

their present rights and privileges, would be far more costly than an Executive Council to help the Lieutenant-Governor of Bengal, together with all measures which may be necessary to strengthen the subordinate staff as suggested above."

"39. That by far the most objectionable feature in the scheme, formulated by the Government of India, is the proposal of dividing the Bengalee-speaking community into two parts and putting them under two Administrations. Speaking the same language, possessing a common literature, united by social and educational ties, welded together by the same laws and Government, and having common hopes and aspirations and common political interests to support, they form a unit which it would be highly unjust to divide.

"40. That, being under the same form of Government and governed by the same laws, the people of Eastern and Western Bengal have always had a common cause and a common interest, and their leading men have always acted in unison in all matters of public interest. And politically it would be a great misfortune for the Eastern Districts proposed to be separated to lose the powerful support and co-operation of the enlightened and influential men of West Bengal, in all matters which would hereafter concern them.

"41. That with reference to the observations, made by His Excellency the Viceroy in his speeches, to the effect that the people of Bengal would suffer no loss by the creation of two different units in two centres, and that the people of East Bengal, by reason of their numbers and their intellectual superiority would, instead of being an appanage to a backward Province, occupy a dominant position in the newly-created Administration, Your Memorialists beg leave to observe that the severance of that intimate relationship by which they are now connected with the Metropolis would undoubtedly retard the advancement of the people of these Districts in every respect by depriving them of the guidance and co-operation of the people of West Bengal, who would always have the advantage of having the most enlightened and influential men among them. The Metropolis is in every country the centre of civilisation; and it is undeniable that, in proportion as the ties by which East Bengal is bound to it are relaxed, it will lose the inestimable advantage of those incentives to progress of which this close connection with the centre of enlightenment is the source.

"42. That Your humble Memorialists beg leave to draw Your Honor's attention to the fact that Dacca has not got an independent and powerful Press of its own to advocate its interests. There are in it four newspapers with small circulation, which can hardly make their voice heard. All the principal organs of public opinion are establish-

ed in the Metropolis, and the cause of Dacca along with that of the rest of Bengal is advocated by them. In case of its transfer to a different Administration, Dacca would, no doubt, be looked upon as a stranger, and would lose touch with the press of Bengal, which is one of the strongest safeguards of its rights and liberties. The discussions in the Press of a different Province would hardly be taken notice of by the authorities of the new Province.

"43. That Your Memorialists find from the letter of Mr. Risley that the Government of India attach very great weight to unity of language as a ground for a claim to be put under the same Administration. They have evinced a great solicitude for collecting together, under one Administration, all sections and tribes speaking different dialects of the Ooriya language. On the ground of common language they have proceeded so far as to add a considerable burden to the Administration of Bengal, the relief of which is the declared main object of Government for the proposed re-distribution. Your Memorialists submit that the linguistic consideration affords even a stronger ground against the separation of these Districts from the rest of Bengal. Bengal has got a literature of its own, while Ooriyas do not possess one worth the name. The Bengalee literature dates its origin in very ancient times and has received an enormous development and is now the common property of the whole of Bengal. Enlightened men of letters, in both Eastern and Western Bengal, have alike enriched it by their contributions, and they are all labouring towards the further development of their common language and literature. They meet in a common field in the Metropolis, and the mutual interchange of thought and ideas has a great effect on the improvement of their common language. Then, again, the fostering care of Government which has provided the country with so many institutions and facilities for the propagation and spread of education has had a good deal to do towards its improvement and the maintenance of a common standard. Your Memorialists apprehend that the incorporation of their District in an Administration, where the standard of education is low, and the educational machinery weak, the same high standard could not possibly be maintained.

"53 That Your Memorialists do not also see that the commercial interests of this District would in any way be advanced by the proposed change, or that the inhabitants of the District would derive any benefit thereby. The opening of the Assam-Bengal Railway line has not, in any appreciable degree, drawn away the trade of this District in that line. Only one or two European firms of Narain-gunge, who make direct shipments to foreign countries, send their goods in that line, but by far the great majority of European and all

the native merchants and traders have their business relations with, and send their goods and merchandise to, Calcutta. They are, as a rule, financed by Calcutta capitalists, and they find the Calcutta port a more convenient outlet for their goods. The reduction of freight, which may be an advantage to the Chittagong port, will only bring some profit to the very few European firms who will send their goods to Chittagong, but it will be of no benefit or advantage to the people of this District who are the growers of the produce. On the other hand, the great majority of merchants and traders, who have established connections with Calcutta, will be injuriously affected by the separation."

"55. That the Government of India is of opinion that the Government of Assam should be separated by a clear geographical line of demarcation from Bengal and that the main channel of the Bramhaputra forms such a definite and intelligible boundary. Your Memorialists submit, however, that neither the Bramhaputra, nor the Jamoona, as it is locally called, nor the Padma, can ever form a definite boundary between two Provinces or Districts. The Jamoona, which was a mere rivulet to the time of Major Rennell's survey, about the end of the eighteenth century, is now the main current of the Bramhaputra, while its old channel is very nearly dried up. Both the Jamoona and the Padma are constantly shifting their channels, and the uncertainty of their course is so great as to be a fruitful source of litigation between rival claimants of *chars* or islands constantly thrown up by them, and the District authorities are frequently called upon to adjust the boundaries of their respective Districts. Indeed, alluvion and diluvion have been so constantly going on in these rivers that in the course of half-a-century they have almost totally effaced and obliterated all old landmarks, and their destructive work is still going on with unabated fury. If such rivers be fixed as boundaries between any two Provinces, the result to the landed proprietors on the two banks will be disastrous. The fixing of such a boundary will cause great confusion and endless and often fruitless litigation. Your Memorialists pray that Your Honor will not lend your support to a measure which is fraught with such serious consequences.

"56. That adverting then to the reasons assigned by the Government of India for the division of Bengal, Your Memorialists find it stated that "the spread of education and the wider diffusion of the Native Press tend to increase litigation, to demand more precise methods of Administration, to give greater publicity to the conduct of officials, and, in every way, to place a heavier strain upon the head of the Government and upon all ranks of its subordinates." Your

humble Memorialists venture to submit that the spread of education and the diffusion of the Press instead of increasing litigation have the effect of diminishing it. The educated people are, as a matter of fact, always averse to litigation. Moreover, the following figures taken from the "Judicial and Administrative Statistics of British India" for the year 1901-02 establish the fact that in Bengal, which is the most advanced Presidency in India, the proportion of litigation, whether civil or criminal, is far less than in the other Provinces.

	Number of civil cases per thousand of population.	Number of criminal cases per thousand of population.
Bengal	8.8	24
Bombay	10.4	103
Madras	9.1	80
United Provinces	11.4	26
Punjab	12.2	45

The following figures, taken from the same Statistics, show that the number of newspapers in Bengal is also lower than in the other Provinces :—

Bengal	...	...	...	...	102
Bombay	...	...	...	..	209
Madras	...	...	...	...	107
United Provinces	...	...	...	...	113
Punjab	...	...	...	...	124

Considering the fact that the population of Bengal is the largest among all the Provinces in India, the number of newspapers must be considered as insignificant. It will further appear, on a reference to statistical figures, that while Bombay had 202, Madras 79 and the Punjab 87 newspapers in 1887, and each of them has made more or less progress in five years, Bengal having 121 newspapers in that year has gradually lost 19 such papers for want of encouragement and support.

"57. That Your Memorialists submit respectfully that the work of Government has, in recent years, become less difficult and heavy than it used to be in former times. The widespread railway and steamer communications have annihilated distance and have brought the different parts of the Province much closer to, and within easy reach of, the seat of Government. The introduction of Self-Government in Municipal and local Administrative bodies have lightened the work of District officials. And Your Memorialists believe that the work of supervision by the head of the Government may be considerably lightened by the introduction of an Executive Council, as

suggested in a previous part of this Memorial without having recourse to actual transfer of territory."

"61. That if the Government of India should, after all, decide to grant relief to the Government of Bengal, by actual transference of territory, Your Memorialists beg to suggest that Orissa, and the less advanced parts of Chota Nagpur, excluding Manbhum, which is a Bengalee-speaking District, may be separated from Bengal without disadvantage to them. Orissa, as it appears from Mr. Risley's letter, has no objection to be separated from Bengal or to be put under any other Administration, provided the whole of the Ooriya-speaking people be placed under the same Government. They have greater affinities with the people of the Central Provinces, and geographically Orissa should more properly form a part of those Provinces. Your Memorialists beg also to submit that a Lieutenant-Governorship may also be created in the Central Provinces, with the addition of Orissa and parts of Chota Nagpur."

APPENDIX E

Extracts from a Letter of the Bengal Landholders' Association

The following extracts are made from a letter from the Honorary Secretaries, Bengal Landholders' Association to the Chief Secretary to the Government of Bengal, dated Calcutta, March 1, 1904.

"While we freely admit that the Government is the best judge as to whether it is overburdened with work or not, we are not prepared to concede that the administration of Bengal is at present too heavy a burden for one Lieutenant-Governor, but venture to think that the burden, of that office, since its first creation in 1854, has been considerably lightened and many of the difficulties which existed in the earlier years have been removed. The whole system of Government has been better organised, remote parts of the province have been made more easily accessible, distances between the capital of Bengal and its various districts reduced, postal and telegraphic communication extensively increased and it is far easier now to supervise and control the work than it was ever before. The introduction of advanced administrative principles, such as that of a local legislature in which the right of representation by election has been recognised, as also of local self-government, must have afforded some relief, and we believe that spread of English education and a "wider diffusion of the native press," strangely charged by Mr Risley with tending to increase litigation, have actually proved helpful to the work of administration and removed some of its burdens.

"If, however, greater relief is urgently required, to afford it by transference of territory is, speaking with all humility, merely a makeshift. It would be a far more "statesmanlike and far-sighted handling of the question" to effect such organic changes in the system of government as would be able to cope with, what has been described as, the "growing complexity of the work." The experiment of cutting down the province of Bengal has been tried before now, without much apparent success.

"Accepting the proposition that the relief of Bengal is an urgent administrative necessity, we pray that such relief may be rendered by the exercise of the authority given by the Charter Act, 16 and 17 Victoria, C. 95, by the appointment of a separate Governor for this

province with an executive council. The appointment of a Lieutenant-Governor seems to have been intended as a temporary measure. It has been said that an executive council affords doubtful help to the Governor of a province and that secretariat government is undesirable. We feel that it is now too late to minimize the value of such a system of government. It has been tried for a considerable time with great success, and has been found to be a safeguard against individual idiosyncracies. Such a change in the form of the government as we have ventured to suggest can, we believe, be effected without any considerable disturbance of the present system.

"We may also be permitted to suggest if the Government be unwilling to accede to our prayer for a Governor and Executive Council, that those Districts in Bengal, the work of which may be found to have grown, may be subdivided and the system now obtaining may be extended for their relief. His Honor is in constant touch with his Divisional Commissioners and Collectors, his tours are more frequent now and, as supplementary to the tours of the district and divisional officers, are generally considered adequate. We also consider that, owing to the permanent settlement, the Government of Bengal is able otherwise to utilise the time and services of its officers, which it would have been bound to employ for the purposes of land revenue settlement and administration. The complexity of the administration of Bengal and its difficulties compare very favourably with those of the other provinces, and are almost negligible when compared with those of the Government of India and we respectfully submit that it has not been shown that relief cannot be given in the manner we have ventured to suggest."

"Mr. Risley's letters do not contain or foreshadow the scheme for placing the Eastern Districts and Assam under a Lieutenant-Governor, and we do not intend to deal with it at this stage. The Government and people are greatly concerned in the question of an economical administration of this country, and we apprehend that a new administration would impose a very heavy financial burden, which we are ill able to bear. Besides, any scheme which may result in dividing the Bengal people is unacceptable to us. May we not reasonably ask that the people speaking the same language and having the same traditions and sympathies should continue under the same administration? Divergent influences will be at work if we be placed under two Governments, and create differences."

"Assam is not now able to maintain "a self-contained and independent service" and it is very doubtful whether, with the districts

proposed to be added to it, it would be in a better position. If it is not intended to interfere with the jurisdiction of the High Court, the judicial officers of the enlarged province would be placed under a dual control, which is admitted to be a disadvantage. The disadvantages of having two different languages in two different circles of a small province would necessitate keeping two different sets of officers each in a small circle of its own, one of the very things which, it is said, needs remedy.

"The argument that the Brahmaputra river furnishes a geographical boundary does not commend itself to us, as it is a shifting boundary, marked on sand, and cannot be adopted for defining administrative limits."

"One of the avowed objects of British rule in India is to create amongst us a national feeling, and to make us fit for representative government, so as to relieve the burden on its shoulders. To divide one race into two and place it under different administrations is just the thing which would make that object difficult to accomplish. It is well-known that the cry of "Behar for the Beharis" has somewhat strained the feelings between Bengal and Behar, and in Assam there is the cry of "Assam for the Assamese." We must not be understood to say, or suggest, that Bengal is entitled to preference or that it is in any way unjust that Behar should first of all consider the claims of the Beharis and Assam of the Assamese. On the other hand, we freely admit that each province should prefer its own people. It is for this reason amongst others that we ask that Bengal should not be divided. Mutual jealousies should not be created by dividing the people, rather they should be encouraged to preserve the same racial feeling, to cherish the same ideals and be guided by the same aspirations. The history of Bengal is the history of one people, and is it too much to ask our governors to sympathise with us in our desire to preserve our historical unity, even as a subject race? If in the excitement of the moment some of us may have been so bold as to speak of a Bengali nation and protest against its division, it should be possible to sympathise with the sentiment. However lightly such phrases may be treated, the fact remains that the contemplated division of this people has given rise to much anxiety and is viewed with great alarm.

"The districts proposed to be severed, we believe, will suffer in every way. It is unnecessary to deal at length with the educational, social and commercial disadvantages likely to result from the proposed partition of Bengal. It would be a long time before those districts could possibly get the same educational advantages as they now enjoy. The Government has found it difficult to maintain the

advantages formerly enjoyed by such colleges as Dacca, Krishnaghat and Hooghly or keep up their position and prestige, and it is unlikely that the finances of the enlarged province, be it called Assam or by any other name, would enable it to support an efficient educational service and medical and engineering institutions. It is possible now for a large number of students from the Eastern Districts to avail themselves of the educational institutions of the metropolis, because their parents or relatives find work or employment in Western Bengal, but with a divided country, the area of such work or employment would be gradually decreased.

"Social disadvantages are difficult for the Government to understand and easy to overlook. Persons reputed to be familiar with those matters and who may enjoy the confidence of the Government may be found to state that such disadvantages are not likely to arise, but we venture to submit that public opinion on such matters ought to be accepted in preference."

