

Miraj (Senior) Reforms Committee,
Miraj, September 15, 1943.

Dear Sir,

The Secretary to the Miraj (Senior) Reforms Committee has been authorised to send you a copy of the questionnaire on Miraj constitutional reform. The Committee will be much obliged if you will favour it with your considered replies which, I am confident, will greatly help it in considering the question committed to its charge and in formulating fair and reasonable recommendations.

I shall be obliged if you will kindly send your replies within one month after you get the questionnaire.

Thanking you in anticipation,

Yours faithfully,

R. R. Bakhale,
Chairman.

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Miraj (Sr.) Reforms Committee

Questionnaire

Notes :-

1. Copies of the questionnaire can be obtained on application to the Secretary, Miraj (Sr.) Reforms Committee. Public bodies and persons interested in the work of the Committee, are invited to help it with their replies.

2. The Proclamation, issued by the Rajasaheb on 10-6-1943, on constitutional reform and the Committee's terms of reference, is reproduced, as Appendix A to the questionnaire, for ready reference.

3. Such of the provisions of the Miraj (Sr.) Legislative Council Regulation No. 1 of 1932, as amended by the Notifications of 10-1-42 and 15-1-42, as have a bearing on the questionnaire, are appended to it in a summarised form; and it is requested that, while answering questions, they should be taken into account.

4. Certain statistical and other information of a general nature, relating to the Miraj (Sr.) State, is appended to the questionnaire in the hope that it may be helpful in answering questions.

5. Replies should be limited to the scope of the enquiry as determined by the Committee's terms of reference. It is, however, permissible to draw the attention of the Committee to any point which, in the opinion of the replier, is likely to defeat the object underlying the Proclamation of 10-6-1943. Opinions, wherever expressed, should, as far as possible, be supported by facts, figures and arguments

6. It is neither obligatory nor necessary to answer all questions. Only such of them or parts thereof, as the replier feels himself or herself competent to answer, may be answered. The rest may be omitted.

7. Repliers should state whether they are willing to give oral evidence, if requested to do so.

8. Replies should reach the Secretary, Miraj (Sr.) Reforms Committee, not later than ^{Nov 22} October 1, 1943. It will greatly facilitate the work of the Committee, if eight copies of the replies are sent.

FRANCHISE QUALIFICATIONS AND DISQUALIFICATIONS

Note :- For the franchise scheme of the Miraj Durbar, issued prior to the Proclamation of 10-6-1943, Vide Appendix B.

1. (a) Do you think that immediate introduction of adult franchise is practicable, feasible and desirable under the present circumstances or that the adult franchise should be the ultimate goal to be reached as soon as circumstances permit? If the former,

(b) will you introduce it for all adults, male and female, or, male adults only? Or,

(c) will you restrict it within certain age limits of both sexes, or, of one sex only, viz, male? If so, what are the age limits? Or,

(d) will you restrict it to certain cities and towns and for both sexes, or, for one sex only, viz, male? If so, which are such cities and towns and which is the basis on which you have selected them? Or,

(e) will you recommend household suffrage? Or,

(f) will you recommend adult suffrage by indirect elections?

2. [a] If immediate introduction of adult franchise in any shape or form is considered impracticable, what percentage of the population should, in your opinion, be immediately brought on the electoral roll? Do you consider that such an electorate

[i] will be capable of casting an intelligent vote; and

[ii] will be administratively manageable, having regard to the arrangements likely to be feasible for the preparation, maintenance and revision of the electoral rolls and for the recording and counting of votes?

[b] What percentage of the population will, in your opinion, be enfranchised under the franchise scheme of the Miraj Durbar?

3. [a] Do you consider that each major community should be given a voting strength proportionate to its numbers and that the franchise system should be so contrived as to secure this result, in so far as it may be practicable?

[b] How far, in your opinion, does the Miraj Durbar scheme of franchise ensure this result?

4. If your answer to 3 [a] is in the affirmative, what measures will you suggest for giving effect to your view on the assumption

[i] that separate electorates are introduced;

[ii] of joint electorates with reservation of seats; and

[iii] of joint electorates without reservation of seats?

5. [a] Do you think that the franchise qualifications in urban and rural areas should be the same or different?

[b] Do you consider that, under the Miraj Durbar scheme of franchise, there is likely to be a marked disparity in the operation of the franchise qualifications in urban as compared with rural areas? If so, what measures will you suggest to rectify such disparities?

6. Do you think that the possession of property of some kind is a suitable test of fitness for the franchise? If so, do you consider the property qualifications, under the Miraj Durbar scheme, suitable? If you do not, what modifications will you suggest?

(Note:- The term " property " should be understood in its widest sense as including not only the landed property but also the occupation of land or house property or the receipt of income or wages, whether in cash or in kind.)

7. [a] Do you think that the payment of a tax or cess to the State, municipality, local board or any other local authority, is a suitable test for fitness for franchise?

[b] If so, do you consider the tax or cess qualifications, under the Miraj Durbar scheme, suitable?

[c] If you do not, what modifications will you suggest?

8. [a] Are you in favour of having a qualification based on education, independently of property and tax or cess?

[b] If so, do you consider the education qualifications, under the Miraj Durbar scheme, suitable?

[c] If you do not, what modifications will you suggest?

9. If you think that the property, tax and education qualifications you have suggested, may not enfranchise that percentage of the population which you wish to enfranchise, what other qualifications can you suggest to reach that percentage?

10. If it is found that with the property, tax, education and any other qualifications you have suggested, the Muslims and the Depressed Classes do not get the voting strength proportionate to their population, will you in their cases, lower their qualifications or suggest any additional or special qualifications so as to reach that proportion? If so, which qualifications will you lower and to what extent; and/or which additional or special qualifications will you suggest for the Muslims and the Depressed Classes?

(Note:- The Indian Franchise Committee has defined the term " Depressed Classes" and limited it to those who are considered "untouchables." The tests of untouchability, according to that Committee, are:-(1) denial of access to the interior of ordinary Hindu Temples; and (2) pollution by touch or within sight.)

(This definition is accepted for the purposes of this enquiry.)

(In their notification, dated 15-1-1942, the Miraj Durbar has declared the following communities as Depressed Classes:- (1) Mahar, (2) Mang, (3) Chambhar, (4) Halalkhor, (5) Bhangi, (6) Dhor, (7) Dhed.)

(Please state whether these communities satisfy the two tests of untouchability and are, therefore, untouchable. If not, please enumerate those which do not. If there are any other communities which satisfy the above two tests of untouchability and are thus untouchables, please enumerate them.)

(Your replies to questions relating to Depressed Classes, should cover the communities which you consider as untouchable under the definition of the Indian Franchise Committee.)

11. (a) If it is found that with the property, tax, education and other, if any, qualifications you have suggested, a sufficient number of women is not brought on the electoral roll, will you, in their case, lower their qualifications or suggest any additional or special qualifications so as to reach that number? If so, what qualifications will you lower and to what extent; and / or which additional or special qualifications will you suggest? What, in your view, should constitute a sufficient number of enfranchised women?

(b) Do you approve of the announcement of the Miraj Durbar to select hundred women by nomination and put them on the electoral roll? If not, why not?

12. (a) Assuming that the existing special electorates of (i) education; (ii) commerce and industry; (iii) taluqdars; and (iv) landlords, are retained, do you approve of the franchise qualifications prescribed for each of them under the scheme of the Miraj Durbar? If you do not, what modifications, alterations or additions do you recommend?

(b) Assuming that you recommend special electorates in place of, or, in addition to, existing special electorates, what franchise qualifications will you recommend for each of such new special electorates?

13. What should be the minimum age of a voter?

14. Do you think that a residential qualification should be prescribed for a voter? If so, what should it be?

15. Subject to such modifications as you may have recommended in your replies to the above two questions, do you approve of the general qualifications and disqualifications for franchise, stated in the scheme of the Miraj Durbar? If not, what modifications, alterations or additions do you recommend?

ELECTORATES AND CONSTITUENCIES

(Note:- For the Miraj Durbar scheme for electorates and constituencies, their extent, No. of seats, polling stations, etc., Vide Appendix C.)

16. (a) It has been suggested that, in order to add more knowledge and experience and thus to strengthen the quality of the Miraj (Sr.) Legislative Assembly, the system of cooption should be introduced in its composition. That

is to say, instead of filling in all the twenty elective seats through general or territorial, separate or special constituencies, a certain number of those seats should be filled in by election by elected and/or nominated members of the Assembly. Are you in favour of this suggestion ?

(b) If you are not, why not ?

(c) If you are, (i) how many of the twenty elective seats will you reserve for co-option; (ii) will you restrict the election by co-option only to elected members or will you extend it to nominated members also, official and/or nonofficial; and [iii] in order to maintain the relative party strength, will you adopt the method of proportional representation for this election ?

17. Do you think that there should be in the State three kinds of electorates: [1] general or territorial electorates for the general mass of the people; [2] separate electorates for important and major communal minorities; and [3] special electorates for special interests ? If you do not, which kinds of electorates will you have ?

18. [a] Do you think that the general or territorial electorates should have 'urban' and 'rural' constituencies ? If you do,

[b] do you accept the proposal of the Miraj Durbar that the two towns of Miraj and Laxmeshwar should be constituted as 'urban' constituencies ? If not, what are your own proposals ?

[c] do you accept the proposal of the Durbar that [1] Miraj Taluka, North, [2] Miraj Taluka, South, [3] Laxmeshwar Taluka, [4] Modnimb, North, and [5] Modnimb, South, should be constituted as 'rural' constituencies ? If not, what are your own proposals ?

19. (a) Do you think that there are in the State important and major communal minorities which may not be able to get fair and reasonable representation in the Assembly without special provision being made for it ? If so,

(b) which are such minorities;

(c) will you recommend for them (i) nomination; or (ii) reservation of seats in general or territorial constituencies; or (iii) separate electorates; or (iv) any other alternative ? If so, what is it ?

(d) how many seats will you recommend for each of these minorities ?

20. [a] If, in reply to the above question, you have stated that there are only two important and major minorities, Muslims and Depressed Classes, requiring special provision for their representation and you have recommended reservation of seats in general or territorial constituencies, do you approve of the constituencies recommended by the Miraj Durbar ? If not, what are your own proposals ?

[b] If you have recommended separate electorates for the Muslims and the Depressed Classes, which are the constituencies you will recommend and how will you distribute the seats ?

[c] If you have recommended any other alternative to reservation of seats and separate electorates, which are the constituencies you will recommend and how will you distribute the seats ?

[d] For the minorities other than the Muslims and the Depressed Classes, which you may have recommended for special representation, which constituencies will you recommend if they are to be given [i] reserved seats; or [ii] separate electorates; and how will you distribute the seats?

21. [a] Will you retain, reduce or abolish the existing representation to four special interests, viz. [i] education; [ii] commerce and industry; [iii] landlords; and [iv] inamdars and tainatdars?

[b] If you retain it, [i] will you retain or modify, and if the latter, in what way, the existing constituencies for those interests; and [ii] will you also retain for them the present number of seats, i. e. . one seat for each interest, or will you increase it in proportion to the increased strength of the Assembly or in any other manner? If so, how?

[c] If you reduce it, which special interest or interests will you eliminate and where will you transfer that seat or those seats?

[d] If you abolish it, where will you transfer the four seats and how will you distribute them?

[e] Do you think that it is possible or feasible to transfer any of these special interests from the sphere of election to that of nomination? If so, which is such interest or interests?

22. [a] Do you consider that women are a special interest which requires representation?

[b] If so, will you provide it by nomination or election?

[c] If by election, do you recommend the method of reservation of seats in the general or territorial constituencies or that of special electorate or any other alternative? If the latter, what is it?

