted. The relaxation of control by the Government of India and the Secretary of State has much facilitated administration. The local Government consider that in certain financial matters the Government of India have given undue weight to central interests and not fully appreciated the extremely difficult position in which the Meston Settlement placed the province.

7. *The Council electorate.*—The elections have been carried through without serious difficulty or disorder, and, though there has been a fair amount of corruption, it has probably not greatly affected the results. The great defects of the election system are the lack of any understanding of the political problems by the bulk of the electorate, and the want of close touch between the members and their constituents.

The present franchise rules leave about 20 out of every 21 adult males without a vote for the Council and about 99 out of every 100 without a vote for the Assembly. Still the rural franchise extends down to the man, whose annual crop is not worth more than Rs. 500, while in the towns about one in every five adult males is a voter. There is no immediate prospect of improving the balance of the constitution by enlarging the franchise for the general constituencies.

The only political organization, which has any approach to adequacy, is that of the Swarajya party. The other successful candidates get in on their personal influence, often by special appeal to their own caste fellows, a form of appeal which the Swarajya party also uses freely. The candidates, except for the landholders' constituencies, are mainly drawn from the middle classes.

8. *The constitution of the Legislative Council.*—The Legislative Council is constituted of 103 ordinary members, of whom 76 are elected, 48 by the general non-Muhammadan and 18 by the general Muhammadan constituencies, 5 by the great landholders, and one each by the Europeans, the Bihar Planters, the Indian Mining Federation, the Indian Mining Association and the Patna University. Of the nominated members, twelve are officials, two represent the aboriginals, two the depressed classes, and one each the industrial interests not covered by election, the domiciled Bengalis, the Anglo-Indians, the Indian Christians and the labouring classes of industrial areas. The Council thus contains a considerable element of representation of special interests.

9. *The work of the Legislative Council.*—The conduct of debate has been orderly and parliamentary conventions are observed. The tone of speeches, with occasional exceptions, has been moderate. The chief defect has been a tendency towards irresponsibility. In the legislative sphere the will of the Council has been completely effective, except in the application of the Local Self-Government (Amending) Act, 1923, to the backward tracts, where the Governor used his powers of modification. In no case has a Bill been returned by the Governor for reconsideration, nor has the power of veto been used. There has, however, been no legislation of major importance except to deal with Local Self-Government. Legislation on the transferred side has been passed in accordance with the wishes of the Ministers. On the reserved side there has been more difficulty. The Executive Council have not been able to secure a solution on the lines they desire for the difficulties, which have appeared in the last twenty years, in working the Bengal Tenancy Act; they have not, in the present attitude of the Council, seen any prospect of success in proposing legislation to check the denudation of forest areas in Chota Nagpur; a recent attempt to legislate for the benefit of the mica mining industry has been summarily rejected, while another attempt to accelerate the course of civil justice has also proved abortive.

The financial control of the Council over the Executive has been considerable, both in the transferred and reserved sphere. The Ministers have shaped their policy, on the whole, to meet the wishes of the elected members, though even they have had at times to rely on the official block to carry their budget proposals. The Executive Council have had to rely much more frequently on that aid, and without it would have been obliged to omit essential expenditure on Police, General Administration, Irrigation, Settlements and Forests, or to rely on the use by the Governor of his exceptional powers of certification. As it is, some use of those powers have been made, and it seems likely that, unless and until the growth of party discipline secures the constitution against irresponsible action by private members, some such power will be necessary.

The attitude of the Council to such taxation proposals as have been placed before it has been, on the whole, satisfactory, but it has not so far been very severely tested in that respect.

The results of the debates on resolutions have clearly demonstrated the wisdom of resisting the proposals put forward in many quarters during the discussion on the Reforms, that

resolutions of the Council should be binding on the Executive. It is here that the Council has displayed the greatest degree of irresponsibility, and, had the Executive been obliged to carry out the spirit, let alone the actual form, of all resolutions passed, very grave difficulties in administration would have certainly followed. At the same time their work in the Council itself and on the various committees, statutory, standing and occasional to which special duties have been assigned, have given to a considerable number of public men wide opportunities of political education.

10. *The reserved departments.*—The administration of the reserved departments has been carried on during the past seven years on lines of strict economy and in an atmosphere bordering on the hostile. In the law and order subjects the principal attack was on the action taken to meet the menace of non-cooperation. The " non-cooperators " converted into " Congress " members of the Legislative Council and joined by some, who stood out of the movement, have carried on their animosity against the two principal agents employed in defeating the attempt to secure control of the Government—the district executive officers and the police. They have sought to weaken the district executive by the complete separation of judicial and executive powers and by the abolition of Commissioners. They have pressed year after year for reduction of the budget provision for police, and particularly for the branch of that service specially concerned with political activities of a dangerous tendency. The other matter, which has engaged a good deal of attention, is the use of the power to prevent legislation being applied to backward tracts in a form unsuitable to them. Criticism of the Jail department has mainly been directly to securing specially favourable treatment for prisoners, who can make a show of political opinions as an excuse for their misdeeds. It should, however, be noted that the economy imposed on reserved subjects has prevented any effect being given to many of the admirable recommendations of the Jail Commission for improving the treatment of convicts as a whole, as it has in the Police department prevented the education of the police in modern detective work. Among the other reserved subjects, survey and settlement has been subjected to constant attack. Though with the help of the official block funds have been obtained to finish the Manbhum settlement, to carry on the important revenue settlements of the Orissa coast districts and Santal Parganas, and to complete that of Sambalpur, as well as to start the revision settlement of Ranchi, it is clear that with the Council

as at present constituted it will be exceedingly difficult to carry through a revision of the record-of-rights in Bihar and probably in the other districts of Chota Nagpur. Unless the attitude of the Council alters the record-of-rights will before long become obsolete—it is already more than 30 years old in one Bihar district—and, apart from the administrative difficulties that will arise, the protection, which the record affords especially to the smaller cultivators, will be dangerously lessened.

There have been attempts to weaken the power of the State to collect its dues, both land revenue and other demands; while the administration of a large estate under Court of Wards' management, staffed at the top by Europeans, has been an object of considerable attack. The uncompromising attitude of landlords on the one side and those, who owed their seats to the raiyats' votes, on the other has prevented a solution of the outstanding agrarian questions in Bihar; while some ill-conceived efforts to modify the tenancy laws of other parts of the province have been persistently pressed. The Forest department has been to some extent hampered in its development by the impossibility of getting funds for new enterprises, and has been the subject of criticism by those, who advocate a freedom from restrictions upon rightholders, which would be fatal to the future of the forests. The attempts of Government to ward off the dangers of further inroads on the forests of Chota Nagpur have been frustrated by the opposition of the Council to all measures, which restrict reckless use by proprietors or by the local tenantry.

The Irrigation department has been criticised mainly for its inability to find a satisfactory solution for the Orissa flood problem, but also for lack of interest in certain Bihar irrigation problems, which have been examined in the past and found insoluble save at prohibitive cost. It is possible that transfer of this subject would stimulate greater activity, but it is by no means unlikely that such activity would put a severe strain on the financial resources of the province, especially if the Council continued its reluctance to support the imposition of water-rates adequate to meet the capital and recurring charges of the schemes.

11. *The transferred departments.*—Although the transferred departments have been treated at considerable length in the main memorandum, it is not necessary to write a great deal on them in this summary. Notable advance has been made in Education, and the advance has been on the whole well balanced. There is, no doubt, plenty yet to be done; in expanding still

further primary education till it is really universal and in improving its quality; in bringing the aboriginals and untouchables forward in higher education; in developing female education which is still deplorably backward; in developing University teaching. All these will require money and there is no immediate prospect of finding it. Yet the past seven years have unquestionably demonstrated the capacity of a Minister to formulate and carry through an educational policy, and the value of the help that a Council, as at present constituted, can give in a subject, with which many of the members are really familiar and for which all are zealous. In the Veterinary and Registration departments the record of advance is equally favourable. The Industries department is a new venture, and if the experiments in State demonstrations and in financing new private ventures have not hitherto been very happy, solid work has been done in improving industrial education and some success has been gained in reviving cottage industries. The Co-operative department has a record of expansion, though there are dangers, which have yet to be successfully avoided. The Agricultural department has perhaps made the least advance of any in the portfolio of Education and Development, and has suffered from the lack in the Council of a nucleus of men fully familiar with the difficulties of agricultural problems and capable of contributing their knowledge to the common stock.

The administration of Local Self-Government has been remarkable for a bold advance in freeing both urban and rural local bodies from official control. The immediate result was certainly a deterioration of administration, mainly due to the capture of many local bodies by a political party, whose interest in local Government was at first only secondary, and the filling of the seats on these bodies with inexperienced and irresponsible administrators. The Ministry was hard put to it to check the results of ill-advised action by such local bodies, which extended into the educational and medical fields, and the period from 1923 to 1926 was an anxious time. Since then there has been a distinct reaction in favour of better administration among the electorate for the local bodies, which the Minister has furthered by the use of his power of nomination, and though abuses continue both in urban and rural bodies, they are decidedly fewer and less wide-spread. The Council have not rendered a great deal of help in the matter of local self-government and are inclined to treat the subject in its political aspect rather than join with Government in endeavouring to improve the standards. In Medical and Public

Health very notable advance has been made. A well-equipped medical college has been founded and the principal medical institutions throughout the province greatly improved. The rural local bodies have been greatly helped by provincial grants in establishing dispensaries, while a provincial public health service capable of dealing with epidemics, if promptly reported, has been built up. The chief difficulties of the immediate future are the organization of local services for public health, and the effective control of the rural medical institutions. The drying up of the financial resources of the province is here again a great menace to continued advance and indeed to the holding of the ground already won. The Council have warmly seconded the policy of the Ministry in these departments. Excise has been one of the most difficult departments to administer. It was subjected to a determined and prolonged attack from the non-cooperators, and has always been in disfavour even among the moderates, who either on religious or social grounds dislike the association of Government with the trade. At the same time it has long been with the land revenue the main prop of the provincial finance, and is the one substantial source of revenue which has expanded. A large section of the Council has advocated total prohibition as a near goal. This the Ministry has been obliged to resist, both on financial and administrative grounds, and the task has not been rendered any the easier by the adoption of that ideal by other provincial Governments. It is a matter for great satisfaction that the Ministry has, in spite of these difficulties, been able to carry on the pre-Reforms policy of reducing consumption, while greatly improving revenue, and to initiate several important reforms in the excise administration.

12. *The Reforms in the districts.*—The working of the Reforms in the districts has been the least satisfactory feature of the last seven years. The removal of official control over the district boards, at a time when the non-cooperation movement had the monopoly of rural organization, occasioned in many districts a definite antagonism between the authority of the district officer and that of the district board, which might have been avoided in more fortunate times. The antagonism has been much allayed recently but it still persists in places. The authority of the district officer, who must still be held primarily responsible for the peace and good government of his district, has been markedly weakened, and it is one of the chief problems of the future to fit in district administration with political advance. The need for local

officers, with a power of initiative coupled with ability to carry public opinion with them, has certainly not disappeared, and, though the policy of Government may be in the future framed throughout by Ministers responsible to the Legislative Council, its application in detail to the varying conditions of the districts will still require brains and character in the local agents. The task of the police in the districts has become distinctly more difficult, since, quite apart from the non-co-operation troubles, they have had to deal in a much increased degree with communal clashes and labour troubles, while their ordinary duty of suppressing crime has been complicated by growing intelligence among the criminals. The police service has, further, been the principal target of the hostile critics of Government, and the isolated officers and men of the district forces feel the sting of such attacks acutely.

The Reforms have scarcely as yet aroused in the bulk of the population, the raiyats, any marked interest in provincial politics. The greater part of them are not enfranchised and of those that are many are illiterate. Members of Council do not, as a rule, retain touch with their constituents between elections. The raiyats, or at any rate those who have votes, are beginning to show some signs of interest in local politics, *i.e.*, in the selection of the members of the district boards. The landed aristocracy as a whole have not assumed the position, which the authors of the Joint Report expected them to take. Some of them have definitely withdrawn from politics in their present state, as not consonant with their dignity and self-respect. Those that have continued to take a share in politics have on the whole failed to adapt themselves to the new conditions, to organize their supporters and to learn to speak in public. Political activity has for the most part been confined to the lawyers and the smaller landlords and to the new class of professional politicians, which the organization of the Swarajya party has created.

13. *The public services.*—The effect of the Reforms, together with the situation created by the non-cooperation movement, caused in the earlier years a considerable degree of despondency among the members of the Services, especially the European members of the all-India Services. Some of them, though not a large proportion, took advantage of the right to retire on proportionate pension. Latterly the feeling of the Services has distinctly improved, especially among those members, who have served at headquarters and been brought into close touch with the Ministers and the Legislative

Council. The members of the provincial services have been satisfied by a distinct improvement in their pay and conditions, but there is still some nervousness among them in so far as they feel their future prospects depend to some extent on the goodwill of the Legislative Council. The members of all Services place great reliance on the special charge to the Governor to protect them, and their sense of security would be greatly diminished if that safeguard were withdrawn.

The Indianization of the Services has markedly affected the personnel among the junior members, but the policy has not as yet made itself fully felt in the upper ranks. In the next few years, however, the proportion of Indians holding important posts will rapidly increase.



THIS memorandum has been prepared under the directions of the transferred side of the Government of Bihar and Orissa. The reserved side have examined it and have been given an opportunity of expressing their views upon it.




सत्यमेव जयते

Memorandum for the Indian Statutory Commission on the Growth of Education in Bihar and Orissa.

1. *Scope.*—The object of this memorandum is to supply the information necessary for the enquiry directed by the Government of India Act into the growth of education since Reforms were introduced. The manner, in which the subject of Education has been administered during the Reforms period, is not otherwise relevant here, and will be dealt with in the main memorandum on the working of the system of government among the other transferred departments.

2. *The quinquennial reviews.*—The progress of education has been comprehensively reviewed three times since the province was created on April 1st, 1912. The first review of 1917 displayed the position which existed at the time when the authors of the Joint Report were beginning to examine the constitutional problem. The second period ended in 1922 when the reformed Government had been in operation for barely one year, spent mainly in detailed examination of problems and formulation of policy. Its close also coincided with the definite decline of the non-cooperation movement and a distinct improvement in economic conditions. The third period concluding in 1927 is that in which the Ministry has had the opportunity of putting a formulated policy into effect in a calmer atmosphere and with more adequate resources.

3. *The censuses.*—The population of the province was enumerated in 1911 and 1921. The figures of the two censuses however, for the province as a whole displayed no great variation either in total population, sex or age distribution. The census of 1921 was taken shortly after the widespread influenza epidemic of 1918-19 and before the effect of the failure of the 1918 monsoon has passed away. It is probable that the population, especially that of school-going age, has increased to some extent in the last seven years of relative prosperity but the magnitude of increase is unknown. The proportions given below have been taken on the figures of the census then current.

4. *Proportion of pupils to school age population.*—The broadest criterion of the growth of education is that supplied

by the proportion of the children of school-going age at school. For many years a conventional figure of 15 per cent. of the population has been taken for the number of children of school-going age. The validity of the figure was examined by the Government of India in 1912 and it was decided that it was fairly correct. On this basis (excluding the small European population) the numbers of children attending school out of 1,000 of school-going age have been :—

——	1912.	1917.	1922.	1927.
Male	262	289	278	891
Female	33	42	41	46
All	145	163	157	216

Average daily attendance has been almost constant at 77 per cent. throughout the period. The advance made in the first quinquennium was partially lost in the second, the causes being the non-cooperation movement, epidemics, especially influenza, and economic distress. A noteworthy advance has been made in the last quinquennium, particularly in male education.

5. *Expenditure.*—The expenditure on education in the same years is given below. (The figures are given in thousands of rupees.)

Source.	1912.	1917.	1922.	1927.
Public funds	27,21	47,05	73,00	1,21,83
Fees	16,52	22,36	22,33	32,65
Subscriptions, endowments, etc.	10,04	12,11	19,22	22,94
Total ...	53,77	81,52	1,14,56	1,77,42

Public funds include (1) expenditure by Government itself, (2) expenditure by local bodies from Government grants, (3) expenditure by local bodies from their own resources. The feature of the period under review is the rapid growth of the expenditure from public funds compared with that from other sources. Of the former in 1927 amounting to nearly 122 lakhs, 72 lakhs was expenditure by Government itself, 44 lakhs expenditure by local bodies from Government grants and 6 lakhs from their own resources. It is fair to add that large Government grants were given towards the close of the financial year when it was impossible to spend them; expenditure actually

incurred before the grants were received was charged to the grants and the Boards had, therefore, at the close of the year, judging by past figures, some 7 lakhs at their disposal which it may be hoped may be made available for additional educational expenditure in future. Still the growth of education in recent years has been mainly financed by money provided by the general taxpayers.

6. *Higher* versus *primary education*.—It has next to be seen whether the expansion has been widely spread over the whole field of education.

The following figures indicate the answer :—

Number of pupils (male and female) in recognized institutions.

——	1912.	1917.	1922.	1927.
College	1,541	2,884	2,470	4,495
High and middle schools ...	53,238	72,891	59,003	101,979
Primary schools ...	597,910	672,336	688,188	941,675
Special schools	57,559	49,363	13,616	17,527

The 1922 figures were seriously affected by the political and economic conditions of that time. The figures for primary and special schools are difficult to handle because in 1916 and again in 1917 there was a large transfer of *maktabs* and *pathshalas* from the special school class to the primary school class. The former are Muhammadan schools, in which in addition to the three R's instruction is given in Urdu script and in Muhammadan religion. In the latter the ordinary curriculum is supplemented by instruction in Hindu religion and elementary knowledge of Sanskrit. Broadly speaking, however, the facilities for different classes of education have increased thus, taking 1912 as a basis.

——	1912.	Midway.	Now.
College	100	200	300
High and middle schools	100	150	200
Primary schools	100	115	160

A further indication is supplied by the figure for direct expenditure. Here the special causes operating in the middle period have less weight, as expenditure is incurred even where the facilities are neglected.

Direct expenditure in thousands of rupees.

——	1912.	1917.	1922.	1927.
1	2	3	4	5
Colleges	2,84	4,56	8,64	15,13
	100	**161**	**304**	**533**
High and middle schools ...	10,31	17,13	21,40	32,29
	100	**166**	**227**	**313**
Primary schools ...	18,76	27,62	36,15	55,86
	100	**147**	**193**	**298**

The figures in heavy type show the rate of expansion, 1912 being taken as 100. Direct expenditure means expenditure from all sources, other than that incurred in direction and inspection, buildings, furniture and apparatus, scholarships, hostel charges, contingencies, etc.

7. *Quality of education.*—The next point is what is the quality of the education supplied and what advance or regress of quality has occurred. This is not so readily analyzed statistically and it is difficult to avoid an excursion into the province of opinion. The figures below give facts of some relevancy. There are now eleven classes carrying the child from the lowest class of the primary school to the highest of the high school. (The two lowest classes of the primary school were amalgamated a few years back and hence the figures of those two classes are shown together in the earlier years.) Classes I, II, and III take the child to the stage of being nearly if not quite literate in his own vernacular, *i.e.*, able to write a letter and read the reply. Classes IV and V complete the primary course. Classes VI and VII cover the middle stage; classes VIII to XI the high school stage.

Pupils by classes.

Class.	1912.		1917.	
	Number of pupils in each class.	Percentage of total pupils in each class.	Number of pupils in each class.	Percentage of total pupils in each class.
1	2	3	4	5
I	515,743	73.6	505,010	67.8
II	78,179	11.1	90,451	12.1
III	54,949	7.9	68,936	9.2
IV	16,163	2.3	22,958	3.1
V	11,863	1.7	18,410	2.5
VI	7,225	1.0	10,135	1.3
VII	5,290	.8	9,271	1.2
VIII	3,729	.5	5,964	.8
IX	2,885	.4	4,944	.7
X	2,423	.3	4,156	.6
XI	2,744	.4	4,989	.7
Total ...	701,193	100	745,224	100

Class.	1922.		1927.	
	Number of pupils in each class.	Percentage of total pupils in each class.	Number of pupils in each class.	Percentage of total pupils in each class.
1	2	3	4	5
I	530,065	71.0	605,775	58.0
II	88,300	11.8	182,242	17.5
III	62,550	8.3	124,908	12.0
IV	19,906	2.7	45,974	4.4
V	15,844	2.1	32,290	3.1
VI	8,745	1.2	17,688	1.7
VII	7,278	1.0	13,197	1.3
VIII	4,407	.6	7,252	.7
IX	3,683	.5	5,436	.5
X	3,312	.5	4,526	.4
XI	3,101	.4	4,186	.4
Total ...	747,191	100	1,043,474	100

8. *Effect of education on literacy.*—It is exceedingly difficult to estimate what effect the primary education of the last seven years has produced on literacy. The only satisfactory test is the census figures, and for those it is necessary to wait for three more years. In the meantime, it can be safely said that not all children, who leave school from Class III, have become literate, nor on the other hand, is it true that only those who are promoted to Class IV reach literacy. If a mean between those figures is taken, and it is probably too high a figure, it will be found that in 1912 some 36,000 children became literate, in 1917 some 46,000, in 1922 some 41,000 and in 1927 some 85,000. Actually 27,000 children passed the lower primary examination in 1917, 28,000 in 1922 and 57,000 in 1927. The number of literates of 10 years of age or more is about 1,524,000 and the death-rate 27 per mille for that part of the population. If these figures are reliable it would seem that literacy is now increasing, as a result of primary education alone, by not more than 44,000 persons a year. This leaves out of account the effect of education gained outside the ordinary course of primary schools, such as private education of children and efforts made by adults to educate themselves. There is certainly an appreciable surplus of persons, who become literate after leaving school, over those who lose literacy. This is definitely established by the fact that literacy per mille in 1921 for the age group 25 to 30 was 141 against 115 for the age group 15 to 20 in 1911 and (even more striking) 123 for the 1921 age group 30 to 35 against 120 for the 1911 age group 20 to 25.

The fact, however, remains that in 1921 only one person in twenty was literate in Bihar and Orissa, after excluding the population of under 5 years, and not one male in ten. If the present rate of progress is as calculated and is maintained, it would take till 1941 to double the literate population of 1921, and even then the province would scarcely be as literate as Bengal was in 1921. If more funds were available the rate of progress might be expedited.

It is to be understood that literacy is here used in the census sense of ability to write a letter and read the reply. Competent observers are inclined to think the calculation made above much too optimistic, and doubt whether the present rate of progress is half as rapid as the figures given indicate.

9. *Education in the different territorial divisions.*—Turning to the territorial distribution of educational activities the

following table shows how far the parts of the province that were most backward when it was formed have made up leeway.

Number per thousand of children of school-going age at school in—

Division.	1912.		1917.		1922.		1927.	
	Boys.	All.	Boys.	All.	Boys.	All.	Boys.	All.
1	2	3	4	5	6	7	8	9
Patna	312	166	341	185	321	181	426	231
Tirhut	218	124	231	126	195	105	355	189
Bhagalpur	193	107	229	134	263	153	375	211
Orissa	436	242	470	275	455	261	484	276
Chota Nagpur	233	128	260	144	252	141	366	204

10. *Education among the different communities and classes.*—It may next be considered how far the different communities and classes of the province have got and are now getting their fair share of education.

Number of scholars in one thousand of the population concerned.

——	All classes.	Muhammadans.	Aborigines.	Untouchables.
1912	22	26	Not available.	Not available.
1917	24	30	14	20
1922	23	26	15	15
1927	33	39	22	25

The set back in 1922 in Muhammadan education was partly due to political and partly to economic causes, but among the untouchables entirely to economic causes.

The figures given in the preceding statement give a somewhat misleading impression of the standard of education reached by the different classes. The Muhammadans are fully represented among the scholars of high school and college stages, the others are certainly not. The following statement

gives a juster view of the situation. In the main body of the statement the figures indicate the number of scholars of a particular class in every thousand scholars at that stage of education. Thus the figures total across to 1,000 when they are complete. In the last line is indicated the relative importance of the different classes in the population as a whole.

——	Muhammadans.	Aborigines.	Untouchables.	High caste Hindus, viz., Brahmans, Bhumihar Brahmans, Badyas, Rajputs and Kayasthas.	Other Hindu castes.
1	2	3	4	5	6
College.					
1912	157	Not known		...	...
1917	183	6	...	700	111
1922	188	15	...	702	95
1927	148	14	...	Not known.	...
High.					
1912	166	Not known		...	...
1917	170	21	...	625	184
1922	126	37	...	682	155
1927	119	29	3	Not known.	...
Middle.					
1912	124	Not known		...	...
1917	107	53	...	587	253
1922	80	82	1	592	245
1927	73	59	2	Not known.	...
Primary.					
1912	...	Not known		...	...
1917	118	73	28	330	451
1922	116	76	21	332	455
1927	128	76	25	Not known.	...
Distribution of 1,000 of total population among the classes.	108	111	30	123	628

The figures are incomplete for 1912, when the classification by caste, race and creed was made for the different schools and not for the different stages. Before 1917 figures were collected for aboriginal and indigent scholars but no clear instructions defining these classes had been issued. The tribes and castes to be included among (1) aborigines and (2) untouchables have now been defined. Between 1922 and 1927 the classification of high caste Hindus was widened to take in all the "clean" castes and consequently the figures for the five highest castes are no longer available. The sharp rise in 1922 of the proportion of the aboriginal scholars at the high and middle stages, followed by a considerable drop in 1927 was due to the decrease in pupils of other classes, which the non-co-operation movement occasioned. The figures bring out the extent to which the five highest castes of Hindus, who have the longest tradition of learning, hold the educational field particularly in higher education. The aborigines are not now far behind the bulk of the population in primary and middle education, though still decidedly behind in high and college education. The figures indicate that the untouchables have scarcely made a beginning except in primary education though a few of them have in fact graduated at a University or are about to do so. It may be noted that, while the non-Christian aborigines are sixteen times as numerous as the aboriginal Christians, the latter supply more than half the aboriginal scholars and 87 boys and 39 girls out of every 100 of school-going age are attending school, against 39 boys and 5 girls for the general population of the province.

11. *A comparison with all-India figures.*—A comparison with the whole of India in 1927 gives a broad indication of the state of education in the province.