". . . . Public bodies have no right to exist if they cannot help to elicit and express public opinion, and they would be wanting in their duty to the people and Government if they did not take steps for that purpose. Our Association has been in close touch and is intimately associated with the districts concerned, and we are in a position authoritatively to place before His Honour their opinion, that Bengal should not be divided, as proposed. We feel it our duty also to state that with the exception of perhaps of an interested few there is no divergence of opinion between Hindus and Mahomedans on this question, and we may be permitted humbly to point out that there may be personal interests at stake if individuals are found to support the proposal which has been so widely condemned."

APPENDIX F

The East Bengal Memorial to the Secretary of State

The following memorial over the signature of about 70,000 people of East Bengal was sent to the Secretary of State for India in Council in July, 1905.—

“To The Right Hon’ble William St. John Freemantle Brodrick, P C., M P., His Majesty’s Secretary of State for India in Council.

“The humble memorial of the people of East Bengal in the Province of Bengal, East Indies

“Most Respectfully Sheweth :—

“That your humble memorialists, who represent the landed and other interests in the Districts of Dacca, Mymensing, Backergunj and Faridpore, commonly known as East Bengal, beg leave to approach you with the following representation on the question of the proposed Partition of Bengal which is now, as they understand, under the consideration of Your Right Honourable Self in Council and which has been agitating the public mind in this country since December, 1903.

“That the question of the Partition of Bengal, as originally formulated in Mr. Risley’s letter of December, 1903, has been discussed almost threadbare both in the Press as well as by the public in this country, and your memorialists do not desire to trespass upon your time and attention by recapitulating the various important points raised in that discussion. Suffice it to mention that so intense and so universal was the feeling roused by this revolutionary proposal that no less than five hundred protest meetings were held in East Bengal alone within a period of two months from the publication of that memorable document. No other proposal has since been officially put forward ; but it will be remembered that, when in March following the Viceroy personally went to Dacca and Mymensing, an alternative scheme was vaguely suggested by His Excellency for forming a separate Lieutenant-Governorship with the whole of East Bengal and Assam amalgamated into an independent Province. To this the public opposition was also none the less pronounced. In fact, the Viceroy’s utterances at those places, instead of allaying served only to heighten and intensify the anxiety and alarm which Mr. Risley’s proposals had caused ; and the hurricane of opposition, which had been so long confined to East Bengal, at last found its centre in the metropolis of the Empire. On the 18th March, 1904, a monster public

meeting was convened by the Sheriff of Calcutta where East and West Bengal joined hands and sent their united protest to the Government of India. A copy of the memorial, adopted at the meeting, is annexed to the present memorial for convenient reference. No public announcement of any sort or kind was made in reply to that memorial; but the people rightly or wrongly indulged in the belief that the Government, ever so generously wedded to a policy of conciliation, had, out of consideration for such a phenomenal outburst of public opinion, either abandoned the proposal altogether, or that, if it at all entertained any serious intention of formulating any fresh scheme, it had decided that it could not consistently with its past traditions undertake such a measure without giving to those who would be affected by it an opportunity to express their views on the subject.

“ That in the month of November 1904, the public were, however, no less alarmed than surprised by an announcement in the columns of the *Pioneer*, a semi-official Anglo-Indian journal, to the effect that not only was the Partition question not dropped but that it was practically settled to divide Bengal by cutting off not simply the whole of the East Bengal but also North Bengal, including the Districts of Rajshahi, Rungpore, Dinajpore, Jalpaiguri, Malda, Bogra and Pabna and forming this vast area into a separate Lieutenant-Governorship. Beyond this announcement, in general terms, no definite plan or idea of this scheme was furnished; and your memorialists regret to be obliged to add that the public in this country have been kept completely in the dark by Government as to its final intentions and recommendations in this connection, ever since the first agitation that followed upon the publication of Mr. Riskey's letter. Questions were repeatedly asked, both in the Local as well as in the Supreme Council, with a view to obtain precise information on the subject, but the only answers vouchsafed by either of the two Governments were contained in certain evasive, enigmatical replies which not only declined to furnish any information but served rather to mystify the situation and aggravate the alarm and anxiety from which the people have been so long suffering.

“ That in this state of doubt and uncertainty the question was submitted to the judgment of the entire country at the last Session of the Indian National Congress which was held in Bombay in December, 1905. The Congress unanimously adopted a resolution opposing the scheme of partition and charged its President to personally present the said resolution, together with the other resolutions passed, to the Viceroy but to the disappointment of the public His Excellency declined to accept them.

" That thereupon the people of East and West Bengal again met at the Calcutta Town Hall at a large gathering of influential representative men from different parts of the Province under the presidency of Sir Henry Cotton. This meeting which was held in January, 1905, besides repeating the protest, made at all previous meetings held on the subject, earnestly prayed that if any fresh scheme had been devised, the Government would be pleased to lay it before the public, before submitting it to His Majesty's Secretary of State for sanction. Your memorialists regret that even this legitimate prayer of the people had remained altogether unheeded.

" That your memorialists have now been startled by a further report that the matter has already been submitted to Your Right Honourable Self for final decision. If the report has any foundation in truth, it is to be deeply deplored that His Excellency the Viceroy should have considered it at all advisable to do so while keeping the public concerned in utter ignorance of the nature and scope of his fresh proposals and without allowing those proposals to be considered on their merits either by the public or the Press in this country. It must be admitted that the various defects in the original scheme as proposed in Mr. Risley's letter had been, successfully pointed out ; and it is reasonable to assume that if similar opportunities were given to the public they might have pointed out similar defects in the much wider scheme which is now said to be under the consideration of Your Right Honourable Self in Council.

" That your memorialists beg to submit that the question is neither one of mere redistribution of territory nor of administrative convenience. It involves much graver issues, viz., the social, political and intellectual advancement as well as the material prosperity of a growing community. The Bengalees are a compact people, speaking a common language, observing the same manners and customs, inspired by a common sentiment and possessing and cherishing the same institutions. Intermarriage and intercommunication have fused them into a homogeneous community, while their closer touch with the metropolis of the Empire with its powerful Press and its strong, healthy public opinion has always kept them on a level much above the backward races in the Empire. Their laws are too technical, their Government too impersonal and their institutions far too advanced to admit of their incorporation with less advanced communities. Your memorialists submit that the division of such a people into separate units and the disruption of their historical, social and linguistic ties would not only seriously interfere with their future intellectual and material development but also vitally affect the political rights and privileges which they

have acquired during a period of over one hundred years and which, until now, it has always been the traditional policy of the British Government in India to foster and to stimulate.

"That the wider scheme of Partition, involving the establishment of a separate Lieutenant-Governorship, does not commend itself to public opinion, as it is not free from some of the strongest objections raised against the original proposal, and is, moreover, beset with grave financial difficulties which have never been publicly considered by the Government of India. The cost of such a project, initial and permanent, would seriously add to the heavy burdens of an already overburdened population and in every direction hamper the progress of a growing community.

"That if the administration of Bengal has really proved too heavy, various remedies have been suggested, such as the conversion of the Lieutenant-Governorship into a Governorship with an Executive Council like that of Bombay and Madras or the separation of Orissa and Chota Nagpore and their amalgamation with the Central Provinces or their formation into a separate Chief Commissionership. Any of these suggestions, if admitted, would not only leave Bengal proper intact but might also prove acceptable to people who have little or nothing in common with the Bengalees in language, literature, manners and customs. It is very much to be regretted that while the Government of India seem deeply impressed with the idea of securing the integrity of the Oorya-speaking people who have demanded their recognition as a separate unit in the administration, it fails to recognize the evils of dismembering the more important Bengalee people.

"That your memorialists' further beg to point out that North and East Bengal comprise an area of nearly 44,000 square miles. If this extensive territory, which is one of the finest and most important in the whole Province, be cut off from Bengal, the Government of Bengal, which contains the metropolis and is the most important satrapy in the Empire, will be reduced to a minor Administration and much of its importance and a considerable portion of its revenue will be lost. On the other hand, Orissa and Chota Nagpore might well be transferred to a separate Administration with considerable advantage to themselves and without much loss to the Bengal Administration.

"In conclusion, your memorialists beg to submit that a violent, retrograde proposal, which has been so strenuously and universally opposed by the people and which from its inception has been so unanimously condemned not only by the Indian but also by the Anglo-Indian Press, ought not to be forced upon an unwilling

people, cherishing such strong sentiment upon the subject ; and they accordingly pray that Your Right Honourable Self will be pleased either to veto any proposal that may have been submitted to you for the separation of the Dacca Division or any portion of North Bengal from the Provincial Government in Calcutta ; or, should you be not so advised, to order the publication of all the papers relating to the scheme which is now under the consideration of Government, with a view to enable the public to offer their opinions on such fresh scheme before it is finally disposed of.

And your memorialists, as in duty bound, shall ever pray."

APPENDIX G

Public Resolutions on the Partition of Bengal

Resolutions adopted at a Public Meeting held in the Calcutta Town Hall on the 18th March, 1904.

At a meeting convened by the Sheriff of Calcutta and presided over by Rajah Pearymohan Mukerji, C.S.I., the following Resolutions were unanimously adopted :

"I. That this Meeting desires to record its respectful but firm protest against the proposals of Government for the partition of Bengal, on the following, among other, grounds :—

- (a) That these proposals are viewed with grave and widespread alarm by the people of this province and have given rise to an agitation unparalleled in its history. An opposition, so strong and so universal, should not be ignored.
- (b) That the division of the Bengalee nation into separate units and the disruption of its historical, social and linguistic ties would seriously interfere with the intellectual, social and material progress of the people, which it has always been a part of the traditional policy of the British Government in India to foster and to stimulate.
- (c) That the Districts proposed to be separated from Bengal Proper would lose several constitutional, educational and other privileges which they have so long enjoyed."

"II. That this Meeting is of opinion that the wider scheme of partition, referred to by His Excellency the Viceroy, does not commend itself to public opinion and is viewed by the people of this Province with great concern and anxiety for the reason, among others, that its cost, initial and permanent, would seriously add to the heavy burdens already imposed on the people. Instead of allaying the anxiety and alarm which Mr. Risley's proposals has caused, it has intensified them."

"III. That this Meeting is of opinion that no case has been made out for the proposed measure, but that if in the opinion of the Government of India the relief of the Bengal Government is necessary, the remedy lies not in a re-distribution of territorial jurisdiction but in organic changes in the form of Government, such as the conversion of the Lieutenant-Governorship of Bengal into a Governorship with an Executive Council like that of Bombay and Madras, and this

Meeting prays that the Government may be pleased to withdraw the proposed measure or adopt the remedy above suggested."

"IV. That a copy of the foregoing Resolutions under the signature of the Chairman of this Meeting be submitted to the Government of India."

Resolution adopted at a Conference on the Partition of Bengal held in the Calcutta Town Hall under the presidency of Sir Henry Cotton, K.C.S.I., on the 11th January, 1905.

"That this Conference has learnt with a sense of relief that no decision has yet been arrived at by the Government on the question of the proposed partition of Bengal, and the Conference prays that if the scheme of Partition has undergone any modification or expansion as stated in some of the leading Anglo-Indian newspapers, the revised scheme be laid before the public for discussion before the Government of India arrives at a final decision on the subject.

"That a copy of the above Resolution be submitted to Government under the signature of the Chairman of this Conference."

Resolutions adopted at a Public Meeting held in the Calcutta Town Hall on the 7th August 1905, under the presidency of the Maharajah of Cossimbazar.

I

"That this Meeting emphatically protests against the Resolution of Government on the partition of Bengal. It is unnecessary, arbitrary and unjust, and, being in deliberate disregard of the opinion of the entire Bengalee nation, has aroused a feeling of distrust against the present Administration, which cannot conduce to the good government of the country. The Partition of Bengal will, by dividing the Bengali-speaking race, seriously interfere with the social, intellectual, moral and industrial advancement of the vast population concerned, while it will entail heavy expense, initial and permanent, that must add to the burdens of an overtaxed people and indefinitely postpone all prospects of financial relief which the country so urgently needs. The Meeting accordingly requests that the Secretary of State in Council will be pleased to re-consider and withdraw the orders that have been passed, or if partition be unavoidable (which this Meeting does in no way admit) modify the orders, so that the Bengali-speaking race may form part and parcel of the same Administration, by incorporating the Presidency and the Burdwan Divisions into the newly-formed Province."

II

"That this Meeting emphatically protests against the procedure adopted by the authorities in dealing with the partition question. The larger scheme of partition which has now been sanctioned was never placed before the people concerned and never formed the subject of public discussion ; and while the scheme was being discussed by the officials in their private conferences, the millions of people most vitally interested in the issues were kept ignorant of it, and every attempt to obtain information by such legitimate channels as interpellations in Council, enquiries in the Press, etc., was evaded. Such a procedure is entirely opposed to the past traditions of British Rule in this country and has caused wide-spread alarm and anxiety."

III

"That this Meeting fully sympathizes with the Resolution, adopted at many meetings held in the mofussil, to abstain from the purchase of British manufactures (so long as the Partition Resolution is not withdrawn) as a protest against the indifference of the British public in regard to Indian affairs and the consequent disregard of Indian public opinion by the present Government."

IV

The IVth Resolution appointed a Standing Committee to carry on the agitation against the Partition of Bengal.

V

"That copies of the Ist and the IInd Resolution be submitted to the Secretary of State for India in Council through the regular official channel."

The following Resolution was adopted at the XXth Session of the Indian National Congress held in Bombay in the last week of December, 1904 :—

"That this Congress records its emphatic protest against the proposals of the Government of India for the Partition of Bengal in any manner whatsoever. That the proposals are viewed with great alarm by the people, as the division of the Bengalee nation into separate units will seriously interfere with its social, intellectual and material progress, involving the loss of various constitutional and other rights and privileges which the province has so long enjoyed and will burden the country with heavy expenditure which the Indian tax-payers cannot at all afford.

"That this Congress is of opinion that no case has been made out for the Partition of Bengal, but if the present constitution of the Bengal Government is considered inadequate for the efficient

administration of the Province, the remedy lies not in any redistribution of its territories but in organic changes in the form of the Government such as the conversion of the Lieutenant-Governorship into a Governorship with an Executive Council like that of Bombay and Madras."

APPENDIX H

The History of the Inception and Development of the Scheme as gathered from replies to Interpellations in the Supreme Council.

In reply to a question on the 6th February, 1896, the late Sir John Woodburn, the then Home Member of the India Government, made the following statement :—

“The Government of India decided in 1892 that the Chittagong District should be transferred to Assam as soon as settlement operations were concluded in it. It was at the same time decided that the expediency of transferring the whole of the Chittagong Division should be considered by the Lieutenant-Governor of Bengal and the Chief Commissioner of Assam. That question is now under the consideration of those authorities and will be eventually submitted for the discussion of the Government of India.”

