

JOINT SELECT COMMITTEE

ON THE

GOVERNMENT OF INDIA BILL,

Vol. I.

REPORT

AND

PROCEEDINGS OF THE COMMITTEE.

*Ordered by The House of Commons to be Printed
on 17th November 1919*

LONDON

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1919

HOUSE OF LORDS
ORDER OF REFERENCE

Die Martis 24 Junii 1919

Message from the Commons that they have come to the following Resolution to which they desire the concurrence of this House viz That it is expedient that the Government of India Bill be committed to a Joint Committee of Lords and Commons The said message to be taken into consideration on *Monday* next

Die Lunae 30 Junii 1919

Commons Message *considered* (according to order) *Moved* That this House do concur in the Resolution communicated by the Commons That it is expedient that the Government of India Bill be committed to a Joint Committee of Lords and Commons (The Lord President (*E Curzon of Kedleston*)) *agreed to* and a Message ordered to be sent to the Commons to acquaint them therewith

Die Lunae 7 Julii 1919

Message from the Commons that they have appointed a Committee to consist of Seven Members to join with a Committee of this House to consider the said Bill and to request this House to appoint an equal number of Lords to be joined with the Members of their House

Commons Message of this Day *considered* (on motion) *Moved* That a Committee of Seven Lords be appointed to join with the Committee of the Commons as mentioned in the said Message

(The Lord President (*E Curzon of Kedleston*)) *agreed to* The Lords following were named of the Committee —

Duke of Northumberland Marquess of Crewe Earl of Selborne Lord Brodrick (Viscount Midleton)		Lord Islington Lord Sydenham Lord Sinha
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Ordered That such Committee have power to agree with the Committee of the Commons in the appointment of a Chairman Then a Message was ordered to be sent to the Commons to inform them of appointment of the said Committee by this House and to propose that the Joint Committee do meet in Committee Room A on *Thursday* next at half past Two o'clock

Die Martis 8^o Julii 1919

Message from the Commons that they have ordered that the Committee appointed by them to join with the Committee of this House to consider the said Bill do meet the Lords Committee in Committee Room A on *Thursday* the 10th instant at half past Two o'clock as proposed by their Lordships

Die Martis 15^o Julii 1919

The Evidence taken before the Joint Committee from time to time to be *printed* but no copies to be delivered out except to Members of the Committee and such other persons as the Committee shall think fit until further order

Die Lunae 17 Novembris 1919

Report from the Joint Committee (with the Proceedings of the Committee) made and to be printed

Witnesses of Evidence (with Appendices) laid upon the Table and to be delivered out

HOUSE OF COMMONS
ORDER OF REFERENCE

[*Thursday 29th May 1919*]—Government of India Bill — To make further provision with respect to the Government of India presented by Mr Secretary *Montagu* supported by Mr *Chancellor of the Exchequer* and Mr *Herbert Fisher* to be read a second time upon Thursday next and to be printed [Bill 94]

[*Thursday 5th June 1919*]—Government of India Bill —Order for Second Reading read Motion made and Question proposed — That the Bill be now read a second time
Motion made and Question proposed — That the Debate be now adjourned (Colonel *Meysey Thompson*)—Motion by leave *withdrawn*
Original Question put and *agreed to*
Bill accordingly read a second time
Resolved That it is expedient that the Bill be committed to a Joint Committee of Lords and Commons (Mr Secretary *Montagu*)
Message to the Lords to acquaint them therewith

[*Thursday 3rd July 1919*]—Government of India Bill—Motion made and Question put That the Government of India Bill be committed to a Select Committee of Seven Members to join with a Committee to be appointed by the Lords (Colonel *Gibbs*)—The House *divided*
Ayes 336 Noes 23

Resolved That the Government of India Bill be committed to a Select Committee of Seven Members to join with a Committee to be appointed by the Lords
Message to the Lords to acquaint them therewith
Mr *Bennett* Sir *Henry Craik* Sir *Donald Maclean* Mr Secretary *Montagu* Major *Ormsby Gore* Sir *J D Rees* and Mr *Spoor* were nominated Members of the Committee
Ordered That the Committee have power to send for persons papers and records
Ordered That Four be the quorum (Colonel *Gibbs*)

[*Monday 7th July 1919*]—Government of India Bill—The Lords have appointed a Committee consisting of Seven Lords to join with a Committee of the Commons to consider the Government of India Bill pursuant to the Message of the Commons of the 7th of July The Lords propose that the Joint Committee do meet in Committee Room A on Thursday the 10th of July at 2 30 o'clock

Ordered That the Committee of this House do meet the Committee of the Lords as proposed by their Lordships (Lord *Edmund Talbot*)—Message to the Lords to acquaint them

[*Friday 11th July 1919*]—Government of India [Salaries and Expenses]—Resolution reported

That it is expedient to authorise the payment out of moneys to be provided by Parliament of the salary of the Secretary of State for India the salaries of his under secretaries and any other expenses of his Department payable under any Act of the present Session to make further provision with respect to the Government of India and the payment out of the Revenues of India of any salaries pensions or other expenses which may become payable under such Act

Resolution *agreed to*

[*Tuesday 5th August 1919*]—Government of India Bill —*Ordered* That Sir Donald Maclean be discharged from the Select Committee on the Government of India Bill.—(Colonel *Gibbs*)

Motion made and Question proposed That Mr Acland be added to the Committee — (Colonel *Gibbs*)—

And the Motion being opposed after a brief explanatory statement from a Member who opposed the Motion and from a Member who supported it Mr Speaker put the Question pursuant to Standing Order No 11

Question *agreed to*

Ordered That Mr Acland be added to the Committee

[*Wednesday 13th August 1919*]—Government of India Bill (Joint Committee)—*Ordered* That the Select Committee appointed to join with a Committee of the Lords to consider the Government of India Bill have leave to sit notwithstanding the adjournment of the House.—(Mr Secretary *Montagu*)

Ordered That for the remainder of its sittings Three to be the quorum of the Select Committee.—(Mr Secretary *Montagu*)

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REPORT

FROM THE JOINT SELECT COMMITTEE OF THE HOUSE OF LORDS
AND THE HOUSE OF COMMONS APPOINTED TO CONSIDER
THE GOVERNMENT OF INDIA BILL

ORDERED TO REPORT—

1 That the Committee have met and considered the said Bill and taken the evidence of a large number of witnesses many of whom had come all the way from India for the purpose. A mass of telegrams and other communications has also been received. The list of witnesses and the telegrams have been printed as an appendix to the evidence. Written representations have not as a rule been printed. The Committee appreciate the advantage they have derived from being placed in full possession of the views of many persons who have given much thought to the political future of the country.

2 The Committee were not charged as some have seemed to think with the task of reporting on the state of India or on the conduct of the administration in India or even at large on the best form of government for India but only with the duty of dealing with this Bill which had been read a second time in the House of Commons according to the well known forms of Parliamentary procedure and with the rules and conventions arising out of it.

3 In the declaration made by His Majesty's Government on the 20th August 1917 there is enunciated the problem for which the Bill endeavours to provide a solution. It is to design the first stage in a measured progress towards responsible government. Any such stage if it is to be a real advance must as the Committee conceive it involve the creation of an electorate and the bestowal of some share in the work and responsibilities of government on those whom the electorate chooses to represent its interests. In the present circumstances of India the electorate must at the outset be small and the administrative experience of its representatives must be limited. Before therefore the policy of His Majesty's Government can be fulfilled the electorate must grow and practical experience in the conduct of public affairs must be enlarged. During this period the guardianship of the peace of India cannot be withdrawn from the care of the official agency which Parliament at present charges with the duties of the administration and the Committee regard it to be an essential feature of the policy of His Majesty's Government that except in so far as he is released from responsibility by the changes made under this Bill the Governor General in Council should remain in undisturbed responsibility to Parliament and fully equipped with the necessary powers to fulfil that responsibility. But from the beginning the people must be given an opportunity and all political wisdom points to its being a generous opportunity of learning the actual business of government and of showing by their conduct of it to some future Parliament what the time has come for further extensions of power.

4 In the opinion of the Committee the plan proposed by the Bill is conceived wholly in this spirit and interprets the pronouncement of the 20th August 1917 with scrupulous accuracy. It partitions the domain of provincial government into two fields one of which is made over to ministers chosen from the elected members of the provincial legislature while the other remains under the administration of a Governor in Council. This scheme has evoked apprehensions which are not unnatural in view of its novelty. But the Committee after the most careful consideration of all suggested alternatives are of opinion that it is the best way of giving effect to the spirit of the declared policy of His Majesty's Government. Its critics forget that the announcement spoke of a substantial step in the direction of the gradual development of self governing institutions with a view to the progressive realisation of responsible government and not of the partial introduction of responsible government and it is this distinction which justifies the method by which the Bill imposes responsibility both on Ministers to the legislative council and on the members of the legislative council to their constituents for the results of that part of the administration which is transferred to their charge.