	Expenditure from public funds per million of population.		Pupils per million of population.	
	Bihar and Orissa.	All-India.	Bihar and Orissa.	All-India.
	Rs.	Rs.		
Colleges ...	33,065	43,141	132	333
High schools ..	20,917	56,029	1,147	2,883
Middle schools ...	20,335	42,924	1,847	3,359
Primary schools ...	1,08,305	1,93,964	27,696	29,584

The inferences suggested by these figures are :—

(*i*) That Bihar and Orissa is nearly as far advanced in primary education as India as a whole, but it is supplied at an unduly low cost, which certainly affects its quality. It may be noted that only about one primary teacher in three is trained in any way, and that one teacher is still frequently required to teach all the three classes of a lower primary school.

(*ii*) That high education is distinctly more backward in Bihar and Orissa than in India as a whole, even though it has expanded in the last 15 years more rapidly in proportion than primary education.

12. *Extent of literacy.*—Hitherto attention has been directed to the extent of the agency for bringing the population up to the standard of education, which a democratic constitution requires. It has now to be seen how far that standard had been reached at the last census of 1921.

Literacy in the vernacular is defined for census purposes as ability to write a letter in the language of the home and to read the reply. According to this test literacy prevailed in 1921 to the following extent per mille :—

Area.	All ages (5 and over).			(20 and over.)	
	Persons.	Males.	Females.	Males.	Females.
1	2	3	4	5	6
Bihar and Orissa	51	96	6	126	7
North Bihar ...	45	86	5	111	5
South Bihar ...	66	122	99	151	9
Orissa	79	160	9	220	9
Chota Nagpur plateau.	39	72	6	97	6
Four principal cities, Patna, Gaya, Bhagalpur and Jamshedpur.	213	326	66	364	62

Only one adult male in eight is literate. Adult male literacy is about 30 per cent. higher than all-age male literacy.

Applying this proportion to the figure for all-age literacy for the most literate caste, the Kayasths, it appears that even of these 15 per cent. of the male adults are illiterate. No statistics for literacy of persons on the existing electorate roll are available for the province. A test was made in Bengal, which may or may not be applicable to Bihar and Orissa. There the number of persons per thousand who are literate is about double the number in Bihar and Orissa, and the percentage of enfranchised persons to total population is also about double that in Bihar and Orissa, two tests showed that half the electors were illiterate, and a further test showed that 40 per cent. of the actual voters were illiterate.

13. *Literacy among different sections of the population.*—The following table shows to what extent the prevalence of literacy varied in 1921 between different sections of the population.

Number per mille aged 5 and over who are literate.

—	Males.	Females.
Hindus	101	6
High caste Hindus	290	22
Other castes excluding high castes and untouchables.	49	2
Untouchables	14	1
Muhammadans	99	8
Non-Christian aborigines ...	11	1
Indian Christians	145	56
Anglo-Indians	919	917

Apart from the Anglo-Indians the Kayasths lead the way with 657 per mille literate males, and 95 per mille literate females.

14. *Probable results on literacy of present system of primary education.*—It is not easy to estimate what has been and what will be the effect on literacy of the notable increase of expenditure on primary education during the last seven years. Viewing the considerations given in paragraph 9 above, it seems probable that some 165,000 male adult literates have been added to the 1921 total of 1,102,000 after allowing for deaths. If that is so the proportion of such literates will have risen to 140 per mille against 126 in 1921 and 114 in 1911.

If funds permit the continuance but not the expansion of the present standard of primary education it may be expected that one adult male in six will be literate by 1931 and one in five by 1941. These figures are of course, exceedingly speculative. They are based on the assumption that while an increase of 10,000 adult male literates occurred annually from 1911 to 1921, a figure which the statistics of those two years support, the increase has risen by 5,000 in each of the years 1922 to 1927 reaching 40,000 in that year, and that the figure 40,000 will represent the increase in future years. Competent observers regard this forecast as much too optimistic. On the other hand if funds permit a greater extension of sound primary education in the near future, a much more rapid approach to general literacy among males may be expected.

15. *Literacy in English.*—Seeing that the proceedings of the Legislative Council are mainly conducted in English, it is relevant to examine the prevalence of literacy in that language. In 1921 eight males per thousand and one female in every two thousand were literate in English. There was an increase of 69 per cent. in the total number of English literates between 1911 and 1921. The Kayasths again lead the way, with 180 per mille of their males literate in English. Of the males of the higher Hindu castes about 31 per mille, of the middle Hindu castes about 14 per 10,000, of the untouchables about 3 per 10,000, of the non-Christian aborigines about 5 per 10,000, and of the Muhammadans about 11 per mille are literate in English.

16. *Spread of newspaper reading.*—The number and circulation of newspapers and periodicals afford some evidence of the growth of education and its effect on the interest displayed in public affairs. The following figures represent the advance made :—

	1911.		1921.		1927.	
	Number.	Circulation.	Number.	Circulation.	Number.	Circulation.
Newspapers—						
English ...	9	3,527	14	11,400	13	13,700
Vernacular ...	19	10,060	33	22 120	35	28,650
Periodicals—						
English ...	4	2,350	13	6,820	20	12,955
Vernacular ...	12	5,350	36	16,430	43	27,813
Total ...	44	21,277	96	56,770	111	83,118

17. *General survey.*—It is evident that the growth of education in the fifteen years of the existence of the province has been considerable. There is, however, a vast deal more to be done before it can be said that all classes of the population have reasonable facilities for education. At present higher education is nearly monopolised by the high caste Hindus and better class Muhammadans, while few of the children of the untouchable classes emerge from the primary stage. The teaching in the lower primary schools is so defective that hardly one pupil in two and perhaps not one in four attains literacy, and the problem of improving it is not rendered any easier by the demands for special schools on a communal basis. These demands, if they continue, can only render the problem of overcoming illiteracy in the province (already one of sufficient magnitude) absolutely insoluble.

18. *Financial position.*—It has been estimated that a programme for providing elementary education for 80 per cent. of the boys of such ages as would normally attend the infant and lower primary classes, as well as facilities for a certain number of them to proceed to upper primary and middle schools, will cost an additional sum of Rs. 74,00,000. This excludes the cost of new buildings, estimated at three crores of capital expenditure, and up-keep. Remission of fees in the primary classes would add another Rs. 19,00,000. It seems likely that to bring the level of education in Bihar and Orissa to the standard, under which every child will have the opportunity of becoming literate and a reasonable proportion of them the chance of going further, would raise the expenditure on education by anything from two and a half to three crores.

The advance in education made during the last fifteen years has cost the public funds nearly one crore of recurring expenditure. The total provincial revenue is only about five and two-thirds crores. It is obvious that substantial advance towards general literacy can only be obtained by the imposition of additional taxation on a grand scale which is only just beginning to come within the range of practical politics. It is significant that hardly any new recurring expenditure on education could be admitted in the budget for 1927-28 and that the same situation is repeated in the present year.

Memorandum for the Indian Statutory Commission on the Backward Tracts of Bihar and Orissa.

1. *The " backward tracts " notification.*—Brief references have been made in the main memorandum to the parts of the province of Bihar and Orissa which have been declared by a notification under section 52A(2) of the Government of India Act to be " backward tracts ". It will probably be convenient to the Statutory Commission to have the facts regarding these tracts brought together. The notification is that of the Governor-General in Council, no. 4-G., dated the 3rd January and runs as follows :—

In exercise of the powers conferred by sub-section (2) of section 52A of the Government of India Act, the Governor-General in Council is pleased to declare that territories in the province of Bihar and Orissa which are specified in the first column of the schedule hereto annexed to be " backward tracts ", and is further pleased, with the sanction of His Majesty which has been signified by the Secretary of State in Council, to direct that the said Act in its application to each of the said territories shall be subject to the exceptions and modifications specified in the corresponding entries in the second column of the said schedule.

Further, in the exercise of the like powers, the Governor-General in Council, is pleased to authorize the Governor of Bihar and Orissa in Council to direct that any Act of the local Legislature of Bihar and Orissa shall not apply to the said territories or to any part thereof, or shall apply thereto subject to such exceptions or modifications as the Governor may think fit.

SCHEDULE.

Territories.	Exceptions and modifications.
1. The district of Angul.	1. The provisions of the Government of India Act which confers powers on the Indian Legislature and on the local Legislature of Bihar and Orissa to make laws, respectively, for British India and for the province of Bihar and Orissa shall not apply to this territory. 2. The provisions of the said Act which require proposals for expenditure by the Governor-General in Council and by the local Government of Bihar and Orissa to be submitted to the vote of the Legislative Assembly and the Legislative Council of the Governor of Bihar and Orissa, respectively, shall not apply to proposals for expenditure in this territory. 3. In lieu of the provisions of the said Act which enable rules to be made for prohibiting or regulating in either chamber of the Indian Legislature the asking of questions on, and the discussion of, any subject specified in the rules, there shall be substituted a provision prohibiting the asking of questions on, and the discussion of, any subject relating to this territory; and the provisions of the said Act which enable rules to be made for prohibiting or regulating in local Legislative Councils the asking of questions on, and the discussion of, any subject specified in the rules shall be construed if they prohibited the asking of questions on, and the discussion of, any subject relating to this territory in the Legislative Council of the Governor of Bihar and Orissa, save with the sanction of the Governor. 4. Section 46 (1) of the said Act shall be construed, in the application to this territory, as if the words "in relation to reserved subjects" and the words "and in relation to the transferred subjects (save as otherwise provided by this Act) by the Governor acting with Ministers appointed under this Act" were omitted.

Territories.	Exceptions and modifications.
The Chota Nagpur Division, the district of Sambalpur and the district of the Santal Parganas.	The provisions of the said Act which confer powers on the Indian Legislature and on the local Legislature of Bihar and Orissa to make laws, respectively, for British India and for the province of Bihar and Orissa shall be construed as requiring those Legislatures, when making laws solely applicable to all or any of the territories specified in column 1, to insert in every law so made a provision that such law shall come into operation only on such date and subject to such exceptions and modifications, if any, as the Governor-General in Council or the Governor in Council, by notification in the *Gazette of India* or the local official Gazette, as the case may be, may direct.

2. *The legal position prior to the Reforms.*—The legal position in these areas, as it stood immediately before the passing of the Government of India Act, 1919, is fully set out in Appendix V to the Ninth Despatch on Indian Constitutional Reforms. Briefly it was as follows :—

The Santal Parganas district had been removed from the operation of the general laws and regulations since 1855. Legislation for the district is mainly carried out by means of special regulations framed by the Governor-General in Council without reference to any legislative body. These regulations re-admit certain general enactments, and specially regulate among other things the agrarian law, the constitution of Courts and their procedure, usury, and the rural police. They exclude the jurisdiction of the High Court, except in the most important criminal and civil cases, and confer on the executive authorities a specially wide jurisdiction. They limit the employment of lawyers and simplify judicial procedure.

Angul, though from the first administered as outside the ordinary law, was not legally excluded from it till 1874 after the passing of the Scheduled Districts Act of that year. Thence onwards legislation has been mainly carried out there,

as in the Santal Parganas by special regulations which follow similar lines. In both districts the local Government has had the power to extend general legislation to them.

The Chota Nagpur districts and about one-third of the Sambalpur district were similarly brought under the operation of the Scheduled Districts Act. Here, however, the bulk of the general laws have been in operation, though in the Kolhan, a portion of Singhbhum district, the Civil Procedure Code has been replaced by a simplified procedure.

3. *The proposals of the local Government in 1918.*—The Government of Bihar and Orissa in 1918 recommended that the Santal Parganas and Angul should be excluded altogether from the scope of the Reforms Scheme and be administered by the Governor in Council Neither the Legislative Council nor the Minister should have any authority over these two areas and their legislation should be conducted exclusively under the provisions of section 71 of the Government of India Act.

For the scheduled districts of Chota Nagpur and Sambalpur they proposed to permit the Governor in Council to regulate the application of Acts passed by the Legislative Council to these tracts, to decide the extent of the jurisdiction of the Ministers, and to limit the application of any of their orders.

4. *The proposals of the Government of India.*—The Government of India accepted the recommendation regarding Angul but considered that the Santal Parganas should be treated in the same way as the Chota Nagpur districts and Sambalpur. For these districts the proposals on the legislative side were accepted, but it was considered that there it was undesirable to place in the hands of the Governor in Council the power to exclude any area from the jurisdiction of Ministers. It would be enough if the Governor were given a wider discretion in varying the orders of the Ministers in these tracts than elsewhere, and if he were authorized, as an ultimate safeguard, with the previous sanction of the Governor-General in Council to re-transfer any transferred subject in these tracts if such an extreme measure became necessary.

5. *The provisions of the Government of India Act.*—The Government of India Act, as finally passed, merely empowered the Governor-General in Council by section 52A(2) to declare certain areas to be backward tracts and to decide with what modifications the Government of India Act should be applied to them. It will be seen that in applying the Government of

India Act to the backward tracts of Bihar and Orissa other than Angul, no special provision was made for authorizing the Governor, with the previous sanction of the Governor-General in Council to re-transfer subjects.

6. *The characteristics of the tracts.*—Having explained the legal position in these tracts and the way in which the present position was reached, it is now necessary to describe briefly the characteristics of the country and people comprised in each district. At the end of this memorandum is placed a table showing the proportion of aboriginals in each district notified as a backward tract, and in the other parts of the province.

7. *The Santal Parganas.*—The Santal Parganas is the chief stronghold of the Santal race who form 38 per cent. of the total population. In 1855 their rebelling against the oppression of alien landlords and money-lenders led to the enactment of Act XXXVII of that year which removed the district from the operation of the general laws and regulations " as not adapted to the uncivilized race of people called Santals ". The district has had since then its own agrarian system and a distinct judicial system. The Santals are a primitive people with a strong tribal organization, of which the village headman system is a leading feature. With other aboriginal races they make up 51 per cent. of the population, which also includes a large proportion of semi-Hinduized aborigines and low class Hindus. The five highest Hindu castes, who throughout the province form 12 per cent. of the population, contribute less than 4 per cent. here. Some 42 per cent. of the population speak non-Aryan languages. There is a Bengali fringe of about 200 square miles on the east and south of the district where it adjoins Bengal, and there are numerous colonies in the south-west of the district where Bengalis have settled along the line of railway which crosses the healthy uplands of the Deoghar subdivision. These maintain constant pressure for the removal of that subdivision from the Santal Parganas system of administration, which handicaps them in their dealings with the aboriginal population. The district consists largely of hilly country and uplands with fertile valleys interspersed. It is only half cultivated and of the uncultivated portion one-half consists of hill and forest land which is permanently unfit for cultivation.

8. *Angul.*—Angul is a forfeit State situated in the midst of the Feudatory States of Orissa. Attached to it is the Khond subdivision of the Khondmals which lies still deeper

in the hills and jungles of this tract. Both tracts are inhabited by wild and primitive people. According to the 1921 census 74 per cent. of the population belong to aboriginal races, though only 26 per cent. speak non-Aryan languages. The five highest Hindu castes barely contribute one per cent. The administration of the district has always proceeded on lines entirely distinct from that of the ordinary districts of the province, and is now governed by regulations, framed like those for the Santal Parganas, by the Governor-General in Council without reference to any legislative body.

9. *Chota Nagpur.*—Chota Nagpur is part of the old "Jarkhand", the inaccessible forest tract of the Aryans; and it was but little touched even by contact with the Muhammadan Government. It consists mostly of hilly country, forest and upland. Its agrarian system has always been distinct from that of the rest of the province and is now governed by the Chota Nagpur Tenancy Act, 1908. Aboriginal and semi-aboriginal tribes, such as the Mundas, Oraons, Kharias, Hos, Santals, Bhumijs and smaller tribes of even more backward races make up nearly 58 per cent. of the population.

The special characteristics of the component districts have now to be described.

10. *Ranchi.*—Ranchi is the most strongly aboriginal of the Chota Nagpur districts, the three principal tribes being the Oraons, the Mundas and the Kharias. These with other less numerous tribes make up nearly 80 per cent. of the population, while 53 per cent. speak non-Aryan languages. It is the headquarters of three important Missions, Anglican, Roman and Lutheran, which claim between them some 280,000 adherents, drawn almost entirely from the aboriginal population. The five highest castes of Hindus in the district form only 3 per cent. of the population and are chiefly descendants, not always pure, of immigrants from Bihar, the United Provinces and Bengal, who were introduced by the aboriginal, but now Hinduized, Raja for the maintenance of his authority and rewarded for their services by grants of land. The long struggle between these aliens and the aboriginal population has been mitigated by the preparation of the record-of-rights, but has left bitter memories among the latter. Much of the district is still wild and uncultivated and nearly one-third of it is covered with forest.

11. *Palamau.*—Palamau is by far the least developed of the Chota Nagpur districts. The proportion of its population

returned as Animistic at the last Census is small, but the aboriginal and semi-aboriginal population which is Hindu only in name is 49 per cent. of the whole. In addition there is an exceptional high proportion, 18 per cent., of the untouchable castes fully incorporated in Hinduism. Only 7 per cent. now speak non-Aryan languages. The five highest Hindu castes form 9 per cent. of the population, proximity to the Gaya district of Bihar facilitating immigration. The country is exceptionally wild and the subordination of the cultivators to the landlords is in many places absolute. The greater part of the district consists of broken hilly country, covered with jungle and intersected by narrow valleys. About one-sixth only of the total district area is under cultivation, and much of this is of the most primitive kind.

12. *Hazaribagh.*—Hazaribagh like Palamau has only a small section of its population returned in the Census as Animistic but the so-called Hindus who account for over 90 per cent. of the total district population include many aboriginal and semi-aboriginal races, who make up 34 per cent. of the whole. Some 8 per cent. still speak non-Aryan languages. The five highest Hindu castes contribute 7 per cent. The district consists of the undulating uplands of the higher and lower plateaus interspersed with river valleys. Less than one-third of the whole is cultivated and nearly one-half is permanently unfit for cultivation. In a large part of this district, as in Palamau, the power of the landlord over his tenants is very great, in spite of the protection which the tenancy law affords, and there is in both districts a large body of agricultural serfs. These serfs, known as *kamias*, are persons who for a loan of a few rupees have bound themselves, and not infrequently their families and descendants, to work for a particular master until the debt is repaid. As they seldom have any chance of earning any money, and their labour brings them nothing but their bare keep, the repayment is indefinitely deferred. The sale and purchase of *kamias* is carried on under the guise of taking over their debts.

An attempt was made in 1920 by the pre-Reforms Government to break down the system, by enacting that the *kamia* bonds could not be enforced in the Courts and that hiring of labourers for agricultural purposes must be limited to one year. The success of that Act has been very small, since the *kamias* are still far too ignorant and depressed to appeal to the Courts.

13. *Singhbhum.*—Singhbhum consists of three entirely distinct parts :—

(*a*) The Kolhan is a Government estate peopled almost wholly by aboriginal Hos, speaking their own language Ho.

(*b*) Porahat is populated largely by aboriginal (Ho and Munda) and semi-Hinduized (Bhuiya) races, but there is an intermixture of Oriya and other immigrants. It was a Native State up till 1858, when it was sequestrated owing to the rebellion of the Raja, but it was only included in British India by Act II of 1893.

(*c*) Dhalbhum is a portion of the Bhumij country. This tribe is almost identical with the Mundas but though still very wild and untractable has adopted a veneer of Hinduism and speaks Bengali. Many Santals are now settled in the tract. Of its aboriginal headmen many have been supplanted by Bengali and Oriya immigrants from Midnapore and adjoining districts.

The first of these tracts is in all respects comparable with the wilder parts of the Santal Parganas, and it has always been the policy of the Government to exclude from it aliens who would deprive the aborigines of their lands.

The population of Porahat is very largely aboriginal and its internal economy is on much the same footing as that of the Kolhan. The third tract, Dhalbhum, is more mixed and more advanced than the rest of the district.

The proportion of persons still returned as Animistic in Singhbhum is much higher than in any other district of Chota Nagpur, being well over one-half. The aboriginal population forms 76 per cent. of the whole, and over 56 per cent. speak non-Aryan languages. The five highest Hindu castes contribute only 2 per cent. Cultivated lands amount to only one-third of the total area of the district and about one-fourth of the whole is covered by the reserved and protected forests of the Kolhan and Porahat.

14. *Manbhum.*—Manbhum is divided into two distinct areas, the Jharia coalfields of the Dhanbad subdivision which are the most important in India, and the rest of the district which is mainly inhabited by primitive races. In 1921 it was found that aboriginals numbered 52 per cent. of the population, and 14½ per cent. spoke non-Aryan languages. The five

highest Hindu castes comprise 8 per cent. of the population. Cultivation is more advanced in Manbhum than in any other district of the division, the present proportion being 60 per cent. of the whole area.

15. *Sambalpur.*—Sambalpur is governed by the revenue laws of the Central Provinces from which it was taken over in 1905 and its administration preserves all the features of the Central Provinces system. A large portion of the district is covered with hill and forest and it is within this tract that the three scheduled zamindaris of Barasambar, Kolebara and Rampur lie. The aboriginal population in 1921 was 38 per cent. of the whole, though only 6 per cent. spoke non-Aryan languages. Five per cent. only of the population belong to the five highest Hindu castes.

16. *General characteristics of the aboriginals.*—It will thus be seen that in all these districts the aboriginals form a very substantial element of the population. They are made up of a number of tribes, of which the group comprising the Mundas, Hos, Santals and Bhumijs, who are linked both in race and language are the most important and the Oraons take the second place. These and other tribes, of whom some have become in comparatively recent times semi-Hinduized while others are still more backward than those that have been named, have generally the same characteristics. They are in ordinary circumstances cheerful, hard-working folk, with a keen sense of self-respect, honest, truthful and courageous. Their defects are inordinate love of drink and improvidence. Further they can be readily stirred up to violence, and their ignorance and credulity make them an easy prey to misrepresentation. They cannot compete against the subtler minds of the Aryan races that have in the past two or three centuries penetrated slowly into the country; their improvidence lays them open to the wiles of the money-lender; their lack of education and their distinctive languages place them at a great disadvantage in the Courts. When roused to action by real or fancied grievances their tribal organization, where it survives, and elsewhere the solidarity of kinship makes for a rapid spread of disaffection, while their child-like outlook makes the duty of restoring order a peculiarly distasteful one.

17. *Degree of exploitation already effected.*—In Ranchi, Singhbhum, Santal Parganas and Angul administration directed specially to that end has preserved them from the worst effects of exploitation by the outsiders, whom they designate Dikkus, though in the Ranchi district they still

cherish considerable resentment against those, who have, as they consider, robbed them of the lands which their fathers reclaimed from the virgin jungle. In the outlying districts of Manbhum, Hazaribagh and Palamau exploitation has gone much further, and the aboriginals together with the low caste Hindus have been reduced in many parts to the position of landless labourer or that of agricultural serf.

18. *Trouble among the aboriginals. Santal Parganas.*—There are a number of instances in which the process of exploitation or other causes have stimulated them to open revolt. The earliest, which it is necessary to notice, is the Santal rebellion of 1855, which is still remembered in the district of the Santal Parganas as the great "Hul". The application of the ordinary laws of Bengal had resulted in the aboriginals losing their lands to their creditors. The Santals organized a large body to march to Calcutta to present their grievances. As the march proceeded supplies had to be obtained by looting, which developed into wild sacking of bazars and in some cases murder and arson. The traders, who were also the money-lenders, were the object of attack throughout the district and a large punitive force was required to restore order. After the rebellion measures were taken to check exploitation but these were quickly undermined by legal decisions of a technical character and a repetition of this outbreak was narrowly averted in 1871.

19. *Ranchi agrarian and religious unrest.*—In Ranchi agrarian troubles, particularly over the system of compulsory labour exacted by landlords and the enhancement of rents, led to unrest, which was prolonged over a period of 20 years from 1880 to 1900. In 1881 a party of Mundas set up a local "Raj" but the ringleaders were promptly punished. In 1887 both Mundas and Oraons refused to pay rent, and under incitement from their leaders seized and cultivated the private lands of their landlords. Two years later a similar state of things prevailed, and, though in both cases the disturbances were dealt with by the ordinary police, by 1893 the operations of the leaders of the agitation, known as Sardars, had extended to most of the south of the district and into the neighbouring district of Singhbhum. In 1895 the movement found a new leader in the person of Birsa, a convert of the German Lutheran Mission with a smattering of English education. He set himself up as the founder of a new religion, compounded of Christianity and Hinduism, and quickly gained the reputation of a worker of miracles. An apocalyptic touch was given

by the announcement that on a given day all men would be destroyed by fire from heaven save those who gathered round him at his native village. His teaching became political; he announced the end of the British Raj and the inception of the Munda Raj; he promised immunity to his followers from the bullets of the forces that might oppose them; he adjured them to pay no rents. This last appeal always has a ready response from men, who have cleared their own land, as most aboriginals or their forefathers have done. His arrest was effected by a surprise raid. Released on the occasion of the Diamond Jubilee, he started to gather followers again, but escaped when some of them were arrested, and reappeared towards the end of 1899, to organize further trouble. On Christmas Day of that year a large number of pre-concerted murderous attacks occurred: and the infantry then stationed at Doranda had to be requisitioned to suppress the rising. In 1914 a new movement, the Tana Bhagat, was started among the Oraons, which spread throughout the Oraon country of Ranchi and into Palamau and Hazaribagh. The leader Jatra Oraon, like Birsa, claimed divine powers. It originated as a social and religious reformation, but the commands of the leader, which forbade obedience to anyone except himself and his disciples, instructed his followers to break their ploughs and do no work of any kind, and finally to withhold rents, began to lead to serious trouble. The Oraons, as usual, saw in the movement a chance to recover their long lost lands. Jatra was prosecuted and sent to jail, but a woman carried on the work in his absence. On his release Jatra began to lose his influence, but other leaders came forward from time to time and the movement continued to retain adherents up to 1922, and is not wholly extinct yet. It, like the earlier movement, is on its religious side a compound of Christianity and Hinduism, born of a distrust of the old Oraon deities. It had, at its height, sufficient appeal to induce some of its followers to give up cultivation on the ground of cruelty to cattle, to let their cattle loose and to throw away their stores of rice.