In answer to a further question on the 26th of February, 1896, the same Hon'ble Home Member replied as follows :—

“The main grounds which led the Government of India to decide that the question of the transfer of the Chittagong Division to Assam should be considered by the Lieutenant-Governor of Bengal and the Chief Commissioner of Assam were the following :—

“The Government of India considered it desirable, if possible, to relieve the Lieutenant-Governor of Bengal of some portion of a charge which, owing to the development of the country and the growth of the population, threatens to become too large to be administered by one Government. Assam, on the other hand, is the smallest Province in British India for which there is a separate administration, and the addition to it of the Chittagong Division would not have the effect of throwing too great a burden on the Chief Commissioner. The interests of that Province will be materially benefited by its being brought into direct communication with the sea, while those of the port of Chittagong are likely to receive more attention when it is annexed to Assam than can be given to it as one of several ports connecting the Province of Bengal with the sea. It is desirable that the whole of the territory through which the Assam-Bengal Railway will run should be brought under one administration.”

In answer to another question on the 26th of February, 1896, the late Sir John Woodburn made the following important declaration in the Supreme Council :—

"The Government of India have made no proposal that Dacca and Mymensing should be transferred to Assam, nor is such a proposal at present under their consideration."

On the 22nd January, 1904, in reply to a question by Dr. Asutosh Mukerji, the Hon'ble Sir Denzil Ibbetson said :—

"The attention of the Government of India was directed in 1892 to territorial re-adjustments on the eastern frontier of Bengal in connection with the administration of the Lushai Hills. The first proposal was to transfer the Chittagong District to Assam as soon as the revision of settlement, then in progress, was finished, and the Assam-Bengal Railway was nearing completion. The transfer of the whole Chittagong Division was also considered, and during the discussion which ensued, it was proposed to transfer the Districts of Dacca and Mymensingh as well."

On the same date, Dr. Asutosh Mukerji put the following question to the Home Member, Government of India .

"Has the attention of the Government been drawn to a paragraph in the "Amrita Bazar Patrika" of the 14th January, 1904, in which it is stated that an alternative scheme relating to the transfer of some Bengal districts to Assam has been under the consideration of the Government according to which, not only the Districts of Dacca and Mymensingh and the Chittagong Division are to be transferred to the Assam Administration, but also the Districts of Barisal, Faridpore, Jessore and Khoolna and the Rajshahi Division, excluding Darjiling, Jalpaiguri and Cooch Behar? If no such scheme is before the Government, will the Government be pleased to contradict the statement referred to? If any alternative scheme is under consideration of the Government, will the Government be pleased to publish the details of such scheme and the reasons therefor?"

The reply of the Government was : The attention of the Government has been drawn to the article referred to but the proposal therein has not been before them.

To questions put at subsequent meetings of the Supreme Council by the Hon'ble Mr. Sriram, the Hon'ble Mr. G. K. Gokhale and the Maharajah of Darbhanga, no satisfactory reply was given or any information on the development of the scheme was supplied.

APPENDIX I

Information withheld from the Public and Questions Disallowed in the Bengal Council.

The Hon. Mr. Ambica Charan Mozumdar asked the Bengal Government on the 8th August, 1904.

Is it true as stated in the *Pioneer* that the Government of Bengal has submitted to the Government of India its report on the question of the proposed Partition of Bengal? And if so, will the Government be pleased to lay the report on the table? Or if the Government be pleased to state the substance of this report?

The reply to the above interpellation as given in the Council held on the 17th December, 1904 was to the following effect:—

The Hon'ble Mr. Carlyle said —“The Lieutenant-Governor has submitted to the Government of India his reply to that Government's letter which was published in December last on the subject of the desirability of reducing the territorial jurisdiction of the Lieutenant-Governor of Bengal. It would be contrary to rule to make public a report which is under the consideration of the Government of India. The Lieutenant-Governor cannot therefore at present either lay the report on the table or state the substance thereof.”

Again on the 13th November, 1904, the same Hon. Member gave notice of the following question:—

Has the attention of Government been drawn to the statements made in the *Pioneer*, the *Englishman* and the *Bengalee* newspapers that it is practically settled to divide Bengal and that a new scheme has been devised to effect this partition? Are these statements correct? And if so, will the Government, in view of the panic which they have created, be pleased to make an announcement for the information of the public explaining the nature and the scope of this new scheme?*

In reply the Hon'ble Mr. Carlyle said:—

“The matter of the proposed Partition of Bengal is before the Government of India, and the Lieutenant-Governor is not in a position to make any statement regarding it.”

The above question was followed up with the following letter:—

TO THE PRIVATE SECRETARY TO HIS HONOUR THE LIEUTENANT-GOVERNOR OF BENGAL.

Sir,

As a member of the Bengal Legislative Council I take the liberty to address this letter which I beg you will be so good as to place

'At the meeting of the Bengal Council held on the 19th August, 1905, the following questions were put :—

The Hon. Babu Ambika Charan Mazumdar asked the following question : Speaking at Malda on the 8th instant and referring to the question of the Partition of Bengal, His Honor the Lieutenant-Governor is reported to have said : "I have received letters and communications from both Mahomedans and Hindus saying that they strongly feel that the scheme has been devised for the good of the districts concerned." Is the report correct ? And, if so, will the Government be pleased to publish the names of the gentlemen who have said so, so that the public may judge for themselves how far these persons were qualified to express such an opinion and the Government justified in accepting the same in the face of a practically unanimous opposition of the people concerned ?

The Hon. Mr. Carlyle replied as follows : The report is correct. The Lieutenant-Governor will not publish the names of the gentlemen referred to.

The Hon. Babu Ambika Charan Mazumdar asked the following questions : (a) Now that the Resolution for the Partition of Bengal has been issued, will the Government be pleased to publish the papers containing the proposals of the Government of India, and the despatch of the Secretary of State sanctioning such proposals ? (b) Will the Government be further pleased to state whether this partition will be effected by a proclamation or a legislative enactment and

before His Honour the Lieutenant-Governor at your earliest convenience.

The question of the Partition of Bengal as originally proposed in Mr. Risley's letter of December, 1903 may be said to have been discussed almost threadbare by the public and the press, and it is not my intention to trespass upon His Honour's time and attention by adverting to any of the points raised in that discussion. His Honour is well aware of the unprecedented excitement and intense opposition which were evoked by the proposal contained in that memorable document, and although no other proposal was ever officially put forward, it will probably be conceded that public opposition to what was at a later stage vaguely and with doubtful authority suggested in certain quarters as an alternative scheme was none the less pronounced. Ever since that agitation, rightly or wrongly, the people have indulged in the belief that the Government, ever so generously wedded to a policy of conciliation, has, out of consideration for public feeling and opinion, either abandoned the proposal altogether, or if it at all entertains any serious intention of formulating any other scheme, it could not, consistently with its past traditions, possibly undertake any fresh measure without first circulating it and giving to those who would be directly affected by it sufficient opportunity to express their views and opinion on the subject. His Honour may therefore very well imagine with what feeling of surprise and alarm the people have received the

can the Government form any idea as to the probable time when the partition is likely to be effected ?

The Hon. Mr. Carlyle replied as follows : (a) This Government has not been empowered to publish any papers regarding the partition. (b) The partition is to be effected by the Government of India, who will also decide as to the means of effecting it. This Government has not yet been informed of the date fixed for giving effect to the partition.

The Hon. Mr. J. Chaudhuri asked the following questions : (a) It is stated in the Resolution of the Government of India relating to the Partition of Bengal that "a scheme was submitted by the Government of Bengal, for amalgamation with Assam of the Chittagong and Dacca Divisions and the districts of Pabna, Bogra, and Rangpur." Will this Government be pleased to state whether it consulted any men of property or education in the said districts of Pabna, Bogra and Rangpur or any public bodies in Bengal, or even His Majesty's Judges of the Calcutta High Court, before submitting the scheme referred to to the Government of Bengal ? (b) Will the Government be pleased to state the date when this scheme was submitted to the Government of India, and its reasons for not making it public or inviting public opinion thereon when it is the practice with the Government to do so in respect of much less important measures ?

The Hon. Mr. Carlyle replied as follows : The Resolution re-

reports which have recently been going round the columns of the papers that it has been practically settled to divide Bengal and that a new scheme has been devised to effect the proposed partition. Beyond suggesting that this new scheme embrace the whole of the Eastern and the Northern Divisions, these reports do not furnish any information concerning either the nature or the details of such an arrangement. The public of course have no means of judging how far these reports are based upon facts ; but their persistent repetition in the columns of such papers as the *Pioneer*, the *Englishman* and the *Bengalee* certainly wears a serious aspect. His Honour's attention must have been drawn to these reports and in this state of uncertainty and panic which they have created in the minds of the public, I feel it my duty as a humble representative of the people to approach His Honour with this letter and appeal to him to allay this public alarm by issuing an official communique on the subject. For, on the one hand, if the reports are unfounded it would be most undesirable to allow the people in their ignorance to plunge themselves into another agitation over this serious question while if, on the other hand, they have any foundation in truth it would be equally unfair to keep them any longer in the dark. This new scheme as indicated in the papers was never formally and authoritatively put before the public and I venture to think that His Honour will not be unwilling to admit the legitimate claim of

ferred to by the Hon. Member sets forth the facts clearly enough. The original scheme, devised to meet the administrative necessities of the case, and contained in Mr. Risley's letter No. 3678, dated 3rd December, 1903, was published and widely circulated. It was discussed by public bodies, in public meetings, in conferences called by the Lieutenant-Governor for the purpose, and in official communications from officers who had done their best to ascertain public opinion. Objections of a serious nature were taken to the scheme. These were set forth in Mr. Macpherson's letter No. 2556J., dated

the people to be at least heard in a matter in which they are so vitally interested and upon which they evidently feel so acutely. As a Governor of the province His Honour's anxiety for a careful solution of the question, upon which the success of his own administration no less than the progress and prosperity of the people committed to his charge so largely depends, cannot of course be doubted for a moment. The people of every integral part of Bengal has therefore an equal claim to His Honour's sympathies and consideration and it is to him that they are bound to look up at times of doubt and difficulty. As a member of His Honour's Council I have no doubt given notice of certain questions on the subject; but as matters stand, it must be some time before the Council can meet and the questions can be answered. Besides, a formal pronouncement by Government is likely to furnish fuller details and clearer expositions either one way or the other than can be elicited by any interpellation in Council. With apology for the length of this letter which I have tried to make as concise as it was possible for me to do.

I have the honour to be

Sir,

Your most obedient servant,

(Sd.) AMBICA CHARAN MAZUMDAR

From

R. W. CARLYLE,

Offg. Chief Secretary to the Government of Bengal.

To

THE HON'BLE BABU AMBICA CHARAN MAJUMDAR, M.A., B.L.,

Member, Bengal Legislative Council.

Sir,

With reference to your letter, dated the 16th November, 1904, to the address of the Private Secretary to His Honour the Lieutenant-Governor, suggesting the issue of an official communique on the subject of the proposed Partition of Bengal, I am directed to say that the Lieutenant-Governor regrets that he is not in a position to make any statement as the Government of India are now considering the whole matter.

I have the honour to be

Sir,

Your most obedient servant,

(Sd.) R. W. CARLYLE

Offg. Chief Secretary to the Government of Bengal.

6th April, 1904, which contained the larger scheme referred to in the quotation made by the Hon. Member from the Government of India's Resolution. This larger scheme was based entirely on the reasonable objections which has been taken to the original scheme and secured to the transferred districts the privileges which they valued and might otherwise have lost.

The Hon. Mr. Chaudhuri asked the following questions : (a) It is also stated in the same Resolution that "it was proposed to increase the transferred area by the districts of Rajshahi, Dinajpur, Jalpaiguri, Malda, and that the enlarged scheme was cordially accepted by the Government of Bengal." (b) Will the Government be pleased to state whether, before expressing its approval of the Government of India's enlarged scheme, they consulted : (i) the District Magistrates and Collectors of the districts referred to ? (ii) The Divisional Commissioners of the divisions concerned ? (iii) His Majesty's Judges of the Hon. High Court at Calcutta exercising Civil and Criminal jurisdiction over the areas mentioned ? (iv) Any man of property or education of the districts ? (v) Any public bodies in Bengal ? (c) Will the Government also be pleased to state who are the Members of the Board of Revenue and the senior officers referred to in the Resolution who were consulted and concurred, and whether they or any of them were at any time the District Magistrate and Collector or Divisional Commissioner of the additional areas comprised in the enlarged scheme ? (d) Will the Government be pleased to state when the enlarged scheme was received by the Government of Bengal and when it signified its approval of the scheme and what were its reasons for not making the enlarged scheme and its recommendations in this connection public ?

The Hon. Mr. Carlyle replied as follows : The Resolution of the Government of India in paragraphs 5 and 6 states clearly what was done in regard to this matter ; and this Government cannot at present give any more detailed information.

The following questions, of which due notice was given by the Hon. Babu Nalin Bihari Sircar, were disallowed by the Lieutenant-Governor :—

In the Resolution of the Government of India, No. 2491, dated Simla, the 19th July, 1905, paragraph 1, it is stated—"Their attention had been called to the matter by constantly accumulating evidence of the excessive and intolerable burden imposed upon the Bengal Government by a charge too great for any one administration and of the consequent deterioration in the standard of government, notably in portions of Eastern Bengal."

1. Will the Government be pleased to state some of the specific

items of "constantly accumulating evidence of the excessive and intolerable burden imposed upon the Bengal Government?"

2. (a) When did such evidences begin to accumulate (b) and under what circumstances?

3. (a) When was it discovered that the administrative charge put upon the Bengal Government was too great for them?

(b) And under what Lieutenant-Governorship?

(c) Did the Lieutenant-Governor of the time make any complaint or representation to the Government of India to that effect?

(d) If so, when?

4. (a) When did the "deterioration in the standard of government notably in portions of Eastern Bengal" first take place?

(b) In what respects?

(c) How and when was such deterioration discovered and by whom?

The following questions put by the Hon'ble Babu Bhupendra Nath Basu were disallowed by the Government:—

1. Will the Government be pleased to state whether any scheme of the partition of Bengal under which the whole of Dacca and Chittagong Divisions were to be included in the new province was formally placed by Government before the public? If so, when and how?

2. Will the Government be pleased to state whether any such scheme under which the Dacca, Chittagong and Rajshahi Divisions, together with Malda, were to be included in the new province was ever laid before the public either formally or informally or published for information?

3. Was any opinion invited by Government from representative men and public bodies with reference to the scheme mentioned in item 2?

4. If any such opinion was invited, will the Government be pleased to state from whom and lay on the table the opinions obtained?

5. Is it not a fact that, notwithstanding enquiries in the Public Press and in the Supreme and Local Councils, no information was vouchsafed to the public as to the progress of the partition scheme after the visit of His Excellency the Viceroy to the eastern districts in the beginning of 1904?

6. Will the Government be pleased to state if the present scheme of partition has received the approval of the officials of the Rajshahi Division or of the representative men and leading Associations of that Division?