5 Having weighed the evidence and information before them the Committee have made a number of changes in the Bill. Those of a more detailed or miscellaneous character are briefly discussed below under the clauses to which they relate. Those which are directed to the avoidance of the difficulties and dangers which have been pointed out proceed on a simple and in the Committee's opinion an indefeasible theory. That theory the Committee think it desirable to state at once. Ministers who enjoy the confidence of a majority in their legislative council will be given the fullest opportunity of managing that field of government which is entrusted to their care. In their work they will be assisted and guided by the Governor who will accept their advice and promote their policy whenever possible. If he finds himself compelled to act against their advice it will only be in circumstances roughly analogous to those in which he has to over-ride his executive council—circumstances which will be indicated in the Instrument of Instructions furnished to him on his appointment by His Majesty. On the other hand in and for that field of government in which Parliament continues to hold him responsible the provincial Governor in Council will remain equipped with the sure and certain power of fulfilling that

responsibility. The Committee will indicate in the course of this Report how they visualise the relations between the two parts of the provincial government but they wish to place in the forefront of the Report their opinion that they see no reason why the relations should not be harmonious and mutually advantageous. They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of his government and indeed that he should insist upon it in all important matters of common interest. He will thus ensure that ministers will contribute their knowledge of the people's wishes and susceptibilities and the members of his Executive Council their administrative experience to the joint wisdom of the government. But while the Committee anticipate much advantage from amicable and as far as possible spontaneous association for purposes of deliberation they would not allow it to confuse the duties or obscure the separate responsibility which will rest on the two parts of the administration. Each side of the government will advise and assist the other neither will control or impede the other. The responsibility for administrative and legislative action in their own field will be fixed beyond possibility of doubt on ministers and on the majorities of the provincial legislatures which support them and they will be given adequate power to fulfil their charge. Similarly within that field for which he remains accountable to Parliament the responsibility for action must be fixed on the Governor in Council and he must possess unfailing means for the discharge of his duties. Finally behind the provincial authorities stands the Government of India.

6 The change which this Bill will make in the political structure and life of India is very important. It marks a great step in the path of self government and it is a proof of the confidence reposed by His Majesty's Government in the loyalty, wisdom and capacity of our Indian fellow subjects. At the same time it points to the desirability of keeping Parliament in closer touch with Indian affairs than has recently been possible. The Committee accordingly propose that a Standing Joint Committee should be appointed by both Houses of Parliament for that purpose. It should have no statutory functions but a purely advisory and consultative status and among its tasks is one of high importance the consideration of amendments to rules made under this Bill. For the plan on which the Bill has been drafted and in the opinion of the Committee rightly drafted will necessitate the completion of some of its main provisions by a large number of rules and other documents which will have to be framed before the machinery established by the Bill can come into working order. Many of these rules and documents will be drafted in India for the approval of the Secretary of State. When they come to England it may be found convenient that the present Committee be reappointed to advise Parliament in regard to them.

7 The Committee will now proceed to indicate the nature of the changes they have made in the Bill and also their suggestions for action to be taken under it either in the framing of rules or by executive process hereafter.

PREAMBLE

The Preamble of the Bill as drafted was based on the announcement of His Majesty's Government in Parliament of the 20th August 1917 and it incorporated that part of the announcement which pointed to the progressive realisation of responsible government in British India as an integral part of the Empire and to the expediency of gradually developing self governing institutions in India and it referred to the granting to the Provinces of India of a large measure of independence of the Government of India. It did not however deal with those parts of the announcement which spoke of the increasing association of Indians in every branch of the administration and declared that the progress of this policy could only be achieved by successive stages and that Parliament advised by His Majesty's Government and by the Government of India on whom the responsibility lies for the welfare and advancement of the Indian people must be the judge of the time and measure of each advance and be guided by the co-operation received from those upon whom new opportunities of service are conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

The Committee have enlarged the preamble so as to include all parts of the announcement of the 20th August 1917. Their reason for doing so is that an attempt has been made to distinguish between the parts of this announcement and to attach a different value to each part according to opinion. It has been said for instance that whereas the first part is a binding pledge the later part is a mere expression of opinion of no importance. But the Committee think that is of the utmost importance from the very inauguration of these constitutional changes that Parliament should make it quite plain that the responsibility for the successive stages of the development of self government in India rests on itself and on itself alone and that it cannot share this responsibility with much less delegate it to the newly elected legislatures of India.

They also desire to emphasize the wisdom and justice of an increasing association of Indians with every branch of the administration but they wish to make it perfectly clear that His Majesty's Government must remain free to appoint Europeans to those posts for which they are specially required and qualified.

PART I

Clause 1—The Committee wish to take this opportunity of acknowledging the debt they owe to the work of the two Committees on Franchise and Functions presided over by Lord Southborough. If they are not able to accept all the conclusions of these Committees and if they recommend some additional provisions to those included in those reports it does not mean that they are not very sensible of the value of the work done without which indeed this constitutional change could not have been effected.

The lists of central provincial and transferred subjects included in the Functions Committee's report have been somewhat altered after consultation with the India Office (*see Appendix F to the Minutes of Evidence*) and as so amended they are accepted by this Committee subject to certain general observations at the end of this Report. It must not however be concluded that these partitions of the functions of government are absolutely clear cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Functions Committee's report and with due regard to the necessity for special procedure in cases where their orbits overlap.

The Committee have given much attention to the difficult question of the principle on which the provincial revenues and balances should be distributed between the two sides of the provincial governments. They are confident that the problem can readily be solved by the simple process of common sense and reasonable give and take but they are aware that this question might in certain circumstances become the cause of much friction in the provincial government and they are of opinion that the rules governing the allocation of these revenues and balances should be framed so as to make the existence of such friction impossible. They advise that if the Governor in the course of preparing either his first or any subsequent budget finds that there is likely to be a serious or protracted difference of opinion between the executive council and his ministers on this subject he should be empowered at once to make an allocation of revenue and balances between the reserved and transferred subjects which should continue for at least the whole life of the existing legislative council. The Committee do not endorse the suggestion that certain sources of revenue should be allocated to reserved and certain sources to transferred subjects but they recommend that the Governor should allocate a definite proportion of the revenue say by way of illustration two thirds to reserved and one third to transferred subjects and similarly a proportion though not necessarily the same fraction of the balances. If the Governor desires assistance in making the allocation he should be allowed at his discretion to refer the question to be decided to such authority as the Governor General shall appoint. Further the Committee are of opinion that it should be laid down from the first that until an agreement which both sides of the Government will equally support has been reached or until an allocation has been made by the Governor the total provisions of the different expenditure heads in the budget of the province for the preceding financial year shall hold good.

The Committee desire that the relation of the two sides of the Government in this matter as in all others should be of such mutual sympathy that each will be able to assist and influence for the common good the work of the other but not to exercise control over it. The budget should not be capable of being used as a means for enabling ministers or a majority of the legislative council to direct the policy of reserved subjects but on the other hand the executive council should be helpful to ministers in their desire to develop the departments entrusted to their care. On the Governor personally will devolve the task of holding the balance between the legitimate needs of both sets of his advisers.

Clause 2—This clause has been inserted to regularise the raising of loans by local governments on the special security of their own provincial revenues.

Clause 3—The question has been raised as to the communications between the Governors of provinces and the Secretary of State. The question as to whether such communications shall in future take place and as to the procedure to be adopted in them may well be left to the Secretary of State. In the opinion of the Committee there is no cause at present for disturbing the existing position except to the extent to which the Secretary of State relaxes his powers of direction and control over local governments. To that extent the Government of India will also withdraw from intervention but India is not yet ripe for a true federal system and the central government cannot be relegated to functions of mere inspection and advice. The Committee trust that there will be an extensive delegation statutory and otherwise to provincial governments of some powers and duties now in the hands of the Government of India and they trust also that the control of that Government over provincial matters will be exercised with a view to preparing the provinces for the gradual transfer of power to the provincial government and legislature.

Clause 4—The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council enjoying its confidence and capable of leading it. A minister will have the option of resigning if his advice is not accepted by the Governor and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election but if this course is adopted the Committee hope that the Governor will find himself able to accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so and in the opinion of the Committee it is better that they should and therefore that the fact should be recognised on the face of the Bill. They advise that the status of ministers should be similar to that of the members of the executive council but that their salaries should be fixed by the legislative council. Later on in this Report it will be suggested that Indian members of the Council of India in London should be paid a higher scale of remuneration than those members of the Council domiciled in the United Kingdom. The same principle might suggest to the legislative council that it was reasonable for the ministers of the provincial government domiciled in India to be paid on a lower scale of remuneration than the European members.