20. *Disturbances in Mayurbhanj.*—Another illustration of the mentality of the aboriginals, prior to the inception of the Reforms, is supplied from the Feudatory State of Mayurbhanj, which marches for some 100 miles on Singhbhum and Manbhum. At the end of April 1917 recruiting for a labour corps for France was started in the State, under the control of a European officer, who had shortly before been Superintendent. The intention was to recruit the Santals, who in the Santal Parganas district had come forward with alacrity. The novelty of the

proceedings, however, excited uneasiness and alarm, and this excitement was fanned by influences hostile to the late Superintendent and to recruitment. An attempt to push on recruitment, before the necessary explanations and assurances could be given, led to the impression that compulsion was intended and this suspicion in the course of some eighteen days ripened into active opposition. The Santals got into a state of panic, assaulted minor officials employed on recruitment, looted several bazars, broke up the railway line and cut the telegraph wires. Police from the neighbouring British districts and military from Calcutta were hastily pushed in and the outbreak collapsed without bloodshed. Recruitment was stopped but the excitement engendered continued. The main grievances now alleged were the restrictions somewhat recently imposed by the late Maharaja, a progressive ruler, by forest laws and excise regulations. For a fortnight or more the Santals continued to gather in crowds ostensibly for *shikar*, but in fact to ventilate grievances. About the middle of June a collection of men at a local *hât* (market) became unruly and raided the liquor shop. Attempts to preserve order by a small body of State police led to that body being overpowered and dispersed and one constable was caught and killed. The news of this spread rapidly and further *shikars* were organized. Four more *hâts* were looted, grain merchants compelled to give rice, liquor shops broken into, and State buildings burnt. An unfortunate Oriya cook who was fleeing to his native district was caught at a ferry and murdered on suspicion of being a State official. The disturbances continued for some ten days before the police and military force were able to restore order. The peculiarity of the outbreak was the switch over from the recruiting grievance to the more usual grievances of restrictions on their natural desires for free wood and cheap liquor. The organization of collecting mobs for the *shikars* was by means of *ganthis*, ropes knotted and marked to signify the time, place and object of the gathering, and passed on in snowball fashion.

21. *The backward tracts during the non-cooperation period.*—The leaders of the non-cooperation movement early perceived the embarrassment that could be caused by spreading their propaganda in the aboriginal districts. A very determined effort was made during the period November 1921 to April 1922 to enlist the aboriginal population of the Santal Parganas in that movement. A number of minor incidents occurred throughout the district, but, except in the Rajmahal subdivision, the Santals as a rule resented the intrusion. In

that subdivision, however, the situation became most difficult, as there a considerable number of Santals and Paharias were enlisted as volunteers on promises of remission of all rent, freedom from all excise restrictions and a monthly salary. Illicit distillation became very prevalent; two excise officers were badly assaulted and held to ransom; collection of rent was stopped and the headmen were resisted when executing warrants of distraint. The centre of the trouble was Boria Bazar in the Damin-i-koh, where blackmail on the traders was enforced and many aboriginals recruited as volunteers. Matters were complicated by the general railway strike on the East Indian Railway, and armed police were not immediately available. At length a force could be spared and marched secretly on Boria Bazar where some 350 men were brought before the subdivisional officer. Many of these were brought in by the Santal headmen, or by their own relatives. The bulk of them were let off with a warning, and the prosecution of ringleaders and the expulsion of a few bazar tenants, who had actively supported the movement, sufficed to restore order. Throughout the non-cooperation period the situation in Ranchi required very great watchfulness, and but for the help rendered by the local member of the Legislative Council, and the deputation of a Government officer who was himself an aboriginal to make extensive tours in the district, it is likely that serious trouble would have arisen. In January 1922 the non-cooperators stirred up serious trouble at Chatra in Hazaribagh and were holding meetings in the villages, in which it was resolved that the rural police should be seduced from their service. Prompt arrest and trial of the ringleaders rapidly crushed the movement, which was becoming decidedly dangerous.

In Palamau during January and February 1922 the non-cooperators attempted to bring in the Kherwars and Cheros of that district. They gained a temporary success and as a result an excise out-still was burned. On the arrest and conviction of a few of the ringleaders the movement was adequately checked.

In Singhbhum a curious incident occurred in August 1921 when four Hos, who had been listening to non-cooperation lectures, invaded a *hât* and ordered the women to take off their ornaments, the men to discard their coats and bow before them, calling Gandhi ke Jai. They assaulted some persons who declined to do so. One of the chief headmen immediately arrested them and though they behaved like lunatics during the trial that followed immediately, they recovered their senses

that evening and were let off with small fines. The case illustrates the extraordinary effect of inflammatory talk on the minds of simple aboriginals. The non-cooperators had been trying to stir up trouble in the Kolhan since April 1921, and by the end of August the situation had become somewhat serious. A number of Hos had been induced to part with four annas each on the promise that this payment to non-cooperation funds would render their lands rent-free for ever. The usual statements about the imminence of the collapse of the British Raj were made. The two principal agitators, both outsiders, were accordingly prosecuted and this ended the trouble.

22. *Later symptoms of unrest.*—In April-May 1923 an unusual disturbance occurred in another part of Singhbhum among the Santals of Dhalbhum on the Midnapore border. This took the form of dragging the tanks for fish. There had been a law suit about the principal estate in the locality, which had resulted in the long-established proprietor being turned out. There was also trouble between the local Raja and his tenants just across the border in Midnapore, and it appears that the looting was organized in that district, and received some support from non-cooperators, who had been active there a year or so before. The looting in fact started in Midnapore but spread into Singhbhum, twelve tanks being looted in four days at the beginning and later some three or four more at distant parts of the area. The concentration of armed police and the personal efforts of the Deputy Commissioner and his assistants prevented the trouble spreading, after pressure had been brought on the dispossessed proprietor publicly to withdraw his countenance from the movement, and a few persons who persisted in urging its continuance had been bound over. The whole incident illustrates the rapidity with which a novel claim to invade private rights can spread among an aboriginal race, and revive memories of the time when hunting was the primary occupation of the community.

In September 1924 an agitation was started in the Kolhan by one of the outsiders, who had been imprisoned during the height of the non-cooperation movement, against the payment of market dues, which had been paid without question for 25 years. The movement, which spread to six important markets, was promptly suppressed by the arrest of a few of the ring-leaders

23. *Progress in education.*—The facts set out above demonstrate that the aboriginals as a whole have not radically changed in character during the last 70 years. They are

still very excitable and credulous and prone to revive ancient grievances. It is unlikely that any such radical change will be effected, save by the spread of education. The Census of 1921 showed to what extent education, by the tests of literacy and literacy in English, had spread by that year. Of the Animist males, who form about one-half of the total male aboriginal population, only 12 per mille were literate, and only one per mille literate in English. In both cases the proportion is only one-eighth of that found in the provincial population as a whole. Vernacular male literacy was a little more common among the semi-Hinduized tribes, but literacy in English was no more common. Less than 1,200 of the Hindu and Animist males of the ten principal aboriginal tribes were literate in English, though these numbered more than 2½ millions. The Christian male aboriginals, as a result of the labours of the Missions, were far more literate. Taking these in with the Hindus and Animists male literacy would be about 20 per mille, against 96 per mille for the whole population. English male literacy would probably rise to about 2 per mille. Thus in 1921 the aboriginals were vastly below the general standard in education, and of their educated members a large proportion were Christians.

Since 1921, while the education of Christian aboriginals has progressed more rapidly than that of the general population, that of non-Christian aboriginals has not made up any leeway, and the aboriginals as a whole are relatively to the general population in a somewhat worse position than they were in 1921. They have got a little less than their due share of the big advance made in primary education, and decidedly less of the advance in high and middle education. Detailed figures will be found in Appendix II.

No doubt there is now a small class of really educated aboriginals, but these are almost all Christians, and though the adoption of that religion does not by any means cut its adherents off from sympathy with non-Christians of their own race, it does not altogether fit the educated aboriginal to be a champion for all the others.

24. *Adequacy of Council representation.*—As a matter of fact the aboriginals have not many chances of putting forward their own champions under the present Constitution and they have not as a rule been sufficiently well organized to do so, where they have the power. The proportion of aboriginal electors to the Legislative Council is much below the proportion

that the aboriginals bear to the whole population as the following table shows :—

—	Percentage of aboriginal electors.	Percentage of aboriginals in the population.
1	2	3
North Santal Parganas	33	51
South Santal Parganas	33	
North Manbhum	29½	52
South Manbhum	52	
Hazaribagh	12	34
Ranchi	66	80
Palamau	20	49
Singhbhum	63	76
Sambalpur	7½	38

It will be seen that only for the South Manbhum, Ranchi and Singhbhum constituencies are the aboriginals able to make sure that a candidate who will support their interests is returned. They have taken advantage of their position in Ranchi, where a Bengali lawyer who has made a close study of their traditions and has long gained their confidence has been returned on all three occasions. For Singhbhum a Ho headman was returned for the first two Councils, and he retired at the third election in favour of a Hinduized Munda. In no other constituency of the backward tracts has an aboriginal or any one dependent primarily on the aboriginal vote been elected. For the two Santal Parganas constituencies a Bihari Brahman and a Marwari now sit; for Manbhum a Bengali Brahman and a Bengali Baidya; for Hazaribagh and Palamau two Bihari Kayasthas; for Sambalpur an Oriya Brahman. Thus seven seats out of nine are filled by persons, who, whatever their other qualities may be, belong to the classes, which the bulk of the aboriginals regard rightly or wrongly as most

hostile to them. It is true that at present two seats are reserved for their representation by nomination. But when it is remembered that nearly all the other elected members of the Council are either Muhammadans or belong to the Hindu classes regarded as hostile, it is not surprising that the aboriginals, where they are intelligent enough to appreciate the position, view with great apprehension the prospect of being placed without any safeguard under a Council so composed.

25. *Representation in the district boards.*—In the district boards, where they are constituted on an elective basis with an electorate almost identical with the Council electorate, the position is no better. In Manbhum out of 26 elected members in a board of 34, 22 are high caste Hindus, and there is no aboriginal. In Hazaribagh a board of 28 contains 21 elected members, of whom 12 are high caste Hindus, and 4 money-lenders or landlords of other Hindu castes. Again there is no aboriginal. In Palamau from a board of 24 members, all the 18 elected members are high caste Hindus, except one who is a Bania. Santal Parganas has a purely nominated board. In Sambalpur, where the franchise is closely restricted, 9 Oriya Brahmans are found on the district council out of 24 members. Only one member is an aboriginal and he is the proprietor of one of the large aboriginal estates that have survived in that district. It is only in Ranchi and Singhbhum that the aboriginals have secured any real representation on the rural local bodies. In Ranchi in a board of 24, elected members number 18. Of these 12 are aboriginals, 6 of them being Christians. This result has been largely due to the organization among the Oraons and Mundas for the betterment of their position, called the Unnati Samaj, brought into being by a few educated aboriginals. Its executive council of sixteen contains four members from each of the three Christian communities It has also been largely instrumental in returning the member for the Legislative Council. In Singhbhum six Hos, including one Christian, have been returned, with nine Oriyas and three Bengalis. Of the twelve non-Hos seven belong to the higher Hindu castes, although only two per cent. of the total population belongs to those castes. One of the twelve is a Hinduized aboriginal.

26. *The legal effects of the backward tracts notification.*—The provisions of section 52A(2) of the Government of India Act together with the notification issued under that section operate to restrict the powers of both the central and local Legislatures. The central Legislature, if it desires to pass

a law solely applicable to all or any of the backward tracts, is obliged to provide that the law shall come into operation only on such date and subject to such exceptions and modifications as the Governor-General in Council may direct. The local Legislature is similarly restricted as regards laws solely applicable to the tracts, the Governor in Council being substituted for the Governor-General in Council as the authority to decide the date of commencement and the exceptions and modifications. The local Legislature is further restricted in that the Governor in Council is authorized to direct that any Act of that Legislature shall not apply to the backward tracts or any part of them or shall apply thereto subject to such modifications or exceptions as the Governor may think fit.

27. *The use made of the powers under the notification.*— In actual fact, of the powers thus conferred, only the last has been exercised, and that in the single instance of the Local Self-Government (Amending) Act, 1923. For that Act the Governor thought fit to withhold the operation of the section, which dealt with the election of chairman of the district board, and to retain the section of the old Act, which left the chairman to be appointed by Government. The result was that in all the five Chota Nagpur districts the executive head of the district continued to be the chairman, until in 1927 the district board of Manbhum was permitted to elect its own chairman. Further the Governor decided not to permit the Act to apply at all to the Santal Parganas, where a wholly nominated Council is retained. The Act itself excluded its own operation from Sambalpur, where an existing Act of the Central Provinces Legislature was and is still in force.

Thus up to now the only use made of section 52A(2) has been to defer the fullest application of the experiment in local self-government made by the Act of 1923, until it appears that a board is in being capable of dispensing with all official guidance.

The small use made of the special power is due to the fact that the two Acts dealing with urban and rural local self-government are the only measures of prime importance that have been passed by the reformed Council. Yet, though the use made of these powers has been small, their existence prevents the introduction of ill-conceived legislation specially affecting the backward tracts, which might command the support of the majority of the Council or the Assembly as now constituted, and could only be prevented from becoming law by the use of the exceptional power of veto.

28. *Council debate on the Santal Parganas.*—The local and central Legislatures have shown signs on several occasions of treating the problems of the backward tracts from an *a priori* point of view, with little regard to actualities. Apart from a resolution in December 1921, urging a revision of the Santal Civil Rules, a course which the local Government were ready to accept and did in fact carry out, the first occasion on which the subject of backward tracts came before the Council was in December 1922, when a resolution was moved urging the withdrawal of the Santal Parganas district from the operation of both section 52A(2) and section 71 of the Government of India Act. The main points in the system which were attacked were the restriction on the use of lawyers, the exclusion of the High Court in minor civil and criminal cases, the replacement of the Civil Procedure Code by a simplified procedure, and the power of the Commissioner to evict, under the terms of their leases, bazar tenants of the Government estate, which constitutes the Santal core of the district, on the ground of undesirability. It was also urged that the Santals were in the minority in many parts of the district; that there was a large body of highly educated Bengali settlers at places like Deoghar, who could not be expected to live under a paternal government, which might possibly be suitable for Santals; that there were great centres of trade populated mostly by Hindustani-speaking persons; and the population was no more backward than a great part of the population in the ordinary districts. Another speaker relied on a garbled version, which had appeared in the local press, of the action taken by the Deputy Commissioner to suppress the attempts made by non-cooperators to excite the Santals and other aboriginals to revolt, particularly the orders issued expelling a few men from the Damin-i-koh. The Council by 38 votes to 20 carried the resolution, but it is significant that neither of the non-Muhammadan members from the Santal Parganas attended the debate, while the two members for the predominantly aboriginal districts of Ranchi and Singhbhum voted against the resolution. The Governor in Council decided that the time was not ripe for abandoning a system which works for the greater peace and contentment of the inhabitants of the district, but made one change by permitting all pleaders borne on the approved list of the Deputy Commissioner to appear as of right in all criminal courts of the district.

The Council in March 1924 expressed its disapproval of the failure of Government to act upon its resolution by accepting by a majority of 32 votes to 27 a budget motion to reduce the provision for executive officers for the province by the amount required for those employed in the Santal Parganas.

29. *Assembly debate.*—The general question of the Santal Parganas system has not again been specifically raised in the Legislative Council, but it formed the subject of a debate in the Legislative Assembly in February 1927 on a resolution couched in much the same terms as that moved in 1923 in the local Council. Little that was new was brought forward in that debate, though a good deal was said that was not true; for example, that the Santal headman was merely the subordinate officer of the Deputy Commissioner and that the decrease in the population of the district between 1911 and 1921 was due to the oppressive nature of the laws and regulations, which drove the inhabitants to the coalfields and tea gardens. It was alleged that the land remained uncultivated for want of capital; the employment of labour was restricted and indigenous enterprise checkmated; the administration of justice was defective, and, owing to the inability of the local Legislature to control the legislation applicable to the district, the representation of the district in the Council was nugatory. One member appeared to think that there were no written laws in the Santal Parganas, and that everything was decided by the orders of the Deputy Commissioner. Other members having no direct information about the district generally took the line that the system of government was a despotism, which should be stamped out. The resolution in an amended form bringing in all the districts notified as backward tracts was carried by 50 votes to 40. The Government of India took no action, leaving the question of the extent of the restrictions on the power of the legislature to be taken up by the local Government.

30. *Council debate on local self-government in the Santal Parganas.*—In addition to these two debates on the general question of including the Santal Parganas among the backward tracts, there has been a debate in the local Legislative Council in February 1927 urging that the notification excluding the Santal Parganas from the provisions of the Local Self-Government (Amending) Act, 1923, be withdrawn. The debate broke no fresh ground, the motion being urged principally on the argument that it was time that the Santals were educated in local self-government of the standard pattern. It was carried by 41 votes to 38, but Government declined to accept the advice of the Council.

31. *Memorials from the Santal Parganas.*—Reference should also be made to three memorials, which were presented to the Governor by residents of the district in 1925. The first was confined to the treatment during the settlement operations

of sub-leases in Dikku villages in the tract, where a limited right of transfer of raiyats' holdings was already recognized. In reply the memorialists were informed that such sub-leases would not be treated as illegal alienations rendering the lessor liable to ejectment. The second presented by the Marwari member of the Legislative Council covered practically all the peculiar features of the administration, though the most important request was the relaxation of the prohibition on alienation of raiyats' land throughout the district. In reply to this memorial it was stated that Government were not prepared to reconsider the special features of the administrative system. A concession was made in regard to alienation by sub-lease in Dikku (non-Santal) areas, it being laid down that the power to evict both lessor and lessee would not be generally exercised in the course of the settlement in those areas. Neither of these two memorials had any substantial backing from the Santals themselves. The third came from a small body of Santals (mainly Christian Santals) of the Government estate known as the Damin-i-koh and asked for recognition of the right of transfer amongst their own class and of succession by females, for concessions regarding rent on lac-bearing trees, for full rights in trees on their own holdings, privileges in the forests, abolition of labour dues, and revision of the rates for the supply of provisions to touring officers. Government agreed to the last request, but were unable to accede to the others.

32. *Reasons for retaining the Santal Parganas system.*— The object of the retention of the Santal Parganas both among the districts notified under section 52A(2) and among those to which the Secretary of State in Council has applied section 71 of the Government of India Act is to secure that the laws applicable to that district shall not be altered without a special examination of any enactment in its final shape, and that it may be possible to alter the laws and regulations as may be required to suit changing conditions, without raising before the Legislative Council the whole question of the system of administration in the district. (Two minor adjustments have been so made during the Reforms period.) Government in 1855 found that the application of the laws and regulations then in force in the greater part of Bengal led to exploitation of the Santals and other aboriginals by their cleverer neighbours to such a degree that the Santals were roused to armed rebellion, rather than submit to it any longer. The Santal system was then founded, but by 1871 legal interpretations of the regulations, then in force for the district, had reduced the

efficiency of the system, and threatened to reproduce the situation of 1855. The regulations were accordingly thoroughly revised and the system in its present form firmly established. That system is the concentration of all the principal activities of Government in the hands of the Deputy Commissioner and his subordinate officers in charge of the subdivisions, subject to the control of the Commissioner and of the Executive Government. The only exceptions are the trial of more serious criminal charges by the Sessions Judge subject to appeal to the High Court, the trial of civil suits valued above Rs. 1,000 by the ordinary civil courts, again subject to appeal to the High Court, and the privilege granted to Europeans, which is rarely called into play and not always claimed, of trial in criminal cases by regular criminal courts. Further the Deputy Commissioner and his subordinates are constituted guardians of the record-of-rights, which in this district is in effect the corpus of the agrarian law. Its underlying principles are the retention of the land in the hands of members of the village community capable of cultivating it themselves, the protection of the cultivators against rack renting, and the maintenance of the authority and the check of abuse of the authority of the elected headmen. The Santal system operates to check litigation and to protect the poor litigant against the rich by restricting the right of lawyers to appear in the Santal courts, and limits usury by restricting the accumulation of debt to twice the original loan. It secures that all matters that concern the great bulk of the population are decided by an authority working on settled principles, easily accessible and capable of making decisions effective, against the alternative of conflicting authorities, which would bewilder the simple and aid the cunning. It is perfectly true that the system is one of personal rule, and that it is open to attack on the stock grounds. But the fact remains that it has solved the problem of enabling a simple-minded but excitable people to make considerable advances in civilization, and to live their own lives in peace and relative comfort. A comparison between the sanitary conditions and the general air of the people in a Santal and non-Santal village (whether in the district itself or in the adjacent districts of Bhagalpur and Monghyr) is all in favour of the former. It is evident that there is no demand for a change in the system from the Santals or even from the bulk of the non-Santal agriculturists. The agitation comes mainly from the Bengali settlers along the railway, and from the small urban population who wish to invest their savings in land to be worked for them on rack rents by those who are now a contented peasantry. It has gained support from

public men, who have little personal experience of the aboriginal, but who honestly dislike personal Government and think that the existence of wide differences in the standard of culture and civilization is an obstacle to progress. Among these it is held that the most effective way of improving a backward race is to bring its members in touch and in competition with the men of higher education and status in life.

It may, however, be urged that the Santal and to a considerable extent the non-Santal of this district, has an effective system of village self-government, which the Bihari and Oriya have not. It rests on the support of the local officers, whose duty it is to maintain the authority of the headman against the individual and to prevent abuse of that authority, when it is exercised against the interests and wishes of the village community. In the most thoroughly Santal part of the district the duties of the police are entrusted to the same kind of agency, and are performed, if not always with the departmental correctness of the official police, at any rate sufficiently well and in a manner acceptable to the people. The danger, which the existing safeguards of section 52A(2) and section 71 of the Government of India Act are devised to avert, is a too rapid alteration in the system, which would transfer the destinies of the district into the hands of the wealthy non-Santal inhabitants of the district, whose interests are directly opposed to those of the bulk of the population. There is great likelihood that the result would be a repetition of the unrest of 1855 and 1871, an unrest unknown in recent years in the district, except when in 1921-22 it was deliberately engineered by non-cooperation workers.

33. *The system of administration in Chota Nagpur.*— The position in the five Chota Nagpur districts is different, in that there is no power in those districts to legislate by regulation, nor is the jurisdiction of the ordinary courts or the application of the ordinary laws excluded to anything like the same extent. The main differences in law are those to be found in the special Tenancy Act, which makes certain parts of the record-of-rights conclusive and places the jurisdiction in a large class of agrarian causes of action with the Deputy Commissioner and his subordinates instead of with ordinary civil courts. Apart from the special Tenancy Act, and a distinctive Act relating to the rural police, there was hardly any difference at the inception of the Reforms between the enactments in force in the greater part of Chota Nagpur and elsewhere in the province. There was, and still is, however,

an important difference in the personnel of the Courts, in that some of the subdivisional officers and other officers of the executive service are entrusted with jurisdiction in civil cases. The Deputy Commissioners have extended powers of criminal jurisdiction, which are not conferred on District Magistrates in ordinary districts. There is, also, a part of Singhbhum district, in which the system of administration approximates more closely to that in force in the Santal Parganas. This is the Kolhan Government estate, of which the population is almost entirely composed of a Mundari tribe, known as Hos. There the Civil Procedure Code is not in force, and is replaced by a set of simple rules of procedure similar to the Santal Civil Rules. The headman system is fully maintained, and the village community still subsists as such. As in the Damin-i-koh area of the Santal Parganas, so in the Kolhan the group-headmen (Mankis) do the police work, receiving reports of criminal offences and investigating them; in difficult or serious cases they are given the professional assistance of a regular sub-inspector, but in ordinary cases the Mankis themselves exercise the powers of a police sub-inspector being assisted in their enquiries by headmen of individual villages. The tract is administered by a special officer under the direction of the Deputy Commissioner.

34. *The legal position in the Kolhan.*—There is, however, in the Kolhan by no means as complete a legal sanction for the administration designed to protect the Hos from encroachment by Dikkus, as exists in the Santal Parganas, and the protection of the Hos depends largely on the personal influence of the Deputy Commissioner under the directions of the Governor in Council. There are no regulations framed by the Governor-General in Council under section 71 of the Government of India Act, and consequently positive legislation can only be secured by the ordinary means. Nevertheless a system of administration for the Kolhan, closely similar to that in force in the Santal Parganas, has been worked with very little challenge by outsiders and with full acceptance by the inhabitants of the tract itself. But in face of the probability of a substantial advance towards responsible government, resting on a Legislature composed almost entirely of elements, which are (from the aboriginal point of view) Dikku, it is obvious that this system is unlikely to last much longer, unless supported by legal sanction. If then the desirability of maintaining for a further period a reserve for the Ho race is admitted, some power to give that legal sanction must be kept with an authority in sympathy with that aim.

35. *Council debates regarding Chota Nagpur.*—The only instance of the exercise of the power conferred by the Government of India's notification under section 52A(2) of the Government of India Act, has been the retention of the district officers as chairmen of the district boards. This matter has been the subject of two resolutions debated in the Legislative Council. The first debate occurred in August 1923, in the first Council. The resolution was moved by a Bengali gentleman representing one of the Manbhum constituencies, and advocated the application of the Act, as it was passed, to the Chota Nagpur Division. It gained support from one Muhammadan member from Bihar and eight other Bihar members. Besides seventeen officials, seventeen members voted against it including the Muhammadan member for Chota Nagpur, and the members for Ranchi and Singhbhum. The motion was thus defeated by 34 votes to 10.

A similar resolution was moved in February 1927 by the leader of the Swarajya party. This time it gained the support of the 30 members of the Swarajya party, who were present, five members of the Independent Congress party, five members who frequently vote with the Swarajya party, one Independent member and one Liberal. The elected members for Ranchi and Singhbhum again voted against the resolution, which was carried by 42 votes to 39.

36. *The Assembly debate of 1927.*—The inclusion of the Chota Nagpur districts in the Government of India notification regarding backward tracts was also questioned in the Legislative Assembly in February 1927 by amendments to the original resolution, already referred to, which applied to the Santal Parganas only. It was debated in a house profoundly ignorant of the problems, and endeavouring to consider simultaneously the cases of Angul, the Santal Parganas and Sambalpur as well as the Chota Nagpur districts. The mover, who is a Bihari Kayasth elected on the Swarajya ticket to represent the division in the Assembly, declared himself unable to find any tangible difference at all between the people of Chota Nagpur and his countrymen living in other parts of Bihar and the country, whether in race, physical features, character, customs, manners, caste, creed or religion. He informed the Assembly that there were practically no written laws, that the orders and even the words of the District Magistrates were laws. He asserted that section 71 of the Government of India Act was in force in Chota Nagpur and legislation was carried out by regulations emanating from the

District Magistrates, automatically passed on by the Governor and assented to by the Viceroy. It would seem that the member had not made the acquaintance of many of the inhabitants of his constituency, nor taken much trouble to inform himself of the application of the constitution to it.