7. Is it a fact that on the publication of the present scheme, all

the leading noblemen of the Rajshahi Division, *vis.*, the Maharajás of Nattore and Dinajpur, Rajas of Dighapatia, Kakina, and others, wired to the Secretary of State for India in Council that the people of the Rajshahi Division were taken unawares and protesting against the severance of this Division from the Bengal Administration?

8. Is it not a fact that the population of North Bengal, now proposed to be transferred to the new province, numbers about 10,000,000, that is, more than a fourth of the estimated population of the new province?

9. As regards the Rajshahi Division, which is more easily accessible to the people thereof—Calcutta or Dacca? and of the headquarters of Government,—Darjeeling or Shillong? Will the Government be pleased to state the difference in points of distance, time and expense?

10. As regards Malda, which of the capitals would be more easily accessible, Calcutta and Darjeeling or Dacca and Shillong? Will the Government be pleased to state the difference in points of distance, time and expense?

(a) Does not the last census show that of the population of Bengal 41 millions (in round numbers) speak the Bengali language?

(b) Does not the new scheme of partition make over nearly 25 millions of these people to the new province?

(c) Is it not a fact that in the Burdwan Division, which includes Burdwan, Birbhum, Bankura and Midnapore, a large part of the country is inhabited by the non-Bengali race and by people not speaking the Bengali language?

11. Will the Government be pleased to explain the recent resolution of the Government of India that "by far the largest constituents of each (of the provinces) will be homogeneous in character," having regard to the fact that the old province contains a population of 54 millions, of whom about 16 millions speak the Bengali language, about 3 millions the Uriya language, 21 millions the Hindi language and the rest Santali and other languages? (N. B.—The figures are rough approximation)

12. Will the Government be pleased to state the number of appeals and applications which are annually preferred in the Appellate Side of the High Court of Calcutta, Civil and Criminal? (N. B.—The figures available for the latest official year will suffice for my question.)

13. Will the Government be pleased to state how many of these are from the Rajshahi, Dacca and Chittagong Divisions and the province of Assam and the district of Malda?

14. Will the Government be pleased to state how many, out of

the total number of Judges on the Appellate Side of the High Court are roughly engaged in disposing of the Civil and Criminal business of the above-named Divisions and the Province of Assam and the District of Malda?

15. (a) Did not the Government very recently contemplate the reduction of the Original Side of the High Court by the creation of a City Court with power to dispose of suits, including title suits up to the value of Rs. 5,000?

(b) Has the Government definitely abandoned the idea of creating such a City Court?

16. Is not the object of the partition of Bengal clearly stated to be the creation of two self-contained Provinces?

17. Does the Government think that a self-contained Province with a separate Lieutenant-Governor, a separate Legislature, separate Board of Revenue and a separate Service, and a large and increasing population, can go on without a separate final Court of Appeal?

18. Is there any other Provincial Administration in India with its own Lieutenant-Governor and Legislature which has not also its own final Court of Appeal?

19. Will the Judicial Service of the new Province be under the High Court of Calcutta as the Judicial Service of Bengal now?

20. The observation made by His Excellency the Viceroy in his Mymensing speech that "the jurisdiction of the High Court is quite as likely to be affected by the congestion of its own business as it is by any administrative rearrangement" points to the possibility of the jurisdiction of the High Court being curtailed. Will the Government be pleased to give an assurance that no such curtailment will take place?

21. Was the question of the establishment of a Chief Court in the new province at all discussed by Government in connection with the partition scheme, and if so, will the Government be pleased to state whether it has been definitely resolved by Government to maintain the present jurisdiction of the High Court over the new province?

APPENDIX J

If the Presidency of Fort William in Bengal is further divisible without a Parliamentary Statute?

“The more we give consideration to the provisions in the Parliamentary Statutes relating to the Presidency of Fort William in Bengal the greater is the doubt in our mind as to whether it is competent for the Governor-General of India in Council or the Secretary of State to further subdivide the Presidency and to create a new Lieutenant-Governorship within the Presidency of Fort William in Bengal in the absence of an express Parliamentary Statute passed for the purpose.

“It is provided by 3 and 4 Will. IV., C. 85, Sec. 38, that the Presidency of Fort William in Bengal is to be divided into two Presidencies, *viz.* that of Bengal and Agra. Then Sec. 56 of the same Statute provides that the executive Government of the Presidencies is to be administered by the “Governor in Council of the said Presidencies of Fort William in Bengal, Fort St. George, Bombay and Agra respectively.” The Statute of 5 and 6 Will. IV., C. 52 gave powers to the Court of Directors to suspend the execution of the above provisions so far as they relate to the creation of the Government of Agra and during such suspension gave powers to the Governor-General in Council to appoint a Lieutenant-Governor for the North-Western Provinces. Under Sec. 15 of the Statute of 16 and 17 Vict., C. 95, the suspension was continued and the appointments and arrangements made with regard to the North-Western Provinces were kept in force. It will be noticed that to create a Lieutenant-Governorship out of the Presidency of Fort William in Bengal, special Parliamentary Statutes were required. Sec 16 of the same Statute (16 and 17 Vict., C. 95) provides that a separate Governor *shall be* appointed for the Presidency of Fort William in Bengal as in Madras and Bombay as provided by 3 and 4 Will. IV., C. 85, but pending this it would be *lawful* for the Court of Directors to authorise the Governor-General of India to appoint a Lieutenant-Governor for this Presidency. So we fail to see what authority has either the Governor-General in Council or the Secretary of State, who stands in the place of the Court of Directors and Board of Control, to further subdivide the Presidency of Fort William in Bengal without the authority of Parliament. Sec. 17 of this Statute no doubt says that the Directors may create one Presidency and authorise the Governor-General in Council to appoint a Lieutenant-Governor. But it must be noted that the very same section says that the arrangements “herein before authorised *to be continued for*

the territories now and heretofore under the said Presidency of Fort William." This Statute was passed on the 20th of August, 1853, with the express object of appointing a Lieutenant-Governor for Bengal. A year after, *i.e.*, on the 7th of August, 1854, a further Statute (17 and 18 Vict., C. 77) was passed giving effect to the above Statute, and transferring to the Lieutenant-Governor of Bengal the powers formerly exercised by the Governor-General in Council in respect of the Presidency of Fort William in Bengal, leaving in the latter a residue of powers in respect of territories not so transferred. Sec. 3 of 17 and 18 Vict., C. 77, which gives powers to the Governor-General to make territories under his direct authority and management and provide for their administration must be read subject to the limitation referred to above in respect of the Presidencies of Fort William, Fort St. George and Bombay.

Under the above Statutes, it seems clear that neither the Governor-General in Council nor the Secretary of State in Council can create a new Lieutenant-Governorship or divide the Presidency of Fort William in Bengal without a special Parliamentary Statute either amending or modifying the provisions of 3 and 4 Will. IV, C. 85, Sec. 86, and 16 and 17 Vict., C. 95, Secs. 15, 16 and 17. Then again in Sec. 22 of 24 and 25 Vict., C. 67, it is expressly provided that the Governor-General in Council cannot make any laws or regulations which will in any way affect the provisions of the Government of India Acts of 1833, 1853, 1854, and which, as we have seen, provide for the present administration and future constitution of the presidency of Fort William in Bengal. Surely Sec 46 in the same Statute which confers on the Governor-General in Council the powers to constitute new provinces and appoint Lieutenant-Governors by proclamations in like manner as was done in 1854 appointing the Lieutenants-Governor of Bengal and North-Western Provinces can only refer to such provinces as the Punjab or Burma but cannot authorise the Governor-General even with the previous sanction of the Secretary of State to further sub-divide the Presidency of Fort William in Bengal in the teeth of Sec 56, 3 and 4 Will IV, C 85, and Secs 15, 16, 17 of 16 and 17 Vict., C. 95, and Sec. 22 of 24 and 25 Vict., C. 67. Sec. 47 of 24 and 25 Vict., C. 67, can only refer to the redistribution of territories between the existing Presidencies and Provinces and not to the splitting of those possessed of statutory constitution. So it may be quite worth while to have the validity of the Proclamation of the Governor-General in Council in respect of the further sub-division of the Presidency of Fort William in Bengal tested by a competent Court of Law.—*Calcutta Weekly Notes.*

APPENDIX K.

A Statement of Cost

I

The Bengalee has published the following statement shewing the comparative costs between a Governorship and two Lieutenant-Governorships for the Presidency of Fort William in Bengal.

[*N.B.*—The asterisks * * indicate the items in the present administration of Bengal which may be taken for effecting some reduction of costs by redistribution between the two Lieutenant-Governorships under the proposed partition.]

LIEUTENANT-GOVERNORSHIP (BENGAL)

A. Head Administration

			Salary per annum. Rs.
Lieutenant-Governor	...	...	1,00,000
Private Secretary	...	...	11,880
			1,11,880

II. Secretariat

(a) Political Department

1	Secretary	...	...	...		40,000
1	Under-Secretary	...	...	...		12,000
1	Registrar	...	...	...		6,936
4	Assistants Class I	...	...	...		19,200
2	" " II	...	...	...		7,200
6	" " III	...	...	...		14,400
7	" " IV	...	...	...		12,600
6	" " V	...	...	...		9,000
3	" " VI	...	...	...		3,600
3	" " VII	...	...	...		2,880
7	" " VIII	...	...	...		5,880
27	Clerks or other Assts.	...	...	...		16,200
						1,45,896

(b) Financial Department

1	Secretary	...	...	...		33,000
1	Under-Secretary	...	...	...		12,000
1	Registrar	...	...	...		7,896
1	Assistant Class I	...	...	...		7,200*
1	" Class II	...	...	...		4,800*

2	Assistant Class II	...	...	7,200*
1	" Class III	...	...	3,000*
4	" " "	...	...	9,600*
3	" Class IV	...	...	5,400*
5	" Class V	...	...	7,500*
3	Assistants Class VI	...	...	3,600*
5	" Class VII	...	...	4,800*
5	" Class VIII	...	...	4,200*
6	" Class IX	...	...	4,320*
1	Treasurer	...	...	1,800*
27	Clerks or other Assts.	...	...	16,200*
				1,32,516

(c) 'Revenue Department

1	Secretary	...	...	33,000
1	Under-Secretary	...	...	12,000
1	Registrar	...	...	7,896
2	Assistants Class I	...	...	9,600*
1	" Class II	...	...	3,600*
1	" Class III	...	...	3,000*
3	" " "	...	...	7,200*
4	" Class IV	...	...	7,200*
3	" Class V	...	...	4,500*
2	" Class VI	...	...	2,400*
4	" Class VII	...	...	3,840*
2	" Class VIII	...	...	1,680*
3	" Class IX	...	...	2,160*
1	" " "	...	...	840*
				98,916

III. Translation Department

1	Bengalee Translator	...	...	4,800
1	Urdu and Hindi Translator	...	...	2,400
1	Uria & Hindi do	...	...	2,760
1	Librarian Hindi do	...	...	2,400
				12,360

Grand Total—5,01,568

B. Departmental Administration

I. Board of Revenue

1st Member	...	...	...	48,000
2nd Member	...	...	...	48,000

1	Secretary	...	...	...	24,000
1	Secretary	...	...	...	21,000
19	Assistants	...	...	...	43,800

 1,85,400

II. Police Department

1	Inspector-General	...	...	...	30,000
2	Deputy I. Gs.	...	...	...	36,000*
2	Asst. I. Gs.	...	...	...	16,800*
1	Registrar	...	...	...	4,800*
10	Assistants	...	...	...	16,800*

 1,04,400

III. Excise Department

1	Commissioner	...	...	...	30,000
1	Personal Assistant	...	...	...	4,800
1	Assistant Commissioner	...	...	...	7,500
2	Inspectors	...	...	...	8,400
20	Assistants	...	...	...	19,140

 69,840

IV. Postal Department

1	Post Master-General	...	...	...	21,000
	1st Personal Assistant	...	...	...	6,000*
	2nd " "	...	...	...	6,000*
	3rd " "	...	...	...	3,000*

 37,200

V. Account Department

1	Accountant-General	...	...	...	27,000
1	Deputy Accountant-General	...	...	...	9,600
1	Examiner of Local Accountants	...	...	...	14,400
1	Assistant Accountant-General	...	...	...	7,200*
1	" " "	...	...	...	6,720*
1	Chief Superintendent	...	...	...	7,200
1	Superintendent Local Audit	...	...	...	5,760
1	Superintendent Class I	...	...	...	4,920*
3	" " II	...	...	...	11,700*
6	" " III	...	...	...	17,160*
12	Clerks ...	...	...	...	75,420*

 1,92,480

VI. Registration

1	Inspector-General	...	...	15,000
	1st Inspector	...	...	6,000*
	2nd Inspector	...	...	4,800*
	3rd Inspector	...	...	3,600
1	Personal Assistant	..	...	3,600
4	Clerks	...	...	4,020*
				<hr/>
				37,020

VII. Medical Department

1	Inspector-General	...	...	27,000
1	Personal-Assistant	...	...	6,000
1	Head Assistant	...	...	3,000
34	Assistants	...	...	29,100*
				<hr/>
				65,100

VIII. P. W. Department

1	Chief Engineer	...	...	30,000
1	Under Secretary	...	...	10,200
1	Secretary (Roads, etc.)	...	...	30,000
1	Under-Secretary	...	...	12,600
1	Registrar	...	...	7,896
2	Assistant Class I	...	...	9,600*
2	" " II	...	...	7,900*
5	" " III	...	...	12,000*
4	" " IV	...	...	7,200*
5	" " V	...	...	7,500
1	Stationery Keeper	...	...	1,800
1	Draftsman	...	...	2,100
				<hr/>
				1,38,096

IX. Printing

1	Superintendent	...	...	12,000
1	Deputy Superintendent	...	...	3,000
2	Overseers	...	...	3,000*
5	Readers	...	...	7,800*
1	Deputy Superintendent (Jail Press)	...	...	6,000
1	Mechanical Engineer	...	...	2,400
1	Overseer	...	...	1,800
				<hr/>
				36,000

X. Land Record and Agriculture

1	Director	...	...	30,000
1	Personal Assistant	...	...	3,000
1	Assistant Director	...	...	7,200
2	Travelling Overseers	}	Figures not available	
6	Clerks			
				40,200

XI. Sanitation

1	Sanitary Commissioner	...	...	32,400
1	Secretary	...	...	16,800
1	Sanitary Engineer	...	...	15,000
1	Statistical Officer	...	...	18,000
1	Superintendent	...	...	6,000
11	Assistants (Medical branch)	...	...	13,200
4	„ (Sanitary branch)	...	...	6,000
13	„ (Statistical branch)	...	...	18,600
				1,11,000

XII. Stamps and Stationery

1	Superintendent	...	...	13,200
1	Assistant Superintendent	...	...	6,600
1	Store-keeper	...	...	7,200
5	Deputy Store-keepers	...	...	8,220