[d] Do you accept the special constituency for women, suggested in the scheme of the Miraj Durbar? If not, why not?

[e] How many seats will you give to women?

23. [a] Do you consider that there are any other special interests which require representation?

[b] If so, what are they?

[c] Will you give them representation by nomination or election?

[d] If by election, will you recommend the method of reservation of seats in the general or territorial constituencies or that of special electorates or any other method? If the latter, what is it?

[e] How many seats will you give to each of these special interests?

24. Do you think that the existing ratio of seats [a] between 'urban' and 'rural' constituencies and [b] between general or territorial and special constituencies is fair and reasonable? If not, what modifications will you suggest?

25. If you have recommended reserved seats in the general or territorial constituencies for any minorities or special interests, do you think that they

should be permanently attached to any particular general or territorial constituencies or that they should go by rotation to different general or territorial constituencies ?

26. [a] Are you in favour of [i] single-member or [ii] plural-member constituencies or [iii] both ?

[b] If you are in favour of both, will you restrict the plural-member constituencies to where there are reserved seats or will you as a rule recommend plural-member constituencies ?

27. If you have recommended plural-member constituencies with or without reservation of seats, which of the following methods of voting will you recommend :- [i] the single non-transferable vote ; [ii] the distributive vote; or [iii] the cumulative vote ?

28. In the light of your replies to this part of the questionnaire, please give a tabular statement containing [i] the names of the constituencies; [ii] their extent; [iii] their character, i. e. whether they are general or territorial, separate or special, and urban or rural; and [iv] number of seats attached to each constituency on the assumption

[a] that you have recommended the system of co-option and reserved a certain number of seats to be filled in by this method; and

[b] that you are not in favour of that system and all the twenty elective seats are to be filled in by territorial, separate or special electorates.

CANDIDATES' QUALIFICATIONS AND DISQUALIFICATIONS

(Note :- For the Miraj Durbar's provisions for candidates' qualifications and disqualifications, vide Appendix D.)

29. Do you accept the Miraj Durbar's provisions for candidates' qualifications and disqualifications ? If you do not, what modifications will you recommend ?

30. Assuming that the system of co-option is introduced, what qualifications will you recommend for candidates standing for election through co-option?

ELECTORAL ROLL, PROCEDURE AND LAW

31. [a] Are you in general agreement with the rules made by the Miraj Durbar under the Miraj Legislative Council Regulation No.1 of 1932, as modified by the Notification of 15-1-1942, on electoral roll, electoral procedure and electoral law ? If not, what modifications will you suggest ?

[b] Are you in favour of bringing the Miraj Durbar rules on this subject in line with those obtaining in the Bombay Presidency with such modifications as local circumstances may require ?

THE EXECUTIVE COUNCIL

NOTES :- (1) For the composition of the Executive Council and the division of functions between the Councillors and the Ministers, as announced in the Notification, dated 10-1-1942, and the Proclamation, dated 10-6-1943, VIDE Appendix E.

(2) For the description and review, by the Simon Commission, of the main features and working of the provincial constitution, with special reference to dyarchy, under the Government of India Act, 1919, VIDE Appendix F.

32 Under the proclamation of 10-6-1943, the minimum strength of the Executive Council will be 3 -- 2 Executive Councillors including the Diwan and 1 Minister. Do you consider this strength excessive, adequate or inadequate for prompt and efficient despatch of work and with due regard to the financial resources of the State? If excessive or inadequate, what is your alternative proposal?

33 The Notification of 10-1-1942 makes the Diwan the ex-officio President of the Executive Council and the Proclamation of 10-6-1943 says that the Diwan will, in the absence of the Raja Sahib, preside over the said Council. Assuming that this is an open question, which of the two provisions do you prefer and why?

34 (a) It has been stated that the statutory division of subjects of administration into "reserved" and "transferred" -- the former to be in charge of Councillors and the latter of Ministers--which is the essence of dyarchy, was not only found to be administratively impossible but it hopelessly obscured the underlying and fundamental conception of the dyarchic system, viz., complete "responsibility" of Ministers in a certain defined field, and all the time hindered its growth--which was the object of that system. Do you agree with this view?

(b) If you do, will you, instead of dividing the subjects by a statute, leave their distribution to the Raja Sahib and the Executive Council with final authority in the hands of the former?

(c) If you do not, do you accept the list of "transferred" subjects, as given in the Notification of 10-1-1942? If not, what additions or subtractions will you suggest?

35 (a) It has been stated that (i) under dyarchy, there may be a joint discussion between the two halves of Government but there can be nothing which strictly corresponds to a "cabinet decision", i.e., there can be no decision on which the two halves of Government are jointly responsible; and where there has been a very near approach to cabinet decisions, this was because of a departure from the strict theory of dyarchy; (ii) it was largely due to the Governors that Executive Councillors and Ministers succeeded, with hardly any exceptions, in overcoming the difficulties of working a

Government divided into two halves; (iii) the success achieved in avoiding conflict within the Government itself, was attained by encouraging its operation as a single whole, rather than by keeping separate the two component parts; (iv) the two halves of Government were thrown into each other's arms through their relations with the legislature; and (v) the resulting almost irresistible impulse towards unification of Government has probably been all to the good from the point of view of the efficient conduct of business. Do you agree with this view ?

(b) If you do, will you suggest that the Executive Council should, as a rule, meet together and conduct the administration as a single whole, even though the constitutional responsibility for the decisions may rest with the Raja Saheb acting with Councillors or Ministers, as the case may be ? If not, what is your alternative suggestion ?

36 (a) Assuming that there is no statutory distribution of subjects and that the Executive Council works, as a rule, as a single whole, which over-riding powers should the Raja Saheb possess, i. e., those in respect of "reserved" subjects or those in respect of "transferred" subjects ? (vide Nos. 3, 4, and 11 of Appendix F.)

(b) Assuming that there is a statutory distribution of subjects and the Executive Council works on the principle of divided responsibility, should the over-riding powers the Raja Saheb is to possess, be the same as or similar to those of the Governor in respect of "reserved" and "transferred" subjects ?

37 (a) Under the Government of India Act, 1919, there was no joint and collective responsibility between Executive Councillors and Ministers and whether there was joint and collective responsibility between the Ministers themselves in respect of the "transferred" subjects, is not clear. The Proclamation of the Miraj Durbar, dated 10. 6. 43, says that the Executive Council which, unlike the British Indian provincial Executive Council, consists of Councillors AND Ministers, shall develop, as far as practicable, joint and collective responsibility. How, in your opinion, will such responsibility develop if the Councillors and Ministers administer their subjects independently of each other ?

(b) Assuming there are two or more Ministers, will you desire that they should develop joint and collective responsibility in respect of the administration committed to their charge ? If so, will you do it under a statute or by a convention ?

(c) If there is more than one Minister, do you think that, in order to carry out the obligation of joint and collective responsibility, the Raja Saheb should first select the first or chief Minister and the latter's wishes should be consulted in making the second and subsequent selections ?

38 Do you think that the salary of the Minister or Ministers should be the same as that of the Councillor or Councillors or that the legislature should fix it by statute ?

39 (a) Assuming that there is a statutory division of subjects, do you think that there should be a joint purse for the whole administration or separate purses for "reserved" and "transferred" subjects?

(b) If you are in favour of separate purses, which sources of revenue will you assign to the "reserved" subjects and which to the "transferred" subjects? Or, will you divide the total receipts between the two in a certain fixed proportion? If so, what should be that proportion?

40 Assuming that there is a statutory division of subjects and there is a joint purse, do you agree that the procedure to apportion available funds between the two halves of Government should be the same as or similar to that prescribed in the Government of India Act, 1919, and summarised in Nos. 32 and 33 of Appendix F? If not, what is your alternative proposal?

41 (a) With the introduction of the Government of India Act, 1919, Finance Departments were instituted in the British Indian provinces and were made the "reserved" subjects. Some of their functions are summarised in Nos. 32 and 34 of Appendix F. Do you think that there is need for instituting a Finance Department in the Miraj (Sr.) State?

(b) If you do, will you put it in charge of a Councillor or a Minister on the assumption that (i) there is no statutory division of subjects; and (ii) there is a statutory division of subjects? Or, will you put it under a special officer who is neither a Councillor nor a Minister, possesses sound knowledge of finance and will act as Financial Adviser to the Raja Saheb and the Executive Council?

(c) If you are in favour of putting the Finance Department under a Councillor or a Minister, do you think it desirable that he should have no major spending Department under him?

42 What are the present arrangements for the audit of the State accounts? Do you think that they need revision? If so, what is your proposal?

43. Have you any more suggestions to make, which may not be inconsistent with the terms of the Proclamation of 10-6-43, with regard to the composition and functions of the Executive-Council? If so, what are they?

THE LEGISLATIVE ASSEMBLY

NOTES :- (1) For the changes made in the composition, life and presiding authority of the Miraj (Sr.) Legislative Council by the Notifications of 10-1-1942 and 15-1-1942 and the Proclamation of 10-6-1943, VIDE Appendix G. For the other provisions relating to the Council and its business, reference is invited to the Miraj (Sr.) Legislative Council Regulation No. 1 of 1932 and the Rules and Standing Orders made thereunder.

(2) For the administrative, legislative and financial arrangements in the British Indian provinces under the Government of India Act, 1919, VIDE Appendix H.

(3) Relations with British Government and Indian States, tributes and other similar payments, public debt charges, privy purse, pensions and all other past commitments and obligations are excluded by paragraph 2 (c) of the Proclamation of 10-6-1943, from the jurisdiction of the Minister or Ministers and the Miraj (Sr.) Legislative Assembly and are, therefore, outside the scope of the following questions under the head " the Legislative Assembly ".

44 (a) Have you any suggestions to make with regard to the general qualifications or disqualifications for nominations, which are, under Regulation No. 1 of 1932, generally the same as or similar to those given in Appendix D ? If so, what are they ?

(b) Nomination is generally intended to secure representation to those classes or interests which may not get it through the channel of election and to adjust inequalities in the elections. Have you any suggestions to make, with a view to carrying out this intention, with regard to the not more than five seats in the Assembly which are reserved for nomination ? If so, what are they ?

(c) Do you think that the existing practice of nominating not more than two persons as expert members, should be continued ? If you do, will you restrict, as was the case in the British Indian provinces under the 1919 Act, such nomination to particular Bill or Bills for the subject-matter of which special knowledge and experience are required or will you have it for the lifetime of the Assembly ?

45 (a) Do you think that the life of the Assembly should be five years ? If not, what should it be ?

(b) Do you think that the Assembly should meet at least twice a year ? If not, what is your alternative proposal ?

46 [a] Do you think that the President of the Assembly should be elected or nominated ? If the latter, will you confine the nomination to the members of the Assembly or extend it to an outsider possessing knowledge and experience of the working of the legislature ?

[b] Do you think that, following the British Indian practice under the 1919 Act, the President should be nominated for the first few years and thereafter he should be elected ? If you do, what should be the period of nomination ? If you do not, why not ?

[c] Will you have an official or non-official President, whether elected or nominated ?

[d] How, in your opinion, will the provision in the Notification of 15-1-1942 work in practice, viz., the nominated President will work as President only during the period when the Assembly is in session and the Diwan will work as President outside that period? If you think that it may work well, how will you resolve a difference of opinion between the two, if any arises as regards the admission or otherwise of questions and motions, arrangement of business, etc.? If you think it may not work well, what is your alternative proposal?

47 Will you recommend a Vice-President for the Assembly? If so, should he be elected or nominated?

48 Will you retain the existing provision (Rule 3) that at the commencement of each session of the Assembly, the President shall nominate two members as Chairmen who shall, in the order of seniority, preside over it in the absence of the President and the Vice-President, if any?