Provision has been made in this clause for the appointment at the Governor's discretion of non official members of the legislative council to fill a role somewhat similar to that of the Parliamentary Under Secretary in this country.

Clause 5—The Committee are of opinion that the normal strength of an executive council especially in the smaller provinces need not exceed two members. They have not however reduced the existing statutory maximum of four but if in any case the council includes two members with service qualifications neither of whom is by birth an Indian they think that it should also include two unofficial Indian members.

Clause 6—The Committee desire at this point to give a picture of the manner in which they think that under this Bill the government of a province should be worked. There will be many matters of administrative business as in all countries which can be disposed of departmentally. But there will remain a large category of business of the character which would naturally be the subject of Cabinet consultation. In regard to this category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects but the Committee attach the highest importance to the principle that when once opinions have been freely exchanged and the last word has been said there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore in the opinion of the Committee after such consultation and when it is clear that the decision lies within the jurisdiction of one or other half of the Government that decision in respect of a reserved subject should be recorded separately by the executive council and in respect of a transferred subject by the ministers and all acts and proceedings of the government should state in definite terms on whom the responsibility for the decision rests. It will not always however be clear otherwise than in a purely departmental and technical fashion with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration and it will equally be his duty to see that a decision arrived at on one side of his government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

The position of the Governor will thus be one of great responsibility and difficulty and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his government in their new responsibilities. He should never hesitate to point out to ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if after hearing all the arguments ministers should decide not to adopt his advice then in the opinion of the Committee the Governor should ordinarily allow ministers to have their way fixing the responsibility upon them even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India as in all other countries mistakes will be made by ministers acting with the approval of a majority of the legislative council but there is no way of learning except through experience and by the realisation of responsibility.

In the debates of the legislative council members of the executive council should act together and ministers should act together but members of the executive council and ministers should not oppose each other by speech or vote. Members of the executive council should not be required to support either by speech or vote proposals of ministers of which they do not approve nor should ministers be required to support by speech or vote proposals of the executive council of which they do not approve. They should be free to speak and vote for each other's proposals when they are in agreement with them. All other official members of the legislative council should be free to speak and vote as they choose.

✓ *Clause 7*—The Committee have altered the first schedule to the Bill so as to show only the total strength of the legislative council in each province. They have retained the provision now in sub clause (2) that at least 70 per cent of the members shall be elected and not more than 20 per cent shall be officials. This general stipulation will govern the distribution of the seats in each province but in certain respects the detailed arrangements will require further consideration and proposals should be called for from the Government of India in regard to them. The points in question as well as some disputable matters on which the Committee wish to endorse the proposals of the Franchise Committee's report are dealt with in the following recommendations—

(a) The Committee regard the number of seats allotted to the rural population as distinct from the urban as disproportionately low and consider that it should receive a larger share of representation. They also think that an attempt should be made to secure better representation of the urban wage earning class and they are convinced that an effort should be made to remedy in part at least the present disparity between the size of the electorates in the different provinces. In all those matters no definite instructions need be given. The Government of India should be left a wide discretion in adjusting the figures subject however to the understanding that the adjustment should be effected in all cases rather by enlargement than by diminution of the representation proposed in the Franchise Committee's report.

(b) The Committee are of opinion that the representation proposed for the depressed classes is inadequate. Within this definition are comprised as shown in the report of the Franchise Committee a large proportion of the whole population of India. They think that the Government of India should as it advises be instructed to give such classes a larger share of

representation by nomination regard being had to the numbers of depressed classes in each province and after consultation with the Local Governments. This representation should if necessary be in addition to but not in diminution of the general electorate. Whenever possible other persons than members of the Civil Services should be selected to represent the depressed classes but if a member of those services specially qualified for this purpose has to be appointed his nomination should not operate to increase the maximum ratio of official seats.

(c) In the Madras Presidency the Committee consider that the non Brahmins must be provided with separate representation by means of the reservation of seats. The Brahmins and non Brahmins should be invited to settle the matter by negotiation among themselves and it would only be if agreement cannot be reached in that way that the decision should be referred to an arbitrator appointed for the purpose by the Government of India.

(d) The Committee would recommend that similar treatment be accorded to the Mahiattas in the Bombay Presidency.

(e) The question whether women should or should not be admitted to the franchise on the same terms as men should be left to the newly elected legislative council of each province to settle by resolution. The Government of India should be instructed to make rules so that if a legislative council so voted women might be put upon the register of voters in that province. The Committee have not felt able to settle this question themselves as urged by the majority of witnesses who appeared before them. It seems to them to go deep into the social system and susceptibilities of India and therefore to be a question which can only with any prudence be settled in accordance with the wishes of Indians themselves as constitutionally expressed.

(f) The Committee are of opinion that the franchise as settled by the rules to be made under this Act should not be altered for the first ten years and that it should at present be outside the power of the Legislative Councils to make any alteration in the franchise. The recommendation therefore in respect of woman suffrage is to be regarded as altogether exceptional and as not forming any precedent in respect of proposals for other alterations.

(g) The special representation of landholders in the provinces should be reconsidered by the Government of India in consultation with the local governments.

(h) The franchise for the University seats should be extended to all graduates of over seven years standing.

(i) The Government of India should be instructed to consult with the Government of Bengal in respect of the representation of Europeans in Bengal. It appears to the Committee that there are good reasons for a readjustment of that representation. The recommendations of the report of the Franchise Committee in respect of European representation in other provinces may be accepted.

(j) The question whether the rulers and subjects of Indian States may be registered as electors or may be elected to the legislative councils should be left to be settled in each case by the local government of the province.

(k) The Committee are of opinion that dismissal from the service of the government in India should not be a disqualification for election but that a criminal conviction entailing a sentence of more than six months imprisonment should be a disqualification for five years from the date of the expiration of the sentence.

(l) The compromise suggested by the Franchise Committee in respect of the residential qualification of candidates for legislative councils whereby the restriction was to be imposed only in the provinces of Bombay, the Punjab and the Central Provinces may be accepted.

(m) The recommendations of the Franchise Committee in respect of the proportionate representations of Mohammedans based on the Lucknow compact may be accepted.

Two further observations must be made on this question of franchise. It seems to the Committee that the principle of proportional representation may be found to be particularly applicable to the circumstances of India and they recommend that this suggestion be fully explored so that there may be material for consideration by the Statutory Commission when it sits at the end of ten years. Further it has been strongly represented to the Committee and the Committee are themselves firmly convinced that a complete and stringent Corrupt Practices Act should be passed and brought into operation before the first elections for the legislative councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is in other countries.

Clause 9—The Committee have considered carefully the question who is to preside over the legislative councils in the provinces. They are of opinion that the Governor should not preside and they advise that for a period of four years the President should be appointed by the Governor. Wherever possible it would be a great advantage if someone could be found for this purpose who had had parliamentary experience. The legislative council should itself elect a Vice President and at the end of four years the nominated President would disappear and the President and Vice President would be elected by the councils. The Committee attribute the greatest importance to this question of the Presidency of the legislative council. It will in their opinion conduce very greatly to the successful working of the new councils if they are imbued from the commencement with the spirit and conventions of parliamentary procedure as developed in the Imperial Parliament. The Committee will recur to this subject in dealing with the question of the President of the Legislative Assembly of India.

Clause 11—The Committee think that the provincial budget should be submitted to the vote of the legislative council subject to the exemption from this process of certain charges of a special or recurring character which have been set out in the Bill. In cases where the council alter the provision for a transferred subject the Committee consider that the Governor would be justified if so advised by his ministers in re-submitting the provision to the council for a review of their former decision but they do not apprehend that any statutory prescription to that effect is required. Where the council have reduced a provision for a reserved subject which the Governor considers essential to the proper administration of the subject concerned he will have a power of restoration. The Committee wish it to be perfectly clear that this power is real and that its exercise should not be regarded as unusual or arbitrary unless the Governor has the right to secure supply for those services for which he remains responsible to Parliament that responsibility cannot justly be fastened upon him.

Whenever the necessity for new taxation arises as arise it must the questions involved should be threshed out by both parts of the Government in consultation together and it is especially important that in this matter both parts of the Government should if possible be in agreement when the proposals of the Government are laid before the legislature.