35,220

Total of (B) Department administration ... 10,51,956

Add (A) Head administration ... 5,01,568

Grand Total of (A) and (B) 15,53,524

Deduct half the amount marked with asterisks in (A) and (B) as representing the possible reduction between the 2 Lieutenant-Governorships after partition 3,40,260

Balance 12,13,264

Therefore in (A) and (B) the cost of each Lieutenant-Governorship would be ... 12,13,264

2 Lieutenant-Governorships ... 24,26,528

Governorship (as in Bombay)

1	Governor	...	...	1,20,000
1	Private Secretary	...	...	18,000
2	Members of Council	...	...	1,28,000
				<u>2,66,000</u>

II. Secretariat**(a) Political Department**

1	Secretary	...	...	43,200
1	Under-Secretary	...	...	14,400
1	Political Secretary	...	...	8,400
1	Asst. Secretary	...	...	6,900
4	Superintendents	...	...	18,000
5	Deputy Superintendents	...	...	11,940
12	Assistant	..	...	15,720
49	Clerks	...	...	29,040
				<u>1,47,600</u>

(b) Revenue and Financial Department

1	Secretary	...	...	36,000
2	Under-Secretary	...	...	14,400
1	Assistant Secretary	...	...	7,920
6	Superintendents	...	...	24,840
24	Assistants	...	...	22,860
30	Clerks	...	...	16,176
				<u>1,22,196</u>

III. Translation Department

1	Oriental Translator	...	...	9,000 ^t
1	Assistant	..	...	3,240
1	Hindi	..	...	1,154
1	Assistant	..	...	2,400
24	Clerks	..	...	22,260
2	Subordinate clerks	..	...	1,320
				<u>39,374</u>

IV. General Department (Education, etc.)

1	Secretary	...	...	28,800
1	Asst. Secretary	...	...	7,800
1	Compiler (for administrative report)	...	...	600
4	Superintendents	...	...	16,200

13	Assistants	...	...	...	13,700
18	Record-keepers and Clerks	...	...	...	8,760
					75,660

V. Record Department

1	Record-keeper	...	...	...	1,200
4	Clerks	...	...	...	2,220
					3,400

Total 6,53,630

To this, add the cost of the Bengal Departmental Administration as it stands at present and shown above 10,51,956

Grand Total 17,05,586

The saving to the State by the establishment of a Governorship instead of 2 Lieutenant-Governorships for Bengal would be Rs. 24,26,528—Rs. 17,05,586 = Rs. 7,20,942.

N. B.—If the new province is to have a separate Education Department then the additional cost of this Department, together with the cost of an Extra Commissionership for the Assam Valley Districts, would bring the above difference to close upon 8 lakhs. Then the equidistribution of the minor heads shewn in asterisks would be practically impossible and consequently the costs under the proposed partition would be still further increased.—(*The Bengalee*)

II

The cost of an additional Lieutenant-Governorship in Bengal and that of elevating the existing government of the the province into an Administration by a Governor and Council has thus been compared by *The Indian World* :—

“A Lieutenant-Governorship has to be fitted up with a large number of offices and establishments and is altogether a very much bigger concern than a Chief Commissionership. The paraphernalia and circumstance of office of a Lieutenant-Governor vary according to the importance and condition of every province, and at the present day Burmah affords us the example of the least expensive Lieutenant-Governorship among the administrations of that description. Let us therefore see what the Burmah administration costs us to-day and that will enable us to get at the expenses which will be required for the Lieutenant-Governorship that will be established in East Bengal and Assam in a few months.

“The following constitute the existing Government of Burmah

and the figures against their names have been taken from the "Quaterly Civil List," of that province (April, 1905). In one or two cases, where there are blanks in that 'List,' we have filled them up by figures from the 'Bengal List. Our list does not claim to be either thoroughly accurate or exhaustive but we have tried to make it as nearly so as we possibly could from the complicated official figures.

Officers & Offices	Monthly Salary Rs.
The Lieutenant-Governor	8,333
Allowance of " "	" 500
Private Secretary to "	600
A. D. C. to "	500
Chief Secretary to the Government	3,000
2 Under Secretaries	2,000
Assistant Secretary and Office	3,850
Secretary, Public Works	2,500
2 Under Secretaries	2,100
Assistant Secretary	550
Office "	3,000
Revenue Secretary	2,000
Settlement Commissioner	700
Railway Secretary	1,600
Office "	1,000
Secretary to the Government	2,000
Irrigation Secretary	1,000
Financial Commissioner	3,450
Secretary to "	1,200
Asst. Secy. to "	600
Office "	4,500
Secy. & Asst. Secy., Legis. Dept.	1,500
2 Members of the Board of Revenue	7,000
Office " "	5,000
Commissioner of Excise & Salt	2,500
Office " "	1,000
Director, Land Records & Agriculture	1,800
Asst. Director " "	900
Deputy Director " "	700
Office " "	700
Commissioner, Paper Currency	2,250
Assistant Commissioner	420

Office of Commissioner	...	...	1,000
Chief Collector of Customs	...	...	2,250
Assistant Collector	..	...	500
Office	..	...	5,000
Accountant-General	...	...	2,250
Deputy Accountant-General	...	...	1,250
Assistant, Accountant-General	...	...	750
2 More Assistants	..	...	1,000
Office	..	...	2,000
Inspector-General of Police	..	...	2,250
Personal Assistant to the above	..	...	700
Office	..	...	500
Deputy Inspr.-Genl., Civil Police	..	...	1,500
Personal Assistant to the above	..	..	700
Office	..	..	1,000
Deputy Inspr.-Genl., Military Police	..	..	1,250
Personal Assistant	..	..	700
Office	..	...	1,000
Inspector-General, Civil Hospitals & Sanitary Comsr.			2,000
Office	..	..	1,500
Chemical Examiner to the Government			1,500
Office	..	..	500
Inspector-General of Jails	..	..	1,800
Office	..	...	1,000
Superintendent of the Central Prison	...	..	1,000
Office of the Central Prison		...	1,000
Deputy Postmaster-General	..	..	1,400
Personal Assistant	..	..	400
Office	..	...	1,500
General Postmaster	...	...	500
Deputy Postmaster	..	..	300
Office	..	..	1,500
Director of Public Instruction	...	..	2,000
Superintendent	..	...	350
Office	..	...	600
Superintendent of Telegraphs	..	...	850
Office	..	...	600
President, Board of Examiners	...	..	1,250
Office	..	..	300
Government Advocate	..	..	1,500

Assistant to the Government Advocate	...	750
Superintendent, Veterinary Department	...	1,200
Office	" "	1,500
Inspector-General of Registration	...	1,000
Office	" "	1,000
Archæologist to the Government	...	500
Office	" "	300
Superintendent, Government Printing	...	850
Examiner of Railway Accounts	...	800
Office	" "	700
		Total Rs. 126,303

"These are the figures for Burmah, with slight and necessary modifications. We may take it that the new province will require an establishment at least equal to that of Burmah. From this, we have to take away Rs. 40,000 a month or about Rs. 500,000 a year, the amount which is spent at present for the Assam Government and which now will be merged in the bigger administration under notice. So, the new province with which we are threatened is likely to cost the 'inarticulate and toiling taxpayers' of India no less than the *additional* amount of over Rs. 85,000 a month or about Rs. 10,00,000 every year. We may have erred in under-estimating certain items but in no case have we over-estimated the figures. When the Chief Court comes to be established, which we have not taken into account in the present calculation, it will cost us an additional two lakhs. A permanent additional expenditure of 12 lakhs of Rupees a year, or 4 times the salary of his Excellency the Viceroy himself, will represent the financial legacy of Lord Curzon to his successors in office in the matter of the territorial redistribution of Bengal.

"On the other hand, the elevation of Bengal into a Presidency Government with a Council will entail the following additional expenditure only.—

The difference between the salary of a Lieutenant-Governor and a Governor	...	1,667
The difference between the salary of the Private Secretary of a L. G. and that of a Governor	...	800
Military Secretary*	...	1,000
Medical Officer†	...	1,000

*The Governors of Bombay and Madras have each a Military Secretary which the Lieutenant-Governors have not.

†A Medical Officer is attached at the expense of the State to the staff of the Governors of Bombay and Madras and not to those of the Lieutenant-Governors.

Pay of an additional aid-de-camp*	800
Additional household establishment	2,000
Additional sumptuary allowance of the Governor	2,500
Pay of three Members of the Council	16,000
	Rs. 25,767

“From these Rs. 26,000, (in round numbers) we have to deduct the pay (Rs. 8000 per month) of the two members of the Board of Revenue whose posts will have to be abolished in the event of an Executive Council being established in Bengal. We therefore find that the creation of a Presidency Government in these provinces will increase the cost of the existing Bengal administration by Rs. 18,000 a month only, while an additional Lieutenant-Governorship in Eastern Bengal and Assam will add upon the Indian taxpayers a burden of about Rs. 85,000 every month in establishment and about Rs. 30,000 a month as interest for the capital outlay required for the erection of the Secretariat buildings and other necessary equipments. Rs. 18,000 for a Governor and Council or Rs. 115,000 (even without a Chief Court) for an additional Lieutenant-Governorship per month?—that is the whole case in a nutshell. The figures are so eloquent that one needs only to look at them to arrive at an instantaneous decision.”
(*The Indian World*)

*The Lieutenant-Governor of Bengal has one aid-de-camp while the Governor of Bombay and Madras have two each.

APPENDIX L

Press Opinions

The *Englishman* (Calcutta) writes :—

“The most significant circumstance in connection with the demonstration which took place in Calcutta on Monday (the 7th Aug.) against the Partition of Bengal is that it shows that the Bengalis refuse to take the fiat of the Indian Government “lying down.” This at once suggests that there is more in the agitation than the artificial sentiment in which the Viceroy has so frankly expressed his belief. It is not merely that more than 10,000 people thronged the Town Hall and its approaches and held three separate meetings at which formal protests were passed unanimously. Most of the shops and establishments run by Bengalis and Marwaris were closed throughout the day and there was evident on the part of those Bengalis associated with European firms an agitation which was quite out of the normal. This may all have been part of a well-organized plan, but, if it was, the very extent and completeness of the organization which must have been necessary, raise somewhat serious questions as to the future of the agitation. Perhaps the most sinister features of the business were the resolutions adopting the policy of boycotting British goods and the hints that the Bengalis, being in mourning, could not devote their attention to festivities of any kind—an obvious reference to the royal visit. As we said yesterday, it remains to be seen whether anything will come of these heroic resolutions. But of course it is the Bengalis who stand to lose most by the vivisection of their country and if, in their anger, they select a course which must be followed upon more or less racial lines the only thing which can be said about it is that it is a pity not merely that it should have been taken up but that it should have been gratuitously and perversely provoked. We doubt very much whether the policy of the boycott will come to anything, but if it does it will certainly establish the existence of a genuine feeling of popular discontent.

“It would be interesting to know whether the Government of India has, in its wisdom, realized the gravity of the precedents for this partition business. The case of Poland is an ominous one, but if this be waived contemptuously aside, the Indian Government can only point to the division of revolutionary France—unless we admit Mr. Gladstone’s unsuccessful attempt to cut off Ireland from Great Britain! At all events it is safe to say that, so far as Indian history

is concerned, Lord Curzon is entering—or rather has bequeathed to his successor the task of entering—upon an experiment which has never been attempted before. Under these circumstances, it is a little awkward for the Government that so far as can be seen, the experiment has to encounter, at the very outset, the passive, if not the active, ill-will of the overwhelming majority of those who are affected by it. It is objected to not merely by those who will remain within the circumscribed area of what will, if partition is actually carried out, be known as “old Bengal,” but by the inhabitants of the eastern districts, and by the articulate public of Assam !

“The change which is threatened has been determined upon in the teeth of a practically unanimous public opinion. There is no reason to suppose that this public opinion will become silent or non-existent as soon as the partition is carried into effect. The situation will, therefore, be this :—An administrative *coup d'état* without precedent will have been carried out. The people who will have to live under its results will be dissatisfied and uneasy. Now all Governments, even the most despotic, are obliged to rule in the long run in accordance with the wishes of the governed, or at least to refrain from governing in direct opposition to those wishes. The difficulties of the Governor of the new province under the peculiar circumstances of its emergence would, one fears, be extreme, if not insuperable.”

The *Statesman* (Calcutta) says .—

“There have been more impossible things than that the Government of India should, in response to an emphatic public demand, abandon a policy determined upon and already on the point of realisation. Nevertheless, we imagine that few members of the great multitude of Bengalis present at the Town Hall on Monday were able to persuade themselves that the Viceroy is to be turned from his purpose by any form of popular demonstration. There never was a time in the history of British India when public feeling and public opinion were so little regarded by the Supreme Government as they are by the present administration. In this matter of the Partition of Bengal the force of public opinion has been remarkable. It could not, indeed, be otherwise, for in spite of their parade of consulting the “legitimate interests” of the districts involved in the proposed separation, the Government is well aware that its scheme is a direct attack upon the solidarity and the growing political strength of the Bengali race. The Government can hardly be blind to what has lately been happening throughout the province. Apart from the question of legality, which has been raised within the last few days by a legal contemporary, it is beyond question that the movement

against the partition scheme has developed in a marked degree since the outbreak of the agitation more than a year ago. Some, at least of the speeches on Monday had a much more practical sound than is usual at such gatherings. They implied that the people have begun to realise the existence of other means of agitation than the drawing up of memorials and the passing of resolutions. The local Press has been recalling the epoch of the indigo agitation and the results of *Nil Darpan*, while it is evident that the Chinese boycott of American goods has suggested to the Indian mind a possible weapon of unknown effectiveness. We call attention to this aspect of the matter in particular for the simple reason that it is quite important enough to be recognised and squarely faced. The outstanding fact of the situation is that the present policy of the Government is having the effect of intensifying the unity of the people and of strengthening those very influences which it is usually anxious to discourage. Those who were responsible for the boycotting resolution have doubtless been fired by the example of the Chinese and they are optimistic enough to assume that a boycott of European goods in Bengal could be made as damaging and as effective as the Chinese boycott of American goods has to all appearance been. The assumption will cause a smile on the European side for more reasons than one. But all the same it would be unwise for the Government to assume that the whole movement is mere froth and insincerity and that it is all likely to end in oratory and the wearing of mourning badges. On the contrary, it has been apparent for some time past that the people of the province are learning other and more powerful methods of protest as was reluctantly acknowledged when a few months ago they assembled to pass the resolutions on the Convocation address without the aid of speeches. The Government may or may not choose to give weight to the outburst of feeling on the subject of the partition—that is, if the legality of the partition proposals is upheld—but it will necessarily recognise the new note of practicality which the present situation has brought into political agitation and it will sooner or later realise that just as religions thrive on persecution so there is nothing half so effectual as the systematic disregard of public opinion for fostering political discontent.”