49 Have you any suggestions to make with regard to the existing provision (Rule 6) about the allotment of time for non-official business and the precedence of business? If so, what are they?

50 (a) Have you any suggestions to make with regard to the existing provisions (Rules 7 to 11 and Standing Orders 11, and 26 to 34) about the right of members to put questions, and supplementary questions, the subject-matter of the questions and the limitations imposed upon it, the disallowance of questions, etc.? If so, what are they?

(b) If, under the existing provisions, the limitations on the subject-matter of the questions covers a wider area than that prescribed in 2 (c) of the Proclamation of 10. 6. 1943, will you restrict the limitations to the subject-matter covered in 2 (c)? If not, why not?

(c) If the right of members to put questions and supplementary questions is found to be more limited than that exercised in the British Indian provincial legislatures under the 1919 Act, do you think that the former should be brought on par with the latter? If so, why? If not, why not?

51 (a) Have you any suggestions to make with regard to the existing provisions (Section 13 of the Regulation, Rules 26 to 32 and Standing Orders 57 to 66) about the right of members to move resolutions on matters of general public importance? If so, what are they?

(b) If, under the existing provisions, the limitations on the subject-matter of the resolutions covers a wider area than that prescribed in 2 (c) of the Proclamation of 10. 6. 1943, will you restrict the limitations to the subject-matter covered in 2(c)? If you do, why? If you do not, why not?

(c) If the right of members to move resolutions is found to be more limited than that prescribed for the British Indian provinces under the 1919 Act, do you think that the former should be brought on par with the latter? If you do, why? If you do not, why not?

52 Have you any suggestions to make with regard to the existing provisions [Rules 12 to 14 and Standing Orders 35 and 36] about the motions for adjournments for the purpose of discussing a definite matter of urgent public importance? If so, what are they?

53 Have you any suggestions to make with regard to the existing provision [Standing Order 52] about the "statutory motions"? If so, what are they?

54 Have you any suggestions to make with regard to the existing provisions [Standing Orders 53 to 56] about the amendment of the Standing Orders? If so, what are they?

55 (a) Do you think that in the sphere of legislation the powers of the Assembly should be the same as or similar to those of the British Indian provincial legislatures under the 1919 Act and that they should be subject to the same or similar limitations such as those of recommendation, reconsideration, certification and veto? If not, what is your alternative proposal?

(b) If your answer to (a) is in the affirmative and if there is no statutory division of subjects and the Government works, as a rule, as a single unit, do you think that the limitations on the legislative powers of the Assembly should cover the whole field of administration? If not, why not?

(c) If your answer to (a) is in the affirmative and if there is a statutory division of subjects and the Government works on the principle of divided responsibility, do you think that the limitations on the legislative powers of the Assembly should vary according as the subjects of legislative enactment are reserved or transferred? If not, why not?

(d) If, under the existing provisions (Section 13 of the Regulation, Rules 20 to 25 and Standing Orders 37 to 51) governing the legislative powers of the Council, the limitations on those powers cover a wider field than that laid down in 2(e) of the Proclamation of 10-6-43, will you restrict the limitations only to those subjects which are excluded from the scope of the Assembly's powers? If not, why not?

(e) In the light of your replies to (a), (b), (c) and (d), have you any other suggestions to make with regard to the existing legislative powers of the Council? If so, what are they?

56 (a) Do you think that in the sphere of finance the powers of the Assembly should be the same as or similar to those of the British Indian provincial legislatures under the 1919 Act and that they should be subject to the same or similar limitations as those under the said Act? If not, what is your alternative proposal?

(b) If your answer to (a) is in the affirmative and if there is no statutory division of subjects and the Government works, as a rule, as a single unit, do you think that the limitations on the financial powers of the Assembly should cover the whole field of administration? If not, why not?

(c) If your answer to (a) is in the affirmative and if there is a statutory division of subjects and the Government works on the principle of divided responsibility, do you think that the financial powers of the Assembly should vary according as the subjects to which those powers apply are reserved or transferred? If not, why not?

(d) If under the existing provisions [Section 14, Rules 33 to 40 and Standing Order 67] governing the financial powers of the Council, the limitations on those powers cover a wider field than that laid down in 2 [c] of the Proclamation, will you restrict the limitations only to those subjects which are excluded from the scope of the Assembly's jurisdiction? If so, why? If not, why not?

(e) In the light of your replies to [a], [b], [c] and [d], have you any other suggestions to make with regard to the existing financial powers of the Council? If so, what are they?

57 In the light of your replies to question No. 56, will you recommend the same or similar procedure as was laid down in the 1919 Act for the presentation of the statement of the estimated annual expenditure and revenue [the Budget] of Miraj [Sr.] State, the stages for its consideration and passage by the Assembly and for the supplementary or additional grants and will you, to that extent, modify the existing provisions in that behalf? If not, what is your alternative proposal?

58 Do you think that there should be constituted a Standing Finance Committee whose constitution and functions should be similar to those of corresponding committees in the British Indian provinces under the 1919 Act? If not, why not?

59 Do you think that there should be constituted a Public Accounts Committee whose constitution and functions should be similar to those of corresponding committees in the British Indian provinces under the 1919 Act? If not, why not?

60 (a) The Proclamation of 10-6-1943 lays down that the responsibility

of the Minister or Ministers to the legislature shall be effectuated by their being required to give up office in the event of their forfeiting the confidence of the legislature. If there is no statutory distribution of subjects and the Executive Council works, as a rule, as a single unit, do you think that it is either desirable or necessary that there should be a statutory provision for no-confidence motions against the Minister or Ministers? If you do not, why not? If you do, what are, in your opinion, the circumstances or occasions on which such motions may be moved? That is to say, will you empower the Assembly to move a no-confidence motion on the ground that

(i) there has been a failure to appoint a Minister or Ministers from among the numerically largest or majority party or parties, group or groups in, or who does or do not command the confidence of, the Assembly?

(ii) his or their administration of the subjects under his or their charge or the policy underlying it does not commend itself to the Assembly?

(iii) he or they should not have associated himself or themselves with a policy in regard to subjects (excluding those enumerated in 2 (c) of the Proclamation) in charge of the Councillor or Councillors, or the administration thereof, which does not commend itself to the Assembly?

(b) Assuming that the number of Ministers is more than one, will you have a no-confidence motion against a particular Minister or against the Ministry as a whole, irrespective of whether or not there is a statutory division of subjects and the Executive Council works as a single unit?

(c) In the case of a no-confidence motion against the Minister or Ministers or the Ministry as a whole, will you adopt the procedure with regard to its admission, that was followed in the Bombay Legislative Council constituted under the 1919 Act? That is to say, do you agree that if the President finds that the no-confidence motion is in order, he should admit it only if he finds that about one-third of the members present are in favour of its admission; otherwise, he should announce that the leave to make the motion is not granted. If not, why not?

(d) Do you think that a no-confidence motion should be carried by a bare majority or that the majority required for the passage of the motion should be more than a bare majority, say, two-thirds or three-fourths? Whatever the majority, should it be only of the members present or of the total number of members of the Assembly?

61 Do you think that subjects like the safeguarding of the legitimate interests of the minorities, the rights and privileges of the services, the financial stability and credit of the State, should constitute the special responsibility of the Raja Sahab? If not, why not?

62 [a] Paragraph 2(c) of the Proclamation of 10-6-1943 enumerates the subjects which, administratively, legislatively and financially, are the sole responsibility of the Raja Sahab. On the analogy in British India under the 1919 Act, do you think that the members of the Assembly may be given, under a convention, an opportunity to express their views on certain of those subjects such as relations with British Government and Indian States ?

[b] If you do not, what alternative proposal will you suggest, by which the Raja Sahab may be enabled to know the responsible public opinion of his subjects ?

[c] If you do, should the expression of views of the members take the form of a discussion on the floor of the Assembly or should it take the form of a representation to the Raja Sahab ?

63 (a) Do you think that, in cases of emergency, the Raja Sahab should possess the power to promulgate ordinances for the peace and good government of the State or any part thereof ?

(b) If you do not, can you suggest any other method by which cases of emergency can be dealt with and peace and good government maintained ?

(c) Can you visualise any other occasions on which and the subjects for which the Raja Sahab may find it necessary to enact laws in his discretion ?

(d) Do you suggest that the ordinances issued and the laws enacted by the Raja Sahab in cases of emergency or on other occasions, should be in force for a certain period and that they should be placed before the Assembly and its views sought, if their continuance for a longer period is considered necessary ? If so, what should be that period ? If not, why not ?

64 Do you think that adequate provision should be made to meet cases of serious mal-administration or of the breakdown of the constitution ? If you do, what adequate provisions will you suggest ? If you do not, why not ?

65 Have you any more suggestions to make, which may not be inconsistent with the terms of the Proclamation of 10. 6. 43, with regard to the composition and functions of the Legislative Assembly ? If so, what are they ?

JUDICIARY AND THE SERVICES

66 Do you think that, with a view to keeping the judiciary independent of the executive and the legislature, the Raja Sahab should possess all powers for the administration of justice according to law and that all appointments and other matters concerning judicial officers of the State should be made by him in accordance with the rules that may be made in that behalf ? If not, why not ?

67 The Government of India Act, 1919, and the rules made thereunder

contain provisions about the recruitment, pay, allowances, leave and other privileges of the services. They also contain provisions about the disciplinary action to be taken against them. Similar provisions obtain in the constitutions of many Indian States. Do you think that suitable provisions in this behalf may be made in the constitution of this State? If you do, will you indicate the general lines of such provisions? If you do not, why not?

GENERAL AND MISCELLANEOUS

68 Do you think that the constitution should provide for a statutory Famine Relief Fund to meet conditions of famine and scarcity in the State? If not, why not?

69 (a) Do you think that the constitution should contain a suitable provision by which the members of the Assembly may be enabled to make representations to the Raja Saheb about further constitutional advance? If you do, what should be that suitable provision? If you do not, why not?

(b) Do you think that the constitution that may be enacted, should itself provide for its further growth in the direction of achieving the accepted goal of full responsible government? If you do, what are the provisions which, in your opinion, should be incorporated in the constitution? If you do not, why not?

70 If you were a member of the Miraj (Sr.) Legislative Council constituted under Regulation No. 1 of 1932 or were associated with it in any responsible capacity, will you give the Committee a general idea of its working with particular reference to the extent of responsibility shown by it in the discharge of its duties?

71 Will you give the Committee a general idea of the growth, development and extent of public opinion in the State? Which are the political parties or groups operating in the State, are they based on political and economic principles or on communal considerations and how do they work in actual practice, i.e., do they work on communal or non-communal lines? What is the present membership of each of them and does it extend to the talukas and villages in the State or is it largely restricted to towns and cities? Is the membership fee collected periodically and regularly and what is the fee? How do they elect their executives and whether they annually hold their general body meetings and conferences? Do they publish their statement of accounts? Have any of them political affiliations outside the State, and, if so, which are such parties or groups and to which outside organisations they are affiliated or owe their allegiance? Please give this information separately for each organisation.

MIRAJ,
AUGUST 28, 1943,

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V. R. NENE,
Secretary, Miraj (Sr.)
Reforms Committee.