Clause 13—The Committee have rejected the plan of Grand Committees as drafted originally in the Bill. They have done so because in their opinion the Grand Committees did not give the Governor the power of securing legislation in a crisis in respect of those matters for which he is held responsible and because in respect of ordinary legislation about reserved subjects it perpetuated the system of securing legislation by what is known as the official bloc which has been the cause of great friction and heartburning. The responsibility for legislation on reserved subjects is with the Governor in Council and when the official bloc has been put into operation it has been put into operation by him and is merely an indirect way of asserting his responsibility. The Committee think it much better that there should be no attempt to conceal the fact that the responsibility is with the Governor in Council and they recommend a process by which the Governor should be empowered to pass an Act in respect of any reserved subject if he considers that the Act is necessary for the proper fulfilment of his responsibility to Parliament. He should not do so until he has given every opportunity for the matter to be thoroughly discussed in the legislative council and as a sensible man he should of course endeavour to carry the legislative council with him in the matter by the strength of his case. But if he finds that cannot be so then he should have the power to proceed on his own responsibility. Acts passed on his sole responsibility should be reserved by the Governor General for His Majesty's pleasure and be laid before Parliament. His Majesty will necessarily be advised by the Secretary of State for India and the responsibility for the advice to be given to His Majesty can only rest with the Secretary of State. But the Committee suggest that the Standing Committee of Parliament whose appointment they have advised should be specially consulted about Acts of this character. Provision however is made in the Bill for the avoidance of delay in case of a grave emergency by giving the Governor General power to assent to the Act without reserving it though this of course would not prevent subsequent disallowance by His Majesty in Council.

Clause 15—The Committee have two observations to make on the working of this Clause. On the one hand they do not think that any change in the boundaries of a province should be made without due consideration of the views of the legislative council of the province. On the other hand they are of opinion that any clear request made by a majority of the members of a legislative council representing a distinctive racial or linguistic territorial unit for its constitution under this Clause as a sub province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed by the Secretary of State and that it should not be a bar to the appointment of such a commission of inquiry that the majority of the legislative council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit.

PART II.

✓ *Clause 18*—As will be explained below the Committee do not accept the device in the Bill as drafted of carrying government measures through the Council of State without reference to the Legislative Assembly in cases where the latter body cannot be got to assent to a law which the Governor General considers essential. Under the scheme which the Committee propose to substitute for this procedure there is no necessity to retain the Council of State as an organ for government legislation. It should therefore be reconstituted from the commencement as a true Second Chamber. They recommend that it should consist of sixty members of whom not more than twenty should be official members. The Franchise Committee advise that the non official members should be elected by the same group of persons as elect the members of the Legislative Assembly and in the same constituencies. This is a plan which the Committee could in no circumstances accept. They hope and believe that a different system of election for the Council of State can be devised by the time the constitution embodied in this Bill comes into operation and they recommend that the Government of India be enjoined forthwith to make suggestions accordingly to which effect can be given without delaying the inauguration of the new constitution. If the advice of the Committee that it be so appointed for the purpose of considering the rules to be framed under this Bill be approved it should have an opportunity of considering the proposals made for the election of the Council of State.

✓ *Clause 19*—For the Legislative Assembly the Committee are equally unwilling to accept as a permanent arrangement the method of indirect election proposed in the report of the Franchise Committee. If by no other course it were possible to avoid delay in bringing the constitution

enacted by the Bill into operation the Committee would acquiesce in that method for a preliminary period of three years. But they are not convinced that delay would be involved in preparing a better scheme of election and they endorse the views expressed by the Government of India in paragraph 39 of its despatch dealing with the subject. They accordingly advise that the Government of India be instructed at once to make recommendations to this effect at the earliest possible moment. These recommendations as embodied in draft rules would also be subject to examination by this Committee if re-appointed.

Clause 20—The Committee think that the President of the Legislative Assembly should for four years be a person appointed by the Governor General. He should be qualified by experience in the House of Commons and a knowledge of parliamentary procedure precedents and conventions. He should be the guide and adviser of the Presidents of the provincial councils and he should be chosen with a view to the influence which it is hoped he would have on the whole history of parliamentary procedure in India. He should be paid an adequate salary.

Clause 25—This is a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly on the understanding that this body is constituted as a chamber reasonably representative in character and elected directly by suitable constituencies. The Committee consider it necessary (as suggested to them by the consolidated fund charges in the Imperial Parliament) to exempt certain charges of a special or recurring nature which have been set out in the Bill *eg* the cost of defence the debt charges and certain fixed salaries from the process of being voted. But otherwise they would leave the Assembly free to criticise and vote the estimates of expenditure of the Government of India. It is not however within the scheme of the Bill to introduce at the present stage any measure of responsible government into the central administration and a power must be reserved to the Governor General in Council of treating as sanctioned any expenditure which the Assembly may have refused to vote if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good government of the country. It should be understood from the beginning that this power of the Governor General in Council is real and that it is meant to be used if and when necessary.

Clause 26—For reasons which prompted their rejection of the process of certification by a Governor to a grand committee in a province the Committee are opposed to the proposals in the Bill which would have enabled the Governor General to refer to the Council of State and to obtain by virtue of his official majority in that body any legislation which the lower chamber refuse to accept but which he regards as essential to the discharge of his duties. The Committee have no hesitation in accepting the view that the Governor General in Council should in all circumstances be fully empowered to secure legislation which is required for the discharge of his responsibilities but they think it is unworthy that such responsibility should be concealed through the action of a Council of State specially devised in its composition to secure the necessary powers. They believe that in such a case it would add strength to the Government of India to act before the world on its own responsibility. In order however that Parliament may be fully apprised of the position and of the considerations which led to this exceptional procedure they advise that all Acts passed in this manner should be laid before Parliament who would naturally consider the opinion of the standing committee already referred to.

Clause 28—The recommendation of the Committee is that the present limitation on the number of the members of the Governor General's Executive Council should be removed that three members of that Council should continue to be public servants or ex public servants who have had not less than ten years experience in the service of the Crown in India that one member of the Council should have definite legal qualifications but that those qualifications may be gained in India as well as in the United Kingdom and that not less than three members of the Council should be Indians. In this connection it must be borne in mind that the members of the Council drawn from the ranks of the public servants will as time goes on be more and more likely to be of Indian rather than of European extraction.

Clause 29—The Committee have inserted this provision to allow of the selection of members of the legislature who will be able to undertake duties similar to those of the Parliamentary Under Secretaries in this country. It should be entirely at the discretion of the Governor General to say to which departments these officers should be attached and to define the scope of their duties.

PART III

Clause 30—The Committee think that all charges of the India Office not being agency charges should be paid out of moneys to be provided by Parliament.

Clause 31—The Committee are not in favour of the abolition of the Council of India. They think that at any rate for some time to come it will be absolutely necessary that the Secretary of State should be advised by persons of Indian experience and they are convinced that if no such Council existed the Secretary of State would have to form an informal one if not a formal one. Therefore they think it much better to continue a body which has all the advantages behind it of tradition and authority although they would not debar the readjustment of its work so as to make it possible to introduce what is known as the portfolio system. They think also that its constitution may advantageously be modified by the introduction of more Indians into it and by shortening of the period of the service upon it in order to ensure a continuous flow of fresh experience from India and to relieve Indian members from the necessity of spending so long a period as seven years in England.

Clause 33—The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India and through it with the provincial governments. In the relations of the Secretary of State with the Governor General in Council the Committee are not of opinion that any statutory change can be made so long as the Governor General remains responsible to Parliament but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament which he cannot delegate to anyone else the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India and without limiting the power of veto which rests in the Crown and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India for the needs of her consumers as well as for her manufacturers it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee therefore the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement and they think that his intervention when it does take place should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

The relations of the Secretary of State and of the Government of India with provincial governments should in the Committee's judgment be regulated by similar principles so far as the reserved subjects are concerned. It follows therefore that in purely provincial matters which are reserved where the provincial government and legislature are in agreement their view should ordinarily be allowed to prevail though it is necessary to bear in mind the fact that some reserved subjects do cover matters in which the central government is closely concerned. Over transferred subjects on the other hand the control of the Governor General in Council and thus of the Secretary of State should be restricted in future within the narrowest possible limits which will be defined by rules under sub clause 3 of Clause 1 of the Bill.

Rules under this clause will be subsidiary legislation of sufficient moment to justify their being brought especially to the notice of Parliament. The Secretary of State might conveniently discuss them with the Standing Committee whose creation has been recommended in this Report and Parliament would no doubt consider the opinion of this body when the rules come as it is proposed that they should do for acceptance by positive resolution in both Houses. The same procedure is recommended by the Committee for adoption in the case of rules of special or novel importance under other clauses of the Bill. It must be for the Secretary of State to decide which of the many rules that will fall to be drafted by the Government of India can be sufficiently dealt with by the ordinary process of lying on the table of Parliament for a certain number of days. In deciding this point however he may naturally have recourse to the advice of the Standing Committee should it happen to be in session and obtain their assistance in determining which rules deserve to be made the subject of the more formal procedure by positive resolution.