The following is taken from a leading article which appeared in the *London Daily News* :—

“Very little is known in this country concerning the scheme for the partitioning of Bengal as to which a Calcutta correspondent addresses us. Even the India Office is so much in the dark as to the merits or demerits of the proposal that it was unable to provide

Mr. Brodrick with an intelligible brief when the question was raised by Mr. Roberts a week ago in the House of Commons. In India the announcement seems to have come as a complete surprise. In 1903, Lord Curzon was compelled to bow to the storm of criticism aroused by a much smaller readjustment of areas, and positive consternation has been created by the present proposal under which twenty-five millions of the people of Bengal are without a word of consultation to be handed over to a new local administration. This sentiment is universal throughout Bengal; and Assam, which is to form the nucleus of the new province, appears to be of the same mind as Bengal. Bengal, with its population of 70,000,000 is, of course, an enormous province; but so it has always been and the difficulties of administering it are, it may be presumed, greater than twenty years ago. In any case the first business of the Government of India should have been to show that the administration was seriously overweighed, and that the public interest demanded a radical change. Is this the case?—Have we been under an illusion for these many years in supposing that Bengal is not only—with the exception of Burma—the most prosperous, but also the most homogeneous, docile, and easily administered of the provinces of India? Are there any official records of the Viceroy's Council or of the provincial Administration showing that an administrative breakdown was to be apprehended? Lord Curzon's personal opinion is entitled to all respect, but in view of the overwhelming native opposition and the undeniable fact that no demand for partition or indeed for any large change, comes from the people themselves, we are bound to remember that there have been other Viceroys before Lord Curzon, and other Lieutenant-Governors before Sir Andrew Fraser—an official who has only recently been installed at Calcutta—and that none of them appear to have shared the misgivings of the present authorities. Failing this overwhelming official case in favour of partition we should have thought that policy demanded that full heed should be paid to the non-official opinion which is so pronounced against the change. The manner in which Lord Curzon has fulminated his scheme is in any case profoundly unfortunate. The inhabitants of Bengal contain a large proportion of educated persons, very many of whom occupy positions of influence and responsibility. What was there to prevent Lord Curzon taking counsel with the leading citizens and ascertaining the views of the localities concerned before enacting this tremendous change? We are afraid the only answer is that Lord Curzon well knew the views of the people but declined to argue with them or to endeavour to persuade them. Mr. Brodrick has told us that the Viceroy was

aware of the opposition in store for him, and that he was prepared to face it. Certainly, the secrecy with which the plan was engineered and the hasty sanction by the Secretary for India are in accordance with the theory that the Viceroy intended all along to carry partition without reference to the views of those whom it affected. It is this high-handed action which has so exasperated the community, and given rise to what our correspondent declares to be the universal belief that "neither tradition nor popular sentiments are treated with any sort of consideration by the Government of Lord Curzon." Our correspondent may be right or wrong in suspecting that Lord Curzon wishes to deliver a blow at the Bengalees by splitting up their nationality and placing twenty-millions of them under a new Government administering affairs from Dacca. They are unquestionably a great power in India, and it may be that Lord Curzon, with his dislike of independence and criticism, would not be sorry to see their power diminished. But as to the effect of these high-handed methods there is no doubt whatever they are felt by the people of India to be wantonly humiliating. They are taken as an indication that no matter how loyal or law-abiding they may be, their opinion is worthless and their civic rights are liable to be overridden on official pretext. Not long ago Lord Curzon created a sensation by declaring that it was in the nature of the Oriental to lie. His latest action goes to demonstrate with the same brutal candour that in a political sense the Oriental is a negligible creature, and by the Englishman to be treated as such. Is it surprising that the Indians who are not exactly a race of barbarians bitterly resent such treatment? Can we blame them if they kick against a despotism which adds injuries like this partition to the insults into which Lord Curzon has unhappily been betrayed? Can we wonder that their leaders will look forward with some misgiving to the future when they see that all their advances towards Western ideas and all their loyalty in applying them to the affairs of London are held as no sort of qualification for the enjoyment of the most elementary of civil rights? Such a demonstration happens to be doubly unfortunate at the present moment when the Prince of Wales is about to visit India, and we should have thought that in common prudence the Home Government would have suspended the operation of the partition until the Prince had returned, even if they would not see their way to submit the whole matter anew to the consideration of the India Council at Whitehall. That reconsideration is desirable is obvious from every point of view. It cannot be good statesmanship to launch these new provinces in a condition of seething discontent or to alienate a third of our fellow-subjects in India. There

is no suggestion that the matter is a pressing one, and whatever elements of good the scheme may contain are likelier to be appreciated if a truce is called for the present than if Bengal is incontinently carved up. The cost of the new administration, which is put in some quarters as nearly three millions sterling, calls for especial attention at a time when India is suffering from heavy additional charges. We are convinced that Mr. Brodrick would greatly add to the service which he has already done to India if he would call a halt in this matter of the partition."

Reuter sent the following message from Calcutta to the *Times* and other papers under date August 8, referring to the Protest Meeting held at the Town Hall on Monday, August 7 :—

“Calcutta, August, 8.

“In consequence of the proposed partition of the Bengal Presidency into two provinces, a meeting of protest was held yesterday at the Bazar, which was practically closed for the day. Another meeting, which was attended by several thousands of persons, was held at the Town Hall, which was so overcrowded that a third meeting was arranged on the Maidan. Students paraded with black flags, and the numbers of Marwaris and Mahomedans present showed that the question has thoroughly moved all classes.

“The Maharajah of Cossimbazar, the Chairman at the main meeting, declared that the partition of the province was a political blunder of the gravest magnitude. The Government, he said, should reconsider its orders and withdraw them.

“The Maharajah of Mymensing then moved the first resolution which asserted that the partition was unnecessary, arbitrary and unjust, and was in deliberate disregard of the entire Bengali community.

“Babu Nalin Vihary Sircar submitted a second resolution, protesting against the procedure adopted by the authorities and declaring that a larger scheme than this partition had never been placed before the public.

“A third resolution declared that the meeting fully sympathized with the resolution adopted by recent “mofussil” meetings to abstain from purchasing British manufactures as a protest against the indifference of the British public as regards Indian affairs and the consequent disregard of Indian public opinion by the present Government. A fourth resolution pledged the meeting to do all that lay in its power to bring about the withdrawal of the Government's orders.

All these resolutions were adopted.

“The “Englishman” says that the Maidan, with its crowds of students and its streams of eager people flowing in from every quarter, impressed upon one that the partition of Bengal touched

'the sentiment of hundreds of people as a calamity and as a blow to their patriotism, the more galling since it was regarded as a mere cynical essay in statesmanship carried out against the wishes of the people.'

On August 10, Reuter sent another message to the London Press :

"Calcutta, August, 10. •

"In the course of his speech at the meeting held on Monday to protest against the partition of Bengal, the Maharajah of Cossimbazar said :—

"The partition will rend asunder the ties of centuries, will break up associations which are part of our being, and I fear, may even alienate the sympathies of the people from the Government. Is administrative efficiency possible in these circumstances? Nobody would question my loyalty. My house has been associated with the genesis of British rule, and I feel I have an hereditary right to advise the Government, whose prestige would not suffer by the withdrawal of orders which are condemned by public opinion.

"If linguistic ties are to be recognized as an inseparable bond of union, as in the case of the Uriya-speaking population, what have the Bengalis done that it should not be recognized in their case? If Darjeeling is to form part of the Presidency on account of its cherished relation with Bengal; why should the association which for centuries have knit Bengalis together be ruthlessly sundered? The overwhelming consensus of opinion of the vast population is all on our side. If the "fiat" of authority is unresponsive to our appeals and severs us, we still have faith in the authority and final judgment of English public opinion. In that faith we shall continue this agitation which, be it clearly understood, is not sectional but universal. It is not confined to the upper classes, but has penetrated to the masses below, who have hitherto felt little interest in political movements."

"The following is the full text of the resolution passed at one of the meetings held here to protest against the partition of the Presidency of Bengal.—

"The Meeting emphatically protests against the resolution of the Government to divide Bengal, as being unnecessary, arbitrary and unjust. Deliberately disregarding the opinion of the whole Bengali nation, it has aroused a feeling of distrust against the present Administration which cannot conduce to the good government of the country. The partition, by dividing the Bengali-speaking race, would seriously interfere with the social, intellectual, moral, and industrial advancement of the vast population concerned, while it would entail heavy expenses, both initial and permanent, which must

add to the burdens of the already overtaxed people and indefinitely postpone all prospects of the financial relief the country so urgently needs.

"The Meeting accordingly requests the Secretary of State to be pleased to reconsider or withdraw his orders or, if the partition be unavoidable, which the Meeting in no way admits, to modify those orders so that the Bengali-speaking race may form part and parcel of the same administration by incorporating the Presidency and Burdwan Divisions in the newly-formed province."

The Calcutta correspondent of the *Daily News* wired as follows :—

"CALCUTTA, TUESDAY.

"After numerous protest meetings in the interior of Bengal against Lord Curzon's partition proposals a great demonstration was held in the Town Hall here last evening. Twelve thousand people were present in the upper floor, while downstairs the halls were packed, and an overflow meeting was held in the open air.

"All the native shops and important business centres closed, and a procession of 5,000 Graduates and Under-Graduates marched to the Town Hall. Prayers were offered up in the Hindu temples and Mahomedan mosques to avert the calamity.

"The Maharajah of Cassimbazar presided, and was supported by several Rajahs, Maharajahs, and representatives of all classes. The President said he considered partition would be a grave political blunder, and claimed the hereditary right to advise the Government. The partition scheme had never been placed before the public, and while it was discussed secretly at official conferences, the public were kept in ignorance.

"The meeting expressed sympathy with the movement in the interior to boycott British manufactures until the partition resolution was withdrawn, and as a protest against the indifference of the British public to Indian affairs, and the consequent disregard of native opinion by the Government."

The Calcutta correspondent of the *Daily Express* wired as follows :—

"Calcutta, Monday, Aug. 7.

"Three large mass meetings held here to-day passed resolutions vigorously protesting against the partition of Bengal and threatening to boycott British manufactures unless the Government's decision is reversed.

"The native shops were closed and the demonstrators marched in procession to the town hall, where the meetings were held. Several Rajahs took part in the proceedings. Native sentiment is intensely against the proposed change."

A Central News cablegram dated August 16 says :—

“The public opposition to the partition of Bengal is steadily maintained. The feeling in the matter has crystallised into a practically unanimous demand that the province should be ruled by a governor and executive council appointed by the Crown, as in the case of Madras and Bombay. The boycott of British goods is spreading.”

In its issue of August 9, the *Manchester Guardian* writes :—

“On July 26 some details were published in these columns of a memorial said to have been signed by 60,000 persons in East Bengal as a protest to the Secretary of State for India against the proposed partition of the Presidency of Bengal. The appeal was too late to prevent the assent of the Secretary of State being given to the scheme, but the protests continued with undiminished earnestness, and yesterday brought news of a demonstration in Calcutta, which the “Statesman” describes as “more remarkable than any that has taken place within recent memory.”

“It will be well as a preliminary to explain the precise territorial changes which are to take place under Lord Curzon’s scheme. A new province is to be formed with the title of “Eastern Bengal and Assam” Its capital will be Dacca and it will be governed by a Lieutenant-Governor, with the usual provincial Staff, a Board of Revenue and a Legislative Council. The jurisdiction of the High Court at Calcutta will still however be maintained. The constituent elements of the newly-formed province will include Assam and Chittagong, Dacca, Rajshahi and Hill Tipperah. Darjeeling on the other hand is to remain with Bengal proper, in order, as Lord Curzon says, to maintain associations which are highly valued in both areas.” The protests of Bengal, both of the section which is taken and that which is left, have been increasingly emphatic. The scheme was condemned at innumerable meetings in East Bengal during the opening months of 1904, it was condemned by a Calcutta meeting in March of that year, by the Indian National Congress in December, and at another Calcutta demonstration in January last. Monday’s meetings are fresh evidence of the depth to which popular feeling has been stirred. * * *

“Indian mails which have recently arrived in this country provide further evidence of the bitter indignation aroused by the scheme. Some remarkable utterances took place at the meeting on July 8 of the Bengal Legislative Council. One member declared :—Their hopes of a United Bengal, of a great Bengali-speaking nationality, bound by common ties and prospering under common government, were gone. From henceforth . . . all their energies and efforts

must be directed to counteract the disintegrating influences that threatened to overwhelm them." The feeling that the voice of all Bengal was scarcely worth a straw with the Indian Government appeared in the words of Mr. A. C. Mazumdar "Even the worst criminal," he said, "had the right to be heard before being condemned, but here Government had decided the fate of over 30 millions of his Majesty's innocent subjects without a hearing." A final appeal which was made to Sir Andrew Fraser took this form : —

"As we consider you not only representative of our Sovereign but as the representative of our people as well, my humble prayer to you to-day is that you would convey to the Sovereign our unanimous feeling and deliberate opinion that His Majesty's Ministers have been ill advised in adopting the scheme, and that His Majesty may be yet pleased to stay the hands of his Ministers."

Referring to the Calcutta demonstrations, the *Manchester Guardian* in its issue of August 9 writes :—

"The demonstrations which have just taken place in Calcutta against Lord Curzon's scheme for the partition of Bengal should help to bring home to the people of this country the serious nature of the contemplated change. Roughly speaking, the Province of Bengal, as at present constituted, numbers some 80,000,000 persons. Practically the whole of them are bitterly opposed to the new scheme which is thrust on them by the Government. Their appeals to Lord Curzon have been rejected, their representations to the Secretary of State have so far met no better fate. In its inception Lord Curzon's scheme was due to the belief that the Province of Bengal had become too great a charge for a single administration. And the only remedy which the Government can contrive is to defy the united opinion of the Bengalees and split up the government of their country. They admit that such things can only be done "at the cost of a disruption, which is often painful and generally unpopular," but complacently express the hope that new associations will at once spring up and gather to themselves the sanctity of those which they supersede. Having once decided on the partition, Lord Curzon discovers in it manifold advantages. The typical Mahomedan population of Bengal will be concentrated in a single province—yet it is of no account in his view that the population unanimously dis-sents from the new distribution. The whole of the tea industry will be brought under a single Government—yet Darjiling is excepted. The Province of Bengal will retain Darjiling "in order to maintain associations which are highly valued in both areas"—yet when the natives of every part of the province deplore the blow that is to be dealt to their hopes of "a united Bengal," a great Bengali-speaking

nationality," bound by common ties and "prospering under common government," the value which they attach to associations counts for nothing. The success of Government in India very much depends on the confidence and sympathy of the governed. It is no good omen when a sober Indian review says that the latest Government scheme 'will rankle in the hearts of our Bengalee friends for a century to come.'"