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APPENDIX A

**Proclamation issued by Shrimant Raja Saheb of Miraj (Sr.),
dated 10th June 1943, on Constitutional Reform and
Committee's Terms of Reference.**

In accordance with the declared policy of the Miraj (Senior) Maharaja to progressively associate the subjects of the State with the administration with a view to reaching, in fulness of time, the accepted goal of full Responsible Government under the *aegis* of the Raja Saheb, his heirs and successors, and, in pursuance of the Notification, dated 24th November, 1942, the Raja Saheb of Miraj (Senior) is pleased to make the following Proclamation :

1 The Administration of the State shall continue to be conducted by and in the name of the Raja Saheb in whom, by virtue of his inherent rights, all power and authority shall remain vested. From time to time, however, he will decentralise the Administration by delegating such powers as circumstances, safety and good Government of the State permit, to such authorities as he may decide.

2 As a first step towards decentralisation, the Raja Saheb has decided (a) to establish an Executive Council; (b) to reconstitute the legislature with increased non-official element and on wider franchise with the object of securing as representative a legislature and as broad a franchise as present circumstances in the State and each of its Talukas permit; and (c) to introduce what is now popularly known as diarchical form of Government.

(a) The Executive Council shall consist of a Councillor or Councillors appointed by the Raja Saheb within his discretion and a Minister or Ministers selected by him from among the elected members of the legislature. They shall hold office during the pleasure of the Raja Saheb. The Diwan, who shall be a Councillor, shall be the senior-most member of the Executive Council and shall, in the absence of the Raja Saheb, preside over its meetings. The Councillor or Councillors shall be responsible to the Raja Saheb and the Minister or Ministers to the legislature. The responsibility of the Minister or Ministers shall be effectuated by their being required to give up office in the event of their forfeiting the confidence of the legislature. The Executive Council shall, however, develop, as far as practicable, joint and collective responsibility. For the first two terms of the legislature, the number of Councillors shall be more by one than that of the Minister or Ministers.

(b) The legislature, to be called the Miraj (Senior) Legislative Assembly, shall consist of thirty members of whom twenty shall be elected and ten nominated. Of the nominated members, not more than five shall be officials.

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(c) The diarchical form of Government in Miraj (Senior) State will generally follow and develop on the lines of the British Indian provinces under the Government of India Act, 1919, subject to such modifications and adjustments as may be found necessary. Relations with British Government and Indian States, tributes and other similar payments, public debt charges, privy purse, pensions and all other past commitments and obligations shall continue to be the sole responsibility of the Raja Sahab and shall be outside the jurisdiction of the Minister or Ministers and the Miraj (Senior) Legislative Assembly. The Raja Sahab shall have power to enact Acts and promulgate Ordinances on certain subjects and in certain circumstances.

3 A Committee is hereby appointed to consider, within the limitations set out in the first two paragraphs of this Proclamation, the question of further constitutional reform and to make recommendations. In particular, it shall consider and recommend on –

- (a) the number of members of the Executive Council so as to enable it to aid and assist the Raja Sahab with promptness, despatch and efficiency;
- (b) the powers, scope and procedure of the Miraj (Senior) Legislative Assembly in respect, *inter alia*, of (a) its constitution, composition, vacancies, disqualifications, privileges and penalties, salaries and allowances, officers, sessions, prorogation and dissolution, etc;
- (b) questions and supplementary questions; (c) resolutions and motions;
- (d) budget and supplementary estimates; (e) taxation; [f] legislation; etc;
- [c] the division of the subjects of Administration “ Reserved ” and “ Transferred ” and the list of “ votable ” and “ non-votable ” items of expenditure;
- [d] the subjects on which and the circumstances in which the Raja Sahab may have to enact Acts and promulgate Ordinances;
- [e] the extent of electorate and franchise, constituencies, general and/or special, and system of representation, qualifications and disqualifications of elected members, qualifications and disqualifications of electors, electoral roll, electoral law and procedure, etc; and,
- [f] such other matters as are germane to the subject of the enquiry.

In considering the question of further constitutional reform and making recommendations, the Committee shall

- [a] examine the provisions and the working of the Miraj [Senior] Legislative Council Regulation No 1 of 1932;
- [b] take into account the contemplated provisions contained in the Notifications, dated 10-1-42 and 15-1-42, amending the Miraj [Senior] Legislative Council Regulation No. 1 of 1932;
- [c] give full and adequate consideration to the conditions prevailing in and around the State, to the extent of the material that may be available within its borders to shoulder the responsibility which its recommendations may impose upon the people and to the financial and other resources of the State; and

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[d] pay due regard to the just and legitimate claims of the minorities and the Depressed Classes in the State.

The Committee shall consist of the following Members :-

1. Mr. Raghunath Ramchandra Bakhale, Chairman.
2. Dr. Divakar Prabhakar Gorde, L. C. P. S.
3. Mr. Ramachandra Bapurao Abhyankar, B. A., LL. B.
4. Mr. Bashetteppa Dodbasappa Tatti, Laxmeshwar.
5. Mr. Janardhan Sakharam Sathe, Modnimb.

Mr. V. R. Nene, M. A. will act as Secretary to the Committee.

The Committee shall have, in its discretion, power to coopt members, not exceeding two from each Taluka, who will enjoy the same rights and privileges as those of the members of the Committee in regard to matters relating to their Taluka. They will not, however, vote on and sign the report.

The Committee will frame its own questionnaire, draw up its own procedure, may take written and/or oral evidence and, if it so desires, tour the State.

The Committee will submit its report to the Raja Saheb as early as possible.

4 On the submission of the Committee's report, the Raja Saheb will consider its recommendations and enact a Government of Miraj [Senior] Act in terms of the decisions he may reach on them.

APPENDIX B

FRANCHISE QUALIFICATIONS AND DISQUALIFICATIONS

The following is a summary of the qualifications and disqualifications for the Miraj Legislative Council, prescribed by Rules framed under the Miraj (Sr.) Legislative Council Regulation No. 1 of 1932, as amended by the Notification, dated 15-1-1942 :-

GENERAL QUALIFICATIONS

1. A person must
 - (a) be a subject of the Miraj (Senior) State ;
 - (b) be not less than 21 years of age ; and
 - (c) possess at least one of the additional qualifications for the constituencies mentioned in Appendix C for being eligible to be a voter in that constituency where he has that additional qualification.

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(Qualification No. 1 (a) does not apply to Education and Women's constituencies.)

(The subject of the Miraj (Senior) State is a person who is born within its limits or owns, as owner, landed property within its border or has stayed continuously for five years within its territory.)

ADDITIONAL QUALIFICATIONS

1. Miraj and Laxmehswar Towns Urban Constituencies :

(a) Any person who

- (1) within the limits of these constituencies owns, as owner, a house whose annual rent is not less than Rs. 36 ; Or
- (2) within the said limits occupies a house or a building or portion; thereof which he uses for his residence or occupation and whose annual municipal tax is not less than Rs. 3 ; Or
- (3) pays, as tenant, house rent of not less than Rs. 36 annually ; Or
- (4) within the said limits owns, as owner or mirasdar, rayatawa or inam land whose assessment is not less than Rs 5 ; Or
- (5) receives as pension Rs. 15 p. m. and more from the State ; Or
- (6) receives as a state servant a monthly salary of not less than Rs. 15 Or
- (7) has passed IV standard vernacular examination (Kanarese, Marathi, Urdu, or Gujarati) ;

is eligible to be a voter.

2. Rural Constituencies :

Any person who

- [i] owns, as owner or as mirasdar, rayatawa or inam land whose assessment is not less than Rs. 5 ; or
- [ii] has passed IV standard vernacular examination (Kanarese, Marathi, Urdu or Gujarati) ;

is eligible to be a voter.

3. Joint Constituency for Reserved Seats :

For the purposes of reserved seats, there shall be a joint constituency consisting of the urban and rural constituencies, mentioned in Appendix C. The qualifications for this joint constituency shall be the same as those for urban and rural constituencies.

4. Education Constituency :

Any person who has stayed in the Miraj (Sr.) State continuously for not less than two years and who

- [i] is a graduate of any university ; or
- [ii] has passed any other examination of a university or a school

final examination; or
 [iii] has passed a mulki examination ; or
 [iv] is a practising pleader or a doctor or a vaidya holding a diploma
 or being a member of an association recognised by Government ;
 is eligible to be a voter.

5. Commerce and Industry Constituency :

Any person who is a merchant, contractor, employer or does similar trade or business and whose annual income on his trade or business is Rs. 500 or more, is eligible to be a voter.

6. Tainatdars Constituency :

Any person whose name appears in the records of the State as a tainatdar, " bhauband ", " mankari " or " jamedar ", is eligible to be a voter.

7. Women's Constituency :

This constituency will consist of hundred women nominated by the State.

8. Landlords Constituency :

Any person who owns, as owner or mirasdar, inam or rayatawa land in the State whose assessment is not less than Rs. 75 a year, is eligible to be a voter.

[In the case of a firm or undivided family, the manager of the firm and the manager of the undivided family or " karta " alone will be considered eligible to be a voter in this constituency.]

[An executor or a trustee as an executor or a trustee, is not eligible to be a voter or a candidate for election.]

[Revenue or municipal certificate in respect of land assessment or rent, is considered as conclusive evidence.]

DISQUALIFICATIONS

A person who

[a] is declared lunatic by a competent court ; Or

[b] is sentenced to transportation or imprisonment for six months or more by a competent court ; Or

[c] has undergone or is undergoing imprisonment ; Or

[d] has been ordered to pass, under Criminal Procedure Code, part VIII, a personal security with or without surety. [This disqualification

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remains in force for five years from the date on which he may have been released or the period of security is over;]. Or, [e] has been found guilty for corruption or bribery? [This disqualification will remain in force for five years]; is disqualified from being a voter.

APPENDIX C

Constituencies, their Extent, No. of Seats and Polling Stations.

The Notification, dated 15-1-1942, has fixed the following constituencies with their extent, number of seats and polling stations :-

General Constituencies - Urban.

1. MIRAJ TOWN :- Miraj Town. 3 seats. Polling Station - Miraj.
2. LAXMESHWAR TOWN :- Desaiban, Hulgeriban, Petban, Hireban and Bastiban. 1 seat. Polling Station - Laxmeshwar.

General Constituencies - Rural.

- 1 MIRAJ TALUKA, NORTH (excluding Miraj Town) :- (1) Dhalewadi; (2) Dhalgaon; (3) Choroehi; (4) Chude-khindi; (5) Dudhebhavi; (6) Arewadi; (7) Nimaj; (8) Ghorpadi, (9) Raiwadi; (10) Kidebisri; (11) Dahiwadi; (12) Wagholi; (13) Kusbawade; (14) Benapur; (15) Shirdhon; (16) Malangaon; (17) Patgaon; (18) Karoli; and (19) Malgaon. 2 seats. Polling Stations :-[1] Dhalgaon for Nos. 1 to 14; [2] Shirdhon for Nos. 15 to 18; and [3] Malgaon for No. 19.
- 2 MIRAJ TALUKA, SOUTH (excluding Miraj Town) :- (1) Tanang; (2) Sawali; (3) Takali; (4) Bolwad; (5) Nilji; (6) Bamani; (7) Vaddi; (8) Dhavali; (9) Kavathe Guland; (10) Narwad; (11) Kavathe Piran; (12) Mole; (13) Kempwad; (14) Banajwad; and (15) Lingnur; 2 seats. Polling Stations :- [1] Miraj for Nos. 1 to 11; and [2] Mole for Nos. 12 to 15.
- 3 LAXMESHWAR TALUKA [excluding Laxmeshwar Town] :- [1] Shabal; [2] Ulatti; [3] Dodur; [4] Undehali; [5] Ankli; [6] Majlapur; [7] Shigli; [8] Ramgiri; [9] Sultanpur; [10] Rategiri; [11] Madginhal. 2 seats. Polling Stations :- [1] Dodur for Nos. 1 to 7; [2] Ramgiri for Nos. 8 to 11.
- 4 MODNIMB, NORTH :- [1] Mendhapur; [2] Ropale-budruk; [3] Nadihole; [4] Sangavi; and [5] Hiware. 1 seat. Polling Stations :- [1] Mendhapur for Nos. 1 to 3; [2] Modnimb for Nos. 4 and 5.