Clause 35—This clause carries out the recommendation of Lord Crew's Committee to appoint a High Commissioner for India to be paid out of Indian revenues who will perform for India functions of agency as distinguished from political functions analogous to those now performed in the offices of the High Commissioners of the Dominions.

PART IV

Clause 36—The Committee do not conceal from themselves that the position of the public services in working the new constitutions in the provinces will in certain circumstances be difficult. They are of opinion that these services have deserved the admiration and gratitude of the whole Empire. They know that some members of the services regard the wisdom of the proposed changes with grave misgiving and that some fear that those changes will not tend to the welfare of the Indian masses. They are convinced however that the services will accept the changing conditions and the inevitable alteration in their own position and devote themselves in all loyalty to making a success so far as in them lies of the new constitution.

In the provinces officers serving in a reserved department will be controlled by the Governor in Council and in a transferred department by the Governor acting with ministers but in both cases alike the personal concurrence of the Governor should be regarded as essential in the case of all orders of any importance prejudicially affecting the position or prospects of officers appointed by the Secretary of State.

The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited and they have introduced fresh provisions into this clause to that end. If friction occurs a re adjustment of persons and places

may often get over the difficulty and the Governor must always regard it as one of his most important duties to establish a complete understanding between his ministers and the officers through whom they will have to work. But if there are members of the service whose doubts as to the changes to be made are so deeply rooted that they feel they cannot usefully endeavour to take part in them then the Committee think it would only be fair to those officers that they should be offered an equivalent career elsewhere if it is in the power of His Majesty's Government to do so or in the last resort that they should be allowed to retire on such pension as the Secretary of State in Council may consider suitable to their period of service.

PART V

Clause 41—The Committee are of opinion that the Statutory Commission should not be appointed until the expiration of ten years and that no changes of substance in the constitution whether in the franchise or in the lists of reserved and transferred subjects or otherwise should be made in the interval. The Commission will be fully empowered to examine the working of the constitutions in all their details in the provinces and to advise whether the time has come for full responsible government in each province or in the alternative whether and to what extent the powers of self government already granted should be extended or modified or restricted. It should be clearly understood also that the Commission should be empowered to examine into the working of the Government of India and to advise in respect of the Government of India no less than in respect of the provincial governments.

8 This concludes the Committee's specific recommendations on the Bill. There remain certain other topics which do not conveniently fall within any particular clause. The first of these is the treatment of Burma and after hearing evidence the Committee have not advised that Burma should be included within the scheme. They do not doubt but that the Burmese have deserved and should receive a constitution analogous to that provided in this Bill for their Indian fellow subjects. But Burma is only by accident part of the responsibility of the Governor General of India. The Burmese are as distinct from the Indians in race and language as they are from the British.

9 Doubts have been expressed from several quarters questioning the financial adjustment proposed between the Central and Provincial Governments in India. Without expressing any opinion on this controversy the Committee accept and endorse the recommendation of the Government of India that a fully qualified financial commission should be appointed to advise as to the principle on which contributions from the provincial governments to the Central Government should in future be adjusted.

10 The Committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government, but they only express this opinion on the understanding that the appointment of such committees, their composition and the regulations which govern their procedure shall be matters wholly and exclusively within the discretion of the Governor General or of the Governor as the case may be.

11 The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without in some cases any statutory limitation of the rates and in other cases any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular without expressing any judgment on the question whether the land revenue is a rent or tax, they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces but in some at least the pitch of assessment is entirely at the discretion of the executive government. No branch of the administration is regulated with greater elaboration or care but the people who are most affected have no voice in the shaping of the system and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined the methods of valuation the pitch of assessment the periods of revision the graduation of enhancements and the other chief processes which touch the well being of the revenue payers. The subject is one which probably would not be transferred to ministers until the electorate included a satisfactory representation of rural interests those of the tenantry as well as of the landlords and the system should be established on a clear statutory basis before this change takes place.

12 The Committee have not hitherto touched on the subject of education in India, and it is far too large for them to make any attempt to deal with it adequately. They have accepted the recommendation of the Functions Committee that subject to certain reservations about the Universities the responsibility for the whole field of education in each province should be transferred to ministers. They attach much importance however to the educational advancement of the depressed and backward classes and they trust that the subject will receive special attention from ministers. They are also impressed by the advantage of Boards such as Sir Michael Sadler has advised in Bengal for the assistance of ministers in controlling the different grades of education and they trust that ministers will see their way from the outset to constitute such Boards in every province. The Committee would similarly commend to ministers the advisability of creating local government departments in the provinces.

13 The Committee attach the greatest importance to the formation in each provincial government of a strong department of Finance which will serve both sides of the Government alike

14. The Committee have been greatly struck by the earnest representations made to them by several witnesses both of British and Indian birth to the effect that the Government of India and the provincial governments must become more vocal and put forth their view of what the good of India requires with more courage and more persistence than they have in the past. It has been represented to them that it will be of the utmost importance in the future that the Government of India and the provincial governments should have means of explaining to the people of India the reasons why things are done the reasons which underlie decisions and the arguments against proposals which they consider will be detrimental to the welfare of the country. It was represented to the Committee that at present to a great extent the case for the policy of the Government of India and of the provincial governments is unknown to the masses of Indians whereas the case against that policy is becoming every day more widely disseminated by means of the vernacular press. They are glad to think that this opinion is also shared by the Secretary of State for India and the Viceroy. It is dealt with in paragraph 326 of their report on Indian Constitutional Reforms.

15 In conclusion the Committee emphatically repudiate the suggestion that the changes in this Bill in the form of the provincial governments of India imply any condemnation of the present system of government in India. The Government of India has accomplished great things for India's good and one of its greatest services has been the introduction into India of a reign of law to which the Government itself is as much subject as the people it governs. It is no reproach to it that in form it has been everywhere autocratic. So long as Parliament on the one hand did not bestow any form of constitutional self government on any part of India and on the other hand held the Government of India rigidly responsible to itself for its every action it could not be otherwise in the provinces any more than at the central seat of government. But whatever the form the spirit of its being everywhere and always has been effort for the welfare of the masses of the people of India.

16 The Committee have directed the Minutes of Proceedings together with Appendices to be laid before both Houses of Parliament.

LORDS AND MEMBERS PRESENT AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Jovis 10 Julii 1919

PRESENT

Duke of Northumberland
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham.
Lord Sinha.

Mr Bennett,
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The Order of Reference is read

It is moved that the Earl of *Selborne* do take the Chair

The same is *agreed to*

The Course of Proceedings is considered.

It is moved that the Committee be an open one

The same is *agreed to*

Ordered That the Committee be adjourned to Tuesday next, at Eleven o'clock

Die Martis 15 Julii 1919

PRESENT

Duke of Northumberland
Marquess of Crewe.
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett,
Sir Henry Craik.
Mr Montagu
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Thursday last are read

The Course of Proceedings is further considered

Ordered, That the Committee be adjourned till to-morrow at Eleven o'clock.

Die Mercurii 16^o Julii 1919

PRESENT

Duke of Northumberland
Marquess of Crewe.
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington.
Lord Sydenham.
Lord Sinha

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read.

The following witness is called in and examined viz —Sir James Meston, KCSI (*Vide* the Evidence)

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock

Die Luna 21^o Julii 1919

PRESENT

Duke of Northumberland
Marquess of Crewe.
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The following witness is re-called and examined, viz —Sir James Meston, KCSI (*Vide* the Evidence)

Ordered, That the Committee be adjourned till to-morrow at Eleven o'clock

Die Martis 22^o Julii 1919

PRESENT

Duke of Northumberland
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett.
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined, viz —Sir James Meston KCSI (re called) Sir Claud Hill KCSI CIE (Vide the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock

Die Mercurii 23^o Julii 1919

PRESENT

Duke of Northumberland
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees

The LORD BRODRICK (VISCOUNT MIDLETON) in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —Lord Southborough, GCB GCMG GCV O Sir Frank Sly (Vide the Evidence)

Ordered That the Committee be adjourned to Monday next, at Eleven o'clock

Die Lunæ 28 Julii 1919

PRESENT

Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett.
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Friday last are read

The following witnesses are called in and examined viz —Lord Southborough, GCB GCMG GCV O (re called) Sir Frank Sly (re called) The Hon Baba S Banerjee (Vide the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock

Die Martis 29 Julii 1919

PRESENT

Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sinha

Mr Bennett.
Sir Henry Craik
Mr Montagu.
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read.

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —The Hon Baba S Banerjee (re called) Mrs A Besant Mr R A Jay (Vide the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock

PROCEEDINGS OF THE

Die Mercurii, 30^o Julii 1919

PRESENT

Duke of Northumberland
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees,
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read.