37. *Sambalpur.*—The next backward tract to be considered is Sambalpur. That district has special laws of its own in many matters, derived from its association with the Central Provinces, though even there it was in many respects a unique district. The centre of the district is fairly well developed, but the fringe and the whole of the western portion is still largely jungle. It has a district council of a special kind. Fifteen of the twenty members are elected, thirteen by the local boards, and two by the mercantile classes. Of the four local boards themselves two comprise elected representatives of the village headmen and of the trading classes, while two are made up of the big landowners. The executive of the district council is elected subject to the approval of Government. The local bodies are therefore somewhat largely in the hands of the important landholding interests, and the ordinary cultivator has no direct influence.

There has been no need for the use of the special powers conferred by the notification under section 52A(2) of the Government of India Act in this district, nor has the local Legislature recorded or attempted to record a protest against the treatment of the district as a backward tract. In the Legislative Assembly debate of February 1927, to which reference has already been made, Sambalpur was, with Angul, brought in by an amendment moved by the representative of the Orissa Division. He argued that the people of Sambalpur already had similar rights with the population of the rest of the province and suggested that the inclusion of Sambalpur was a technical mistake. Only one other member gave more than a passing mention to the district in the course of the debate, and he argued that because the district of Mandla in the Central Provinces had been removed from a notification under section 52A(2) in which it had been placed at the inception of the Reforms, that it was time that Sambalpur should be removed also. As Mandla is some 250 miles from Sambalpur the argument is hardly conclusive.

38. *Angul.*—There remains Angul, which is not only, like the Santal Parganas, covered by a resolution of the Secretary of State in Council bringing it under the provisions of section 71 of the Government of India Act and thereby

subject to legislation by regulation, but is also by the notification under section 52A(2) completely excluded from the Reforms. The district returns no member to the Legislative Council, nor are any residents therein entitled to vote for the Assembly or Council of State. The expenditure on Angul is not subject to the vote of the Council, nor have the Ministers any say in the administration of the district. The asking of questions on and the discussion of any subject relating to the district in the Indian Legislature is prohibited, and a similar prohibition extends to the local Legislative Council, though there it may be waived by permission of the Governor, which has not hitherto been sought by the Council. In spite of the former prohibition the member from the Orissa Division was permitted in the course of the 1927 Legislative Assembly debate, already referred to, to advocate the withdrawal of the notification applied to Angul. He admitted that the Khondmals might rightly be treated as a backward tract, but argued that the Angul subdivision was populated by Oriyas of similar social status and similar stock to the Oriyas of the main districts, and that their backwardness in education was due to the paternal system of government.

39. *The present general position.*—The question is whether in the light of past experience it is necessary to provide in the future constitution for continued protection by an agency, not responsible to the Legislature, for the aboriginal inhabitants of the present backward tracts. Over the greater part of these tracts serious contact between the backward peoples and more advanced civilization was not established till comparatively recently. It took some time for the Government to realize what unrestricted contact meant for the backward peoples and before restrictions were applied they had lost much, which they can never recover. The trend of administration, as well as positive enactments, have so far saved for them the rest, and, though in education and adaptability to modern conditions they are still much below the general level of the province as a whole, they have made great advance in recent years. The period has, however, been too short to put them in the position of being able to save themselves from whatever is harmful in contact with other civilizations, while absorbing whatever is good.

40. *The views of missionaries and others.*—That this is not merely the official view of the present situation is plain from the memoranda already submitted to the Commission by the Roman Catholic Bishop of Ranchi on behalf of the aboriginals of that Church, by the Anglican Bishop of Chota Nagpur, representing

the considered opinion of the S. P. G. Mission working in that division, by the Reverend T. Lenman to which the European missionaries of Scandinavian and United Free Church societies as well as Santal missionaries and officials have subscribed, and by the Chota Nagpur Improvement Society which claims to represent the entire aboriginal population of Ranchi district.

41. *The Roman Catholic view.*—The Bishop of Ranchi states that the degree of civilization attained by the aboriginals of Chota Nagpur is still so far below the degree attained by other races of Bihar and Orissa, that the aboriginals are unable to meet these other races on an equal footing. It is not to be understood that the aboriginals are a hopelessly primitive race. They are not. The protection given at the present time will gradually and surely make of them well-instructed citizens, able to take and keep their rightful position among the communities of India. They show a genuine desire and aptitude for education and are hastening to fit themselves to take their place among civilized races. At the same time under the new conditions, after the granting of a new measure of self-government to India, if Chota Nagpur remains joined to Bihar and Orissa, the aboriginal will in vain look for sympathy from the legislative bodies. The past shows clearly that little support can be hoped for in the Legislative Council for any measure benefitting education in Chota Nagpur.

The aboriginal races of Chota Nagpur require the continued protection of the Civil Service to save them from losing the lands they now cultivate and from the danger of being brought down to the degraded condition which is the lot of the *kamias* or serfs of Palamau and Hazaribagh, who are themselves the semi-Hinduized remnants of former land-owning tribes. They need that paternal protection, also, to enable them to rise to a higher degree of culture. That such a protection will produce its full fruit is abundantly shown by what has been said above about their desire for education and about the efforts they are making for their self-improvement.

42. *The Anglican view.*—The Anglican Bishop endorses the memorandum from which these views have been quoted. He emphasizes as the primary necessities for the well-being of the aboriginals :—

(1) the retention, and protection from unsympathetic alteration, of the tribal land laws and customs of these people;

(2) the continuance of special help to foster education among them;

(3) the importance of having officials who will be guided by intimate knowledge of the peculiarities of the people and their hereditary customs, rather than by a desire to administer any code or system of government, which however excellent in itself, is wholly foreign to aboriginal ideas.

He states that his experience in the Council has enabled him to appreciate the probable effect on the interests of these people of giving unreserved control over them to any body, whose sympathies are principally, and naturally, with those classes of the community, whom the aborigines look upon as their hereditary enemies, viz., the Hindu and Muhammadan immigrants who have used their superior intelligence and the facilities afforded by the land laws, before their modification, to oust the simple people, who had reclaimed by their industry all the cultivated land of Chota Nagpur from jungle.

43. *The views of the missionaries in Santal Parganas.*—The missionaries of Santal Parganas are emphatically of the opinion that the non-Regulation system should be retained for some long time to come. They appreciate the force of the assertion, which is sometimes made by those who dislike the system, that protection of a backward race tends to destroy self-dependence, and renders the protected races effete and lacking in political stamina. They argue that protection in itself is not the ideal form of government, but in this particular instance the Santals are so seriously handicapped *vis-a-vis* their Hindu neighbours that they would be in every way the worse and not the better for the removal of the restrictions which at present enable them to exist at all in the district. In so far as they are to-day a healthy and a thriving race, they are mainly so because of the protection they have received.

44. *The views of educated Chota Nagpuris.*—Finally the memorandum of the Chota Nagpur Improvement Society states that the aborigines of Chota Nagpur are still left in a state of deplorable backwardness. In the keen economic competition and struggle for existence the aborigines lag far behind their non-aboriginal neighbours, who naturally defeat the aborigines in the struggle; consequently the general progress in Chota Nagpur has been very much retarded. The memorandum recommends that a less complicated system of laws and administration of justice may be introduced so as to suit the simple habits and limited intellect of the aborigines, and that Chota Nagpur with Santal Parganas and Sambalpur should be formed into a separate province or sub-province with a more direct and

paternal form of administration. So long as the administrative unit is not composed of a more or less homogenous population, the position of the backward aboriginal tracts if attached to more advanced tracts will be like that of the friendship of the dwarf with the giant, in which the dwarf is sure to go to the wall.

45. *The recommendations of the local Government.*—In view of these opinions, reinforced as they are by the opinions of all experienced officers who have served for any length of time in these tracts, the local Government are agreed that protection is still required, though some members are anxious that careful enquiries should be undertaken to determine whether it is possible to make some further advance in dispensing with special forms of protection now in force. The Governor in Council considers that, in view of the fact that an extension of the powers of the Legislature will widen the sphere of the danger, against which protection is designed—for example by bringing Land Revenue subjects under their full control—all the existing degree of protection should, at the present juncture, be retained, though possibly its form may have to be altered to fit in with the general constitutional framework. Further the Governor in Council apprehends that the administration of the Kolhan tract in Singhbhum cannot be maintained in its present state without legal sanction, and, though it is not desired to make that administration more " reactionary ", it is necessary to have power to give it a statutory basis. The local Government, as a whole, advocate the continuance of the provisions by which the district of Angul is entirely excluded from the scope of the Reforms.

APPENDIX I.

—	Total tabulated population in thousands.	Aborigines in thousands.	Percentage of 3 on 2.	Percentage of total population speaking Munda or Dravidian languages.
1	2	3	4	5
Patna Division ...	51,04	1,45	2·8	0
Tirhut Division ...	95,86	46	·5	0
Bhagalpur Division excluding Santal Parganas.	58,31	2,10	3·6	1·3
Santal Parganas ...	16,77	8,57	51·1	42·6
Orissa Coast districts . .	38,15	94	2·5	·6
Angul	1,59	1,17	73·6	26·2
Sambalpur	7,21	2,72	37·7	6·1
Hazaribagh ...	12,00	4,12	34·3	7·6
Ranchi	12,21	9,76	79·9	53·4
Palamau	5,29	2,61	49·3	7·0
Manbhum	14,12	7,34	52·0	14·5
Singhbhum	6,97	5,30	76·0	56·5

Aborigines.—Agaria, Asar, Bhogra, Bhuiya, Bhumij, Binjhia, Chero, Chik (Baraik), Ganda, Ghatwar, Ghasi, Gond, Ho, Juang, Kandh, Kharia, Karmali, Kharwar, Kisan, Kora, Korwa, Kurmi (of Chota Nagpur), Lohar (of Chota Nagpur), Mahali, Mal Paharia, Munda, Pan, Oraon, Santal, Sauriya, Paharia, Tharu, Turi.

In the Census of 1921 only the most important tribes and castes were tabulated throughout the province, while some

others were tabulated only for those districts in which their numbers were known to be large. In this way about three-quarters of the total population were tabulated, and these figures are taken for column 2.

APPENDIX II.

Statistics of literacy and education.

TABLE I.

—	Male literacy per mille.		Male English literacy per mille.	
	Animists.	All religions.	Animists.	All religions.
1	2	3	4	5
All ages	12	96	1	8
Twenty years and over ...	17	126	1	10

TABLE II.

Male literacy (all ages) per mille

Tribes largely Hinduized.		Tribes still mainly Animists.	
Bauris	8	Hos	14
Bhuiyas	11	Kandhs	8
Bhumijs	19	Mundas	14
Kurmis	38	Oraons	12
Pans	15	Santals	9

Figure for the whole male population 96.

TABLE III.

Male literacy in English (all ages) per 10,000.

Tribes largely Hinduized.		Tribes still mainly Animists.	
Bauris	1	Hos	15
Bhuiyas	2	Kandhs	1
Bhumijs	4	Mundas	3
Kurmis	9	Oraons	4
Pans	2	Santals	4

Figure for the whole male population 80.

TABLE IV.

Percentage of pupils to total population.

—	1921-22.	1926-27.
Christian male aboriginals	13.0	17.2
Non-Christian male aboriginals	2.0	2.9
All males	4.1	5.9
Christian female aboriginals	5.8	7.2
Non-Christian female aboriginals	.1	.1
All females	.6	.7

TABLE V.

Number of pupils at different stages of instruction.

——	Aboriginals.		Increase per cent.	All.		Increase per cent.
	1921-22.	1926-27.		1921-22.	1926-27.	
1	2	3	4	5	6	7
Colleges ...	36	62	**72**	2,458	3,467	**41**
High schools ...	519	591	**14**	14,415	21,255	**47**
Middle schools ...	1,126	1,562	**39**	15,565	30,300	**95**
Primary schools ...	47,152	66,778	**42**	612,095	921,422	**51**

TABLE VI.

Number of pupils in every 10,000 of the male population.

——	College.	High.	Middle.	Primary.
1	2	3	4	5
Christian aboriginals ...	5	.40	86	1,536
Non-Christian aboriginals ...	.05	.8	3.5	284
All aboriginals ...	.33	3.2	8.4	357
All males	2.1	12.5	18.1	549

Memorandum for the Indian Statutory Commission on Minority Communities in Bihar and Orissa.

It is of importance that the Statutory Commission, when considering any constitutional change in the Government of Bihar and Orissa, should be aware of certain difficulties which are immanent in this province and may not be present in the same form elsewhere. These difficulties have reference to the extraordinary diversity of interests and races which have to be represented in the Legislative Council of Bihar and Orissa. Excluding the official element, the constituent parts of the present Council are:—

42 Bihari Hindus.

16 Bihari Muhammadans.

9 Oriya Hindus.

1 Oriya Muhammadan.

7 Bengalis.

5 Europeans.

4 Christians.

1 Aboriginal.

From this it is clear that the possibility of important conflicts of interests is constantly in evidence. Thus where communal interests are engaged, the predominant party is the Hindu party, which constitutes 60 per cent. of the whole; where territorial interests are at stake, the predominant party is the Bihari party, which constitutes 68 per cent. of the whole against a collection of remnants making up 32 per cent. It is perfectly clear that questions of communal and territorial interests must frequently arise in the doings of the Council, the interests of Hindus and Muhammadans being frequently quite distinct, and the interests of Bihar, Chota Nagpur and Orissa being very far from identical. In these conditions the anxiety of minorities is both real and inevitable.

The aim of this memorandum is to set out the extent to which the present constitution provides protection for minorities in Bihar and Orissa, and to indicate the need for that protection in any future developments. It is not in any way intended as a defence of the present constitution or any of its particular features, *e.g.*, the retention of the official block. Indeed there is no evidence that that feature has materially contributed to the protection of minorities.

2. *Aboriginals.*—Numerically the most important minority is that comprised of the various aboriginal tribes still outside Hinduism or only partially absorbed into it. These constitute well over 14 per cent. of the population of the province. Since, however, their importance has been emphasized in a separate memorandum on backward tracts, it is unnecessary here to say much. Their interests are represented in the Legislative Council by two nominated members, besides any members, whom they are able to elect in the general constituencies of the areas in which they have a preponderance of votes. The districts, in which the aboriginal population exceeds one-third of the total population, are at present notified as backward tracts, and the authority of the Legislative Council is restricted by special powers conferred on the Executive Government there.

3. *Muhammadans.*—The next most important minority numerically—and politically much the most important—is the Muhammadan community. This constitutes slightly less than one-tenth of the whole population. The proportion varies markedly among the four natural divisions of the province, and is very much higher in the urban than in the rural areas, as the following table shows :—

Percentage of Muhammadans to total population.

	Urban.	Rural.	All.
Bihar and Orissa	**21**	**9**	**10**
North Bihar	26	16	17
South Bihar	23	8	9
Orissa	15	2	3
Chota Nagpur Plateau	15	4	5

Purnea, a district of North Bihar, stands alone in having a Muhammadan population of over 40 per cent.; in the Kishanganj subdivision of that district are found nearly one-tenth of the whole Muhammadan population of the province, and there they outnumber the other elements by two to one. In no other district do Muhammadans comprise more than 16 per cent. of the population, and it is most unlikely that in

any of the areas constituting at present a non-Muhammadan Council constituency there is a Muhammadan majority of population, except in the Purnea district. Thus if a joint electorate were established without any safeguards and votes were canvassed on purely communal lines it is improbable that any Muhammadans would be returned to the Council, except from Purnea. This view is supported by the fact that in the district board elections of last year, on an electorate almost identical with the Council electorate, but with smaller constituencies, only 32 Muhammadans were returned for 465 seats, or less than 7 per cent., though they numbered nearly 10 per cent. of the electors.

4. *Existing safeguards.*—The existing constitution, however, gives to the Muhammadans the assurance of a much more adequate representation in the Legislative Council. Fifteen of the 57 rural and three of the 9 urban general constituencies are entirely Muhammadan. The genesis of this representation in excess of their numerical strength lies in the pledge given in 1906 by Lord Minto, and in the agreement reached between the then leaders of the Hindu and Muhammadan politically-minded classes at Lucknow in 1916. This agreement has certainly secured for the Muhammadans from the Council and from Government a fair representation such as their historical position in the province requires. They hold about one-fifth of the posts in the gazetted services for which recruitment is made by the local Government. They have retained an adequate share in the educational facilities open to all.

5. *Dangers of the safeguards.*—It has to be examined whether the objections, which the authors of the Joint Report urged in paragraphs 229 and 230 against separate electorates, have been supported by the facts of the last eight years. It must be admitted that there has been considerable ill-feeling between the Hindus and Muhammadans of the province in the last four years, and it is possible to argue that the separate representation has been a contributory cause. It is equally arguable that the Hindu-Muhammadan bitterness is merely a manifestation of the general struggle for power, which the Reforms have opened, and that, without the safeguards they have got, the Muhammadans would have been still more antagonistic to the community, which is numerically far the most powerful in the province. The loss of influence in the district boards, which the lack of such safeguards has permitted, has certainly been one of the grievances that have embittered relations between the two communities.

There is no evidence that separate representation has induced among the Muhammadans a feeling of satisfied security for the future. On the contrary their cry, as expressed in the memorandum of the Bihar and Orissa Muslim Association and other memoranda submitted by Muslims to the Commission, is not only to retain their present share of political power but to increase it, and thereby to secure for themselves a larger proportion of all posts in the public services and a greater importance in the public life of the province. Their apprehensions perhaps do not find much support from the proceedings of the Council in the past eight years. The leading Hindus have shown, on the whole, no tendency to use their majority to the prejudice of other communities. But the prominence of the *Sudhi* and *Sangathan* movements for the consolidation of Hindu interests has encouraged the idea that but for the existence of a substantial body of Muhammadan votes in the Council their interest might have suffered. In present circumstances the special representation of Muhammadans is a powerful safeguard for that important community, and a valuable influence in steadying the constitution.

6. *Joint electorates with reserved seats.*—It has been suggested that instead of electing the Muhammadan members of the Legislative Council by separate electorates entirely composed of Muhammadans, an equal number of seats should be reserved for the Muhammadan candidates, who stood first among their community in a poll taken of the votes of all electors, Muhammadan and others. The idea is that by this means Muhammadans of more moderate views on communal questions would be elected, and that a gradual approach would thus be made to greater civic unity. It is not, however, clear how the representation of Muhammadans by persons not acceptable to themselves would operate in this direction. If the principle that a community requires special representation is admitted at all, it is hardly to be supposed that the community will be content that its representatives should be chosen for it largely by the other community, against whose actions the safeguard is imposed.

There is a further practical difficulty of some moment in the scheme. In this province the areas of the Muhammadan and non-Muhammadan constituencies never coincide; and if joint electorates were introduced with the present areas of representation, the electors of three or four non-Muhammadan constituencies would be required to combine for the election of each Muhammadan candidate, and unless the elections for Muhammadans and non-Muhammadans were held separately, plural constituencies would be necessary everywhere. Thus, for

example, the four Muzaffarpur rural non-Muhammadan constituencies would have to be formed, with the one Muzaffarpur rural Muhammadan constituency, into a plural constituency with five seats. A still more awkward conglomeration would be formed of the five Chota Nagpur rural non-Muhammadan and the one rural Muhammadan constituencies. In fact, since the urban Muhammadans of Chota Nagpur are electors for the rural Muhammadan seat, the urban non-Muhammadan Chota Nagpur constituency would have to be added to the hotch-potch. Thus one would have to require electors from the whole of the Chota Nagpur division of 27,000 square miles to elect seven members at once. There is already a general complaint that many constituencies are far too large to enable the candidates and the electors to get to know one another, and this defect would be vastly magnified by the scheme proposed. This difficulty would not be so serious where the numbers of the two communities are approximately equal, but it is almost insurmountable in Bihar and Orissa.

7. *The depressed classes.*—The next important minority interest to be considered is the depressed classes, and from this term must be excluded the aboriginals, who have in past discussions been sometimes included within it. There is no precise definition of the depressed classes. If we include only those untouchables who are by caste prejudice excluded from ordinary schools, their number is just over one million. If we class as depressed those castes which have no franchise their number is $3\frac{2}{3}$ million [Class I]. If again the class is to include those castes which now contribute only a few voters, and those few incapable of understanding the issues at stake, the number will be six million [Class II] The following table shows approximately the distribution of the two latter classes.

1	2	3	4	5	6
Division.	Total population in thousands.	Number of depressed class I in thousands.	Number of depressed class II in thousands.	Percentage of 3 on 2.	Percentage of 4 on 2.
Patna	5,544	746	1,102	14	20
Tirhut	9,949	1,216	2,320	12	23
Bhagalpur ...	7,887	1,012	1,617	13	20
Orissa	4,969	390	491	8	10
Chota Nagpur ...	5,653	308	510	5	9

8. *Their representation.*—The representation that these classes at present get is by two members nominated to the Legislative Council by Government. These are chosen on the ground of their sympathy with these classes, especially the first, but are not as a rule members of either class, but missionaries working among them. In the district boards these classes seldom obtain any representation, though they occasionally obtain seats on the municipal boards. These classes know nothing of political organization, and it is difficult to see in what way representatives of them could be chosen more effectively than by nomination.

9. *Labour.*—The vast majority of the inhabitants of Bihar and Orissa being engaged in or dependent on agriculture, those who practise other means of livelihood are also to be reckoned among minority classes. The workers in organized industry are a class of rapidly growing importance, numbering at present some 200,000. The majority of these are dispersed over the coal mining areas and have no special representation. Skilled labour is confined mainly to the Iron and Steel Works at Jamshedpur, the Railway Works at Jamalpur and the Tobacco Factory at Monghyr; these have at present one nominated representative in the Council.

Trade and Commerce have one representative, chosen now, as a rule, from the Bihar Chamber of Commerce; but traders have considerable voice in the elections of the urban members of the Council and can make their weight felt in those elections.

Other minorities are:—Domiciled Bengalis, numbering 50,000, Anglo-Indians, numbering 4,000, Indian Christians, numbering 250,000, Europeans, numbering 6,000, each having one representative. There are also certain special interests recognised in the constitution of the Council, namely, the Bihar Planters' Association, the Indian Mining Association, the Indian Mining Federation, and the University, each having one representative.

This problem of securing proper consideration for minority interests was met, to some extent, when the Reforms were instituted, by requiring Government to reserve nominations for certain definite classes in each province; and while most of the provinces had only two or three classes for whom nominations were to be reserved, Bihar and Orissa had seven such classes in recognition of the numerous interests of importance which would not secure representation by the elective method. The existence of these minorities is a most important factor bearing upon any future advance in popular Government.

The Financial Position of Bihar and Orissa.

THE Government of Bihar and Orissa desire to record their emphatic opinion that the question of constitutional advance in this province depends in a special degree upon the question of the provincial finances, and that there is no prospect of working successfully any further instalment of self-government unless some radical improvement is effected in the financial position of the provincial Government.

Inadequacy of the present provincial revenues, with historical explanation.

The following statement shows the incidence of revenue *per mille* of the population in this province as compared with the other provinces (British territory) :—

Province.	Revenue per mille of population.
	Rs.
Bihar and Orissa	*1,669*
Bengal	2,295
United Provinces	2,848
Assam	3,503
Madras	3,911
Central Provinces and Berar	4,036
Punjab	5,380
Burma	7,824
Bombay	8,003

The incidence in Bihar and Orissa (Rs. 1,669) is much less than half of the average of the other provinces (Rs. 4,084), and the causes of this disparity are historical.

Bihar and Orissa is the most recently created of the provinces, having come into existence as a separate province on 1st April 1912, as a bye-product of the revocation of the partition of Bengal. Previous to that date, it formed an outlying portion of the province of Bengal, and, as in Bengal proper, the administration was handicapped by the permanent settlement of the land revenue effected by Lord Cornwallis, the

Governor General of India, in 1793. Bihar and Orissa in fact has suffered even more acutely than Bengal proper from the permanent settlement, owing to the declaration by Lord Cranbrook, then Secretary of State for India, in 1880 that, even if the legal right to minerals in permanently settled estates could be established, it would not be desirable to enforce it. This decision applied to all permanently settled areas, but, since the mineral resources of Bihar and Orissa, as has since become apparent, are richer than those of any other province in India, it struck this province with special force. If the rights in these minerals had been reserved to the Government, as in the other more recently and temporarily settled areas, the Government of Bihar and Orissa would not now be in their present financial straits. By a stroke of the Secretary of State's pen all hope of securing to the State the mineral resources of what is in this respect the wealthiest province in India was abandoned and what might have been one of the richest Governments in India was condemned to be the poorest. The question of breaking the permanent settlement does not come within the range of practical politics. This Government can therefore look forward to no material increase in the land revenue, which is the mainstay of other provincial Governments in India, nor in the revenue from the immense mineral resources which are its peculiar endowment. Such taxation as is paid by the exploiters of the minerals is taken by the Central Government in the form of income-tax, or by the local bodies in the form of cess. A proposal by the local Government that they should impose a tax on coal exported from the province was vetoed by the Central Government.

The permanent settlement has had the further effect of removing any hopes of increasing Government resources by large irrigation schemes, such as have been a great source of wealth to other provinces. If such schemes were possible in this province, the only return Government could look for would be the actual charge for the water supplied.

The provincial revenues since the Reforms.

The provincial revenues being thus straitened, by circumstances that came into existence many years before this province was even thought of and for which its Government were in no way responsible, it was inevitable that, when the Reforms were introduced and the financial resources of the different provinces were being scrutinized, the Meston Committee should view the financial prospects of Bihar and Orissa with special misgivings. Certain remarks on the

recommendations of that Committee will be offered presently. Here, in order to trace the history of the provincial revenues, it is only necessary to record that they expected that the effect of their recommendations would be to increase the spending power of this Government by Rs. 51 lakhs a year, though they realized that this addition would still leave the province the poorest in India. It should be recorded also that this Government alone of all the provincial Governments was from the first exempted from the payment of all contributions to the central Government under the Meston Settlement.

As things stand at present, out of a total provincial revenue of approximately Rs. 5½ crores, four-fifths are derived from land revenue, stamps and excise. The land revenue, as already explained, is to all intents and purposes fixed. Since the introduction of the Reforms, the local Government have taken steps to increase their stamp revenue from Rs. 87 to Rs. 107 lakhs, chiefly by increases in the scale of court-fees, a policy which, increasing as it does the cost of justice to the public, is not one that can be pursued indefinitely. But the outstanding feature in the history of the provincial revenues in the last few years has been the phenomenal increase in the excise revenue, which has been far in excess of anything that has occurred in any other province in India. By adopting a policy of maximum revenue combined with minimum consumption, Government have succeeded since the Reforms in combining a decrease in the consumption of excisable articles with an increase of excise revenue from just under 1¼ to just under 2 crores of rupees. It is due almost entirely to this cause that any progress has been possible since the Reforms in the transferred or indeed in any other departments. But it is idle to suppose that this revenue will continue to expand at this rate, and in fact for the last two years the revenue has been stationary with a tendency to decrease. The prices of excisable articles have now been raised to a point at which illicit manufacture and importation are a constant danger. Even if illicit practices can be satisfactorily dealt with, no further marked increase in this revenue seems possible, except as the result of an increase in consumption. It is unthinkable that the local Government should deliberately encourage an increase of consumption for revenue purposes; on the contrary, it is only consideration for the provincial revenues which prevents public opinion from impelling the local Government in the direction of a more drastic restriction.