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- 5 MODNIMB, SOUTH :- [1] Modnimb; [2] Aran; [3] Hole Khurd; [4] Pimpalner; [5] Ropale Khurd; [6] Ghatne; [7] Varavade; 1 seat. Polling Stations :- [1] Modnimb for Nos. 1, 2, 5, 6, 7; [2] Pimpalner for Nos 3 and 4.

Constituencies for Reserved Seats.

- 1 MUSLIMS (URBAN) :- Miraj Town. 1 seat. Polling Station-Miraj Town.
 2 MUSLIMS (RURAL) :- (1) Miraj Talu'a excluding Miraj Town; and (2) Laxmeshwar and Modnimb Taluka. 1 seat by rotation between No. 1 and No. 2 above. POLLING STATIONS. (1) Modnimb, Mendhapur and Pimpalner for No. 1; and (2) Laxmeshwar, Dodur and Ramgiri for No. 2.
 3 HARIJAN (MIXED) :- Miraj Town and Miraj Taluka. 1 seat. Polling Stations :- Miraj, Mole, Dhalgaon, Shirdhon and Malgaon.
 4 HARIJAN (MIXED) :- (1) Laxmeshwar Town and Taluka; and (2) Modnimb Taluka 1 seat by rotation between No. 1 and No. 2 above. Polling Stations :- Laxmeshwar, Dodur, Ramgiri, Modnimb, Mendhapur and Pimpalner.

Special Constituencies.

- (1) WOMEN :- Miraj State. 1 seat. Polling Station-Miraj Town.
 (2) EDUCATION :- Miraj State. 1 seat. Polling Station-Miraj Town.
 (3) COMMERCE AND INDUSTRY :- Miraj state. 1 seat. Polling Station-Miraj Town.
 (4) LANDLORDS :- Miraj State. 1 seat. Polling Station-Miraj Town.
 (5) TAINATDARS :- Miraj State. 1 seat. Polling Station-Miraj Town.

Summery.

[1] General Constituencies :-	
[a] Non-Reserved seats :-	
[i] Urban seats	4
[ii] Rural Seats	8
	12
[b] Reserved seats :-	
[i] Muslims - Urban	1
[ii] Muslims - Rural.....	1
[iii] Harijan - Mixed	2
	4
[2] Special constituencies -	5
	21
Total seats.	21

APPENDIX D

CANDIDATES' QUALIFICATIONS AND DISQUALIFICATIONS

- 1 A person is not eligible to stand as candidate for election if

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- (a) he is not a subject of the Miraj (Sr.) State. The Raja Saheb can, however, waive this disqualification on such conditions as he may decide and declare that any British citizen or a citizen of any Indian State other than the Miraj (Sr.) State or any class of such citizen, is not disqualified to stand as a candidate merely on the ground that he is not the subject of Miraj (Sr.) State; or
- (b) being a State servant, he is not permitted to stand as a candidate; or
- (c) being a pleader, his sanad is cancelled or he is not allowed to practise by a competent court; or
- (d) he is declared lunatic by a competent court or he suffers from serious contagious disease; or
- (e) he is less than 20 years of age; or
- (f) he is an undischarged insolvent; or
- (g) being an insolvent, he has not obtained a court certificate that his insolvency is not due to his mis-conduct but is due to his misfortune; or
- (h) he has not passed a Marathi, Kanarese, Urdu or Gujarati Vernacular final examination. The Raja Saheb has power to waive this disqualification in special cases.

2 A person is not eligible to stand as a candidate if he is convicted by a criminal court to transportation or to imprisonment for six or more months.

3 A person is not eligible to stand as a candidate if he has been ordered to give, under Criminal Procedure Code, Part VIII, security with or without surety.

4 A person is not eligible to stand as a candidate if he is found guilty of an offence punishable with more than six months' imprisonment under Indian Penal Code, Part 9 a, or if he is reported to be guilty of corruption by a Commissioner after enquiry. This disqualification will remain in force for five years.

5 A person is not eligible to stand as a candidate from a general or territorial constituency, if

- (a) his name does not appear as a voter in any of the general or territorial constituencies in the State; and if
- (b) he has not stayed during the six months preceding the date fixed for nomination, within the limits of any of the general or territorial constituencies or any part thereof.

6 A candidate standing for election for any of the seats reserved for a community in the general or territorial constituencies, must belong to that community and must secure one-third number of votes from that community out of the total votes polled by it.

7 A person is not eligible to stand as a candidate from a special constituency if his name does not appear in the voters' list of that constituency.

8 No person is allowed to stand as a candidate from more than one constituency.

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APPENDIX E

THE EXECUTIVE COUNCIL

The provisions regarding the constitution of the Executive Council, contained in the Notification, dated 10-1-42, and the Proclamation, dated 10-6-43, are summarised below in parallel columns :-

Notification - 10-1-42

(1) The Executive Council shall consist of one Councillor and one Minister with Diwan as its ex-officio President.

(2) The Diwan and the other Councillor shall be appointed by the Raja Saheb.

(3) The Raja Saheb will select as Minister a member of the legislature, generally from among the majority party. If this is not possible, he will select any member of the legislature he likes as Minister.

(4) In respect of the transferred subjects, the Minister will be responsible to the legislature and the Raja Saheb.

Proclamation - 10-6-43.

(1) The Executive Council shall consist of Councillor or Councillors (which include the Diwan) and Minister or Ministers. The number of the Council is left to this Committee to recommend with this stipulation that for the first two terms of the legislature, the number of Councillors shall be more than one than that of the Minister or Ministers. The Diwan shall be the senior-most member of the Council and shall, in the absence of the Raja Saheb, preside over its meetings.

(2) The Councillor or Councillors shall be appointed by the Raja Saheb.

(3) The Raja Saheb will select as Minister or Ministers any member or members from among the elected members of the legislature.

(4) The Councillor or Councillors shall be responsible to the Raja Saheb and the Minister or Ministers to the legislature. The responsibility of the Minister or Ministers shall be affected by their being required to give up office in the event of their forfeiting the confidence of the legislature.

(5) The Minister will administer the following transferred subjects :-

- (1) Education; (2) Public Health; (2) Medical; (3) P. W. D.; (5) Local Self-Government; (6) Registration; (7) Co-operative Credit Societies; (8) Agriculture and Commerce; (9) Village Uplift; (10) Weights and Measures; (11) Births and Deaths; (12) Veterinary; (13) Library-Museum.

(6) The expenditure on the transferred subjects will be determined in the Executive Council and with the sanction of the Raja Saheb.

(7) No reference.

(8) The salary of the Minister will be the same as that of Executive Councillor.

(5) This is left to the Committee to recommend.

(6) The Committee will consider this question and can make recommendations.

(7) The Executive Council shall develop, as far as practicable, joint and collective responsibility.

(8) The Committee can consider this question and make recommendations.

APPENDIX F

DYARCHY - ITS FEATURES AND WORKING

The provincial constitution under the Government of India Act, 1919, with particular reference to dyarchy, its features and working, as described and reviewed by the Indian Statutory (Simon) Commission, is summarised below :-

1 The Rules made under the Government of India Act, 1919, divide the subjects of provincial administration into two parts: "reserved" and "transferred". The "reserved" subjects are in charge of Members of the Executive Council and "transferred" subjects in charge of Ministers.

2 The Government of a province is committed, in relation to reserved subjects, to the Governor in Council, and, in relation to transferred subjects, to the Governor acting with Ministers.

3 Members of (Executive) Council are appointed by His Majesty. All Executive Councillors are *ex-officio* members of the legislative council, but neither their tenure of office nor their emoluments are at the discretion of that body. The Governor normally presides at meetings of his Executive

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Council, and if a difference of opinion arises, the decision of the majority prevails (the presiding member having, in case of equal division, a casting vote); but this rule is qualified by a proviso that whenever any measure is proposed before a Governor in Council whereby the safety, tranquility or interests of his province, or of any part thereof, are or may be, in the judgment of the Governor, essentially affected, and he is of opinion either that the measure ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

4 The Governor may appoint Ministers and, in relation to transferred subjects, will be guided by their advice, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice.

5 The number of members of the Executive Council cannot exceed four; and there is no statutory limit to the number of Ministers.

6 In theory, the Ministers hold office during the Governor's pleasure, but the power of the legislative council to reduce or withhold their salaries, to censure their administration, and to refuse supply, make the continuance of the confidence of the council essential to their retention of office.

7 Since there are more transferred subjects than the Ministers, some grouping is necessary, and this may be varied by the Governor from time to time.

8 Provision is made by rules for the temporary administration of a transferred subject when, in cases of emergency, owing to a vacancy there is no Minister in charge of the subject. Either a Minister is appointed or the Governor takes temporary charge of the subject.

9 If ministerial Government cannot be carried on, a more drastic mode of treatment is held in reserve and has had to be adopted on more than one occasion -- the Governor General in Council, with the previous sanction of the Secretary of State in Council, may revoke or suspend the transfer of all or any subjects in the province, and thereupon such subjects relapse for the time being into the position of reserved subjects administered by the Governor in Council.

10 It is evident that it was not intended that one half of the Executive was to be held responsible for the decisions of the other, but what is not so clear is whether, within the ambit of the transferred half, it was intended that Ministers should act jointly and stand or fall together.

11 The Governor is an *EX-OFFICIO* member of each of the two committees of Government between which dyarchy distributes the work of administration, but strictly speaking, his relation to each is different. In the Executive Council he takes part in all deliberations. possesses a casting vote as president

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and has authority to over-rule the majority when he considers that the safety, tranquility or interests of the province essentially require a different decision. He thus shares to the full and in every detail his colleagues' responsibility to the British Parliament for the proper administration of the reserved departments. The Governor's relation to Ministers is somewhat different and is stated in No. 4 above.

12 Governors in choosing their Ministers have had an exceptionally difficult task. It could seldom be predicted what following a Minister would have in the legislature, quite apart from the fact that his acceptance of office was often followed, owing to personal rivalries, by the detachment of some of his previous adherents. Ministers suffered greatly from having to devote much of the time and energy needed for their duties, to the tasks of attempting to keep the support of a precarious following in the legislature, and of meeting attacks—whether by way of votes of censure, motions for reduction of their salaries or other less direct methods—often inspired by motives only connected remotely, if at all, with disapproval of their policy or administration.

13 Ministerial handling of affairs has been such that there has been little occasion for resorting to the Governor's statutory powers of over-ruling their views; in some provinces this power has never been used at all.

14 It is largely due to the wisdom with which Governors have used the dominant influence given them both by tradition and under the constitution in respect of both halves of Government, that Members and Ministers have succeeded, with hardly any exceptions, in overcoming the difficulties of working a Government divided into two halves. Relations between Members and Ministers have usually been excellent.

15 Ministers have worked together with far less friction than might have been expected in circumstances in which they were, more often than not, drawn from different groups or communities, and in which the taking of office has seldom been conditioned by an understanding that the principle of joint responsibility would be observed.

16 The success achieved in avoiding conflict within the Government itself was attained by encouraging its operation as a single whole, rather than by keeping separate the two component parts. It became the widespread practice for all questions of importance to be discussed at joint meetings of the two sides of Government and for the decision to be taken thereat, although it was recognised that constitutional responsibility for the decision rested only with part of those present. Separate meetings of the Executive Council seem to have been comparatively infrequent, and separate meetings of the Governor and Ministers alone together rarer still. There was, of course, in any case, nothing to encourage the holding of separate meetings of all the Ministers together as a "Ministry" in those instances in which there had been no development of the sense of joint responsibility among Ministers.