The following witness is re called and examined viz —Mr R Aiyar (re called) (*Vide* the Evidence)*Ordered* That the Committee be adjourned to Tuesday next at Eleven o'clock*Die Martis 5^o Augusti 1919*

PRESENT

Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Wednesday last are read

The following witnesses are called in and examined viz —Hon V J Patel *Dei an V P Madhava Rao* (*Vide* the Evidence)*Ordered* That the Committee be adjourned till to morrow at Eleven o'clock.*Die Mercurii 6^o Augusti 1919*

PRESENT

Duke of Northumberland
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —*Dewan V P Madhava Rao* (re called) Mr Tuluk Mrs Sarojini A idu Sir Frank Sly (re-called) (*Vide* the Evidence)*Ordered* That the Committee be adjourned to Friday next, at Eleven o'clock.*Die Veneris 8^o Augusti 1919*

PRESENT

Duke of Northumberland
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sinha.

Mr F D Acland
Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The LORD BRODRICK (VISCOUNT MIDLETON) and afterwards The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Wednesday last are read

The following witnesses are called in and examined viz —Sir Frank Sly (re called) Mr Richard Feetham Mr H L Stephenson C S I C I E (*Vide* the Evidence)*Ordered* That the Committee be adjourned to Monday next, at Eleven o'clock

Die Lunæ 11^o Augusti 1919

PRESENT

Duke of Northumberland	Mr Bennett
Earl of Selborne	Sir Henry Craik
Lord Brodrick (Viscount Midleton)	Mr Montagu
Lord Islington	Sir J D Rees
Lord Sydenham	Mr Spoor
Lord Sinha.	

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Friday last are read

The following witnesses are called in and examined viz —The Hon Mr *N M Samarth* The Hon Mr *C Y Chintamani* Mr *K C Roy* Mr *Prithwis Chandra Ray* Mr *Thakur Singh* (*Vide* the Evidence)

Ordered That the Committee be adjourned till to-morrow at Eleven o'clock.

Die Martis 12^o Augusti 1919

PRESENT

Duke of Northumberland	Mr F D Acland
Marquess of Crewe.	Mr Bennett
Earl of Selborne	Mr Montagu
Lord Brodrick (Viscount Midleton)	Major Ormsby Gore
Lord Islington	Sir J D Rees
Lord Sydenham	Mr Spoor
Lord Sinha	

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —*Rai Bahadur K V Reddi* Mr *Rama Rayaningar* Mr *A F M V Wadia* (*Vide* the Evidence)

Ordered That the Committee be adjourned till to-morrow at Eleven o'clock

Die Mercurii 13 Augusti 1919

PRESENT

Duke of Northumberland	Mr F D Acland
Marquess of Crewe	Mr Bennett
Earl of Selborne	Sir Henry Craik
Lord Brodrick (Viscount Midleton)	Mr Montagu
Lord Islington	Major Ormsby Gore
Lord Sydenham	Sir J D Rees
Lord Sinha.	

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz. —Mr *M A Jinnah* Mr *Yakub Hason* Mr *V S Srinivasa Sastri* Mr *M Ramachandra Rao* (*Vide* the Evidence)

Ordered, That the Committee be adjourned till Friday next at Eleven o'clock

Die Veneris 15^o Augusti 1919

PRESENT

Marquess of Crewe	Mr F D Acland
Earl of Selborne	Mr Bennett
Lord Brodrick (Viscount Midleton)	Mr Montagu
Lord Islington	Major Ormsby Gore
Lord Sinha	Sir J D Rees

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Wednesday last are read

The following witnesses are called in and examined viz —Mr *A H Chowryyappa* Sir *Archdale Earle* Mr *K O B I K O I E* (*Vide* the Evidence)

Ordered That the Committee be adjourned to Monday next at Eleven o'clock

(1919)

Die Lunæ 18^o Augusti 1919

PRESENT

Duke of Northumberland
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton).
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J. D. Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Friday last are read

The following witnesses are called in and examined viz. —Mr T Earle Welby Sir Michael Sadler KCSI
(Vide the Evidence)

Ordered, That the Committee be adjourned till to-morrow at Eleven o'clock

Die Martis 19^o Augusti 1919

PRESENT

Duke of Northumberland
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sinha.

Mr Bennett
Sir Henry Craik
Major Ormsby Gore
Sir J. D. Rees
Mr Spoor

The EARL of SELBORNE, in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz. —Sir Stanley Reed KBE, LL.D. Mr V Chakkari Chetty B.A. B.L. Mr P Chenchiah B.A. M.L., Mr B P Wadia Mr B V Jadhav Mr Maung Pu B.A. Mr Bernard Houghton Mr Sydney Loo Nee (Vide the Evidence)

Ordered, That the Committee be adjourned till to-morrow at Eleven o'clock

Die Mercurii 20 Augusti 1919

PRESENT

Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett
Sir Henry Craik
Major Ormsby Gore
Sir J. D. Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witness is called in and examined viz —Sir Harry Stephen (Vide the Evidence)

Ordered That the Committee be adjourned till to-morrow at Eleven o'clock

Die Jovis 21 Augusti 1919

PRESENT

Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett
Sir Henry Craik.
Mr Montagu,
Major Ormsby Gore
Sir J. D. Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —Right Hon Lord Carmichael GCSI GCIE
KCMG Sir Alexander Cardew KCSI (Vide the Evidence)

Ordered, That the Committee be adjourned till to-morrow at Eleven o'clock

Die Veneris 22^o Augusti 1919

PRESENT

Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr Bennett.
Sir Henry Craik
Mr Montagu.
Major Ormsby Gore.
Sir J D Rees.
Mr Spoor

The LORD BRODRICK (VISCOUNT MIDLETON) and afterwards Mr MONTAGU in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called and examined viz —Mr *A J Pugh*, Reverend Dr *S D Bhabha*, Mr *K T Pal* (*Vide* the Evidence)

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock

Die Luna 25^o Augusti 1919

PRESENT

Duke of Northumberland
Marquess of Crewe
Earl of Selborne
Lord Islington
Lord Sydenham
Lord Sinha

Mr F D A
Mr Bennett
Sir Henry C
Mr Montagu
Sir J D R
Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —Sir *Verney Lovett* KCSI Mr *L K Tulasiram* Mr *K Appa Rao Naidu* Sir *William Meyer* GCIE KCSI Mr *Nabin Chandra Bardoloi* Mr *Prasanna Kumar Baruah* Mr *A Ramaswami Mudalvar* (*Vide* the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock

Die Martis 26^o Augusti 1919

PRESENT

Marquess of Crewe
Earl of Selborne
Lord Islington
Lord Sydenham
Lord Sinha.

Mr F D Acland
Mr Bennett
Sir Henry Craik
Mr Montagu
Sir J D Rees

The EARL OF SELBORNE in the Chair

The Order of adjournment is read

The Proceedings of yesterday are read

The following witness is recalled and examined, viz —Sir *James Meston* GCB KCSI Dr *Iq Bahadur Sapru* (*Vide* the Evidence)

Ordered That the Committee be adjourned to Monday the 6th of October next at Eleven o'clock.

Die Luna 6^o Octobris 1919

PRESENT

Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr F D Acland
Mr Bennett
Sir Henry Craik
Mr Montagu.
Sir J D Rees
Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Tuesday the 26th of August are read

The following witness is called in and examined, viz —Sir *Thomas Holderness* GCB KCSI (*Vide* the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock.

(O 189)

Die Martis 7^o Octobris 1919

PRESENT

Earl of Selborne
Lord Brodrick (Viscount Midleton).
Lord Islington
Lord Sydenham
Lord Sinha.

Mr F D Acland
Mr Bennett
Sir Henry Craik
Mr Montagu
Sir J D Rees

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —Sir *M E O Dwyer* G C I E K C S I Mr *J H Oldham* (Vide the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock

Die Mercurii 8^o Octobris 1919

PRESENT

Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr F D Acland
Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read.

The Proceedings of yesterday are read

The following witnesses are called in and examined, viz —Sir *John P Hewett* G C S I C I E Commission *Booth Tucker* (Vide the Evidence.)