The Conservative journal, *Standard*, in its issue of Aug 9, while putting forward an apology on behalf of Lord Curzon for the partition scheme, thus testifies to the depth of the feeling of opposition evinced at the Town Hall meeting —

"In his statement yesterday on the subject of the constitution of a separate Lieutenant-Governorship, for Assam, and the transfer to the new jurisdiction of certain districts now forming part of Bengal, Mr. Brodrick recognised, with proper frankness, the formidable character of the opposition which the measure has encountered, both in Calcutta and in the region which it is proposed to sever. A striking illustration of the depth of this feeling was afforded yesterday by the popular demonstration organised at the capital. To Englishmen who are not aware of the extent to which our Western habits of political thought and action have been assimilated in the more advanced portions of the Indian Empire the account of the proceedings will be instructive. Everything was conducted on the model set by our own experts in agitation. One of the gatherings was held in the Bazar, where business was suspended for the day. Another at the Town Hall allowed the more grave and influential citizens and magnates to give expression to the more reasoned order of objections; while to complete the resemblance to Western practice an overflow meeting was held on the famous Maidan, almost under the windows of Government House. A procession of students with black flags was added as the inevitable bit of melodrama. No doubt, as often happens in these displays of a transplanted art, much of the show of indignation was superficial and ephemeral. But below all the exaggeration was a solid core of sincere protest. Europeans joined with natives in dissenting from the scheme, and the most loyal and conservative Mahomedan noblemen condemned it as unreservedly as the least responsible editor of a vernacular broadsheet."

The *Morning Leader* in its issue of August 10, in a leaderette headed "Government and People," says:—

"In the white-paper published yesterday the resolution of the Government of India to partition Bengal is defended at considerable length on the ground of the administrative advantages of the scheme. There is no reason to underrate the value of good administration, but

It is a blessing which, subject-races throughout history have been insisting with an obstinacy which their "administrators" have never been able to understand, may be too dearly bought. If the opposition to Lord Curzon's scheme is genuine and Mr. Roberts put that point beyond doubt in the debate yesterday—then it is very improbable that the results of foreign government upon a people which does not want it will be at all satisfactory. The Bengalees have made protest after protest—each more passionate than the last against these particular proposals. Mr. Brodrick told the House of Commons last night that something had to be done and that the Indian Government had "taken the line of least resistance in order to attain greater efficiency." One can only wonder, if that be so, what will happen when Lord Curzon makes up his mind to take a line on which resistance may be anticipated. Nothing short of a repetition of the Mutiny seems likely to satisfy Mr. Brodrick on the point."

In its issue of August 9, the *Daily Record and Daily Mail* writes :—

"Affairs in India are at the present moment bound to give rise to some disquietude. The Government of India has recently been active in instituting "reforms," administrative as well as military. Lord Curzon's term of office has been notable in at least one respect, that of arousing much controversy in regard to proposed changes in several departments of State. We cannot regard this as a sign of good government. If there is one place in the Empire where statesmanship and delicate handling of local problems are required, it is in that vast Asiatic province whose history has provided half the romance and tragedy of the world. We, as the rulers of India, have been taught some terrible lessons on the importance of respecting native feelings. It would not appear from the turmoil caused by the proposed division of Bengal into two administrative districts that we have taken these lessons sufficiently to heart.

"India is unfortunately not one of those divisions of the British Empire to which a full measure of self-government can be extended. The difference in the social standard or caste of the natives makes this impossible. At the same time our only hope of governing India well and of retaining the confidence of its millions with their diverse religions is to provide the Dependency with a sympathetic administration. The whole success of British Imperial government lies in respect for native tradition and custom. It is certain we cannot impose Scottish or English ideals of county administration upon India without creating trouble.

"The present attempt to effect a cleavage in the administrative areas of the Indian Empire for the sake of convenience of government

is being resisted to the utmost by the Rajahs and native leaders, Enormous meetings have been held and strong protests made against the partition of the Bengal Presidency into two provinces. The proposal was, at these assemblages of natives, characterised as "a political blunder of the greatest magnitude" and, again, as "unnecessary, arbitrary and unjust, and in deliberate disregard of the entire Bengali community." It was moreover pointed out that the scheme had never been placed before the public while one resolution was adopted 'to abstain from purchasing British manufactures as the protest against the indifference of the British public as regards Indian affairs.'

"These, in our opinion, are serious happenings. They indicate a deep undercurrent of distrust by the natives in the present government of their country, and it would be criminal were they to be ignored or lightly treated by the Imperial Government. The Prince of Wales is shortly going to India on a State visit, and it would be a thousand pities were the causes of friction not removed between now and then. If, however native feeling is treated as of no account, His Royal Highness will assuredly on his return have to report to the King the shrinkage of loyalty on the part of his Indian subjects. We cannot exactly regard Mr Brodrick as a heaven-born statesman and it would be well before Parliament rises this week to have some explanation of what is causing the grave discontent in India."

In its issue of August 10, the *Bristol Mercury* has the following :—

"It is a lamentable fact that the affairs of India receive, as a rule, about three hours attention in the Imperial Parliament in the course of a year. India is not only a great ornament to the Empire and a splendid field of commerce but it is also a great responsibility, and this fact is barely recognised. It occupies, we know, the thoughts of the Executive, and there may be a motive for the practice which exists of limiting discussion upon Indian affairs to the smallest possible compass. A unrestrained Executive—for that is practically what the Indian Government and the India Office amounts to—may be a great blessing under Utopian circumstances, or it may be a huge evil in ordinary conditions. The question with which the House of Commons was concerned last night suggests these alternatives. Lord Curzon wants to divide Bengal into two provinces, and he is backed up by the Government of India. We have not been allowed to judge the reasons for the course proposed; Mr. Brodrick must be supposed to know them, but the House of Commons has been entirely ignorant. What is plain enough is that the suggested change is bitterly opposed by the people most con-

turned and therefore Mr. Herbert Roberts was more than justified in asking leave yesterday afternoon to move the adjournment of the House in order to discuss the decision of the Government of India to partition the province of Bengal as a matter of urgent public importance. Mr. Lowther, who bids fair to earn a reputation as great as that of any of his predecessors in the chair of the House, recognised at once the broad fact that so radical a change in the constitution of Bengal must necessarily be a matter of urgent public importance, and the debate followed accordingly when the House met again after the dinner interval.

"As we have said, the British public knows nothing of the special and local reasons which have guided Lord Curzon and his advisers in this matter. But we do know that the proposal has excited the utmost possible hostility among the people chiefly concerned. The opposition of the natives is most marked, and it seems to us that it deserves consideration. It is only in a relative sort of way that these people can be described as a subject race. We have done a good deal to promote education; in fact, it has followed, perhaps inevitably, from the conditions of our rule that we have a vast native population taking a keen interest in the way in which they are governed. After all, the vast native population knows little or nothing about such matters, but there is a very considerable leaven of knowledge, and to our credit be it said, we have helped in this result. The ordinary Englishman knows little of the Hindu. Every now and then the papers get hold of a letter written in eccentric English by some half-educated Hindu, and they make jokes about it. We call India the brightest jewel in the British crown, but millions of us know nothing of its huge population and its vast possibilities. The Hindu is a subject for a joke on account of a dress which is unusual to British eyes, and there are authenticated stories of the behaviour of young subalterns towards Indian gentlemen which makes one's cheeks burn. The point we are getting at is this—we have permitted and encouraged the growth of a native public opinion, and cannot now, therefore, cavil at the results. By the opponents of the partition scheme Lord Curzon is regarded as having merely been desirous of making an experiment. The people of Bengal have been deeply hurt by the new proposals, and they have been articulate enough upon serious occasions. In fact, the agitation has been conducted upon lines which show a reserve of power, and which for that artistic reason alone deserve attention. It seems to us to be a foolish game to play, unless there are most cogent reasons in existence, "subrosa"—to ignore utterly and without any ostensible consideration, the protests of a public opinion which

we have ourselves done so much to create. We allow Hindus a large share in the control of the great Indian municipalities, and treat them—theoretically at all events—as men and brethren, but we ignore them in matters of external moment.”

The Simla correspondent of the *Standard* writes :—

“ If importance should be attached, as some people think, to the views of the Indian native Press about the question of army organisation, in regard to which it can scarcely pretend to be well informed, it would be far more unreasonable to ignore what the leading Bengal papers are saying about the partition of the province—a subject on which they may with some justice claim to be heard. They are strongly opposed to the measure and denounce it with great vigour. The *Bengalee* declares that the agitation will be continued with even greater energy than before. “Our countrymen,” it says, “will fight with the courage of despair.” Nor is it hopeless of success. “The Ministry,” it says, “is tottering, the Viceroy will soon retire and our case is supported by the united voice of public opinion.” Lord Curzon is severely attacked for the action he has taken. “Never,” according to the “Bengal,” “was there a more outrageous contempt of public opinion than what has been shown by Lord Curzon and Sir Andrew Fraser (Lieutenant-Governor of Bengal) in these proceedings.” The *Indian Mirror* maintains that no Viceroy has ever done greater harm to the people of Bengal than Lord Curzon did by getting the Secretary of State to sanction the partition of the province. The *Amrita Bazar Patrika* assures “the rulers” that nothing else is talked about in the country. The Government, it adds, “will see what a Frankenstein it has raised.”

The *Westminster Gazette* says :—

“ It is impossible for anyone in England to express a positive opinion about the proposed partition of Bengal for administrative purposes, but clearly we have here one of those questions of sentiment in which the ideally best plan may have to give way before local feeling or prejudice. It is surely not impossible to find a solution of this question which will provide the necessary subdivisions for administration without breaking up the national entity in which the Bengalis take a proper pride. We were told yesterday that “Lord Curzon might not feel equal to dealing with the formidable opposition which has been raised against his policy,” and in view of the extra strain thus imposed upon his health decide to return home sooner than he expected. We have sometimes criticised Lord Curzon’s policy, but we by no means desire to see him quit his Viceroyalty on an issue of this kind, and still less to see him injure his health in a struggle with the Bengalis. It is a case in which the feelings of the

Bengalis ought to be consulted, for administrative reforms which can only be enforced after a "formidable struggle" are almost certain to fail of their effect when they come to be worked."

The *Sketch of London* says :—

"All Bengal is in a ferment because Lord Curzon is going to divide the Province into two portions for administrative purposes. The brave Bengali has firmly persuaded himself that the Viceroy has done this to destroy the unity of the race, and, having this belief will do anything short of risking his body to prevent the scheme from being put into effect.

"The real danger of the present movement in Bengal is that the educated native of those parts has what we call the artistic temperament, and that when once he persuades himself that a wrong has been done him, he works himself up to white heat and can keep at that temperature for an unlimited period. I think that, so far as comfort and peace of mind are concerned, Lord Curzon would find the neighbourhood of a disturbed wasps' nest a restful spot compared to what Calcutta will be this winter."

APPENDIX M

Views of the Trades Association

The Secretary of the Calcutta Trades Association has addressed the Secretary to the Government of India, Home Department, as follows :—

I have the honour, by direction of the Committee of the Calcutta Trades Association, to refer to the important subject popularly known as the "Partition of Bengal," and in such connection to the Proclamation published in the *Gazette of India* on the 1st September, 1905, by which, and as from the 16th October, 1905, such partition will be effected, and to the Resolution No. 2491 of the 19th July, 1905, and the correspondence between the Government of India and the Bengal Chamber of Commerce which preceded the Proclamation.

In paragraph 7 of the Resolution of the 19th July, 1905, it was stated that a new province would be created with the status of a Lieutenant-Governorship, that it would be entitled "Eastern Bengal and Assam," that it would possess a Legislative Council and a Board of Revenue, and that (the matter to which the present representation is directed) the jurisdiction of the High Court of Calcutta would be left undisturbed. A further assurance to the same effect was contained in paragraph 11 of the same Resolution in the reference therein to the retention of the jurisdiction of the High Court.

The Bengal Chamber of Commerce, in their letter No. 1267 of the 27th July, 1905, stated that, so far as the commercial public were concerned, any measures which might have the possible effect of restricting the jurisdiction or weakening the prestige of the High Court at Calcutta were viewed with the greatest apprehension. They expressed the opinion that the statements in the Resolution of the 19th July, 1905, that the jurisdiction of the High Court of Calcutta would be left undisturbed and retained, did not indicate with sufficient precision whether the Government of India had in mind a permanent or only a temporary retention, and they suggested that a more definite announcement might be made. The reply to this suggestion was contained in your letter of the 11th August, 1905, in which you claimed that the intention of the Government of India, as at present constituted, to leave the jurisdiction of the High Court undisturbed was clearly stated in the Resolution of the 19th July, 1905. You added that, though the Government of India

did not contemplate any interference with the jurisdiction of the High Court, it was evidently impossible for Government to commit themselves to an assurance that in no circumstances would any modification of the existing conditions ever be found expedient.

The Committee of the Association recognise the force of your reply to the Chamber of Commerce and accept the position ; but, in the interests of the community they represent, they, equally with the Committee of the Chamber of Commerce, regard with apprehension the introduction by Government of any measure tending in any degree to weaken or lessen the jurisdiction and influence of the High Court, and it occurs to them, on a consideration of the proclamation, that, contrary to the declared intention of Government, the immediate effect of it will be to disturb, to the extent of abolition, the jurisdiction of the Court in relation to the territories which by the transfer to the new province will be removed from the Bengal division of the Presidency, and consequently from the influence and superintendence of the Court ; and they are unable to find in the proceedings of Government any indication of a reassuring provision for the retention of the jurisdiction.

The Proclamation is made in conformity with Sections 46, 47 and 49 of the Indian Councils Act, 1861 (24 and 25 Vic., Cap. 67) which empower the Governor-General, with sanction of His Majesty previously signified by the Secretary of State in Council to the Governor-General, by Proclamation, to constitute a new province, to appoint a Lieutenant-Governor to a province so constituted, to declare and limit the extent of the authority of such Lieutenant-Governor, to fix the limits of any province, to divide and alter the limits of any province and to constitute a Council for any province. Section 47 provides that any law or regulation made by the Governor or Lieutenant-Governor in Council of any province shall continue in force in any part thereof which may be severed therefrom by any such proclamation, until superseded by law or regulation of the Governor-General in Council, or of the Governor or Lieutenant-Governor in Council of the province to which such parts may be annexed. It is submitted that this provision does not apply in the present connection, inasmuch as the jurisdiction of the High Court was not created by any law or regulation made by any Governor or Lieutenant-Governor in Council, but by Statute and Royal Charter.

The Act of establishing High Courts of Judicature in India passed in 1861 (24 and 25 Vic., Cap. 104) enacted, in Section 1, that it should be lawful for Her Majesty by Letters Patent under the Great Seal of the United Kingdom to erect and establish a

High Court of Judicature at Fort William in Bengal for the Bengal division of the Presidency of Fort William.