It may be argued in general terms that there is practically a certainty of Chota Nagpur developing into a most important

industrial area, which must make the province richer. But this is a fallacy, for experience has shown that the development of mining in the coalfields and the development of industry in Jamshedpur have merely added to the liabilities of the province without any addition whatever to its revenues. The development has necessitated a more advanced and a more expensive police and general administration, for which the rest of the province has paid, as the industries contribute nothing to the province in the form of taxation towards the maintenance of that administration—thanks to the peculiar distribution of the sources of revenue under the existing financial settlement. So long as that distribution is maintained, there is no prospect of any substantial increase of revenue in Bihar and Orissa.

Present position with regard to provincial expenditure.

The standard of the provincial expenditure is necessarily determined by the standard of the provincial revenue. As in the case of the revenue, the expenditure is lower in proportion to the population in this province than in any other province in India, as the following figures show :—

Province.	Expenditure per mille of population.
	Rs.
Bihar and Orissa	*1,766*
Bengal	2,372
United Provinces	2,513
Assam	3,679
Madras	3,690
Central Provinces and Berar	4,229
Punjab	5,258
Burma	9,156
Bombay	8,277

When Bihar and Orissa still formed a part of Bengal, the standard of expenditure in Bengal was lower than in any other province in India; and in Bengal the standard in the districts now included in Bihar and Orissa was little more than half of what it was in the rest of the province. When Bihar and Orissa became a separate province, this unduly low standard of expenditure was taken as the normal and in its

turn determined the standard of revenue which it was considered necessary to provide. Thus the handicap was continued; and the standard both of revenue and expenditure in proportion to the population is still, as the above figures show, far lower in Bihar and Orissa than in any other province in India. Amongst the nine major provinces of India, Bihar and Orissa stands fourth in point of area and population. In point of revenue it stands seventh, with a revenue of approximately Rs. 5½ crores, while all the other provinces, except the Central Provinces and Assam, of which the population is far smaller, have a revenue of over Rs. 10 crores.

On April 1st, 1912, when it came into existence, the province had no capital, no high court, no university, no medical college, and none of those other institutions which are ordinarily found at provincial headquarters. The Central Government contributed Rs. 85 lakhs towards the building of the new capital and Rs. 57 lakhs towards the high court, of which Rs. 25 lakhs were for initial charges. The university, the medical college, and the various other necessary parts of the provincial equipment had to be financed by the provincial Government. At the same time, by Devolution Rule 24, the responsibility for the capital expenditure incurred by the Governor General in Council on certain irrigation works in the province was passed on to this Government. In respect of the Orissa canals alone, which are maintained at a dead loss, the provincial Government has now to pay Rs. 8½ lakhs a year to the Central Government by way of interest.*

In spite of this dead weight, good progress has been made with the task of equipping the province. The non-recurring expenditure on the capital and the high court together has amounted to Rs. 162 lakhs, or Rs. 52 lakhs more than the assignments received for the purpose from the Central Government, while that on the university and the medical college alone has amounted to Rs. 63 lakhs. In addition to this capital expenditure, the recurring commitments have also been increased. Apart from the cost of staffing the new institutions and making the general post-war revision of pay (which alone more than absorbed the increased spending power with which the Meston Committee thought they were endowing the province), these increased commitments have chiefly taken the shape of increased recurring grants to local bodies, the principal of which are Rs. 21 lakhs a year for education, and Rs. 4

* *Vide* the Appendix.

lakhs a year for medical relief and public health. These developments have only been possible owing to the remarkable expansion of the excise revenue.

The following figures compare the expenditure in the principal Transferred Departments, where most of the increase has occurred, in 1921-22, the first year of the Reforms, with the expenditure of the last completed year :—

(In thousands of rupees).

	1921-22.	1927-28.*
Education	54,36	86,89
Medical	17,35	29,87
Public Health	3,31	15,04
Agriculture	8,93	15,36
Industries	2,86	8,93
	86,81	1,56,09

The next set of figures compares the increased expenditure of Bihar and Orissa during the second of these years, 1927-28, with that of other provinces :—

Province.	Expenditure per mille of population.*				
	Education.	Medical.	Public Health.	Agriculture.	Industries.
	Rs.	Rs.	Rs.	Rs.	Rs.
Bihar and Orissa ...	256	88	44	45	26
Bengal	305	128	72	52	29
United Provinces ...	392	77	58	68	29
Assam	382	157	160	76	25
Madras	514	179	82	82	49
Central Provinces ...	407	114	28	127	21
Punjab	753	229	101	264	42
Burma	1,040	370	268	158	34
Bombay	1,073	260	128	150	5

*Budget.

But it is not only in respect of the Transferred Departments that Bihar and Orissa is last in India. For instance, there are fewer police, and they cost less, in proportion to the population than in any other province.

Though Bihar and Orissa still comes last, the province has exhausted itself by its effort. There is no longer a balance that can be trenched upon; the balance has now been reduced to a point below which further reduction is unsafe; and for the last two years the local Government have found it necessary practically to cease altogether from fresh recurring expenditure the total provision for the purpose in the last two budgets having been Rs. $2\frac{1}{4}$ and Rs. $\frac{3}{4}$ lakhs only.

Nevertheless, it is already becoming obvious that, apart from any consideration of taking further steps towards improving the existing standard of administration, or implementing the recommendations of the Royal Commission on Agriculture, the present low scale of expenditure cannot last and that, even on their present standard of administration, the hand of the provincial Government will presently be forced into fresh recurring expenditure. The cost to the provincial Government of increasing the pay of their employees to meet the post-war cost of living was approximately Rs. 60 lakhs a year, a sum substantially in excess of the Rs. 51 lakhs a year of additional spending power received under the Meston Settlement. But the revision then effected was in many cases admittedly inadequate and the end is not yet. There are still many clerks on Rs. 30 and many menials on Rs. 8 a month. These rates of pay cannot now-a-days be regarded as a living wage, and during the course of the next few years the local Government will be faced with the necessity of granting further increases of pay, the extra annual cost of which must be reckoned in lakhs of rupees. The local Government are anxiously asking themselves from what source the money can be provided, for it is not forthcoming from their present resources.

Observations on the Meston Settlement.

The financial embarrassments of this provincial Government are due in part to circumstances that affect other provincial Governments as the result of the Meston Settlement and in part to circumstances peculiar to themselves. On the general results of the Meston Settlement the local Government venture to quote a criticism of the financial settlement made by the Government of India with the provinces in 1871, and repeated in substance on the occasion of subsequent

settlements, that " the Imperial Government had appropriated every source of expanding revenue as its own, while throwing so many expanding heads of charge on the Provinces." That within seven years of the Reforms the Central Government should be able to dispense with the provincial contributions, amounting to Rs. 983 lakhs a year, while many of the provincial Governments are nevertheless at the end of their resources, seems to the local Government to show that the Meston Committee did not achieve that change of orientation anticipated in paragraph 201 of the Montagu-Chelmsford Report whereby, when adequate provision had been made for the upkeep and development of the services which clearly appertain to the Indian sphere, all other revenues were to be handed over to the provincial Governments. There is no reason in the nature of things why the more elastic heads of revenue, or those which it may be convenient for the Central Government to collect, should be appropriated by the Central Government. If in connexion with the present constitutional enquiry a financial settlement is to be effected of a more or less permanent nature, it is absolutely vital from the point of view of the provinces that it should be conceived in a more liberal spirit than its predecessors, and that they should receive a revenue capable of expanding in proportion to their needs.

So far as Bihar and Orissa is concerned, the inequity of the Meston Settlement is only now becoming fully apparent. Other provinces have at least benefited from the development of central revenues to the extent of their annual assignments as follows :—

Province.	Lakhs of rupees.
Madras	348
Bombay	56
Bengal	63
United Provinces	240
Punjab	175
Burma	64
Central Provinces and Berar	22
Assam	15

Thus Madras, where the scale of expenditure in proportion to the population is already twice what it is in this province, is benefiting to the extent of Rs. 348 lakhs a year; and the Punjab, where the scale of expenditure in proportion to the population is already three times what it is in this province, is benefiting to the extent of Rs. 175 lakhs a year. But Bihar and Orissa will get nothing. Whatever consideration this

province received under the settlement, it received during the short period during which the provincial contributions were paid. Now that the increasing revenues of the Central Government have made the provincial contributions unnecessary, and the Central Government are in effect releasing Rs. 983 lakhs a year to the provinces, Bihar and Orissa, which *ex hypothesi* was so impoverished that it could never afford to pay a contribution at all, is the only province that receives absolutely nothing. If the Meston Settlement is now confirmed, this relative inferiority to the other provinces will become permanent and Bihar and Orissa will be left behind for all time.

Peculiar position of Bihar and Orissa.

Bihar and Orissa was called into existence as an act of administrative convenience, in which the interests of other parts of India were the primary consideration. Its standard of administration was unduly low at the time of its inception and the financial settlements made then and later have stereotyped this low standard. Owing to its lack of financial resources, it has not been able to approach the standard of the other provinces of India and, as things stand at present, it never can. The needs of the province cannot be met by the imposition of specially heavy provincial taxation. The range of taxes available to a local Government is limited and there is little hope of raising any substantial revenue by means of the Scheduled Taxes in this province. In a province where 963 per mille of the population live in villages and where there is only one town with a population of over 100,000 (Patna with a population of 120,000), there is not much prospect of taxing land put to uses other than agricultural. The question of a succession duty is now under consideration, but there is strong opposition to it: it is believed that no such tax has yet been imposed anywhere in India. The proceeds of a tax on betting or advertisements or amusements, such as has been imposed in some of the other provinces, would not be sufficient to cover the cost of collection. The possibilities of a tax on tobacco and cigarettes are being explored. Registration fees have been increased and the revenue from that source has been approximately doubled (from Rs. 8½ lakhs to Rs. 16 lakhs), for which reason the local Government, while enhancing the rates of judicial, have hitherto refrained from enhancing the rates of non-judicial stamps. There is no evidence to show that there is more taxable capacity in the general population of Bihar and Orissa than in that of other parts of British India. In fact such information as there is

points in the opposite direction. The enormous extent to which periodical emigration takes place from this province to other parts of India points to the pressure of poverty on its population. In North Bihar, where 14 millions of the population are found, the mean density per square mile is 642. In South Bihar the mean density is just over, and in Orissa it is just under, 500. It is only in Chota Nagpur, which consists largely of uncultivable hills and jungle, that the density of population sinks to 186. This population feeds itself from its own fields. The exports and imports of food grains, which are negligible in proportion to the total output and consumption, balance each other. There is no surplus of food available for export, nor wealth to pay for imported food. The standard of living is certainly no higher here than elsewhere. The consumption per head of cotton cloth is markedly lower in this province than elsewhere in India; and, so far as information is available, the consumption of those other imported necessaries of life, salt and kerosine oil, is certainly no greater.

At the same time the infructuous results of the provincial post-war Retrenchment Committee prove, if any further proof is needed, that no substantial relief can be looked for from further economies on the part of Government.

No prospect of relief from the local bodies.

Nor is there any prospect of transferring to the local bodies any of the charges which are at present defrayed by the provincial Government. The municipalities are generally in a state of financial embarrassment and in receipt of substantial aid from Government for educational and general purposes. The district boards are on a stronger financial basis, but they too are in receipt of aid from Government on a large scale to assist them in the discharge of their proper responsibilities. For education alone they receive over Rs. 20 lakhs a year from Government. Moreover as the result of the expenditure which they have themselves undertaken on education and medical and public health, communications, one of the principal services for which they are responsible, are starved and Government have found it necessary, apart from making grants for this purpose, to assume direct charge of some of the principal roads, partly as a measure of relief to the boards concerned and partly to ensure that the roads are maintained in a reasonable state of repair. There is no prospect of the local bodies coming to the relief of the provincial Government.

Political results.

Political results of the gravest importance must follow from the situation that will shortly develop in this province unless substantial relief is given. The province is at present faced with stagnation, if not with bankruptcy. If the stage of bankruptcy is reached, an autocratic Government charged with the duty of maintaining the essential services to the neglect of popular demands will be practically essential. Even if bankruptcy is not reached, stagnation at the present stage will not only discredit the policy that brought into existence a province condemned to remain in a permanent state of inferiority, but must also prove a fruitful cause of local disaffection towards the established Government, of which full advantage will undoubtedly be taken by its opponents. In any case, India must be regarded as a single country, and one limb of the body politic cannot be allowed to deteriorate or it will affect the health of the whole.

An advance in the direction of representative Government presupposes a stable ministry, and it will not be possible to maintain a stable ministry if the means for making any kind of progress in the departments under the Ministers' control are lacking. During the last two years, during which the provision for new recurring expenditure has been brought almost to a standstill, there have been murmurs of discontent against the Ministers to whom, logically or illogically, the cessation of progress is attributed. The position of Ministers in this province is rapidly becoming an impossible one, and will continue to be so until they are provided with the means to keep pace with, if not to overtake, the rate of development in other provinces. The whole fate of the Reforms in Bihar and Orissa therefore depends in a very special degree on the conclusion of an adequate financial settlement.

APPENDIX.

Negotiations for the construction of canals in Orissa were originally opened with the Hon'ble East India Company by the Madras Irrigation and Canal Co., in 1858. Two years later, after the Government of India had passed to the Crown, the Secretary of State for India, referred the promoters to the Government of India. The Government of Bengal were consulted in due course and in 1861 the then Lieutenant-Governor (Sir John Peter Grant) expressed the opinion that the question whether the works were likely to be remunerative was one for the share-holders, but that, whether they were remunerative or not, they would be beneficial: he considered, however, that there were many more promising fields for such works than Orissa. The Government of India communicated these warnings to the company, desiring to guard themselves against future charges of having encouraged the expectation of very large profits. The directors of the company, however, knew better. The East India Irrigation and Canal Co., was incorporated by Act of Parliament in 1861 and entered into a contract with the Secretary of State in 1862 for works to be executed in the districts and deltas of the rivers Mahanadi, Baitarni, and Brahmini, and the construction of a canal to connect Cuttack with Calcutta. The Government of India sent a copy of the contract to the Government of Bengal, stating that, though the contract had of necessity been drawn up and executed by the Governor General in Council, it was intended that the Bengal Government should have the entire, ultimate, detailed control of the operations of the company within the contract. In 1868 the company failed, and in November of that year a deed of surrender was signed in London, whereby the State took over the works of the company on payment to it of the capital cost of the works executed (£990,000 odd) *plus* 5 per cent. interest *plus* £50,000, mainly for compensation to the company's servants, a debt of £152,000 borrowed by the company from Government being cancelled at the same time.

The works taken over from the company were incomplete, and an estimate for completing them, which anticipated a return of 16 per cent. on the capital cost, was sanctioned by the Secretary of State in 1871. With the prospect of such a handsome return, it was natural that the Government of India should finance this project from borrowed money, and it was not till after 20 years of disillusionment that the Secretary of State finanlly decided in 1891 that any further works required in connexion with the project should be financed from revenue.

In pre-Reform days the interests of the Central and Provincial Governments in this scheme were equally divided. When the Reforms were introduced the Central Government, on the strength of Devolution Rule 24 and item 7 of Part II of Schedule I to those rules, made a present of their interest to the provincial Government, whereby the latter have incurred the obligation of paying to the former for all time the

whole, instead of half, of the interest charges on the capital cost of these canals to the extent of Rs. 8½ lakhs a year in all. If the interest charges are left out of account, the revenue from the canals is sufficient to defray the cost of maintenance. If account is taken of the interest charges, the canals are run at a dead loss. During the last 5 completed years the average annual loss to the province on these canals has been nearly Rs. 7½ lakhs.

If these canals had proved to be remunerative, as was originally anticipated when it was decided to finance them from loan funds, the local Government could reasonably have been expected to take over financial responsibility for them and pay interest under Devolution Rule 24. But they are unable to understand the equity of the arrangement whereby they are mulcted by the Government of India for the failure of a scheme for which they were not responsible. Moreover, a large part of the cost of these canals is due to their having been made navigable; in this respect they lost most of their utility 30 years ago when the east coast route of the Bengal Nagpur Railway was constructed. The local Government are not in a position to trace the history of the loan originally taken for the construction of these canals, but they consider that they have a strong claim to be let off paying interest upon it.

सत्यमेव जयते

Further Note on the Financial Position of Bihar and Orissa.

Historical reasons for the low revenue of Bihar and Orissa.

In the memoranda which they laid before the Statutory Commission the Government of Bihar and Orissa emphasized the fact that the restriction of their revenues and their scale of expenditure is due primarily to historical reasons. The Permanent Settlement of the land revenue in 1793 throughout the province, except in Orissa, has deprived it of any hope of substantial increase in this, which is the principal source of revenue in other provinces of India. It is estimated that, if the Permanent Settlement had not been effected and if the land revenue had been assessed in Bihar and Orissa on the same lines as it is assessed in the temporarily-settled districts of the adjacent United Provinces, this provincial Government would have been richer by Rs. 2,27 lakhs a year than it is to-day.*

Estimated loss of revenue owing to (*i*) Permanent Settlement,

Again, in 1880, the Secretary of State for India decided that, even if the legal right of Government to minerals in the permanently-settled estates could be established, it would not be desirable to enforce it. Bihar and Orissa, to mention no other kind of mineral, produces 70 per cent. of the coal and mica and 90 per cent. of the iron-ore produced in India. As the Jharia and Asansol coalfields become exhausted, the dependence of India upon this province for its supply of coal will become more complete, as the burden will be shifted to the new coalfields now being opened up in Hazaribagh and Palamau. The only important deposit of iron-ore in the British districts occurs in a Government Estate: the local Government have not therefore been seriously affected by the Secretary of State's decision in regard to this mineral. A portion also of the mica produced in Bihar and Orissa is obtained in a Government Estate; and in any case mica is a matter of minor importance. But practically

(*ii*) renunciation of claim to minerals in permanently-settled estates.

* *Vide* calculation in Annexure.

all the coal occurs in permanetly-settled estates, and in respect of that mineral the local Government derive no revenue whatever. The standard rate of royalty fixed by the Secretary of State for coal is 5 per cent. on the value at the pit's mouth. The average price of coal at the pit's mouth may be put roughly at Rs. 3 a ton. If a royalty at 5 per cent. had been levied on the 14,500,000 tons of coal produced in Bihar and Orissa with an average value of Rs. 3 a ton, the province would have benefited to the extent of Rs. $21\frac{3}{4}$ lakhs a year. And, if a royalty had been imposed at the not unreasonable rate of 4 annas a ton, the provincial Government would have benefited to the extent of Rs. $36\frac{1}{4}$ lakhs a year.

As it is, so ridiculously inadequate is the provincial revenue that, even if the whole of the income-tax and super-tax raised in Bihar and Orissa by the Central Government (Rs. 40 lakhs) was handed over to the provincial Government; and if to that was added the whole of the companies' tax assessed on companies operating in Bihar and Orissa but registered elsewhere (Rs. 15 lakhs); and if the exemption of agricultural incomes from the tax was withdrawn and the whole of the resulting collections (Rs. 70 lakhs) handed over to the local Government: the provincial revenues would even then only amount to Rs. 7,00 lakhs, and would still be below the standard of other local Governments and inadequate to provincial needs. The above figures are rough estimates, but they are sufficiently close to illustrate the financial difficulties experienced by this Government.

Historical reasons for low standard of expenditure in Bihar and Orissa,
(*i*) when Bihar and Orissa formed part of Bengal;

The reasons why the administration of this province is starved in comparison with other provinces are also historical. In the provinces of which the administration has taken shape since the Permanent Settlement, the decision to assess the land revenue on a temporary basis necessitated the appointment of a much larger and more expensive revenue staff, which has maintained a closer connection between the Government and the people and generally promoted in other directions also a more intensive standard of administration. The low standard of administration of this province even in comparison with the permanently-settled Bengal is also explicable on historical grounds. When the Hon'ble East India Company first took over the administration of Bengal, Bihar, and Orissa, the Court of Directors naturally reduced the cost of administration to the minimum compatible with the collection of their revenue. In

those days Bengal was more developed than Bihar and Orissa, and the land revenue assessed in Bengal was higher. In Bengal the annual demand of permanently-settled land revenue is Rs. 2,16 lakhs for a total area of 60,000 square miles comprised in such estates: in Bihar and Orissa the demand is Rs. 1,06 lakhs for a total area of 67,000 square miles. It was therefore natural that Bengal should receive a more expensive administration than the more lightly taxed and less remunerative Bihar and Orissa. The different standards of expenditure obtaining in Bengal and in the rest of India, and the different standards obtaining within Bengal in the districts now included in the Presidency of Bengal and in those now included in the Province of Bihar and Orissa, persisted until Bihar and Orissa were formed into a separate province in 1912 and afterwards. This is clearly shown by the following statement of the comparative scales of expenditure, which were accepted as "normal" at a conference held in Simla in 1919:—

	Per mille. Rs.
Bihar and Orissa	*1,229*
Bengal	1,759
United Provinces	1,836
Madras	2,573
Central Provinces	2,961
Punjab	3,666
Bombay	5,494
Burma	6,005

(*ii*) when Bihar and Orissa was formed into a separate province.

When the province was started in 1912, the provincial revenue was determined on a consideration of provincial needs, which were estimated in the light of past expenditure. The standard of expenditure and revenue was fixed at Rs. 2,61,70,000 as compared with Rs. 5,45,28,000 in Bengal, or Rs. 8 lakhs per million of the population as compared with Rs. 12 lakhs per million in Bengal. The province was provided with an opening balance of Rs. 1,25 lakhs of which Rs. 85 lakhs were for special initial expenditure on the creation of the new province. The cost of the new capital at Patna alone was Rs. 1,25 lakhs which more than accounted for the Rs. 85 lakhs received for initial expenses. In addition to this the local Government—to

mention a few of their principal expenses—bore the cost of building a temporary capital at Ranchi, of opening a Medical College and a Veterinary College and of developing Patna College at a cost of Rs. 2 lakhs recurring and Rs. 46 lakhs non-recurring into the two large colleges that are in existence to-day. This expenditure was inevitable owing to the fact that the major provincial institutions, which had been concentrated in Calcutta, passed to Bengal at the time of the partition. In fact, the local Government were left to find the greater part of the initial expenditure of starting the new province. This they had to provide from revenue, since there was no assured surplus of revenue that could be used for amortization of debt.

Standard of administration in Bihar and Orissa compared with other provinces.

These two facts—the necessity for large non-recurring expenditure and the precarious nature of the provincial surplus, which depended ultimately on the excise revenue,—in conjunction with the post-war increase of pay have precluded the local Government from raising to any extent the standard of administration in the districts. In fact, until Bihar and Orissa was formed into a separate province in 1912, its standard of administration provided only for the bare necessities. That this inferiority still persists as between Bihar and Orissa and Bengal and the other provinces is clearly shown by the proportions of revenue and expenditure to the population in the various provinces given in the memorandum on the "Financial Position of Bihar and Orissa" and reproduced below:—

Revenue and expenditure (budgets of 1927-28) *per mille of the population of each province in India (British territory).*

Province.	Revenue.	Expenditure.
	Rs.	Rs.
Bihar and Orissa	*1,669*	*1,766*
Bengal	2,295	2,372
United Provinces	2,848	2,513
Assam	3,503	3,679
Madras	3,911	3,690
Central Provinces	4,036	4,229
Punjab	5,380	5,258
Burma	7,824	9,156
Bombay	8,003	8,277

If further proof is required, it may be found in various directions. The proportion of population to superior posts in

the Indian Civil Service cadre is, for instance, over half a million (557,000) in Bihar and Orissa. In Bengal, which comes next, it is 458,000; in Madras, which comes third, it is 436,000; and in the United Provinces, it is 402,000. These four provinces contain nearly all the permanently-settled districts. In Assam, which also contains a permanently-settled area, the proportion is 331,000. The proportion of population to superior posts in the temporarily-settled provinces is far smaller, Bombay 244,000, the Punjab 255,000, and the Central Provinces 258,000; in these provinces the proportion is less than half what it is in Bihar and Orissa. In Burma, which is *sui generis*, the proportion is 145,000 only.

The size of the districts also is larger in the permanently-settled provinces. In this respect Bengal leads with an average population per district of 1,668,000. Bihar and Orissa follows with 1,619,000 and then comes Madras with 1,567,000. In no other province does the average district population reach 1,000,000. In the Punjab, it is only 713,276; in Bombay only 689,000.

Again the number of police in proportion to the population and the incidence of the cost of the police per head of population is lower in Bihar and Orissa than in any other province. The figures are given below :—

Province.	Persons to each police officer.	Annual cost of police per mille of population.
		Rs.
Bihar and Orissa	*2,372*	*236*
Bengal	1,853	314
Assam	1,772	303
United Provinces	1,343	328
Madras	1,526	370
Central Provinces	1,259	424
Punjab	1,053	481
Bombay	776	700
Burma	954	893

These facts substantiate the statement that the standard of administration in the permanently-settled areas in general, and in Bihar and Orissa in particular, is lower than elsewhere in India.

Special claims to consideration of Bihar and Orissa.
(*i*) Cost of administering industrial areas.

Bihar and Orissa is a predominantly agricultural province, but there are two industrialized areas, the coalfield and Jamshedpur, which the local Government have to administer. The direct extra cost of policing these areas is alone Rs. 1½ lakhs and Rs. 1 lakh a year, respectively, and this figure is likely to increase in future, as demands are already being made from Jamshedpur for a special reserve of police. Jamshedpur has also claimed that various other expenditure involved in the administration of the town is a proper charge on Government, but the local Government have resisted the claims. The burden of the expenditure in these areas falls on other parts of the province; the local Government derive no revenue from this source whatever. But the interests which they safeguard in these places are of all-India importance, the coal and the steel produced being a vital necessity to trade and industry throughout India.

(*ii*) Central taxes collected elsewhere, but paid by residents of Bihar and Orissa.