Ordered, That the Committee be adjourned till to morrow at Eleven o'clock

Die Jovis 9^o Octobris 1919

PRESENT

Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham

Mr F D Acland
Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir J D Rees

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —Sir *William Duke*, G C I E. K C S I Sir *James Brunyate* K C S I C I E. (Vide the Evidence)

Ordered, That the Committee be adjourned till to morrow at Eleven o'clock

Die Veneris 10 Octobris 1919

PRESENT

Lord Brodrick (Viscount Midleton)
Lord Sydenham
Lord Sinha

Mr Bennett
Sir Henry Craik
Mr Montagu.
Major Ormsby Gore
Sir J D Rees
Mr Spoor

The LORD BRODRICK (VISCOUNT MIDLETON) in the Chair

The Order of Adjournment is read

The Proceedings of Wednesday last are read

The following witnesses are called in and examined, viz —H H The *Aga Khan* G C S I G C I E Sir *Thomas Holland* K C S I K C I E, D S C L L D F R S Sir *Murray Hammick* K C S I (Vide the Evidence)

Ordered That the Committee be adjourned to Monday next, at Half past Eleven o'clock

Die Lunæ 13 Octobris 1919

PRESENT

Duke of Northumberland	Mr F D Acland
Earl of Selborne	Mr Bennett
Lord Brodrick (Viscount Midleton)	Sir Henry Craik
Lord Islington	Mr Montagu
Lord Sydenham.	Major Ormsby Gore
Lord Sinha	Sir J D Rees
	Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Friday last are read

The following witnesses are called in and examined, viz —Lieut Col R. H. Elliott I M S Mr Lionel Curtis
Sir James Meston K C S I (Vide the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock.

Die Martis 14^o Octobris 1919

PRESENT

Duke of Northumberland	Mr Bennett
Earl of Selborne	Sir Henry Craik
Lord Brodrick (Viscount Midleton)	Mr Montagu
Lord Islington	Major Ormsby Gore
Lord Sydenham	Sir J D Rees
Lord Sinha.	Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz —Sir Sanjivan Nair C I E Mr Bhupendra Nath
Basu, Sir Elliott Colvin (Vide the Evidence)

Ordered That the Committee be adjourned till to morrow at Eleven o'clock

Die Mercurii 15 Octobris 1919

PRESENT

Duke of Northumberland	Mr Bennett
Earl of Selborne	Sir Henry Craik
Lord Brodrick (Viscount Midleton)	Mr Montagu.
Lord Islington	Mr Spoor
Lord Sydenham	
Lord Sinha.	

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The following witnesses are called in and examined viz. —Mr Wardlaw Milne Mr M de Webb Sir Bernard
Hunter (Vide the Evidence)

Ordered That the Committee be adjourned till Monday next, at Half past Eleven o'clock

Die Lunæ 20^o Octobris 1919

PRESENT

Duke of Northumberland	Mr Bennett.
Marquis of Crewe	Sir Henry Craik
Earl of Selborne	Mr Montagu.
Lord Brodrick (Viscount Midleton)	Major Ormsby Gore
Lord Islington	Sir John Rees
Lord Sydenham	Mr Spoor
Lord Sinha	

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Wednesday last are read

The Title of the Bill is read and postponed

The Preamble is read.

The Preamble is considered

The further consideration of the Preamble is postponed

Ordered That the Committee be adjourned till to morrow at Half past Eleven o'clock

Die Martis, 21^o Octobris 1919

PRESENT

Marquess of Crewe.
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sinha.
Mr Bennett.

Sir Henry Craik.
Mr Montagu
Major Ormsby Gore
Sir John Rees.
Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The Preamble is further considered

The further consideration of the Preamble is postponed

Ordered, That the Committee be adjourned till to morrow at Half past Ten o'clock.

Die Mercurii 22^o Octobris 1919

PRESENT

Duke of Northumberland
Marquess of Crewe.
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sinha.

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir John Rees.
Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The Preamble is further considered.

The further consideration of the Preamble is postponed

Ordered, That the Committee be adjourned to Monday next at Half past Eleven o'clock

Die Lunæ 27^o Octobris 1919

PRESENT

Marquess of Crewe.
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore.
Sir John Rees.
Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read.

The Proceedings of Wednesday last are read

The Committee deliberate.

Ordered, That the Committee be adjourned till Wednesday next at Eleven o'clock.

Die Mercurii 29^o Octobris 1919

PRESENT

Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington.
Lord Sydenham.
Lord Sinha

Mr Bennett.
Sir Henry Craik
Mr Montagu.
Major Ormsby-Gore
Sir John Rees.
Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Monday last are read

The Clauses are considered

Clause 1 is read.

It is moved by Mr *Montagu* page 2 line 7 after convenient to insert and for determining the financial conditions of such agency

The proposed Amendment is *agreed to*

It is moved by Mr *B C Spoor* page 2 to leave out sub paragraph (d) of sub-section (1) and to insert the following new sub-section —

(2) Subject to rules made under the principal Act all provincial subjects other than the subjects of law justice and police (as defined in the rules) shall be transferred to the administration of the Governor acting with the Minister in charge of the subject Subjects so transferred are in this Act referred to as transferred subjects

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Content 1	Not Contents 10
Mr Spoor	Marquess of Crewe. Earl of Selborne Lord Brodrick (Viscount B Lord Islington Lord Sinha Mr Bennett. Sir Henry Craik Mr Montagu Major Ormsby Gore Sir John Rees.

The proposed Amendment is *disagreed to*

It is moved by Mr *B C Spoor* page 2, line 8 after transfer to insert in the provinces mentioned in section 2 of this Act other than the three presidencies

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Content 1	Not-Contents 10
Mr Spoor	Marquess of Crewe. Earl of Selborne Lord Brodrick (Viscount Middleton) Lord Islington. Lord Sinha. Mr Bennett. Sir Henry Craik Mr Montagu. Major Ormsby-Gore Sir John Rees.

The proposed Amendment is *disagreed to*

It is moved by Mr *B C Spoor* page 2 after line 13 to insert Provided that the subjects of land revenue and irrigation as defined in the rules shall be included among the transferred subjects in all provinces mentioned in section 2 of this Act

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Content 1	Not Contents 10
Mr Spoor	Marquess of Crewe Earl of Selborne Lord Brodrick (Viscount Middleton) Lord Islington. Lord Sinha Mr Bennett Sir Henry Craik Mr Montagu. Major Ormsby-Gore Sir John Rees

The proposed Amendment is *disagreed to*

It is moved by Mr *B C Spoor* page 2 after line 13 to insert Provided that the subjects of land revenue and irrigation as defined in the rules shall be included among the transferred subjects in the Presidency of Bombay

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Content, 1	Not Contents 10
Mr Spoor	Marquess of Crewe. Earl of Selborne Lord Brodrick (Viscount Middleton) Lord Islington. Lord Sinha Mr Bennett. Sir Henry Craik Mr Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to*

It is moved by the Lord *Islington* page 2 to leave out sub paragraph (iii.) of sub section (2)

The proposed Amendment is by leave *withdrawn*

It is moved by Sir *John Rees* page 2 line 37 after rules to insert made

The proposed Amendment is by leave, *withdrawn*.

It is moved by the Lord *Islington*, page 3 after sub section (4) to insert the following new sub sections

(5) All subjects which require legislation or administrative action and have to be subjected to collective decision

(a) In the case of reserved subjects by the Governor in Council

(b) In the case of transferred subjects by the Governor and his Ministers

shall prior to such decision being arrived at stand referred for deliberation by the Governor in Council and his Ministers sitting as a unified Government.

Where agreement cannot be reached after such deliberation a decision shall be arrived at by vote

(i) In regard to reserved subjects voting being confined to the Governor and the members of his Executive Council

(ii) In regard to transferred subjects voting being confined to the Governor and his Ministers

(6) In order to ensure a strict compliance with the procedure provided for by the preceding sub section the Secretary of State shall issue an instrument of instructions to all Governors of provinces in the terms of such sub-section affording them the necessary powers to ensure that final decision shall be secured

(i) For transferred subjects by the determination by the Governor and his Ministers

(ii) For reserved subjects by the determination of the Governor in Council

The proposed Amendment is by leave *withdrawn*

It is moved by Major *Ormsby Gore* page 3 after sub section 4 to insert the following new sub section

(7) Rules made for the purposes of this section shall not be varied unless the proposed variations have been published in draft in such manner as the Secretary of State may direct, and consideration has been given to any representations made by Local Governments Local Legislatures, or other persons interested.

The proposed Amendment is by leave, *withdrawn*.

The further consideration of Clause 1 and of the amendments made thereto is *postponed*

It is moved by Mr *Montagu* after Clause 1 to insert the following new clause

Borrowing
powers of
local govern-
ments

2—(1) The provision in sub section (1) of section 30 of the principal Act which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues and to make proper assurances for that purpose.

(2) Provision may be made by rules under the principal Act as to the conditions under which the power to raise loans on the security of allocated revenues shall be exercised

(3) The provision in sub-section (1) of section 30 of the principal Act which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India to prescribe provisions or conditions limiting the power to raise money shall cease to have effect as regards the power to raise money on the security of allocated revenues

The proposed Clause is *agreed* to subject to further consideration by the Committee

Clause 2 is read

It is moved by Mr *B C Spoor* page 4 line 17 after shall to insert for a period of six years after the passing of this Act

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Mr Spoor Content 1

Not Contents 10
Marquess of Crewe
Earl of Salborne
Lord Brodrick (Viscount Midleton)
Lord Islington.
Lord Sinha.
Mr Bennett
Sir Henry Craik
Mr Montagu.
Major Ormsby-Gore
Sir John Rees.