17 A spirit of accommodation has generally shown by both halves

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of Government under the presiding influence of Governors.

18 Provincial legislatures were by the nature of the constitution set the difficult task of discharging two different functions at the same time. In one sphere, they were to exercise control over policy; in the other, while free to criticise and vote or withhold supply, they were to have no responsibility. The inherent difficulty of keeping this distinction in mind has been intensified by the circumstances under which the councils have worked to such an extent that perhaps the most important feature of the working of dyarchy in the provincial councils, when looked at from the constitutional aspect, is the marked tendency of the councils to regard the Government as a whole, to think of Ministers as on a footing not very different from that of Executive Councillors, to forget the extent of opportunities of the legislatures on the transferred side and to magnify their functions in the reserved field.

19 In Assam it was possible for Ministers with considerable frequency to abstain from supporting the policy of the Governor in council without untoward results. This was rarely so elsewhere. Members (of the Executive Council) and Ministers were in too great need of mutual support. It is true, nevertheless, that a few instances did occur (mainly in the United Provinces) of Members actually voting against Ministers and Ministers against Members.

20 The effect produced on account of the rarity of an assured elected majority in support of Ministers has been profound. It is largely psychological. Ministers are seen to be, and feel themselves to be, largely dependent on the official block; they are necessarily in close relation with the reserved side of Government; and it has not infrequently happened that a Minister is subsequently appointed an Executive Councillor. All this helps to create a feeling that, when an elected member is appointed a Minister, he becomes a "Government man", and Ministers themselves have seldom altogether escaped the effect of the instinctive opposition which is aroused by their association with "Government", with the result that the ties between them and their supporters are weakened.

21 There have also been reactions on the reserved side of Government. Ministers, who owe so much to the support of the official block, endeavour to obtain for the reserved side of Government the vote of elected members with whom they are specially associated, though they do not invariably succeed. This situation involves the consequence that the reserved side of Government may be much influenced by Ministers and their following. Decisions to be reached by the Governor in Council are affected by calculations of the probable attitude of ministerial supporters. The stronger the following of the Ministers, the greater their influence on the reserved side, and the theoretical distinctions involved in the idea of dyarchy are likely to be blurred in practice. Thus the two halves of Government have been thrown into each other's arms through their relations with the legislature, no less than by the impossibility of conducting the administration in compartments. The resulting almost irresistible impulse towards unification of Government has probably been all to the good from the point of view of the efficient conduct of business; but the

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underlying and fundamental conception of the dyarchic system-complete " responsibility " of Ministers in a certain defined field, and in that field only - has become almost hopelessly obscured.

22 It would be an exaggeration to say that there was no difference in the attitude of the councils towards Ministers and Executive Councillors. There has usually been distinctly less opposition to ministerial measures and to demands for grants on the transferred side, but this has probably been largely due to the nature of the subjects assigned to each. The unpopular tasks of Government are left to be discharged by its official members.

23 Lack of organisation among the groups in the councils has created difficulties and wasted much time, especially in connection with the discussion on the demands for grant. Lack of well organised parties with a definite programme has also been a contributory cause of the fault of attempting to interfere overmuch in the details of administration, instead of concentrating on questions of general policy.

24 In most provinces the police administration has been the target of constant attack, some times of a general nature, but often directed against specific individuals or the handling of particular incidents.

25 It is a striking fact that the only instance in which a Governor has found it necessary to secure the passage of a provincial bill by certification is the Bengal Criminal Law Amendment Act. On a few occasions a Governor has returned a bill for further consideration with useful results; and there have been two or three instances of the use of the veto, but none of these occasions had any special constitutional significance.

26 The powers of restoration of rejected demands for reserved subjects have been fairly frequently used, with the notable exception of Bombay where the Government has always found it possible to accept the reductions made by the legislature.....Frequent, though not extensive, use of restoration has been necessitated in some provinces by the too common practice of rejecting a demand for grant, instead of only moving a token reduction, as a means of attacking Government in connection with some particular branch of administration on the reserved side. Such attacks were undoubtedly often pressed home in a manner that the council would have hesitated to adopt if it had not known that the reserved powers could and would be used to prevent breakdown.

27 Rejection of demands on the transferred side (which could not be restored) have been less frequent.

28 The Governor has an emergency power for authorising expenditure, whether the subject was transferred or reserved. It has not been used at all except in only a few provinces and on a few occasions.

29 Nothing but absolute necessity for carrying on administration has evoked the use of over-riding powers and the occasions for their use (though not unimportant) have been sporadic and limited, except in two provinces.

Outside them, Government and the legislature have usually agreed, or at any rate, have not finally differed. But it is less easy to say whether provincial Governments, in being guided normally by the wishes of legislatures in which they did not command any assured majority, have been seriously hampered in their conduct of affairs.

30 Leaving out of account two provinces, most of the Government Bills of any importance which were thrown out were proposals for fresh taxation. (not all such were thrown out). But the motive for rejection was often a genuine belief that further economy could be effected or a feeling (often shared by the Provincial Government itself) that the proper way to secure fresh resources was to get the "Provincial Contributions" abolished.

31 The output of the councils in the legislative sphere has been considerable.

32 There had been much discussion during the gestation of the Reforms as to whether the revenue which a province was to spend should form a single fund out of which authorised outlay should be drawn or whether, in view of the introduction of dyarchy, the transferred departments should have resources of their own, distinct from the resources available to the reserved departments. The alternative was described as a choice between the method of a "Joint purse" and that of a "separate purse". According to the plan favoured in the Joint Report, the provincial budget was to be framed by the Executive Government as a whole. The first charge on the provincial revenues was to be the contribution to the Government of India; after that the supply for the reserved subjects was to have priority. The allocation of supply for the transferred services was to be made by the Ministers, who would, with the Governor, also decide, whether additional taxation was to be imposed. These proposals were criticised by the Government of India on the ground, among others, that annual allocation of funds would generate serious friction between the two halves of the Government. It expressed its preference for a division of provincial resources so that the method of "separate purses" might be followed, and this was the form adopted in the Government of India Bill as it was introduced into Parliament. The Joint Select Committee, however, did not endorse this suggestion, but recommended that the Governor should allocate a definite proportion of the revenue to the two sides, unless agreement could be reached between them without his exercising this power. This was the scheme ultimately adopted in the Act. Consequently, the two sides of Government confer on this matter and endeavour to reach an agreement as to the amounts of the estimates to be put forward by the different departments they represent. The department of the Finance Member collates the various suggestions and demands, and the Governor is available to assist in removing obstacles and in promoting the spirit of adjustment. There has been no occasion in any province when the Governor has to resort to the power, which he has in reserve, of ordering the allocation of available funds in such a way as seems most proper, and that without exception the two sides of Government have reached an agreement as to what was best to be done in the difficult circumstances.

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33 The process to apportion available funds between the two halves of Government, is primarily based on agreement between the Executive Council and the Ministers and the Governor exerts himself to secure this. If no such agreement can be reached, the Governor has power, either at his own discretion, or if he prefers, with the assistance of an independent authority, to allocate the revenues and balances of the province between reserved and transferred subjects, by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subject. It is noteworthy that in no single instance has there been a failure to reach agreement, so that no Governor in any province has ever been called upon to discharge this particular duty.

34 It was inevitable that, under the dyarchical constitution, the provincial Finance Department should occupy a peculiar and distinctive position in the administrative system. A section of the Devolution Rules is devoted to a definition of its functions and its relations with the transferred and reserved halves of the Government. Its duties are largely advisory. It examines and reports on all schemes of new expenditure, on questions relating to establishments, on taxation and on loans. Its advice may not be rejected by a reserved department without reference to the Executive Council, but a Minister may disregard it on his own responsibility. If he does so, the Finance Department may demand a reference to the Governor, but the latter may not disregard the advice of the Ministers save for special reasons. In theory, the Finance Department does not initiate taxation but only reports on proposals for fresh taxation emanating from the reserved or transferred half of the Executive.

35 It is one of the inherent difficulties in the working of dyarchy that some of the most important questions of Government cannot be compartmentalised. It is material to observe that, under dyarchy as conceived by its authors, though there may be a joint discussion, there can be nothing which strictly corresponds to a "cabinet decision", i. e., there can be no decision on which the two halves of the Government are jointly responsible. In some provinces, and under some Governors, there has been a very near approach to cabinet decisions, but this was because of a departure from the strict theory of dyarchy. If the dyarchical distribution of functions is strictly observed, ultimately the Governor must decide exactly where the jurisdiction for decision lies, and the decision must be made and recorded accordingly.

36 The theory of the reformed constitution is that Ministers, without being answerable for the reserved departments or for policy associated with the reserved side, are jointly responsible to the elected legislature in respect of the transferred half of Government. But it seems that it has proved impossible to translate this theory into practice.

37 The intention of dyarchy was to establish, within a certain definite range, responsibility to an elected legislature. If this intention is not carried out, the justification for the constitutional bifurcation and for all the complications which it brings in its train is difficult to find. In the light of experience, it may be doubted whether the object aimed at could be attained as long as both halves of Government have to present themselves before the

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same legislature. The practical difficulty in the way of achieving the objective of dyarchy and of obtaining a clear demarkation of responsibility arises not so much in the counsels of Government as in the eyes of the legislature, the electorate, and the public.

38 The division of Governmental functions has led to a blurring of the boundary lines of responsibility.

39 The rigidity of rules and regulations, precise in almost every particular, which meet the eye at every turn, is emphasised by the fixed distribution of provincial subjects between Ministers and Members of the Governor's Executive Council, which is the essence of dyarchy. Certain portfolios must be in the hands of Councillors; certain other portfolios must be in the hands of Ministers. It was thus hoped to give Ministers experience of departmental administration, and to develop, both in them and in the legislatures to which they are responsible as far as these transferred subjects are concerned, experience of constitutional responsibility. Dyarchy as a training ground has this to its credit that it has brought home to some who had no previous experience of the task of Government the difficulties of administration and the meaning of responsibility. But it seems clear that a system which was designed to develop a sense of responsibility has some times tended to encourage a wholly different attitude. As long as dyarchy continues, it is inevitable that the elected members of the legislature should tend to show an exaggerated hostility to the work of the reserved half of the Government, which they may criticise but cannot control. If money is wanted for "nation building" services, the temptation to blame reserved departments for spending too much is far more attractive than the alternative course of imposing new taxes. And if new taxes are imposed, where is the guarantee that the proceeds would be devoted to the purpose intended? A legislature with Ministers responsible to it for certain departments of Government naturally looks across the boundary to the forbidden territory reserved for a different system of administration, and loses much of the value of its control over ministerial policy by indulging in bouts of criticism of departments which are not in the hands of Ministers. It seems that the consequences and tendencies which have been described proceed not so much from the fact that in a given case this or that department is administered by an official, as from the fact that a hard-and-fast line is drawn between topics which may be, and topics which cannot be, entrusted to Ministers. There is, in fact, a real appreciation on the part both of the Ministers and of the legislatures of the help which experienced officials bring to the work of Government, though the debt is not always avowed by the legislatures. Relations between Executive Councillors and Ministers are, we believe, intimate and friendly. But rigid dyarchy is a standing challenge which either ranges Ministers against the reserved half of Government or exposes them to the charge of being the subservient tools of the bureaucracy. And all the time the growth of real responsibility (which was the object of the adoption of the system) is being hindered.

40 It would be impossible to say that opposition to Government has always shown itself to be restrained or reasonable; but the Commission

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are convinced that much of this irresponsible spirit is due to those defects of dyarchy, which are summarised above.