Even the provincial share of the income-tax derived from this source goes to other provinces where the exploiting companies are registered, and the imperial share of the tax is shown as raised in those provinces. It must also be remembered that other provinces, and in particular Bengal, get credit for payments of considerable sums in the way of customs duties which can with reason be claimed by Bihar and Orissa. From such information as is available, it appears that 10 per cent. of the foreign cloth consumed in India is consumed in Bihar and Orissa, of which the import duty is paid at ports outside the province. Regarding the consumption of kerosene oil also reliable figures are not available, but from information obtained it appears that the average consumption per head in Bihar and Orissa is roughly what it is in other parts of India, on which basis Bihar and Orissa must consume approximately one-eighth part of the kerosene oil imported into India. The consumption of petrol in Bihar and Orissa is rising rapidly: in 1923 it was 600,000 gallons; in 1926 it was more than double that figure. Again, in the last year, for which reliable statistics are available, over 3 million maunds (107,000 tons) of salt, or more than half the total consumption of the province, were imported from Calcutta, i.e., from abroad. The customs duty on these and other imported articles is borne ultimately by the residents of this province.

The needs of Bihar and Orissa. Proper criterion to apply.

In respect of its needs the case of Bihar and Orissa is the most pressing of all the provinces of India. In the 21 British districts, with an area of 83,000 square miles, there is concentrated a population of 34 million persons. This immense population is the first factor that has to be reckoned with in every scheme for the advancement of the province; and it is the most obvious and reliable criterion of its needs. If needs are reckoned in the light of achievements, the needs of Bihar and Orissa will be underestimated, because there has never been enough money in time past to provide anything like an adequate standard: on this basis, the existing handicap will be perpetuated. Moreover, statistics of administrative achievement are not altogether reliable; schoolmasters and doctors, for instance, are under the temptation to exaggerate the number of their pupils and patients respectively in order to produce a favourable impression of their efficiency and popularity.

Nor, again, are schemes which have been worked out and held up for lack of funds an accurate criterion of provincial needs; for the local Government have learnt to cut their coat according to their cloth, and there was no object in working out schemes which, however desirable they might be in themselves, had no chance of being put into effect. Not that there is any lack of schemes that have been considered. The cost of putting constables on a time-scale of Rs 15—1/3—22 and head-constables on a time-scale of Rs. 24—1—35 is estimated to be over Rs. 2 lakhs a year. The cost of increasing the minimum pay of clerks employed in mufassil offices even to Rs. 35 is estimated to be Rs. $1\frac{1}{2}$ lakhs and of increasing it to Rs. 40 to be Rs. $3\frac{3}{4}$ lakhs a year. The cost of making the improvements in the Medical College recommended by the representative of the British Medical Council would be Rs. $1\frac{1}{2}$ lakhs a year. The estimated cost of providing a dispensary in the jurisdiction of each police-station in the province where one has not already been provided is Rs. 10 lakhs initial and Rs. 2 lakhs recurring. A scheme for providing free primary education for 80 per cent. of boys of primary school-going age has been worked out and is estimated to cost Rs. 3,20 lakhs initial and Rs. 1,39 lakhs a year recurring. It is estimated that, if free and compulsory primary education was introduced for boys, the cost would be Rs. $5\frac{1}{2}$ crores initial and Rs. 2 crores a year recurring: this however is a rough estimate and the cost has been reduced to the lowest minimum. In any

case, while enough has been said to show that many lakhs a year could be spent in bringing the rates of pay of Government servants up to a reasonable minimum and introducing a none too high standard of medical and educational administration, schemes of this nature would be a most unreliable criterion of the needs of the province and the local Government would deprecate their use for the purpose. In fact neither past achievements, nor contemplated reforms, nor revenue collected in this province are suitable criteria. The local Government would press that, in assessing their needs, full weight should be given to the outstanding fact, which is the teeming population of the province.



ANNEXURE.

ESTIMATED ANNUAL LOSS OF REVENUE OWING TO THE PERMANENT SETTLEMENT.

	Rs.	Rs.
Total valuation of all estates, etc. ...	.....	13,05,41,000
Deduct—		
(1) Valuation of revenue-free estates ...	53,19,000	
(2) Valuation of rent-free lands in Government estates assessed directly	8,000	
(3) Valuation of mines, etc. ...	1,19,39,000	
(4) Valuation of Government estates ...	24,49,000	
(5) Valuation of temporarily-settled estates	59,07,000	
(6) Valuation of rent-free lands directly assessed	5,04,000	
Total ...	.....	2,61,26,000
Valuation of permanently-settled estates	.....	10,44,15,000
40 per cent. of the present valuation of permanently-settled estates ...	.....	4,17,66,000
Deduct—		
Revenue demand of permanently-settled estates	1,06,70,000	
Cost of re-settlement at 10 per cent. ...	41,77,000	
Short collections and remissions at 10 per cent.	41,77,000	
Total ...	.....	1,90,24,000
Annual loss of revenue owing to Permanent Settlement	.....	2,27,42,000

Notes on the Principal Revenue Heads in Bihar and Orissa.

(THE FIGURES ARE IN THOUSANDS OF RUPEES, EXCEPT WHERE OTHERWISE STATED.)

V.—Land Revenue.

	Imperial.	Provincial.	Total.
1912-13	10,15	1,47,24	1,57,39
1913-14	76,62	87,37	1,63,99
1914-15	70,04	86,18	1,56,22
1915-16	72,48	85,35	1,57,83
1916-17	76,41	88,88	1,65,29
1917-18	72,42	84,54	1,56,96
1918-19	73,77	89,61	1,63,38
1919-20	...	...	1,66,93
1920-21	...	...	1,61,60
1921-22	...	1,64,02	1,64,02
1922-23	...	1,65,40	1,65,40
1923-24	...	1,65,62	1,65,62
1924-25	...	1,67,58	1,67,58
1925-26	...	1,67,03	1,67,03
1926-27	...	1,69,21	1,69,21
1927-28	...	1,68,66	1,68,66
1928-29 (Revised) ...	...	1,73,66	1,73,66

Separate figures for Imperial and Provincial are not available for 1919-20 or 1920-21.

The revised estimate of 1928-29 is higher than the revenue of 1921-22 by 9½ lakhs. Of this increase, 3½ lakhs is due to the fact that certain recoveries for services rendered to local bodies and private parties, which in 1921-22 were taken in reduction of charge, are now credited as revenue under this head. Another lakh of the difference is due to increased recoveries of survey and settlement costs: these recoveries are made for services rendered and are not true land revenue. If these figures are deducted from the 9½ lakhs, the increase is reduced to 5 lakhs only.

The figures for Land Revenue proper are as follows:—

	1921-22.	1928-29.
Ordinary Revenue—		
Fixed collections	1,30,58	1,31,50
Collections from Government Estates ...	23,76	25,50
Total ...	1,54,34	1,57,00

The increase in " Fixed Collections " is due to the revision of the assessment of land revenue in the temporarily-settled area of Orissa. It is estimated that the total increase from this source for the whole of Orissa will amount to 6½ lakhs: the assessment now being made will remain in force for 30 years.

" Collections from Government Estates " include the rents of tenants in those estates of which Government is the proprietor.

" Miscellaneous receipts " have increased from 2,68 in 1921-22 to 10,00 in 1928-29. Included in this figure is the provincial revenue from minerals in the Government Estates, which now stands between 2 and 2½ lakhs of rupees.

सत्यमेव जयते

VI.—Excise.

Year.	Imperial.	Provincial.	Total.
1912-13	25,97	77,89	1,03,86
1913-14	28,15	84,45	1,12,60
1914-15	28,98	86,95	1,15,93
1915-16	27,43	82,29	1,09,72
1916-17	28,07	84,20	1,12,27
1917-18	29,56	88,67	1,18,23
1918-19	30,98	92,95	1,23,93
1919-20	...	...	1,28,89
1920-21	...	...	1,32,41
1921-22	...	1,23,63	1,23,63
1922-23	...	1,53,97	1,53,97
1923-24	...	1,83,28	1,83,28
1924-25	...	1,75,99	1,75,99
1925-26	...	1,96,62	1,96,62
1926-27	...	1,97,35	1,97,35
1927-28	...	1,96,40	1,96,40
1928-29 (Revised) ...	...	1,92,00	1,92,00

Separate figures for Imperial and Provincial are not available for 1919-20 or 1920-21.

The Excise revenue has been swollen since 1925-26 by the inclusion of the cost price of opium, which had not previously been included, to the following extent:—

	Cost of opium.	Net excise revenue after deducting cost of opium.
1925-26	12,56	1,84,06
1926-27	9,51	1,87,84
1927-28	8,56	1,87,84
1928-29 (Revised)	7,58	1,84,42

The increase of the last of these figures (1,84,42) over the corresponding figure for 1921-22 (1,23,63) is 60,79 or 49 per cent. The revenue in 1921-22 was reduced by the non-co-operation boycott, but the steady increase in the last eight

years has been principally due to an increase in the retail prices of excisable articles in accordance with the increased level of wages. It is not due to increased consumption as the following statistics of consumption of the principal excisable articles show :

	Country spirit supplied from distilleries (in L. P. gallons).	Ganja (in maunds).	Opium (in maunds).
1921-22 ...	1,079,281	1,718	727
1928-29 ...	901,037	1,407	604

The high water mark of this revenue was reached two years ago, and at present there is no further increase but rather a decrease to be looked for.



VII.—Stamps.

Year.	Imperial.	Provincial.	Total.
1912-13	32,94	32,94	65,88
1913-14	33,81	33,81	67,62
1914-15	34,02	34,02	68,04
1915-16	33,49	33,49	66,98
1916-17	36,61	36,61	73,22
1917-18	37,40	37,40	74,80
1918-19	37,09	37,09	74,18
1919-20	...	...	84,70
1920-21	...	...	82,36
1921-22	...	87,39	87,39
1922-23	...	95,12	95,12
1923-24	...	96,33	96,33
1924-25	...	1,00,43	1,00,43
1925-26	...	1,07,52	1,07,52
1926-27	...	1,07,12	1,07,12
1927-28	...	1,09,75	1,09,75
1928-29 (Revised) ...	...	1,11,50	1,11,50

Separate figures for Imperial and Provincial are not available for 1919-20 or 1920-21.

The Stamp revenue has risen from 87 lakhs in 1921-22 to 1,11½ lakhs in 1928-29. For "Judicial" and "Non-Judicial" the figures compare as follows :—

	Judicial.	Non-Judicial.
1921-22	66,53	20,86
1928-29	86,50	25,00

Judicial.—The scale of court-fees was increased in 1922. Most of the increase under this head is however due to increased litigation.

Non-Judicial.—Half a lakh of the increase of four lakhs is due to an assignment from Central for unified stamps, i.e., as the estimated revenue from postage (central) stamps used for revenue (provincial) purposes. The rest of the increase is due to normal expansion.

VIII.—Forests.

Year.	Total.
1912-13	4,39
1913-14	4,92
1914-15	5,50
1915-16	5,18
1916-17	5,29
1917-18	7,54
1918-19	9,45
1919-20	8,11
1920-21	7,95
1921-22	9,00
1922-23	8,82
1923-24	10,29
1924-25	10,70
1925-26	10,29
1926-27	8,45
1927-28	9,39
1928-29 (Revised)	10,66

सत्यमेव जयते

The amount of forest under Government control is small in comparison with most other provinces. In Bihar proper there is practically no forest managed by Government, and in fact hardly any forest at all. Orissa and Chota Nagpur are fairly well-wooded.

The gross income of the department has gone up by $1\frac{1}{2}$ lakhs since the Reforms, the revenue in 1928-29 being estimated at 10,66 against 9,00 in 1921-22. On the other hand, expenditure during that period has increased by $1\frac{3}{4}$ from $7\frac{1}{4}$ to 9 lakhs, excluding payments to the Raja of Porahat on account of the profits on the Porahat forest. The net contribution by the forests to the provincial Government is thus practically what it was in 1921-22, viz., $1\frac{3}{4}$ lakhs.

IX.—Registration.

Year.	Total.
1912-13	5,71
1913-14	6,29
1914-15	6,47
1915-16	6,96
1916-17	6,81
1917-18	6,68
1918-19	6,85
1919-20	9,04
1920-21	8,61
1921-22	8,77
1922-23	12,66
1923-24	13,65
1924-25	13,74
1925-26	15,01
1926-27	15,42
1927-28	16,74
1928-29 (Revised)	17,25

The Registration revenue has risen from 8,77 in 1921-22 to 17,25 in 1928-29. The scale of Registration fees was increased in 1922. But the greater part of the increase of revenue is due to the increased number of documents registered.

The cost of the Registration Department, which was 5,49 in 1921-22, was 6,34 in 1928-29.

XIII and XIV.—Irrigation.

Year.	Gross total.	Working expenses.	Net total.
1912-13	24,06	12,66	11,40
1913-14	26,48	13,02	13,46
1914-15	25,18	14,22	10,96
1915-16	27,86	15,18	12,68
1916-17	26,00	14,52	11,48
1917-18	27,00	15,22	11,78
1918-19	28,06	14,34	13,72
1919-20	...	...	15,01
1920-21	...	...	14,60
1921-22	...	...	17,78
1922-23	...	...	16,71
1923-24	...	...	18,12
1924-25	...	...	18,24
1925-26	...	...	22,53
1926-27	...	...	24,25
1927-28	...	...	22,41
1928-29 (Revised) ...	...	...	17,47

Up to 1920-21 half the revenue was Imperial.

The four major (canal) systems in the province are "unproductive."

The gross receipts and working expenses (which do not include interest charges) for the years 1921-22 and 1928-29, are as follows:—

	1921-22.	1928-29.
Gross Receipts	33,56	40,76
Deduct—Working Expenses ...	15,78	23,29
Net Receipts	17,78	17,47

The resulting net income in 1928-29 is therefore practically the same as in 1921-22. Under Gross Receipts there is an increase of about $7\frac{1}{4}$ lakhs, mainly due to the enhancement of water-rates towards the end of 1922. On the other hand, working expenses also have gone up by about $7\frac{1}{2}$ lakhs. Of this $4\frac{1}{2}$ lakhs may be regarded as recurring; the balance (3 lakhs) represents the cost of repairing the damage done by the floods which occurred in Orissa last year.

In estimating the financial benefits received by the Provincial Government from Irrigation, it must be remembered that they have to bear a permanent annual charge of 20 lakhs as interest on irrigation debt.

Memorandum for the Indian Statutory Commission on the Financial Aspects of an Oriya Province.

1. *Object of the memorandum.*—The memorandum submitted on behalf of the Oriya people places before the Statutory Commission the demand for a separate administration for all Oriya-speaking tracts or, in the alternative, that they should be placed under an administration where the Oriyas will find ample scope for their development. The history of this difficult question has been fully explained in the memorandum prepared under the directions of the Government of India, and the Government of Bihar and Orissa accept that document as an adequate presentation of the case. It is only necessary to supplement it with a somewhat closer examination of the financial aspects, in the light of the figures put forward in the memorandum submitted from Orissa.

2. *Sequence of treatment.*—It will be convenient in the first instance to consider the financial problems of forming a separate administration for the Orissa division as it now exists; then to examine the probable results of adding thereto the territories, which are claimed as rightly belonging to Orissa: and finally to consider the possibility of bringing those territories into the ambit of the existing province of Bihar and Orissa without forming a separate administration.

3. *The Oriya memorandum's estimate of present income.*—The Oriya memorandum in Appendix D has presented an estimate of the revenue of the present Orissa division in 1925-26, based on actual receipts shown in the administration reports. The items given therein are correct or contain only negligible errors. But three require special remarks. The excise revenue shown apparently includes about Trs. 8,50 which is the price paid by the local Government to the central Government for the opium consumed in Orissa, which takes 90 per cent. of the whole consumption of the province. Secondly the estimate includes the receipts from local cess, Trs. 4,56, which are the property of the district boards, and

must obviously be excluded in considering the finance of Government itself. The authors of the memorandum suggest an addition of Trs. 5,00 for income on other heads of revenue, i.e., those for which they give no figures. This is probably an under estimate and might be raised to Trs. 7,64 for reasons given below.

4. *The estimates of the Finance Department.*—The amount of revenue drawn from Orissa was calculated by the Finance Department in 1922 and again in 1926, and is now under further examination, the results of which will be available before the Commission visits Patna. The calculation is not an easy one, and the results have to be accepted as rough approximations only. In particular there are receipts from pension contributions, interest and the provincial share of the income-tax among a number of other items that cannot be assigned with any degree of precision. For these, as for the similar items of expenditure, a proportion of one-seventh has been taken, on the basis of the population of the four districts of the Orissa division and Angul compared with that of the British portion of the province of Bihar and Orissa.

In 1922 the direct revenue of the Orissa division was calculated at Trs. 60,74. Adding to this one-seventh of the undistributed revenue (Trs. 26,81), *i.e.*, Trs. 3,83 the total of Trs. 64,57 is reached. Between 1922 and 1926 the revenue of the whole province advanced from Trs. 4,45,51 to Trs. 5,63,33 mainly by reason of increase in excise and Court-fees. Consequently in 1926 the calculation for Orissa showed a substantial increase. Direct revenue was put at Trs. 74,00 and a seventh share of undistributed revenue (Trs. 35,11) gave Trs. 5,02, making a total of Trs. 79,02. (It should be noted that the exceptional receipts from Survey and Settlements have been excluded, and the expenditure under this head will be excluded, when that side of the account is considered.) The Finance Department took budget estimates for 1926-27 as actuals were not then available.

The Oriya memorandum estimates the total distributed income of Orissa in 1925-26 at Trs. 85,15 but this includes income from local cess, which is legally the property of the district boards, and cannot be taken into account as part of the revenues of a province. For this Trs. 4,56 must be deducted. To this the authors of the memorandum would add Trs. 5,00 as income from other heads of revenue. This is clearly a calculation of the undistributed revenue, which has been taken in the preceding paragraph at Trs. 5,02 But the

Finance Department in 1925-26 included among distributed revenue that from Law and Justice, Police, Education, Medical, and Roads and Buildings, which the Oriya memorandum left out. These amounted to Trs. 2,62. For this reason it seems right to add to the calculation in that memorandum Trs. 7,64 instead of Trs. 5,00.

The Finance Department did not include about Trs. 8,50 either on the revenue or on the expenditure side on account of the price paid to the central Government for opium consumed in Orissa.

5. *Increase of Land Revenue.*—The authors of the memorandum expect an increment in Land Revenue, as a result of the Settlement operations now drawing to a close of Trs. 10,00. The latest estimate by the Director of Land Records and Surveys is between Trs. 6,00 and Trs. 7,00 for the Orissa coast districts, while Trs. 1,04 came in 1926-27 from Sambalpur.

6. *Comparison of estimates of revenue in 1931.*—The corrected estimates may be compared thus :—

Oriya memorandum.	Trs.	Finance Department.	Trs.
1925-26 distributed ...	85,15	1926-27 distributed ...	74,00
Deduct local cess ...	4,56	Add price of opium ...	8,50
Total ...	80,59		
Add share of undistributed	7,64	Share of undistributed ...	5,02
Increase of Land Revenue...	10,00	Increase of Land Revenue...	7,52
Total ...	98,23	Total ...	95,04

It seems then that the revenues of Orissa in say 1931, if the present division were constituted a separate administration, and the Meston Settlement remained in force, would be between Trs 95,00 and Trs. 98,25.

7. *Finance Department's estimates of expenditure.*—The Oriya memorandum makes no attempt to estimate the probable obligatory expenditure of a separate administration. The Finance Department in 1922 put the direct expenditure at Trs. 56,93 *plus* a share of undistributed expenditure amounting to Trs. 1,48,20 (Survey Settlement expenditure is excluded). Taking that share at one-seventh, or Trs. 21,17, the total comes to Trs. 78,10 against a total revenue of Trs. 64,57. In 1922 then it appears that Orissa did not pay its way. The figures

for 1926 are direct expenditure Trs. 68,00 *plus* one-seventh of Trs. 2,01,40 (Trs. 28,77) and Trs. 8,50 for the cost of opium making a total of Trs. 1,05,27. The Finance Department's estimate of revenue in that year, after adjusting for opium would be Trs. 87,52. Thus a deficit of Trs. 13,53 in 1922 had swollen to a deficit of Trs. 17,75 in 1926. And it will be seen that the increase from Land Revenue expected before 1931 will still leave a gap of about ten lakhs.

8. *Details of undistributed expenditure.*—It may be desirable to consider further, what that estimate of expenditure provides beyond the Trs. 68,00 for expenditure definitely assignable to the division. It gives a little less than seven lakhs for headquarters charges, *i.e.*, the Head of the Province, the Ministers, the Legislature, the Secretariat, the heads of departments and a share of the High Court. It might just be done for that, but certainly no substantial margin would be left and it has generally been found that subdivision of existing administrative units means considerable increase of overhead charges. For original works, *e.g.*, buildings and roads, slightly more than seven lakhs annually would be available, no great sum for normal development, especially when it would be reduced by the growing need of expenditure for upkeep of the improvements on which it was spent. Another ten lakhs would be available for Superannuation Allowances and Pensions, Stationery and Printing, Agriculture (including Veterinary and Co-operative Credit), Industries, Famine Relief and Insurance, Interest and Miscellaneous. It may here be noted how Irrigation receipts and charges have been treated in the Finance Department estimates, as they include a heavy charge for Interest. The receipts and working expenses of the Orissa Canals practically balanced in 1926-27 being about eight lakhs each. But Trs. 8,50 had to be paid to the central Government for interest on the capital account, and this sum was included as Irrigation charges in the *distributed* expenditure of Trs. 68,00 and not as Interest in the *undistributed*. Finally there would be about four lakhs for other undistributed charges.

9. *Possible future expenditure.*—It is important to note that a Committee of engineers has just examined the problem of minimising the damage from floods, to which Orissa is peculiarly liable, and to which it would be the first duty of a popular Government of the new province to devote its energies. Their report has recently been received and recommends measures, which will involve very large expenditure, much of

which will be of a permanent, or at least of a long period, character. This and other demands on the public purse would meet the new administration on its inception, while some twenty lakhs would probably be required for equipping the seat of government with offices and residences, and other expenditure necessary for making a start.

10. *Danger of starting with inadequate resources.*—The experience of 1921 has shown the dangers of a political advance made without adequate funds to allow the popular element of the Government to appeal to the imagination of their supporters. It will be seen that unless the Meston Settlement is revised in such a way as to add at least twenty lakhs recurring to the revenue of the Orissa division, or to diminish by a like amount, *e.g.*, by remission of the Canal Interest, the expenditure, it will be impossible to start the province on a satisfactory basis.

11. *Prospect of increase of income.*—Nor is there any bright prospect of increase of revenue in the near future. The Land Revenue of the temporary settled areas, which form the bulk of the coast districts, is now in process of being reassessed after an interval of thirty years, and that period must elapse before the process is repeated. In Sambalpur a settlement has recently been concluded which remains in force till 1946. Excise, after a period of marked growth, has now apparently reached its zenith. The main prop of this branch of revenue in Orissa is opium, and, if the campaign to reduce consumption of this drug is successful, it is likely that the income will diminish rather than improve. The Oriya is not very litigious and there it is unlikely that judicial stamps will yield higher revenues, nor is there much present prospect of increasing business bringing in more revenue from other stamps. Forest revenue, which is of some importance, may expand somewhat, but at most would yield only one or two lakhs more. There is no great mineral wealth in the Division. In fact Orissa, like the rest of the province, suffers from an exceedingly inelastic revenue.

12. *Orissa irredenta.*—The financial results of adding to the projected new province certain territories, which are claimed as rightly belonging to Orissa, may now be considered. The reasons against adding the Bihar and Orissa district of Singhbhum, part of the Bengal district of Midnapore, and a slice of the Central Provinces have been indicated in the

Government of India's memorandum. In Singhbhum district as a whole the Oriya-speaking inhabitants are less than one-fifth of the whole; in no lesser administrative unit are they more than one-fourth; the aboriginals speaking their own languages are more than three times as numerous as the Oriyas. In the Bengal tract the density of Oriya-speaking people varies in a very irregular manner and is not subject to geographical considerations. Long residence in Bengal has caused the people to differ in their manners and customs from the inhabitants of Orissa proper, and there is little desire to be transferred from Bengal. Of the Central Provinces tracts, Bastar is a Feudatory State, where Marathi and the aboriginal language Gondi are spoken by 80 per cent. of the population and Oriya by only nine per cent.; Malkharoda has no Oriya element in its population or language; in Chandrapur about three per cent. of the population speak Oriya. Padanpur is mainly Oriya but the inhabitants in 1920 at any rate were wholly opposed to transfer from the Central Provinces. In Phuljhar about half the population is Oriya, but the opening of the Raipur-Vizianagram railway will certainly link this tract much more closely to the Central Provinces than to Orissa. It is already so linked by its land revenue system and by its trade. In Khariar the Census showed that 77 per cent. of the population speak Oriya, but in fact the language spoken gradually melts into Chhatisgarhi Hindi, while like Phuljhar the estate is closely linked to the Central Provinces by its land revenue system and its trade.

13. *The financial aspects of adding tracts other than the Madras tract.*—To return to the financial aspect after this digression it is clear that the estimate made in the Oriya memorandum, that Trs. 30,00 will accrue to the revenue of an Oriya province by the addition of these tracts, rests first on the assumption that there is good ground for their addition. It is obvious that there is no such ground for the addition of anything but a small fraction of the tracts considered. The population of Khariar and Phuljhar, for which the case for transfer is strongest, though none too strong, is about 275,000, and, if the population of British Orissa (five million) contributes only Trs. 1,00,00 to the State, it is unlikely that this population would contribute more than Trs. 6,00. No investigation of the actual revenue and expenditure of these tracts has been attempted; but it is improbable that there is any substantial excess of the former over the latter (and if there were the Central Provinces would probably object strongly to

the transfer) while there may be a deficit. At best, the only financial result of adding these tracts to the proposed Orissa province would be to spread overhead charges in a small degree.

14. *The Madras tract.*—For the financial results of adding part of Madras there is much better evidence on which to found an opinion. In 1927 a detailed enquiry was made by Rai Sahib U. M. Sen, an experienced officer of the Finance Department, in order to estimate the probable results of transferring that part of the Ganjam district, for which a *prima facie* case had been made out. His conclusion was that the annual receipts from this area might be put at Trs. 25,06, while the annual expenditure would be Trs. 36,42. The Oriya memorandum takes Trs. 38,00 as annual receipts, but this is approximately the income from the whole district. That document also expects Trs. 40,00 from income tax and super tax in Ganjam, on the assumption that the central Government will consent to surrender the whole of this source of their revenues. But this figure is approximately the total of *assessed income* not of tax collected, which is unlikely to be more than Trs. 2,50 for all Ganjam or Trs. 1,67 for the transferable portion, even if the central Government surrendered it. Under the present arrangement regarding the provincial share of income tax, the receipts from the transferable tract would probably be only Trs. 6.