By section 9 of the High Courts Act, 1861, it was enacted that the High Court to be established under such Act should have and exercise all such civil, criminal and other jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of justice in the Presidency (the division of the Presidency) for which it should be established, as Her Majesty might by Letters Patent grant and direct, subject, however, to such directions and limitations as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency Town as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers of the Governor-General in Council in relation to the matters aforesaid, the High Court should have all the jurisdiction of the former Supreme Court abolished by the Act. And by Section 11 of the same Act it was further enacted that upon the establishment of the High Court all provisions of any Act of Parliament, Order of Her Majesty in Council, Charter or Act of the Legislature of India, which had been applicable to Supreme Court at Fort William in Bengal, should be applicable to the High Court, so far as might be consistent with the provisions of the High Court Act, and the Letters Patent to be issued in pursuance thereof, and subject to the legislative powers in relation to the matters aforesaid of the Governor-General of India in Council. The Act 28, Cap. 15, under which the Letters Patent of 1865 were issued, also contained the express reservation, that nothing in that Act contained should interfere with the powers of the Governor-General in Council at meetings for the purpose of making laws and regulations and by Section 44 of the Letters Patent, 1865, it was ordained and declared that all the provisions in such Letters Patent were subject to the legislative powers of the Governor-General in Council exercised at meetings for the purpose of making laws and regulations.

Apparently the only restriction on the legislative powers of the Governor General in Council is to be found in Section 22 of the Indian Councils Act, 1861 (24 and 25 Vic. Cap. 67) which, while enabling the Governor-General in Council to make laws and regulations for repealing, amending or altering any laws or regulations whatever then in force or thereafter to be in force in the Indian Territories then under the dominion of Her Majesty, and to make laws and regulations for all persons, and for all Courts of Justice whatever, and declaring that the laws and regulations so to be made should control and supersede any laws and regulations in anywise

repugnant thereto which should have been made prior thereto by Local Governments, provided that (among other restrictions) the Governor-General in Council should not have the power of making any law or regulations which should repeal or in any way affect any of the provisions of any Act passed in the same Session of Parliament (as was the High Courts Act, 1861), or thereafter to be passed in anywise affecting Her Majesty's India Territories or the inhabitants thereof.

It was held on appeal by the Government of India, in the leading case of the Queen *versus* Burah (L. R. 3, App. Cases 889) that unless there should be anything to the contrary in the Letters Patent under which the High Court was established, the exercise of jurisdiction in any part of Her Majesty's Indian Territories by the High Courts (in the present connection the exercise of jurisdiction in the Bengal Division of the Presidency of Fort William) was meant to be subject to, and not to be exclusive of, the general legislative power of the Governor-General in Council. According to this decision, as it is understood by the Committee of the Association, the Governor-General in Council is debarred from making any law which shall repeal or any way affect any of the provisions of the High Courts Act, 1861, but that it is competent to the Governor-General in Council to make any law affecting the jurisdiction of the High Court as conferred by the Letters Patent, if there is nothing in the Letters Patent themselves by which, negatively, the making of such law is restricted. The decision in the appeal case was arrived at in reference to the provisions of Act 22 of 1869, which purported to remove the Garo Hills from the jurisdiction of the High Court, and to vest the administration of civil and criminal justice within such severed territory in such officers as the Lieutenant-Governor of Bengal might appoint; and such decision is conclusive on the further point that such an exercise of legislative authority by the Governor-General in Council as might remove any place or territory from the jurisdiction of the High Court was expressly contemplated and authorised both by the Statutes and the Letters Patent themselves.

The effect of the Proclamation of the 1st September, 1905, made in exercise of powers conferred, will be to sever the territories to be transferred to the new province of Eastern Bengal and Assam from the Bengal Division of the Presidency of Fort William, and thus to remove them from the jurisdiction of the High Court, which jurisdiction will, consequently, in respect of the territories so transferred and removed, be abolished, unless it is possible by some enactment, or by the exercise of some statutory power, to expressly

enact or direct that, notwithstanding such transfer and removal, the jurisdiction of the High Court in such territories shall be preserved and retained.

The case of the Queen *versus* Burah does not appear to go further than upholding the power of the Governor-General in Council to remove territory from the jurisdiction of the High Court and to vest the administration of civil and criminal justice in such severed territory in officers appointed by the Local Government; it is not an authority on the question of maintaining the High Court's jurisdiction in respect of territories removed from its superintendence.

The only provision which the Committee of the Association have been able to discover, which at all tends to empowering the Governor-General in Council to declare that the jurisdiction of the High Court may be retained in respect of the severed territories, is that contained in Section 3 of the Act, 28 Vic., Cap. 15, which enacts that it shall be lawful for the Governor-General of India in Council, by order from time to time, to authorise and empower any High Court to exercise all or any portion of the jurisdiction and powers conferred or to be conferred on it by the Letters Patent, within any such portions of Her Majesty's dominions in India not included within the limits of the Presidency of place or places for which such High Court was established, as the Governor-General in Council may from time to time determine. The possibility of exercising this power in regard to the retention of the High Court's jurisdiction in the severed territories would seem to be open to doubt, inasmuch as such territories were at the time of the passing of Act, 28 Vic., Cap. 15, included within the territorial limits for which the High Court was established, and, as removed therefrom by the Proclamation, are not portions of the dominions in India to which the section is applicable.

The legislative power to remove territory from the territorial jurisdiction of the High Court was recognised in the case of Queen *versus* Burah; but to preserve and retain the High Court's jurisdiction in respect of territory removed from the limits of the territorial jurisdiction as defined by the High Courts Act, 1861, appears to the Committee to be a proceeding of a distinctly different order which, unless statutory power already exists, may be *ultra vires* of the legislative powers of the Governor-General in Council.

If Section 3 of Act 28 Vic., Cap. 15, fails in application, there may be some doubt as to the powers of the Government of India by legislation or order to retain the jurisdiction in respect of the territories which by the Proclamation of the 1st September, 1905, will be severed from the Bengal Division of the Presidency of Fort

William. Affected by the uncertainty which they fear exists, and apprehensive of the result if it does exist, the Committee make this representation on the subject, respectfully submitting for the consideration of the Government of India that an Act of Parliament may be necessary to give effect to the declared intention of retaining, or, if such an Act cannot be obtained before the date on which the Proclamation will take effect, of restoring the jurisdiction of the High Court in respect of the severed territories which otherwise will be abolished.

APPENDIX N

List of Places where Protest Meetings have been held since December, 1903

N. B.—The figures within bracket indicate the number of times such meetings have been held in that particular place for the period mentioned at the head of each paragraph.

DECEMBER—1903

People of the Chittagong Division resident in Calcutta, Mymensing (7), Dacca (2), Alanipur (Mymensing), Sherpur (3), Muktagacha (4), Karatia, Srinagar (Dacca), Sakrail (4), Siragunge, Barisal, Baiganbari, Bawa (2), Tangail (3), Kalihati, Ramgopalpur, Amgram (Madaripur), Bajrajogini (2), Sarisabari, Dinajpur and Narayandahar (Mymensing).

JANUARY—1904

Lauhajung (3), Sakrail (5), Balla (Ratangunge), Porabari, Mymensing (16), Pingna, Karimgunge, Subarnakhali (2), Kishoregunge (10), Sabhar (3), Tangail (11), Karatia (3), Comillah (12), Gauripur (7), Bajrajogini (2), Netrokona (8), Sivalaya, Manickgunge (5), Ichapur (5), Outshahi, Gopalpur (2), Feni, Kalniati (10), Muktagacha (6), Iswargunge (2), Srinagar (Dacca), Hasara (Dacca), Janshar, Dacca (22), Bhagyakul (2), Suvarnagram, Pagaldighi, Sonapur (Dacca), Dhanikhola (Dacca), Arahabazar Narayangunge, Sarisabari (3), Nandanpur (Mymensing), Jogendranagor, Kashimpur, Narayangunge (8), Kathiadi (2), Elashin (3), Chandpur (17), Brahmangaon (Dacca), Jamurki (7), Jamalpur (Mymensing 7), Bajitpur (6), Faridpur (5), Giridih, Barisal (9), Balizuri, Ramgunge, Kendua, Atharabari (9), Brahamanbaria (15), Munshigunge (4), Narayandahar, Noakhali (4), Singar (Dacca), Madaripur (4), Pearpur, Kasba (17), Sarail, Chittagong (3), Jainsar, Jalpaiguri, Teghoria, Tenai (Faridpur), Delduar, Bonera, Baidyerbazar, Sherpur (4), Nandina, Pachrukhi (Atharabari), Sonarang, Bhairab, Jhalakathi (2), Bogra, Narsingdih, Murapara, City College Re-union (Calcutta), Laitgunge, Baliati (Dacca), Gopalgunge, Sahabazpur (Tippera), Patiya (3), Jaydevpur, Sadarpur (Faridpur), Duttapara, Bhalkut (Tippera), Poyla (Manickgunge), Dhamgor (Dacca), Rajbari (2), Bangora (Tippera), Srinagar, Madangunge, Azizpur, Patirja, Gauhati, Kalakopa, Hatkhola, Pangsa, Katerhat (Chittagong), Chandrarah (Barisal), Rahamatpur, Gaila, Kanda (Dacca), Paschimdi (Dacca), Shubhodya (Dacca), Kedarpur, Fatehabad and Nagorbari.

FEBRUARY—1904

Khalia, Karalia (2), Dacca (3), Nagarbari (2), Karatia, Kalihati (4), Muktagacha (2), Comilla (2), Barisal, Bharabpur, Malkhanagar, Brahmanbaria, Tangail (8), Mymensing (3), Chandpur (2), Jamalpur, Noakhali, Faridpur, Sakrail (4), Jamurki, Madhupur, Haliya (Noakhali) and Narayangunge (2).

MARCH—1904

Sakrail, Mymensing, Berhampur, Noakhali, Krishnagore, Netrokona, Kalihati, Faridpur, Dacca (2), Jamurki (3), Chittagong, Sarisabari, Balla (Ratangunge), Pabna, Tangail, Kathiadi, Narayangunge, Midnapur, Khulna, Calcutta Town Hall and Dinajpur.

JANUARY—1905

Brahmanbaria, Faridpur, Sherpur, Pabna, Jalpaiguri, Sonamukhi, Dinajpur, Bogra, Suri, Narayangunge (2), Barisal, Kishoregunge, Krishnagore, Midnapur, Netrokona, Mymensing (2), Tangail, Sakrail, Delduar, Rampurhat, Bajitpur, Berhampur, Manickgunge, Jamalpur, Subarnakhali, Meherpur, Howrah, Rajshahi, Kalighat, Dacca, Ruti (Brahmanbaria), Chittagong, Noakhali, Calcutta Town Hall, Karatia and Noapara (Mymensingh).

JULY—1905

Bhanga, Pabna, Kurigram, Ghoramara and Barisal (2)

AUGUST—1905

Calcutta G A Institution, Khulna (2), Ramgopalpur, Ghoramara, Madaripur, Nattore (3), Bhagulpur, Chandpur (Tippera) (2), Bogra, Gopalgunge (Faridpur), Lamchar (Noakhali), Jalpaiguri (3), Calcutta Duff College, Muktagacha, Sarisabari, Midnapur, Mymensing (4), Dacca (10), Simulkandi (Mymensingh), Dinajpur (2), Khulna Residents in Calcutta, Uluberia, Rangpur, Metropolitan Institution, Dighapatia, Balurghat (2), Dinajpur Residents in Calcutta, City College Students (2), Chittagong (3), Narayangunge, Bahakandy, Kalipahuri, Amraoti, Jamalpur, Maldah (3), Pangsra (2), Kathiadi, Gopalpur, Netrokona (2), Naldah, Pirojpur, Pabna, Calcutta Town Hall, Rajshahi, Banaripara, Bankura (2), Brahmanbaria (2), Khankhanapur, College Square (Calcutta), Gava, Eden Hindu Hostel (2), Jhalakathi (4), Benares, Araria, Narail, Diamond Harbour, Shikarpur, Lakshipur, College of Physicians and Surgeons (Calcutta), Tantiband, Comilla, Patuatola Students' Mess, Kustia, Bajitpur, Jessore, Raybari (2), Rahamatpur, Utterpara, Beadon Sq., Hugli (2), Deoghur, Bally, Baharpur, Serampur, Sonakandi, Harrison Road, Students' Mess, Suri, Krishnagore, Sakrail, Bhangar, Purulia, Gauripur, Shambazar Park, Allahabad, Nagpur, Magra, Barisal, Jubilee Hall (Calcutta), Kasba Hari Sava Hall, Indian Christian Association, Howrah, Hazaribag, Cuttuck, Sandip, Durgabari

(Mymensing), Burdwan, Tamluk, Beldakhan, Jhinda, Majdea, Asansol, Gauhati, Ranaghat, Islampur and Ripon College (Calcutta).

SEPTEMBER—1905 (upto the 15th)

Seal's Free Collège, Muktagacha, Kuchbehar, Nawabgunge (2), Tangail, Bismupur, Jara, Sarasuna, Bogra, Deoghur (2), Morvi, Jessore, Maulavi Bazar, Rungpur, Shikarpur, Comilla (4), Diamond Harbour, Khulna, Berhampur, Allahabad, Dinajpur (2), Pabna, Uluberia, Bhanga (2), Sholapur, Bajitpur, Mymensing (2), Perozpur (4), Barisal (2), Ranigunge, Lohagara, Suri, Training Academy (Calcutta), Sahebgunge (2), Mankar, Giridih, Asansol, Monghyr, Jamalpur, Majilpur, Khagole, Burdwan (2), Nasik, Jalpaiguri, Chittagong, Janai (2), Taki, Bhagalpur, (2) Barisa, Bogra, College Square (3), Aheritolla (Calcutta 2), Bantra, Chandanagore (2), Manicktollah, Ultadingo, Konnagore, Gauhati, Khajura (Nattore), Bankipur, Maldah, Madhipur, Dacca, Cornwallis Square (Calcutta), Kalighat (2), Albert Hall, Brindaban, Wazirpur (2), Comilla Sporting Association, Maymyo (Upper Burma), Ula, Kustia, Bangabashi Collège, Rangoon, Sholak, Belgharia, Chingrighata (2), Ban Navagram, Krishnagore, Amta, Telinipara, Wellington Square, Kumartulli, Pataldanga, Mathura Club (Agra), Jorabagar Square, Mandalay, Satkhira, Joynagore, Cuttack, Baradi (Dacca), Midnapur, Searsole, Basirhat, Bokra, Sadhuhati (Jessore), Faridpur, Jamsherpur, Barasat, Bharenga, Arambagh, Bhastata, Haripur, Nalhati, Kaligunge, Kandi, Jalabari, Kalia (2), Narayangunge, Madaripur, Mulghar, Sonamukhi, Nattore, Deaf and Dumb School (Calcutta).