41 A general conclusion on the working of the provincial constitution is not easy to express. This is largely due to the fact that the same form of Government has produced very different consequences in different parts of India-witness, for example, the chopping and changing in Bengal, with ministerial salaries voted and no Minister to earn them, and with the Governor driven to take over transferred departments himself for months at a time, as contrasted with the steady record of Madras or the Punjab.

APPENDIX G

MIRAJ (SR.) LEGISLATIVE COUNCIL

Under the Miraj (Sr.) Legislative Council Regulation No. 1 of 1932, as amended by the Notifications, dated 10. 1. 42 and 15. 1. 42

1 The composition of the Miraj (Sr.) Legislative Council is as follows :-

(a) Elected members	20
(b) Nominated non-official members	5
(c) Nominated official members	5

Total 30

In addition, the Raja Saheb is empowered to nominate to the Council not more than two persons having special knowledge or experience.

The Proclamation of 10. 6. 43 retains the same number of members of the Miraj (Sr.) Legislative Assembly as that given above and maintains the same proportion between the elected, nominated non-official and nominated official members. It is, however, silent on whether there should be or should not be two expert members.

2 The life of the Council will be five years. The Council will meet at least twice a year.

3 The Raja Saheb has the power to nominate as President of the Council any competent member of the Council or an out-sider. If the person nominated, is an out-sider, he will be first appointed as a nominated non-official. The President will work only for the session of the Council. As a matter of convenience, the Diwan of the State will be the President; but he will not work as President during the session of the Council. The distribution of work between the two should be made according to their mutual convenience.

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APPENDIX H

Administrative, Legislative and Financial Arrangements under the Government of India Act, 1919.

The administrative, legislative and financial arrangements for the British Indian provinces, as described by the Indian Statutory (Simon) Commission, are summarised below :-

1 The provincial legislature has power to legislate "for the peace and good Government" of the province, subject to certain qualifications. But on a specified list of matters it cannot legislate, even for its own territorial area, without the previous sanction of the Governor-General - for example, such previous consent is needed for a provincial Bill "regulating any central subject" or dealing with a number of other matters which, though they may affect the province, are primarily the concern of the Central Government.

2 Bills passed by a provincial legislature require the assent, not only of the Governor, but of the Governor-General. And certain classes of Bills, e. g. Bills touching religion or affecting in certain directions the land revenue of the province, must be reserved by the Governor for the consideration of the Governor-General. This is the usual, but rarely exercised, power of the Crown's representative to prevent Bills becoming law, which the legislature is willing to pass. But to this usual power of veto has been added a very unusual power also placed in the Governor's hands - that of overcoming the unwillingness of the provincial legislature, in certain cases, to pass proposals put before it. This may be done by the Governor certifying that the passage of a Bill is "essential for the discharge of his responsibility for the subject." The Bill must be one relating to a 'reserved' subject, for if an Indian Minister introduces a Bill dealing with a 'transferred' subject and the legislative council does not pass it, the usual consequences of rejection follow. If the provincial council refuses to consider, or to pass in a form recommended by the Governor, a Bill relating to a 'reserved' subject, the Governor may, by certifying that its passage is essential, put the Bill in the same position as though it had been actually passed by the legislature. But the Governor cannot, unless he considers that a state of emergency exists, turn the Bill which he has certified into an Act by himself assenting to it; it must be reserved for the significance of His Majesty's pleasure to be expressed by the King in Council, and must have been laid before both houses of Parliament for eight days of their session before being presented for His Majesty's assent.

3 An analogous power of overcoming the unwillingness of the provincial legislatures is placed in the Governor's hands in relation to finance. Section 72D (2) (a) of the Government of India Act provides that, if a demand for a grant which has been refused by the legislative council, relates to a reserved subject and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject, action may be taken as though the money had been voted. If the legislative council

rejects a demand for a grant for a transferred subject, the money cannot lawfully be paid, unless the case comes within proviso (b) of Section 72D(2), under which the Governor has power, in cases of emergency, to authorise necessary expenditure for the safety or tranquility of the province or for the carrying on of *any* Department

4 Under the Reforms, the provincial Governments have acquired a large measure of independence of the Government of India; but such independence has in no way affected the responsibility of the Central Government for the financial and administrative stability of India as a whole. The responsibilities of the Central Government involve that it should be kept informed of all important matters connected with the Government of the whole country, even when primarily of provincial concern. This applies to both halves of provincial Governments. Certain central subjects again are of such a nature as to have little meaning (so far as Governor's provinces are concerned) apart from the administration of provincial subjects. The proper discharge by the Centre of its responsibility in such subjects, therefore, seems to require the power of issuing orders to both halves of provincial Governments. An essential function of the Centre, which must invade the whole provincial sphere in both its reserved and transferred parts, is "External Relations". The principle has here been established that the responsibility of the Centre for central subjects prevails over the restrictions which have been placed upon its powers of control over provincial transferred subjects.

5 The obedience which provincial Governments must render to the Centre is restricted only in the transferred sphere. So far as the official part of the provincial Governments is concerned, it is complete. But, in practice, the power of control by the Government of India over reserved subjects is qualified, for the reason that even in the reserved sphere provincial Governments must do their utmost to act in cooperation with the legislatures.

6 The form in which the Government of India has couched its communications to the provinces is invariably one of advice and suggestion, and not of command. It might appear, therefore, that it paid no respect to the distinction which exists between its power in reserved and transferred subjects. But this is not so. The provinces are well aware that, though they may fully represent their point of view, they must bow to the decision of the Centre in reserved subjects. The tradition of obedience extends also to the administration of transferred subjects; though here it might be better expressed as a readiness to fall in with the policy of the Centre, in default of strong reasons to the contrary. This is indeed the basis on which the coordinated Government of India proceeds.

7 The control which the Centre possesses over the official part of a provincial Government is exercised most fully and constantly in the sphere of "law and order" The part which it plays in the administration of provincial reserved subjects is a matter of discretion and so principally of administrative working. The part which it plays in transferred subjects, is of greater constitutional interest. It will be understood, of course, that the

Government of India could not interfere, and has, in fact, never attempted since the Reforms to interfere, to secure improvement in the administration of transferred subjects. The authority which it exercises is of different nature. It is largely based on the realisation of the fact that progress in any one province may depend upon the cooperation of adjoining provinces, and that coordination is best secured by central action The general tendency since the Reforms has been to extend the coordinating power of the Centre more widely into the transferred field than was contemplated when the Act and the Rules under it were framed.

8 The giving of advice to provincial Governments is an important function of all those central offices which exist primarily to discharge some responsibility of the Central Government such as those of Inspector General of Forests and the Public Health Commissioner to the Government of India The coordinating powers secured to the Central Government by the device by which certain provincial matters are made subject to central legislation, covers a wide category of provincial activities.

9. The Governor-General's powers of issuing ordinances in emergencies have not lain dormant. The exercise of the Governor-General's powers of assent, dissent and reservation has given rise to no difficulties, but criticism has been directed in the provinces at the wide terms in which are drawn the provisions imposing the obligation of obtaining the Governor-General's previous sanction to all but a small category of provincial enactments.

10 With the establishment of responsible government in certain spheres of provincial administration, control over expenditure on the transferred services has definitely passed to the provincial legislatures. The Secretary of State has not, however, completely divested himself of the responsibility for expenditure even on transferred departments. For no proposal for the appropriation of funds in a province may, under the Government of India Act, be made except on the recommendation of the Governor. The Devolution Rules require the previous sanction of the Secretary of State in Council to certain proposals for expenditure in respect of transferred subjects before they are included in a grant, as, for instance, for the creation of permanent appointments normally held by members of All-India Services. As regards provincial reserved subjects, there has been a considerable relaxation of control by the Secretary of State in Council, but the delegation of powers continues to be by means of executive orders, issued by him by virtue of the powers conferred on him by the Act. The principal items of reserved expenditure which require his sanction are the pay and allowances of All-India Services, the expenditure of Governors, the revision of establishments involving an annual expenditure exceeding a certain limit and capital expenditure on irrigation and other public works estimated to cost more than Rs. 50 lakhs. In practice, the control is exercised through the Government of India which, in forwarding the proposals to the Secretary of State, offers its criticisms and suggestions.

11 The budgets of provincial Governments are not now submitted either to the Government of India or to the Secretary of State for approval before they are presented to the provincial legislatures, but provincial solvency is ensured by the indirect method of control over provincial borrowings. Before 1920, the provinces were never accorded the privilege of raising loans in the open market, and they invariably borrowed the money they required from or through the Central Government. With the introduction of the Reforms, they have acquired considerable freedom, but their borrowings are regulated by statutory rules. No loan can be raised by a provincial Government outside India without the sanction of the Secretary of State, or within India, without the approval of the Central Government, and Provincial borrowing is restricted to certain purposes specified in the rules, viz, capital expenditure on projects of lasting public utility, famine relief and repayment of previous loans or advances. Regulation of provincial borrowings thus provides the Secretary of State and the Central Government with an effective instrument of control, by which the financial stability of the province is secured. As statutory custodian of the balances of provincial Governments, the Central Government is armed with additional powers, by the exercise of which provincial over-drawing can be prevented. The Central Government may, with the previous sanction of the Secretary of State in Council, prescribe the procedure to be followed in the payment of money into and withdrawal, transfer, and disbursement of money from the public account. It has further the power to require the provincial Governments so to regulate their programmes of expenditure as not to reduce the balance at their credit below a stated figure, and to make their orders effective by the restriction of issues. Interest charges have also priority over all other charges on provincial revenues, save only the statutory contributions to the Central Government.

12 After the estimates of revenue and expenditure of the Central Government have been finally approved by the Governor-General in Council, they are laid before the Assembly on the occasion when the Finance Member makes his budget speech, which may or may not include proposals for new taxation. The Finance Member's statement is followed by a general discussion covering the whole field of administration, but no motion is moved at this stage, nor does the discussion go into many details. The debate is, however, important, for it furnishes the legislature with its only opportunity of criticising the revenue estimates and the loan policy of Government. At the next stage the demands of the Government for supply are presented to the Assembly in the form of a series of motions. The number of days allotted to discussion is limited, and the items selected for debate are chosen by arrangements with the opposition leaders, the rest of the votes being put without debate. An important feature of the Indian system is the division of expenditure into 'voted' and 'non-voted' items. The Governor-General is given discretion under the Act to throw open non-votable heads of expenditure to discussion by the Central legislature and in practice he has invariably allowed the Assembly to discuss them. Moreover, a practice has grown up by which it is possible to attack non-votable expenditure by moving a 'cut' in the voted expenditure ancillary to it. For instance, expenditure on defence is classified as non-votable, but in practice, army policy and expenditure may be

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criticised by moving a reduction in the expenditure proposed to be voted for the Secretarial establishment of the Army Department. The refusal of the Assembly to vote a demand put before it is not necessarily effective as the Governor-General in Council has the right of restoring a 'cut' made by the Assembly, if he is satisfied that such a course is essential to the discharge of his responsibilities. Laying at the back of these elaborate provisions is a reserved power which can only be used in cases of emergency. In such cases the Governor-General without reference to any other body, has power to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquility of British India:

13 Provincial procedure as regards estimates and supply follows the same lines. The proportion of "voted" to "non-voted" expenditure is considerably larger than at the Centre. The Governor's powers of restoration which differ according as the rejected demand relates to a reserve or transferred subject is described in No. 3 above.

14 In the provinces, there is no annual Finance Bill, as there is at the Centre. The pitch of land assessment remains constant for a long period of years and in any case is not fixed by legislative vote; other taxation depends upon permanent statutes.