This analysis disperses the optimistic dreams of a united Orissa with a revenue of Trs. 2,20,00. Unless a financial settlement much more favourable to the provinces than the present is one of the outcomes of further Reforms, the revenue of the Orissa division in 1931, even if part of Ganjam and a small part of the Central Provinces were added is unlikely to exceed Trs. 1,30,00, while expenditure on the present scale might well be Trs. 1,50,00.

The situation is not improved by other considerations which arise from Rai Sahib U. M. Sen's report. Ganjam would add outstanding loans of Trs. 50,00 or more to the debt of the province; no revenue settlements are due till 1939 and at best these will not yield more than Trs. 2,50 additional land revenue; the excise revenue shows a tendency to fall rather than to rise; like Orissa the district is liable both to drought famines and to floods; heavy expenditure is required for developing education, medical relief and public works. Thus the addition of a part of Ganjam, while it would no doubt spread the overhead charges to some material degree, would

at the same time add some Trs. 11,00 to the gap between revenue and expenditure, and greatly increase future liabilities for the proposed province.

15. *Amalgamation of the tracts with Bihar and Orissa.*— There is very little more to be said from a financial point of view about the final alternative of bringing the outlying tracts, where Oriya civilization prevails into the Bihar and Orissa province. Obviously the extra overhead expenditure, required annually for a separate administration, would be saved as well as the initial outlay on the creation of a new provincial capital. But the deficit of eleven or twelve lakhs, which the annual cost of the administration of Ganjam displays, would fall on the straitened finances of Bihar and Orissa, and liabilities in considerable excess of the assets would have to be taken over. The Government of Bihar and Orissa have already expressed their view that, without an assignment of revenue from the Government of India of not less than the anticipated deficit, they could not agree to the transfer, and that it was unlikely that the Legislative Council would agree to a change which would both prejudice the provincial finances, and add to the voting strength of an element whose interests would not always be identical with those of the rest of the province. Though considerable administrative difficulties would have to be faced, if any of the alternative proposals were adopted, the Government of Bihar and Orissa would not be opposed to a scheme for satisfying a long standing and wholly legitimate aspiration of the politically-minded classes of Orissa. But they feel it their duty to emphasize the great importance of the financial aspects and this memorandum is solely intended to place these as clearly as possible before the Commission.

Approximate Estimate of Revenue and Expenditure of Orissa (including Angul).

(*Vide* paragraph 4 of the Memorandum for the Indian Statutory Commission on the Financial Aspects of an Oriya Province.)

This estimate is based on the actuals of 1927-28 and assumes that the Meston Settlement will be maintained and that expenditure will continue on its present scale.

	Revenue.	Expenditure charged to Revenue.
	Trs.	Trs.
Distributed	87,10	88,96
Share (one-seventh) of undistributed ...	2,18	23,70
Anticipated increase of Land Revenue ...	6,48	...
Total ...	95,76*	1,12,66*
DEFICIT	16,90	...

* The charges and receipts in connexion with survey and settlement are excluded.

Memorandum for the Indian Statutory Commission prepared by the Governor in Council, Bihar and Orissa.

In regard to putting forward constructive proposals for the consideration of the Statutory Commission, the local Government feel that they are not in an equally favourable position with the Statutory Commission itself to consider the whole question from every angle of vision and to decide the risks that may be taken in view of advantages to be gained, and they are of opinion that their responsibilities preclude their adoption of any cut and dried scheme of constitution. But they realise that their duty to the province demands that they shall give the Commission every assistance in their power in the performance of their task, and that the views and experience of those who have been entrusted with the working of the present constitution must from a necessary element in the considerations which lead the Commission to make their final recommendations. This memorandum has therefore been prepared by the Reserved Side of Government for the purpose of setting forth their views on some of the more important points that must necessarily be considered by the Commission.

Electorate.

2. The political education of the voters has, as might be expected, proceeded very slowly; in fact it is an optimistic view that it has really yet begun in this province. The elected members are completely out of touch with their constituents during the lifetime of the Council. Taking again an optimistic view, there are in the sphere of local self-government some indications of a faint stirring of consciousness in the voters that they possess power, but in the wider political field there is no bond of responsibility between the member and his constituents. There is no likelihood that the progress of political education would be hastened if the franchise were extended and the number of voters increased. The present election machinery which is official would break down under the burden of a greatly increased franchise and in present conditions it would

not be possible to set up non-official machinery to supervise the electoral process from the preparation of the roll to the declaration of the results. The lowering of the franchise would not admit a more intelligent class of voter and the local Government consider that there is no advantage, until political education has proceeded further among the present enfranchised classes, in deliberately attempting to increase the numbers of voters.

3. At the same time there are certain inequalities in the present constituencies and defects in the franchise qualifications which should be remedied. Some constituencies contain more than twice as many voters as others and their actual representation is therefore diminished and the difficulties of their political education increased. As regards franchise qualifications, the tenant who pays produce rent has a very marked advantage over the tenant who pays cash, while the high qualification for the landholders' vote restricts unduly the franchise for those special constituencies, and excludes considerable numbers whose substantial stake in the province was intended to be represented in these constituencies. If a general widening of the franchise is vetoed, the local Government should prepare their proposals to remedy the defects in the existing electorate.

4. It has been suggested that a system of indirect election should be explored; by such a system the primary voters in an area such as a chaukidari circle would elect a delegate voter and the delegates for the whole constituency would vote at a central polling station covering either a subdivision or a thana. The local Government are examining the practical difficulties of such a course; the theoretical objections are that political education would be confined to a comparatively small number of voters who were elected delegates and that the restriction in their numbers might facilitate corrupt practices. On the other hand it is claimed that the delegates would be the more responsible villagers and represent the better mind of their village and would hasten the formation of a bond of responsibility between the member and his constituency. Subject to an examination of the practical difficulties, Government consider that the advantages would probably outweigh the disadvantages.

5. The question of separate electorates is discussed later; subject to the preceding remarks, Government do not consider that any considerable change should be made in the electorate.

6. The removal of inequalities in the constituencies will almost inevitably involve some small addition to the number of the elected members and if the franchise for the landlord special constituencies is lowered and an appreciable number of voters removed from the general constituencies this would justify an increase in the number of seats for the representation of those who have a substantial interest in the province. Government consider that the other special constituencies should remain and the question of increasing their numbers is discussed later. The small increase that will result from these alterations in the number of elected members would be practically entirely in the rural constituencies and Government consider that this is a move in the right direction.

7. But a reduction in the number of nominated members would leave the Council very much the same size as at present. The first question for consideration is what is known as the official bloc. The nominated officials serve two purposes; in the first place they provide the Council with official information and in the second place they have a steadying influence and provide a nucleus of support for Government whether on the Transferred or Reserved Side. It should be possible with a carefully worked out system of liaison between the permanent officials and the ministerial party in the Council for Council Secretaries to take their place as regards the first function of assisting the Ministers to provide the Council with information in regard to the subjects under the Ministers' control and of preventing the Council going astray through lack of information or understanding of the official position. As regards the second function, it is undoubted that the existence of the official bloc alone has made it possible to work dyarchy since the introduction of Reforms; without it there would have been no stability in the Ministry, and the steadying influence of its experience has to a considerable extent guided the Council and their presence has also helped the President to lay down and enforce an orderly procedure. But a considerable price has had to be paid for this; the knowledge that the Ministers can count on the support of the official bloc has weakened the tie between the Ministers and the Council; the Ministers have been regarded even in their own subjects as part of the official Government and have encountered a hostility which possibly would not have existed if the Ministers had been recognised to be wholly dependent on the Council. A further advance

towards responsible Government would seem to necessitate the removal of what is regarded as an obstruction between the Ministry and the Council and the disappearance of nominated officials, except possibly to a limited extent as discussed later. But it must be recognised that this removal of the official bloc has an important bearing on many other aspects of the constitution, e.g., the formation of a Ministry, the protection of minorities, the question of law and order and the stability of Government.

8. There are no nominations at the disposal of Government for the purpose of general support. The power of nominating experts for the discussion of particular bills has proved very useful to the Council and should be retained. The question of nomination to represent minorities is discussed later.

PROVINCIAL AUTONOMY.

9. There is a strong feeling in favour of provincial autonomy though possibly the details and their implications are not always fully realised. In general the view is that there should be no interference from outside the province, but when we get down to facts no one will contend that this can be carried out literally. The field of Provincial subjects has been demarcated and no important suggestions for its alteration have been put forward; the local Government consider that the residuary field should certainly remain with the Central Government. The first question that arises is the extent of control in the provincial field by the Secretary of State and the Government of India; though there is a sentimental objection to the Secretary of State controlling the provincial field it is perhaps not necessary to differentiate between his control and that of the Government of India in this place. It is clear that there must be central control to some extent over finances, covering loans operations and the financial solvency of the Province. It is equally clear that there must be co-ordination and control to prevent inter-provincial disputes and to ensure the observance of international obligations, and to safeguard the central field. The questions of law and order and the control of All-India Services are dealt with separately, but Government consider that it is established that provincial autonomy must be subject to such central control as is at present exercised in transferred subjects and further to such control as is essential to safeguard financial stability. The words " central control " in this memorandum mean control in limitation of complete provincial

autonomy whether exercised directly by the Government of India or through the Governor.

10. Whether that control is to be exercised by the Governor-General or the Governor-General in Council must depend upon the constitution of the Government of India; the control must clearly be official control, and if the Provincial Government is responsible to the legislature the control can hardly be exercised by a Central Government also wholly responsible to their legislature; this would be still more impossible if the Secretary of State retains powers of control.

11. The control may be of two kinds legislative and administrative. In the legislative field the power of veto or remand would probably be sufficient if it is understood that these powers are intended to be exercised freely. It would then be possible to get rid, at all events to a large extent, of the requirements of previous sanction which are felt to be extremely hampering and irritating. In the administrative field the purposes for which control could be exercised could be defined, but the final arbiter as to the existence of those purposes must be the Central Government and the ultimate sanction of these powers of control must be the power to suspend the constitution.

EXERCISE OF POWERS UNDER PROVINCIAL AUTHORITY

12. If Parliament decide that provincial autonomy with the foregoing limitations is to be the next step, there would appear to be no scope for an official Government as apart from the responsible Government because such an official Government would be responsible to no one. Leaving apart the question of law and order (and in some respects the question of the services) for further discussion, the question resolved itself into one of what checks or safeguards, if any, are required, and it may be stated generally that the administrative powers in the provincial field must in such a case be exercised by the Governor and his Ministers, the latter being responsible to the Legislature. When considering the effects of this change, it must be remembered firstly that the members of the Legislature who will exercise the control over the Ministers are not themselves, in the present state of political education, responsible to their constituencies and have not yet developed fully a party system, and it is assumed that the official bloc will no longer be present to form a steadying influence and to supply administrative experience; and secondly it must be assumed that the Ministers will have at their disposal the present, or as good an executive

agency in the shape of the services and that any large alteration in the composition or efficiency of these services would increase enormously any risk that there may be in the experiment. These are important considerations when dealing with the question of checks or safeguards.

FORM OF THE PROVINCIAL GOVERNMENT.

13. Responsible Government under such Provincial autonomy would presumably consist of a Governor and a Cabinet of Ministers. Joint responsibility of the Ministers would be essential. A Chief Minister would, therefore, be necessary who would choose his fellow Ministers. As it is assumed that the official bloc would no longer exist, the Governor would have nothing to bargain with in the formation of a Ministry and this process must be based on a consideration of the support that individual Ministers could bring for the Cabinet. The Governor would select the Chief Minister and would discuss with him the personnel of the Cabinet, but in the long run in the absence of a strong party system, the personnel must depend on the voting power that individuals could bring. It would be impossible for the Governor to force a particular colleague on the Chief Minister and if the latter insisted on the inclusion in the Cabinet of an individual of whom the Governor could not approve, the only remedy would be to select another Chief Minister. It follows that it would not be possible to insist on a communal or racial basis for a Ministry. The Governor would retain the power to call for the resignation of the Chief Minister involving the resignation of the other Ministers, but the Chief Minister alone would have the right to require that a particular Minister should resign.

POSITION OF MINISTERS.

14. Under such a scheme the Ministers would be jointly responsible for the administration. Except to the extent discussed elsewhere, they could not be overruled by the Governor, but would be entirely dependent on the Legislature; this control would be exercised (1) by vote of censure, (2) by refusal of budget provision, (3) by refusal of legislation. The question arises whether, having in view the present irresponsible position of the Legislature owing to the lack of political education among the voters, it would be desirable to impose some check on this control. The suggestion that Ministers should be appointed for a fixed term such as the life of the Council does not appear to be feasible; apart from the fact that it would negative responsibility, it would produce a deadlock which

would paralyse administration. But it would be possible to give some protection to the Ministers by providing that votes of censure should be in form directed against the whole Ministry and not against a particular Minister and must be passed by a two-thirds majority; a vote that would necessitate the resignation of the Ministry, e.g., on a budget demand or an important legislation could still be passed by a bare majority, but this provision would give some protection against temporary ebullitions of feeling and against a snatch division. The Governor's veto on legislation and power to remand would provide a remedy against hasty positive action of the legislature, but negative obstruction could only be met by dissolution of the Council as, except to the extent discussed elsewhere, there could be no power of certification.

15. The next important proposal put forward for providing a check on a possibly irresponsible legislature is the creation of a Second Chamber in the provinces. Such a Chamber must necessarily be something other than a duplication of the Council; it should represent interests, but at the same time in this province at all events it must be based to some extent on territorial distribution, otherwise one of the component parts of the province might be left out. It would be a revising chamber with small powers of initiation and would not have the power of originating financial proposals. The objections to the proposal are first its expense, it would cost about 1½ lakhs recurring; secondly the difficulty of obtaining an electorate for such a Chamber without weakening the electorate to the Council unless the Chamber were very largely nominated which would be unpopular; and thirdly the fact that the constitution of the Chamber would increase the defects in the Council which it is intended to correct. If there were a Second Chamber, the conservative interests would naturally be represented there and their representation in the Council must be lessened; e.g., it would not be possible to give the landholders' interest double representation by increasing their number in the Council as proposed above and electing or nominating them to the Chamber. If they go to the Chamber, and it would be almost impossible to constitute the Chamber without them, their numbers on the Council must be diminished and this will seriously affect the composition of the Council; this holds good also with regard to the representatives of other substantial interests. In view of the very limited effect of the constitution of a Second Chamber over the action of the Council, Government consider that the result would not be worth the disadvantages.

POSITION OF THE GOVERNOR.

16. In the opinion of the local Government it would not be possible in present circumstances to assign to the Governor merely the role of a Colonial Governor; he must retain a definite responsibility in the guidance of the administration. Under the scheme of Provincial autonomy assumed above, the Governor will select the Chief Minister, though his selection will be limited by the necessity for the Cabinet having the support of a majority in the Council. The Governor would preside at Cabinet meetings and he should be empowered to require any case to be brought before the Cabinet; he should also be at liberty to discuss cases with the Chief Minister or any other Minister. It will be his duty to advise the Cabinet, but he will have no power ordinarily of overruling its decisions and the Chief Minister will be directly responsible for its policy. But the Governor must be responsible that the powers of central control reserved are effective; in the legislative field his veto and the power of remanding or reserving a bill should be sufficient. In the administrative field, however, he must have the power of ensuring that the orders of the controlling authority are carried out. Ordinarily he would require the Cabinet to take the necessary measures and the Cabinet would probably do so. But it must be recognized that the Cabinet will be responsible to the legislature and very amenable to their pressure while the Governor is not in direct contact with the legislature. If persuasion fails, the Governor has the power to call for the Chief Minister's resignation, and if he is unable to form a satisfactory Cabinet he can dissolve the Council. But this will not completely safeguard the central control; in the first place the Governor must have the power to suspend orders of the executive Government to prevent action being taken in contravention of the orders of the central control or to enable a reference to be made to the Government of India when the central control is involved; in the second place in the event of the dismissal of the Cabinet and the dissolution of the Council not enabling him to carry out his responsibilities there must be a power residing either in him or the Governor-General of suspending the constitution and the Governor must take charge of the administration; thirdly in that case the Governor must have the power of certifying the necessary expenditure; and fourthly in the case of positive legislation being required the power to issue ordinances must vest in the Governor or the Governor-General. It follows that the Governor must be in a position to know all that is going on in the Government,

and apart from Cabinet meetings, the rules of business must provide that the Governor must see such cases or classes of cases as he requires and must be able to direct the Secretaries to ensure that such cases come to his notice; he must also have the right to require Secretaries and Heads of Departments to attend him as he may find desirable. All this appears to be necessary ultimately to safeguard the central control. But apart from that it would appear to be necessary that the Governor should have power to certify emergent expenditure when the Council cannot be called together in time; or if the Council should refuse supplies, the Governor must certify sufficient to meet the immediate commitments of Government. The question of a consolidated fund which it should be beyond the power of the Council to touch belongs to a different category, but there must be power to prevent the administration breaking down owing to a sudden cessation of supply. There must also be provisions such as the Transferred Subjects (Temporary administration) Rules.

17. The question of a Governor's reserve power for the protection of minorities and the services and in the matter of law and order are discussed separately.

LAW AND ORDER.

18. Under the scheme assumed above, there would be complete responsibility to the legislature of the Executive Government and the checks and safeguards that have been suggested are only those that seem essential to safeguard the central control that must exist in any form of provincial autonomy and to protect the Ministers from an irresponsible use of their power by the legislature. But the subject of Law and Order stands apart and the local Government are strongly of opinion that it cannot be treated on the same basis as the other provincial subjects. It is the foundation of the administration of all other subjects; failure would have immediate and overwhelming effects and risks cannot be taken as in other subjects; the interests of the " central control " in law and order are more vital than in any other subject and must be safeguarded. It is a subject that the legislature is less qualified to control than any other, but it is one in which their active interference can be most anticipated. It directly impinges on the present communal situation in the Province and for this reason alone the local Government could not approve of any proposal for placing it within the powers of the legislature on the same basis as other subjects.

19. It is the biggest obstacle to the development of responsible Government and no solution for bringing it within the scheme can be considered entirely satisfactory, but the proposals that have been made may be examined.

20. It has been suggested that it should be made a central subject and administered by the Governor as the agent of the Governor-General or the central Government. Though the interest of the central control is admittedly very great, this proposal cuts right across the idea of provincial autonomy in that it severs from the province the administration of the basic subject. All discussions would have to take place in the Central Legislature where there would be little knowledge of local circumstances and where the local Government would have no opportunity of justifying their action; the budget would have to be discussed also in the Central Legislature where there would be little knowledge of local needs. The local legislature would be resentful and would have no opportunity of education in the administration of this subject of primary importance and law and order is not a self-contained subject that can be cut out of administration without affecting the other subjects; it impinges upon every other subject and every other subject has relations to it; its administration as a central subject would involve a considerable amount of interference with subjects that were purely provincial.

21. Possibly the line of least resistance in dealing with the subject would be to leave matters as they are. The Governor with an Executive Councillor would deal with law and order, retaining the present powers of certification both of finance and legislation, and the Executive Councillor would deal with the subject in the Legislative Council. This of course means the retention of Dyarchy as far as this subject is concerned and if responsible Government is extended and the official bloc removed, it may be expected that there would be even greater opposition in the Council than at present and the emergency powers would have to be in more frequent use. The Governor would be as now the liaison between the Reserved Side and the Cabinet, but if the Cabinet has no responsibility for law and order while it is fully responsible to the Council for other subjects, they will be less inclined than at present to realise the interrelation between their own subjects and law and order. This proposal would have the advantage of not affecting provincial autonomy and would allow questions of law and order to be raised and debated in the provincial Council and the Reserved Side would have

to endeavour to carry the Council with them. But it is doubtful whether it would go any further towards the education of the Council in the actual administration of the subjects and being regarded as the negation of responsible Government might probably give rise to greater difficulties in actual working than it does at present. Nevertheless, if complete transfer is ruled out, it appears to be the only means whereby the Governor in his personal capacity can be kept outside discussion in the Council and it is possibly the only scheme that would ensure a sense of security in the services.

22. A variation of this scheme is to remove law and order entirely from the purview of the Council and leave the Governor and the Executive Councillor to administer it, responsible only to the Government of India, with a separate budget and powers of ordinance. This would certainly be regarded as retrograde; it would remove some points of friction but would shut out the Council from any knowledge or concern with the subject and would certainly not hasten the time when they would be able to take over the responsibility.

23. The only scheme under which the administration of law and order, with some at least of the safeguards that the local Government consider essential, could be brought nearer the form of responsible Government would appear to be the following. The Cabinet would be directly responsible for all other subjects, but the Governor would take the portfolio of law and order and would be responsible for the exercise of powers under section 402, Criminal Procedure Code. He would have the Chief Secretary directly under him and the Chief Secretary would take charge of the subject in the Legislative Council. The policy in law and order would be discussed in the Cabinet as in the case of the other subjects, and the Chief Minister could require that any case should be brought before the Cabinet for discussion. But the Statute would provide that the final orders would be the Governor's; he must also have the power of certification of items within the law and order budgets. For positive legislation there must be a power of issuing ordinances either with the Governor or the Government of India. If these powers are definitely given to the Governor in the Statute, the passing of orders contrary to the views of the Cabinet would not necessarily lead to its resignation, inasmuch as it would not be fully responsible to the Legislature in the subject. In the Council the Cabinet would ordinarily take no part in debates on law and order unless they wished to defend the Governor's action;

but if the Cabinet felt not merely that they could not take the responsibility of defending the action recommended by the Governor but that they could not be in any degree a party to it, they would have to resign, and if the Governor could not form a Cabinet, even after a dissolution, that would hold office, notwithstanding the Governor taking the action he had decided on, the Governor would have to suspend the constitution and take over the administration himself. Such a scheme would impose very great responsibility on the Governor and it would be necessary that he should have the utmost assistance possible in the shape of a Chief Secretary of the standing and emoluments of the present Member of Council. This would in other respects be an advantage in that it would place at the disposal of the Cabinet the experience and knowledge of a senior trained officer whose advice could be sought on any matters of administration in any subject and who could give that advice without being in any way responsible for the decision ultimately taken. To bring such an officer inside the Cabinet, as has been suggested, with powers of a colleague would almost necessarily result in friction and a tendency to divide the Cabinet on other subjects than law and order into an official and non-official group, while the fact that he was not responsible to the Legislature would be another cause of friction. But if he were outside the Cabinet, directly under the Governor and concerned only in the administration of law and order, his advice would be available on an entirely different footing to the other members of the Cabinet and might frequently be taken advantage of. Such a scheme would have an advantage over the others in that it would retain the present position of the Council and would give some training to the Cabinet and indirectly to the Council in the administration of law and order. Its main disadvantage is that it would bring the Governor's action directly into discussion in the Council, whereas at present, as the representative of the King, his action cannot be discussed; while the Governor would still remain unable to defend himself personally. It also to some extent blurs the responsibility of the Cabinet to the Legislature, and if it is to give any sense of security to the services it presupposes a Governor trained in administration and with a knowledge of the province.

The All-India Services.

24. It has already been stated that any advance in responsible Government must presuppose that the executive Government has at its disposal the present, or as good an

executive agency. The question has got to be faced whether under any of the schemes suggested Government can be sure of retaining such an agency. As regards the existing members of the Security Services, practically the Indian Civil Service and the Imperial Police, they have been recruited by the Secretary of State and rely on his protection. This is afforded by the right of appeal to him, by his fixing the emoluments and conditions of service, and by his consent being required to the abolition of any appointment held by the services or the creation of any outside appointment which might affect the interests of the services. This is not of course complete protection under all circumstances and the Governor is required by his Instrument of Instructions to afford all the protection he can and they have been given the right to retire on proportionate pension up to the date of the new instalment of Reforms. The local Government consider it essential that the protection of the Secretary of State should still be guaranteed to those members at present in the service; the question of what form this should take is one for consideration and discussion, but the local Government are clearly of opinion that apart from any question of justice, the necessities of the case cannot be met by anything less than a continuance of the Secretary of State's guarantee. Permission to retire at once or within a short interval is probably inevitable; but by itself it is not sufficient to enable the new scheme of Reforms to work. The local Government have no doubt that if that was all that was offered, very few members of the Security Services would be prepared to face the risks and unforeseen consequences of the further advance; they anticipate that if not a majority, at all events a very large number of members would take their proportionate pensions and thus deplete the services at a time when the success of the Reforms would to a very large extent depend upon these services bearing the strain. The offer of proportionate pensions should be made and should remain open for at least a very considerable time; but every effort should be made to reassure the services so that advantage would not be taken of the offer. For this purpose the local Government are of opinion that practically nothing less than the present terms would suffice, viz. the present protection of the Governor, an appeal to the Secretary of State and the Secretary of State's protection with regard to emoluments and prospects. This would involve that the Governor should have power of intervention in other subjects than law and order for the express purpose of the protection of the services; the revenue

agency for example consists of the same personnel as the Indian Civil Service security service, and it would be necessary to protect the members of that service equally in the Revenue Department as in that of law and order. The powers of intervention of the central control in provincial subjects would have to include, as it does at present, intervention for the purpose of protection of the existing members of the security services.