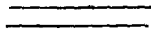
15 There are attached to provincial legislatures Standing Finance Committees whose principal function is to scrutinise proposals for fresh taxation and suggest economies. The object of instituting them was to familiarise elected members of the legislatures with the process of administration and to make the relations between the Executive and the legislature more intimate. They are purely advisory and have no administrative control of departments. They are presided over by the Finance Member and have contained a majority of members elected by the legislative council. Their ordinary functions are generally to scrutinise proposals for new expenditure, to advise on supplementary estimates, and to consider and initiate proposals for retrenchment. In practice, however, in all the provinces, except Bombay, the Committees have exercised very much wider powers and have had considerable opportunities of influencing and controlling the administration. In at least three provinces, they have normally been consulted on proposals for the imposition of additional taxation. There has been a distinct tendency to encroach on the sphere of administrative policy, but the provincial Governments concerned, so far from being perturbed by this development, are satisfied that the Committees have served a useful purpose and have proved to be very valuable institutions.

16 The Public Accounts Committee at the Centre consists of eight elected and three nominated members. The Finance Member is its Chairman. The Primary functions of the Committee are to scrutinise the annual report of the Auditor-General on audit and appropriation, and to satisfy itself that the money voted by the legislature has been spent within the scope of the demand. In practice, however, the Committee has exercised its powers in respect of non-voted as well as voted expenditure. Thus the Committee deals with the

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Audit-General's report as to any irregularities or extravagance in military expenditure, but in this case the report is examined in the first instance by a small *ad hoc* committee consisting solely of officials. The Public Accounts Committee has, however, no executive powers. It can point out irregularities or improprieties, and record its findings and recommendations, but it cannot issue any orders or disallow any items of expenditure. The report of the Committee is presented to the Assembly. Any action taken on the report is on the initiative of the Government. The Committee's scrutiny of expenditure, according to Government of India, "is jealous, detailed and enthusiastic". It is generally recognised that the Committee has proved itself both "industrious and efficient", and it has notably enlarged the authority of the Assembly.

17 The constitution, functions and powers of the provincial Public Accounts Committees are very similar to those of the Central Committee.



APPENDIX I

Statistical and other Information re: Miraj (Sr.) State.

I

The Miraj (Sr.) State has an area of 342 sq. miles and, according to the Census of 1941, a population of 1,08,547, of which 55,671 are males and 52,876 females. The State is divided, for administrative purposes, into three talukas, viz, Miraj, Laxmeshwar and Modnimb. The Miraj taluka has 35 villages, Laxmeshwar taluka 17 and Modnimb taluka 12; the total number of villages is thus 64, of which 10 are Saranjam villages. The capital of the State is Miraj.

2 The gross revenue of the State, based on the average of the five years ending 1941-42, was Rs. 5,20,599-8-0. The receipts and disbursements in 1941-42 were Rs. 6,45,925-3-7 and Rs. 5,63,927-14-1 respectively.

3 There are, in the State, 5 municipalities, viz; Miraj, Malgaon, Kavathe-Piran, Laxmeshwar and Shigli. All these are constituted under the District Municipal Act and enjoy, except the one at Kavathe--Piran, the right of electing their own President and Vice--President from among the elected members who form the majority.

4 The District Local Board Act, 1923, has been introduced in the State *MUTATIS MUTANDIS*.

5 There are three dispensaries in the State, one each at Miraj, Laxmeshwar and Modnimb. Miraj has also a large hospital conducted by the Presbyterian Mission of America. The Miraj municipality conducts an Ayurvedic dispensary. The District Local Board maintains a dispensary at Dhalgaon. The State expenditure on medical relief in 1941-42 was Rs. 12,734-13-1.

6 In 1941-42 there were 65 registered and 6 unregistered primary schools in the State and the number of students was 5,988 including 428 girls in a girls' school. The Miraj municipality conducted 7 schools and the District Local Board 40. Of the 17 private schools, 7 were aided by the State. There were 3 Urdu schools and 3 schools for the depressed classes for whom the education is free. The State expenditure on primary education in 1941-42 was Rs. 16,973-14-5.

7 There were in 1941-42 two high schools in the State - - one State high school at Miraj and one private high school at Modnimb - - , one secondary school, one anglo-vernacular school and one secondary school at Miraj and one anglo-vernacular school at Laxmeshwar. The number of students on the roll of these schools in that period was 1,019 including 146 girls in the girls' school.

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8 There were in the State, in 1941-42, 5 libraries-3 at Miraj and 1 each at Laxmeshwar and Modnimb and 4 reading rooms - one each at Miraj, Kavathe-Piran. Malgaon and Shigali.

9 By the end of August, 1943, there were two news-papers in the State the fortnightly "Samachar" started in August, 1940, and the weekly "Maratha" started in August, 1943.

II

The population of the State, according to talukas communities and sex, is given below:-

Taluka.	Hindus.			Muslms	Others	Total
	Caste Hindus	Depressed Classes	Total			
1 Miraj Town-M	11,092	869	11,961	3,876	725	16,562
" " -F	10,452	969	11,421	3,820	652	15,893
Total	21,544	1,838	23,382	7,696	1,377	32,455
2 Miraj Taluka-M	16,494	3,070	19,564	1,095	139	20,798
" " -F	15,569	3,012	18,581	994	132	19,707
Total	32,063	6,082	38,245	2,089	271	40,505
3 Laxmeshwar -M Taluka	7,878	552	8,430	1,529	...	9,959
" " -F	7,411	564	7,975	1,432	1	9,408
Total	15,289	1,116	16,405	2,961	1	19,367
4 Modnimb -M Taluka	6,888	1,302	8,190	162	...	8,352
" " -F	6,433	1,275	7,708	160	...	7,868
Total	13,321	2,577	15,898	322	...	16,220
Total for Nos. 1 to 4 -M	42,352	5,793	48,145	6,662	864	55,671
" " -F	39,865	5,820	45,685	6,406	785	52,876
Grand Total M&F	82,217	11,613	93,830	13,068	1,649	1,08,547

M -- Male.

F -- Female.

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III

The following is a summary of the qualifications for voters for the five municipalities and the District Local Board in the Miraj (Sr.) State :-

1 **MIRAJ MUNICIPALITY :-** (A) There are five Territorial wards, one General ward and one Traders' ward.

(a) Every person who has paid the qualifying tax (which does not include octroi or toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire) of not less than Rs. 3 per annum according to the District Municipal Act, shall be qualified to be a voter in the Territorial wards.

(b) Traders paying an annual shop rent of not less than Rs. 100 or traders personally carrying on business in shops owned by them shall be qualified to vote in the Traders' ward.

(c) All persons except those mentioned in (a) and (b) above and eligible for voting shall be entitled to be entered in the list of voters in the General ward.

(B) The following (additional) qualifications for being a voter, are prescribed :-

- (1) Advocates of the High Court ;
- (2) Pleaders holding sanads from the State ;
- (3) State servants whose monthly salary is Rs. 15 and above ;
- (4) State and British Government pensioners getting a pension of not less than Rs. 15 p. m. ;
- (5) Officiating Patels and Kulkarnis of the Miraj City ;
- (6) Holders of high titles from the State or British Government ;
- (7) A person paying a monthly rent of Rs 5 and more ;
- (8) Traders who pay a shop rent of not less than Rs. 100 per annum ;
- (9) All persons who have passed the examinations of L. C. P. S. or matriculation of the Bombay University ;
- (10) All honorary magistrates ;
- (11) Fellows and graduates of any University ;
- (12) Jurors and assessors ;
- (13) Medical degree holders of Aryangla Vaidyaka Shalas of Ahmednagar, Satara and Poona ;
- (14) Graduates of Tilak Mahavidyalaya, Poona, and Hindu Women's University, Poona.

2 **LAXMESHWAR MUNICIPALITY :-** This municipality is given only Territorial wards. The only changes in the qualifications for voters, prescribed for Miraj municipality, are as follows :-

- (a) The qualifying tax is Rs. 1 and more instead of Rs. 3 in Miraj ;

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(b) The house rent or shop rent is Rs. 3 p. m., instead of Rs. 5 p. m. and Rs. 100 per annum in Miraj ;

In all other respects the Miraj municipal rules apply *MUTATIS MUTANDIS*.

3 SHIGLI MUNICIPALITY :- The Miraj municipal rules as amended by the Laxmeshwar municipal rules apply to this municipality.

4 MALGAON MUNICIPALITY :- The Miraj municipal rules as amended by the Laxmeshwar municipal rules apply to this municipality.

5 KAVATHE-PIRAN MUNICIPALITY :- The Miraj municipal rules as amended by the Laxmeshwar municipal rules apply to this municipality.

6 DISTRICT LOCAL BOARD :- A person who is not disqualified to be a voter under the District Local Board Act and any other Act for the time being in force, is eligible to be a voter for elections to the District Local Board if

(a) he has a place of residence in the State ;

(b) he owns or possesses "dumala" or "non-dumala" land whose assessment is not less than Rs. 5 or which is assessable for not less than Rs. 5 or he uses such land as a tenant ;

(c) he has been alienated the Government right in respect of land revenue for or tax on alienated land whose assessment is not less than Rs. 5.

(d) he has paid any tax of the Local Board in the year previous to that in which the list of voters is prepared.

IV

The following is a list of taxes or cesses levied in the Miraj (Sr.) State by the State, municipalities and local board :-

(1) STATE TAXES OR CESSSES :- Land revenue; Stamp; excise; "sayarbab"; registration; tax on tobacco; and income tax.

(2) MUNICIPAL TAXES OR CESSSES :- House tax; privy tax; conservancy tax; wheel tax; hotel license fee; license fee on sale of "pan"; tax on sale of goats and sheep; market tax on sale of vegetables; and theatre tax

(3) DISTRICT LOCAL BOARD TAXES AND CESSSES :- Nil.

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V

The figures of literate and illiterate persons in the State are as follows:-

Taluka	Literates	Illiterates	Total
1 Miraj Town -M	7,075	9,525	16,600
" " -F	2,357	13,526	15,883
Total	9,432	23,051	32,483
2 Miraj Taluka-M	3,285	17,570	20,855
" " -F	261	19,538	19,799
Total	3,546	37,108	40,654
3 Laxmeshwar-M Taluka	3,004	6,980	9,984
" " -F	396	8,979	9,375
Total	3,400	15,959	19,359
4 Modnimb -M Taluka	1,162	7,156	8,318
" " -F	176	7,631	7,807
Total	1,338	14,787	16,125
Total-Nos.-1 to 4-M	14,526	41,231	55,757
" " -F	3,190	49,674	52,864
Grand total - M&F	17,716	90,905	1,08,621

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The number of voters in the constituencies fixed under the Notification of 15-1-42, is as follows:-

Constituency.	VOTERS		Total.
	Ver.IVstd	Others.	
1 Miraj Town	2,321	1,631	3,952
2 Laxmeshwar Town	687	1,360	2,047
A-Total-Urban Voters	3,008	2,991	5,999
3 Miraj Taluka--North	553	1,669	2,228
4 " " --South	772	1,746	2,518
5 Laxmeshwar Taluka	593	888	14,81
6 Madnimb--North	116	651	767
7 " --South	335	732	1,067
B-Total-Rural Voters	2,375	5,686	8,061
8 Muslims (Urban)			813
9 " (Rural)	List	not	prepared
9-A " "			280
10 Harijans (Mixed)			202
11 " "			29
11-A " "	List	not	prepared
C- Total - Reserved seats voters			1,324
D-Total-A and B			14,060
12 Women			100
13 Education			581
14 Commerce & Industry			318
15 Landlords			328
16 Tainatdars			68
E-Total-Special Constituencies voters,			1,395
Grand Total-D and E	5,383	8,677	15,455