25. The question of future recruitment is a more difficult one and virtually hinges on the point whether regular recruitment of Europeans is necessary or not. If only Indians are to be recruited in future the natural tendency will be for the Provinces to be watertight compartments recruiting their own inhabitants on such terms as they can get them. Even in that case the local Government consider that the recruitment for these services should be All-India. The tendency is even now manifest for the inhabitants of a province to gravitate to the service of that province, but there are certain obvious disadvantages in this and the local Government would deprecate making it the rule. But it is mainly from the point of view of keeping up the standards, the esprit de corps and the general level of the administration that the local Government would urge All-India recruitment even in the case of Indians. The local Government, however, are strongly of opinion that European recruitment must continue; in the case of other services which have hitherto been All-India (Education, Veterinary, etc.), it may be possible to get the necessary European recruitment by means of contracts enforceable in the Courts and for a definite appointment. This would not be possible in the case of the security services and the recruitment must be All-India and must be undertaken in England. The question of the terms and conditions of service must be looked at from rather a different point of view to those of existing members of the services. It is not necessary to discuss the question of emoluments; presumably if Europeans are required much the same emoluments will be offered as at present. The point at issue is the question of security of service, and this is not an abstract question of justice or fairness which can be settled by arbitration; the deciding factor here is not the sense of fairness of the employer, but the candidate himself. If the terms are not sufficiently good, the candidate will not come forward. If there is really an effective desire for Europeans on the part of Indian administrations, (and the local Government think that further European recruitment is essentially necessary to the success

of responsible self-government) the terms to be offered must be such as will produce the recruits. Time and experience alone will show what these are, but we can on a priori considerations examine possibilities. It must be admitted that. in the case of India, service under a fully responsible Government is more suspect than in the case of the Colonies because the racial writings in the Press and, to say the least, unguarded speeches are more fully reported and commented on in England. It cannot be expected that the intending candidate should be able for himself to judge the effects of the safeguards and checks on any proposed scheme of responsible Government. The problem is to give him sufficient sense of security to come forward as a candidate and thus have an opportunity of proving for himself how far there is any necessity for protection to be afforded. If actually there were need for every day protection, it would be hopeless to attempt to obtain European recruits; but the necessary point is to give a sense of security even if the safeguards are never likely to be put into operation.

26. It has been suggested that for future recruits in the security services a Public Service Act should be passed which could not be amended or repealed without the consent of Parliament guaranteeing certain rights. These might be: (1) that they should be recruited on contract; (2) that the Local Legislature shall have no power to alter the terms of their contract to their disadvantage; (3) that they have the right to appeal to the Governor or to memorialise him if they consider they have been unjustly treated and that the Governor shall have power to require action to be taken to right any injustice; (4) they shall have a right of appeal to an independent Public Service Commission against any order of punishment; (5) in case of dismissal or breach of contract they shall have the right of appeal to the Public Service Commission who shall be required in case they find injustice has been done or the contract has been broken to assess damages and direct the local Government to pay them. We feel grave doubts whether these provisions will be sufficient to establish confidence and that is a matter on which the opinion of those in touch with the class from which the recruits may be expected to come would be valuable. In the opinion of many nothing short of the terms guaranteed to the existing members of the services will be sufficient to produce the right class of recruits. The local Government would only reiterate its firm opinion that, for the success of responsible Government, recruitment of Europeans in the future is essential.

PROTECTION OF MINORITIES.

27. This question in Bihar and Orissa mainly relates to the position of Muhammadans, but the depressed classes, backward tracts, Indian Christians and domiciled Bengalis are concerned. The details regarding these various minorities have been given in the memorandum on the subject and it will be convenient to discuss first the question of Muhammadans. Their position will have been weakened by the removal of the official bloc in the legislature and will be further compromised by any flaw in the method of disposing of the question of law and order subjects. The local Government can see no means of giving them effective protection by means of any declaration in the statute; such a declaration must be so wide as to render the protection illusory or so detailed as to hamper administration It has already been shown that it will not be possible to secure automatically for Muhammadans a seat in the Cabinet; and if protection is required it must be sought for either in the Governor or the legislature. The protection that is required is against oppressive legislation by a hostile majority in the legislature or unfair or oppressive executive action by the Cabinet. As regards legislation it has been suggested that no legislation should be passed against the wishes of two-thirds of the representatives of a minority community in the legislature in a matter that affects that community; the minority members of the Council being the judges of what does affect that community. This has only to be applied to the case of some other minority community than Muhammadans, say to Indian Christians to show that it would be absolutely unworkable. In the matter of legislation the minorities must depend upon the action of the Governor with his power of veto and remand and it might be provided that if the minority members or a body of them memorialised the Governor, he should be required to pay particular attention to the memorial before deciding on his action in regard to the Bill. In the field of executive action protection, if required, is more difficult; it would be necessary to give the Governor power when he considered that injustice was being done to a minority community to suspend executive action on the part of the Cabinet if they refused to listen to his advice; the resignation of the Cabinet, the dissolution of the Council and the suspension of the constitution being the ultimate methods of enforcing his views.

28. Outside the general protection there are two matters in which the Muhammadans put forward a demand for help. The first is in the matter of representation in local bodies.

This does not seem to be a matter that can be safeguarded either by a declaration in the Statute or by any provision in the constitution; it is doubtless important, but is a matter for the legislature subject to the provisions already discussed regarding the veto. The other is reservation of appointments in the public services. The local Government recognise the importance from the point of view of the uplift of a community that it should have members in the public services, subject to keeping a high standard of efficiency; but it would be impossible to distribute the public services by numbers among the various communities and anything in the nature of prescribed fixed percentages must have a bad effect on the general standard. It is a matter of policy for the executive to decide, and on a question of policy the executive Government would be responsible to the legislature. The Governor would endeavour to obtain fair consideration for all classes, but this is hardly a matter in which he could be given overriding powers; his powers may extend to the prevention of a positive injustice, but they cannot be effective against negative injustice, e.g., the Governor should be able to prevent the closing down of Muhammadan schools as a policy, but he would not be able to enforce the opening of such schools in large numbers though he might think that desirable.

29. Subject therefore to the intervention of the Governor to the extent already described, the protection of Muhammadans must be sought for in the legislature itself. It is of course impossible to turn a minority into a majority, and even a minority of one could be oppressed by the majority. But in practical politics a compact minority given certain numbers can make itself felt and the best protection that the Muhammadan minority can be given is to ensure that it is present in sufficient numbers in the legislature to make itself felt. It is right in this connection to take into account how largely the community bulks in the general life of the province and how far it is dependent on its representation for fair treatment in local self-government and representation in the services and in other matters. In numbers the Muhammadan community in this province is a little over 10 per cent. of the total population; in the general life of the province partly from its history and position and largely owing to communal hatreds it certainly bulks more than this percentage in the general population of the province. As we have shown it must depend on its representation in the legislature for obtaining what it considers fair treatment and prospects, and again the present communal position cannot be overlooked in this connection. Its present

representation is 18 per cent. and on a consideration of all the factors this certainly should not be decreased. The community itself claims 25 per cent., and the local Government consider that the reservation of 20 per cent. of the elected seats would be only a reasonable protection to offer the community.

30. The question has been raised whether this reservation should be in a general electorate or whether a separate electorate should continue. In this province owing to the Muhammadan population being scattered and unevenly represented in various districts there would be particular difficulties in the way of reservation in general contituencies and this would involve the creation of unwieldy constituencies with plural members. But apart from this the community is practically unanimous in pressing for separate electorates, and if the principle of reservation is conceded the local Government consider that the advantages of conceding separate electorates also are overwhelming.

31. As regards other minorities the local Government consider that an effort should be made to constitute a labour constituency. The Domiciled Bengali community do not appear to have sufficient separate interests to justify separate representation and should merge in the general constituencies; if it is considered necessary to give them separate representation, it can only be by means of nomination. On the other hand the Indian Christian community have considerable educational interests to further and they should have direct representation which can only be given by nomination. The depressed classes also certainly need a speaker to put forward their point of view though there is at present no reason to show that they need positive protection against the majority. They are scattered and unorganised; it would be impossible to combine them into one or more constituencies and it is doubtful if they are at present sufficiently advanced to be able to choose their representatives. They should therefore be represented by nomination. The University, the European and commercial interests should as at present have their own constituencies while in regard to the backward tracts a separate memorandum has been presented in which the views of the local Government as regards the necessary protection have been formulated.

Finance.

32. In a separate memorandum the view has been strongly stressed that unless the finances of the Province are placed in a more favourable position and on a more equitable basis

there is no room for any further advance to a responsible constitution; the administration cannot be made responsible to the legislature. But assuming that this question is satisfactorily settled, there remains the question whether any restriction should be placed upon the financial powers of the legislature and the Cabinet. It must be remembered that apart from the question of voting supplies the legislature has no financial experience and the Cabinet will probably not contain a financial expert. The Finance Department has hitherto been the guardian of financial canons and stability and it has incurred considerable hostility from politicians and the legislature. The extent of the central control in the matter of loans and the general financial stability of the province has already been noted, and it could no doubt interfere in grave cases. But the local Government consider that in the ordinary conduct of the administration there will be a need for constant financial advice and safeguarding, something of the nature of Treasury control. They consider that a financial adviser will be necessary with a statutory position and statutory powers of control. The Chief Minister would probably himself be Finance Minister and the finance policy will be that of the Cabinet and the budget will be passed by them and the Finance Minister will be responsible. But expert advice is necessary and the Treasury control will be in the hands of the financial adviser. He will not have powers as against the Cabinet to veto expenditure though his consent will be required; but if his advice is rejected by the Finance Minister or the Cabinet he should have the right to refer the question to the Governor for decision whether the " central control " powers over finance should not be brought into operation.

33. It is desirable that there should be a consolidated fund voted en bloc by the legislature from which should be defrayed the cost of the Governor and his expenses, the cost of sanctioned services, the repayment of loans and so forth, but it is not proposed to discuss the details of this.

Note by the Hon'ble Sir Muhammad Fakhr-ud-din.

His Excellency the Governor has by courtesy sent me a copy of the memorandum on constitution prepared by the Reserved side of Government for my perusal. I take this opportunity of submitting my views only on some of the points discussed in the memorandum.

ELECTORATE.

2. The political education of the voters in this province has no doubt proceeded very slowly. But at the same time there has been very great political awakening amongst the voters in this province. A majority of the voters have begun to realize their powers and responsibility. It is true that no part of the country is yet ready for adult suffrage.

3. I am of opinion that the system of direct election should be maintained. Condemning the system of indirect election the Montagu-Chelmsford Report stated :—" We consider in the first place that the system of indirect elections should be swept away. It is one main cause of the unreality that characterises the existing councils, because it effectively prevents the representative from feeling that he stands in any genuine relation to the original voter ". Direct election is of the essence of democratic form of Government and without it there could be no political education and responsibility upon the electors. Besides, there is also an apprehension of corruption of the delegates in the system of indirect election.

CONSTITUTION IN THE LEGISLATIVE COUNCIL.

4. I am of opinion that the official bloc should disappear. It is true that the existence of the official bloc has made it possible to work dyarchy and to give some stability in the Ministry, but this has weakened the relation between the Ministers and the Council and has been instrumental in encouraging a hostility between them. But some seats for experts and for such interests as have not been duly represented by means of election should be reserved.

PROVINCIAL AUTONOMY.

5. It is admitted that the cumbrous system of the division of the provincial Government into two halves has failed to work satisfactorily. According to Keith's description of the position in his work " Responsible Government in the Dominions " " The Governor in his dual capacity was far too powerful for effective responsibility on the part of Ministers, the legislatures

had no opportunity of learning prudence by experience, and they had really no funds effectively at their disposal to promote the essential improvements in education, sanitary conditions and local government which they might else have attempted ''. What is known as joint or collective responsibility of Ministers has been completely wanting and each Minister counts as a single unit. Without joint responsibility the Ministers cannot begin to function as a Cabinet in the real parliamentary sense.

6. In my opinion provincial autonomy should be introduced as a next step in India's constitutional advance and the Ministers responsible to the legislature should administer all provincial subjects, and they should be jointly responsible for the administration of all those subjects. The provincial services would be under ministerial control. The residuary powers vested in the Governor to overrule the responsible Ministers when such action is necessary to ensure that no class or community, in the words of the Instrument of Instructions, '' shall suffer or have cause to fear, neglect or oppression '' or for preventing occasions of religious or social conflict should be retained. The provincial legislature should have general powers of legislation subject to the Governor's veto. Discretionary powers should be given to the Governor to revoke or suspend the provincial Cabinet in cases of deadlock or infringement of any provisions of the constitution pending the decision of the Governor-General. In cases of grave emergency the Governor may entirely suspend the constitution and give such directions for carrying on the administration as may be necessary. In regard to legislation the constitution should provide the safeguard that if three-fourths of any community would not agree to any proposal concerning that community it should be dropped. The power of the Governor to certify expenditure for law and order and to authorise expenditure in grave emergency should be maintained.

FORM OF PROVINCIAL GOVERNMENT.

7. I would like that if possible a provision should be made in the constitution itself that the minority community may be appointed Ministers. There is only one constitution of Switzerland in which the constitution itself provides for representation of minorities in the Cabinet, but there Ministers are elected by means of the single transferable vote. I realise however that the Swiss executive is a business board with little political colour. The Grand Council runs the policy. The executive have to carry out the policy.

8. If it be not possible to make any provision in the constitution itself for the representation of minority community in the Cabinet it may be inserted in the Instrument of Instructions to the Governor. It may not have any effect as the Chief Minister would have the last word, yet the instructions may have a moral effect on the mind of the Chief Minister.

Position of Ministers.

9. Besides the suggestions which have been made in the memorandum to give protection to the Ministers I beg to add one more suggestion, namely that the salary of the Ministers should be fixed in the Act itself and the Council should not be allowed to reduce the salary except as a censure.

10. My own view is that the provincial legislature should continue to be uni-cameral. The Montagu-Chelmsford Report rejected the suggestion for the establishment of a bi-cameral system in the province. Regarding its practical objections to the ideal the report said :—" In many provinces it would be impossible to secure a sufficient number of suitable members for two houses. We apprehend also that a Second Chamber representing mainly landed and moneyed interest might prove too effective a barrier against legislation which affected such interest. Again the presence of large landed proprietors in the Second Chamber might have the unfortunate result of discouraging other members of the same class from seeking the votes of the electorate. We think that the delay would make the system far too cumbrous to contemplate for the business of provincial legislation ". The difficulty as regards securing suitable members in the provinces for an Upper Chamber still exists. Besides the cost of a Second Chamber should be considerable. According to the generally accepted constitutional theory a Second Chamber is always subordinated in financial legislation to the popular house, though in other kinds of legislation the powers are on equal footing and in a trial of strength it may prove the weaker. It will seem, therefore, the Second Chamber in the province would not serve the real object of a balance wheel and the work that would be assigned with regard to few provincial legislation could not justify the expenditure involved in its establishment.

11. For safeguarding against hasty or irresponsible legislation by the provincial legislature I would suggest that powers should be given to the Governor to amend or withhold

assent to a bill passed by the legislature. His powers of veto on legislation including the power to return for further consideration should be retained. He should also be allowed to recommend modifications in financial proposals. These powers vested in the Governor should obviate the necessity for a Second Chamber in the province.

Law and Order.

12. The subject bristles with great difficulty as is apparent from the discussion of the various alternative schemes in the memorandum, but even the last alternative which appears to have found favour with the Reserved side of Government does not appear to be satisfactory. It cannot be denied that Law and Order is absolutely essential for the existence of Government. The main disadvantage in the proposal is that the Governor's action will be discussed in the Council. In effect the dyarchy will have to be maintained in some shape or other. Another difficulty is that it will place the Ministers in an awkward position. If they do not support the Governor's proposal, they shall have to resign and if they do not support the legislature, there will be friction between the Ministers and the Legislature and this will create hostility and will prevent the party system to be developed.

13. I would propose that Law and Order should be placed in charge of the Ministers having joint responsibility. If power is given to the Governor to dissolve the Council or to suspend the constitution in case he finds that the administration of law and order is not administered properly by the Ministers or if he finds that the Council is taking rash steps which may be detrimental to the administration of the province. Having those safeguards I think it would be better to transfer Law and Order to the Ministers. They will at once realise their responsibility and I am confident that they will not dare to do anything which will create a deadlock in the administration. It is true that the communal feeling which leads to communal riots every now and then do make the people apprehensive that the administration of law and order may not be carried on efficiently, but I do not think that such apprehensions will exist after greater responsibility has been imposed on the Ministers and the Legislative Council.

Protection of Minorities.

14. In the present condition of India the Mussalmans consider the maintenance of the system of Moslem representation by means of separate electorates as absolutely essential,

because they are the only means of securing to the Moslem community a just and adequate share of representation in the democratic institutions of the country and of enabling it to give and offer what it can freely to the common cause of the country. Experience has shown that feelings between communities are aroused by contested elections in mixed constituencies. This untoward result of representative institutions in India was apparent long before the Montagu-Chelmsford Reforms or the Morley-Minto legislation, as it was observed in the working of local self-government and it was in order to prevent friction at elections that the British administrators devised the expedient of communal electorates. The obvious merit of communal electorates is that it removes from the mind of the minority the fear of being overwhelmed and the removal of this suspicion can alone develop a genuine sentiment of nationality in India. It may not be an ideal system but will have to be continued till a feeling of mutual confidence between the two important communities is created. It is wrong to fix the responsibility for the present communal tension on communal electorates. The causes of communal tension are to be found elsewhere. By providing adequate safeguards to minorities separate electorates have eliminated causes of recurring communal friction. The following paragraph from the Montagu-Chelmsford Report clearly states the Moslem attitude regarding the question of electorates :—" The Muhammadans regard separate representation and communal electorates as their only adequate safeguards. But apart from a pledge which we must honour until we are released from it we are bound to see that the community secures proper representation in the new councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventually be to their benefit; and for these reasons we have decided to go back on it? " The speech of Lord Minto in 1906 and the subsequent pronouncements of responsible British statesmen have pledged the British Government to the retention of separate communal electorates for Mussalmans until such time as they choose voluntarily to surrender it. It is also fair to extend the system to other minorities, such as depressed classes, Anglo-Indians and Indian Christians.

15. Joint electorates with reservation of seats will not be a feasible proposition in the present circumstances. This will result in the election of such Moslem candidates who are acceptable to the Hindu majority and it is very doubtful if

Moslems of this type can truly represent the Moslem point of view without the fear of incurring the displeasure of the majority community which has returned them to the Council. Due to the preponderance of Hindu electors in the minority provinces the weight thrown by the Moslem electors in determining elections will be practically infinitesimal and the Moslem electors will not be successful in returning men in whom they have confidence. It then practically comes to this that the doors of legislatures will be closed against those Moslems who have differences of opinions from the Hindu politicians. The device of reservation of seats through mixed electorates will be highly prejudicial to Moslem interests.

16. As regards the protection of Moslem representation in the legislatures and other elective bodies in the provinces where Moslems are in minority, I would suggest that the protection of representation be continued on the basis of the Congress League compact at Lucknow and as embodied in the Government of India Act of 1919. A community in itself more numerous than the entire population of any first class European power, except Russia, may justly lay claim to adequate recognition as an important factor in the State. The political importance of Mussalmans as a community has already been recognised and on the basis of this recognition the Mussalmans were given representation in the Morley-Minto Reforms and the Montagu-Chelmsford Reforms in proportion to their political importance. The Government of India in their Fifth Despatch to the Secretary of State, dated April 23, 1929, on Indian Constitutional Reforms (Franchises) stated :—" If we were writing on a clean slate, we should greatly desire to establish a ratio of Muhammadan seats which would bear a closer relation with their strength as a community, while amply fulfilling our undertakings to safeguard them as a minority. In determining that ratio in the various provinces, we should have to start with certain established data. In the first place, the Muhammadans have been definitely promised some electoral advantage on the ground of their political importance. We should have to measure that advantage and to fulfil that promise. Secondly, the Muhammadans are the poorer community, and therefore any property qualification common to them and the Hindus will make the Muhammadan electorate smaller in proportion to the Muhammadan census than will be the case with the Hindus. In the third place, the census strength of the Muhammadans by no means corresponds to their political strength. In Bengal and Assam the Muslims are politically weaker than their numbers would indicate, while

in the United Provinces with 14 per cent. of the population they are incomparably stronger than in Bihar and Orissa with 10.5 per cent. Past history and the presence of Muhammadan centres count for much. Fourthly it might be argued that inasmuch as a majority can always impose its will upon a minority, it does not greatly matter whether the Muhammadans in places where they are in a conspicuous minority are awarded for example 15 or 20 per cent. of the seats. But we think it a valid answer to observe that the effectiveness of a minority depends upon its being large enough to have the sense of not being entirely overwhelmed ".

17. I would, therefore, suggest that at least 25 per cent. representation should be accorded to Moslems in this province.

18. The provision of safeguards and guarantees for the fundamental rights of religious and political minorities in the future constitution of Indian is absolutely essential and this can alone solve the immense problem of reconciling the two important communities—Hindus and Moslems—and paving the way for the smooth and peaceful working of self-governing institutions in this country. The problem of the rights of minorities is not peculiar to India. This was the subject matter of controversy in Europe and has now been properly and equitably solved by the League of Nations in the case of new European states. The term " the rights of minorities " has not yet been clearly defined and it may be profitable to study the minority clauses embodied in the new constitution of Europe. All the safeguards regarding the rights of the minorities must form an organic part of the constitution to be altered only by the British Parliament. This suggestion is not without precedent. The British North America Act of 1867 does not confer any power on the Canadian Parliament to alter its constitution, because the French minority has always objected to the vesting of any such right in the Parliament of Canada and the new European constitutions make similar provisions and what are called " Minority clauses " embodying the fundamental rights of minorities cannot be repealed or amended by the states without the consent of the League of Nations.

19. I suggest that the following safeguards for minorities should be provided in the future constitution of India and should be altered only by the British Parliament :—

(1) The Moslems shall freely make use of their native language—Urdu—in the legislature, local bodies and law courts.

(2) Whosoever requires the protection of the law and the assistance of the law courts, either as plaintiff, defendant or appellant, can use his native language and other judicial procedure will be taken in the language of the witness or the parties interested.

(3) The Moslems shall have facilities in the state educational establishments for their children to be educated in their own language in primary and middle schools. In the universities special chairs shall be established for the study of the languages and literatures of the Moslem minority.

(4) The Moslems shall have their due share of grants-in-aid and other educational funds for their maktabs and primary institutions.

(5) The system of separate representation for Moslems in the provincial legislatures shall be extended to local bodies.

(6) The Moslems shall be given full facilities to perform their religious observances without any hindrance, interference, annoyance or obstruction on the part of any other community.

(7) The Moslems shall have due share of representation in all the services subject to the maintenance of standard of efficiency.

(8) With regard to legislation affecting any particular community the formula of three-fourths majority of the community shall be enforced for acceptance of any such legislation.

Similar protection should be given to the other minority communities who deserve special protection.

FAKHR-UD-DIN.

Note by the Hon'ble Sir Ganesh Datta Singh.

It is very unfortunate that political education which has taken centuries to attain perfection in other countries is expected to reach that stage here in a few years. The English electoral system which is considered perfect has been very severely denounced by Mr. Lloyd George who was Premier of the Empire for about 8 years. I quote his remark " anomalous, unjust, and grotesque electoral system which is a fraud and mockery of democracy making Government a gamble ". Considering the short space of time the progress made in this country is rather unprecedented. Electoral system started for the first time here from the year 1921. Before this, in most of the districts, the boards were constituted by nomination. Since Reform the necessity of nursing the constituencies is being realised and the members generally are in touch with their constituencies which also make, now and then, demands of it upon them. They hold meetings and press their representatives to express their grievances and views in the Council. A few constituencies have recently asked their representatives not to take part in the Simon Commission.

2. I am in favour of the Second Chamber. The estimate of the recurring cost is rather excessive. Its sitting will not be so prolonged as of the Council. It will be difficult for Governor to exercise his veto power in all cases. He may decline to exercise this power in matters conducive to revenue. In my opinion the Second Chamber, as a rule, in this country should have more powers than those possessed in other countries. The moment the Second Chamber possesses important privileges and a limited right of initiation, there will be no dearth of members.

3. Having regard to the interest and importance and loyal services of the landlord community in this province their representation is most inadequate. They are absolutely left at the mercy of those who are both politically and economically hostile to them. Their representation even when increased is not likely to give them any effective voice in the Council, but will simply improve their position. This in no case should be set off by a negation of the proposal of a Second Chamber.

4. There are two other points on which I desire to say a few words. I mean control of Finance and the preservation of of Law and Order. The Finance and Law and Order being essential for the very existence of Government, no Government can afford to disregard them. However if any safeguard

is needed, it will be amply provided by the general power of control given to the Governor. In the case of emergency, he may assume charge of those subjects. But there is hardly any justification of placing them under additional restrictions not existing now. The future Ministers should not be deprived of an opportunity to administer these subjects. It is to be remembered that the political bankruptcy and anarchy are equally hateful both to the people and Government.

GANESH DATTA SINGH.




सत्यमेव जयते

THIS memorandum has been prepared by a single officer, Chapter IV on the development of representative institutions, and the second half of Chapter VIII, dealing with the working of the transferred departments, under the direction of the Governor acting with his Ministers, and the remainder under the direction of the Governor in Council. Each side of Government has had a full opportunity of seeing the portions prepared under the direction of the other, and their views on the way in which the facts should be stated have been taken into consideration before the final draft has been approved by that side of Government, on which the responsibility lies. It has been the endeavour throughout to confine the memorandum to a statement of facts, free as far as possible from expression of opinion.



Priced Publications of the Government of Bihar and Orissa can be had from—

IN INDIA

The Superintendent, Government Printing, Bihar and Orissa, Gulzarbagh P. O.

(1) Messrs. Thacker Spink & Co., Calcutta.

(2) Messrs W Newman & Co., Calcutta.

(3) Messrs. S. K Lahiri & Co., College Street, Calcutta.

(4) Messrs. R. Cambray & Co., 6 and 8-2, Hastings Street, Calcutta.

(5) Messrs Thomp on. Co., Madras.

(6) Messrs D B Taraporevala Sons & Co., 103, Meadow Street, Fort, Post Box No. 18, Bombay.

(7) Messrs. M. C. Sirkar & Sons, 75, Harrison Road, Calcutta.

(8) Proprietor of the Newal Kishore Press, Lucknow.

(9) Messrs. M. N. Burman & Co., Bankipore.

(10) Babu Ram Dayal Agarwala, 164, Katra Road, Allahabad.

(11) The Standard Literature Co., Ltd., 13-1, Old Court House Street, Calcutta.

(12) Manager of the Indian School Supply Depôt, 309, Bow Bazar Street, Calcutta.

(13) Messrs. Butterworth & Co., Ltd., 6, Hastings Street, Calcutta.

(14) Messrs. Ram Krishna & Sons, Anarkali Street, Lahore.

(15) The Oxford Book and Stationery Company, Delhi.

(16) Messrs. Das Brothers, Nouzerkatra, Patna City.

(17) The Book Company, 4/4(*a*), College Square, Calcutta.

(18) Mr. K. L Mathur, Guzri, Patna City.

(19) Messrs. Raghunath Prasad & Sons, Patna City.

IN ENGLAND AND ON THE CONTINENT

The Office of the High Commissioner for India, 42, Grosvenor Gardens, London, S. W. 1, direct or through any bookseller.