The proposed Amendment is *disagreed to*

It is moved by Major *Ormsby Gore* page 3 lines 18 and 19 to leave out any transferred subject and insert transferred subjects, and lines 20 and 21, to leave out "acting with the minister appointed under this Act and in charge of the subject, and to insert 'with ministers appointed under this Act'

The proposed Amendment is *agreed to*

It is moved by Mr *B C Spoor* page 3 line 21 after subject to insert and after the expiration of such period the said presidencies and provinces shall be governed in relation to all provincial subjects by the governor acting with ministers and the provisions of sub section (3) of the preceding section restricting the exercise of the powers of superintendence direction, and control vested in the Governor General in Council shall thenceforth apply to all provincial subjects in the said presidencies and provinces

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Content, 1
 Mr Spoor

Not Contents 10
 Marquess of Crewe
 Earl of Selborne
 Lord Brodrick (Viscount Midleton)
 Lord Islington
 Lord Sinha
 Mr Bennett
 Sir Henry Craik
 Mr Montagu
 Major Ormsby-Gore
 Sir John Rees

The proposed Amendment is *disagreed to*

It is moved by the Lord *Islington* page 3 after sub section (2) to insert the following new sub sections —

(3) The Secretary of State may by Order raise either or both the Province of the United Provinces and the Province of the Punjab to the status of a presidency

(4) The governors of presidencies are appointed by His Majesty by Warrant under the Royal Sign Manual upon the advice of the Prime Minister in pursuance of the recommendation of the Secretary of State

(5) Governors of presidencies shall have the right to correspond direct with the Secretary of State

The proposed Amendment is by leave *withdrawn*

The further consideration of Clause 2 and of the amendments made thereto is *postponed*

Clause 3 is read

It is moved by Sir *John Rees* page 3 line 31 leave out may and insert shall

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu*, page 3 line 35 to leave out appointed to the end of line 37 and to insert in any province the same salary as is payable to a member of the executive council in that province unless a smaller salary is provided by vote of the legislative council of the province

The proposed Amendment is *agreed to*

It is moved by Sir *John Rees* page 3 line 42 to leave out be guided by and to insert accept

The proposed Amendment is by leave *withdrawn*

It is moved by the Lord *Islington*, page 3 line 41 to leave out a transferred subject and to insert transferred subjects and line 42 to leave out the minister in charge and to insert his ministers

The proposed Amendment is *agreed to*

It is moved by the Lord *Sydenham* page 3 line 42 and page 4 line 1 to leave out having regard to His Majesty's instructions

The proposed Amendment is *agreed to*

It is moved by the Lord *Islington* page 4 line 2 to leave out the minister and to insert his ministers

The proposed Amendment is *agreed to*

It is moved by Sir *John Rees* page 4, line 2 after may to insert act or

The proposed Amendment is by leave *withdrawn*

It is moved by Major *Ormsby Gore* page 4 line 9 after rules to insert The Governor of a Governor's Province may also appoint, from among the elected members of the Local Legislature Under Secretaries who shall hold office during his pleasure and discharge such duties as he may assign to them

The proposed Amendment is by leave, *withdrawn*.

It is moved by Mr *Montagu* page 4 after sub section (4) to insert

(5) The Governor of a Governor's Province may also at his discretion appoint from among the non official members of the Local Legislature Council Secretaries who shall hold office during his pleasure, and discharge such duties in assisting members of the Executive Council and ministers as he may assign to them.

There shall be paid to Council Secretaries so appointed such salary as may be provided by vote of the Legislative Council

A Council Secretary shall cease to hold office if he ceases for more than three months to be a member of the Legislative Council

The proposed Amendment is *agreed to*

It is moved by the Lord *Islington* after clause 3 to insert the following new clause

There shall be a Local Government Board in every Governor's Province over which a minister shall preside such Board shall be constituted in such manner as may be prescribed by rules under the principal Act, and shall perform such functions in regard to the administration of the laws of the Province relating to the constitution and powers of local authorities established in the Province for purposes of local self government as may be so prescribed

The proposed Amendment is by leave *withdrawn*

The further consideration of clause 3 and of the amendments made thereto is *postponed*

Clause 4 is read

It is moved by the Lord *Islington* page 4 after sub section (2) to insert the following new sub sections —

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(3) The members of a Governor's Executive Council shall exclusive of the Governor not be less than two or more than four in number one half of whom shall be British subjects and one half Indian subjects of His Majesty

(4) The status and emoluments of ministers shall be the same as those possessed by members of the Executive Council

The proposed Amendment is by leave, *withdrawn*.

The further consideration of clause 4 and of the amendments made thereto is *postponed*

Clause 5 is read

It is moved by Sir *John Rees* page 4 line 24, to leave out local

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 4 line 27 after direct to insert so however that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu*, page 4 after line 36 to insert, Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any rules made under the principal Act shall to the extent of that repugnancy but not otherwise be void

The proposed Amendment is *agreed to*

The further consideration of clause 5 and of the amendments made thereto is *postponed*

Clause 6 is read.

It is moved by the Earl of *Selborne* page 4 at the beginning of the clause to insert the following new sub section —

(1) There shall be a Legislative Council in every Governor's Province, which shall consist of the members of the Executive Council and of members nominated or elected as provided by this Act

The Governor shall not be a member of the Legislative Council, but shall have the right of addressing the Council and may for that purpose require the attendance of its members

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* page 4 line 38 to leave out from Councils to shall in line 40

And line 42 after Act to insert and of the members of each Council not more than twenty per cent shall be official members, and at least seventy per cent shall be elected members

And page 5 line 2 at beginning of sub paragraph (a) to insert subject to the maintenance of the above proportions,

And line 5 to leave out from Schedule to and in line 11

The proposed Amendments are *agreed to*

It is moved by Mr *Montagu* page 5 line 32 to leave out resident in India.

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* and Mr *Montagu*, page 5 lines 32 and 33 to leave out or elected

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* page 5 after line 34 to insert

(c) The qualification of electors, the constitution of constituencies, and the method of election for Governor's Legislative Councils including the number of members to be elected by communal and other electorates and any matters incidental or ancillary thereto and

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu*, page 5 line 38 after election to insert and

(e) the manner in which the rules are to be carried into effect

Provided that rules as to any such matters as aforesaid may provide for delegating to the Local Government such power as may be specified in the rules of making subsidiary regulations affecting the same matters.)

The proposed Amendment is *agreed to*

It is moved by Mr *T J Bennett* page 5 after line 38 to insert Provided that the rules relating to any province shall if the Local Legislature of the province has passed a Resolution so requiring provide for the admission as electors of women possessing the necessary qualifications, and that in such case women shall not be disqualified by sex from acting as electors

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Contents 3

Lord Sinha
Mr Bennett.
Major Ormsby Gore

Not-Contents 6

Earl of Selborne
Lord Brodrick (Viscount Middleton)
Lord Islington
Lord Sydenham.
Sir Henry Craik
Sir John Rees.

JOINT SELECT COMMITTEE ON THE GOVERNMENT OF INDIA BILL

The proposed Amendment is *disagreed to*

It is moved by the Lord *Sydenham*, page 5 to leave out sub section (4)

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Contents 2	Not Content 6
Lord Sydenham. Sir John Rees	Earl of Selborne Lord Islington Lord Sinha, Mr Bennett Sir Henry Craik Major Ormsby Gore

The proposed Amendment is *disagreed to*

It is moved by Mr *Montagu* page 5 line 40 to leave out the first in and insert of

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 5 after line 41 to insert Members nominated to the Legislative Council of the Central Provinces by the Governor as the result of elections held in the Assigned Districts of Bejar shall be deemed to be elected members of the Legislative Council of the Central Provinces

The proposed Amendment is *agreed to*

The further consideration of clause 6 and of the amendments made thereto is *postponed*

Ordered That the Committee be adjourned till to-morrow at Eleven o'clock

Die Jovis, 30^o Octobris 1919

PRESENT

Marquess of Crewe Earl of Selborne Lord Brodrick (Viscount Midleton) Lord Islington Lord Sydenham Lord Sinha	Mr Bennett Sir Henry Craik Mr Montagu Major Ormsby Gore Sir John Rees Mr Spoor
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The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

Clause 7 is read

It is moved by Major *Ormsby Gore* page 6 line 1 at the beginning of the clause insert the following new subsection —

- (1) Every local legislative council shall continue for three years from its first meeting Provided that—
- (a) the council may be sooner dissolved by the governor and
- (b) the said period may be extended by the governor for a period not exceeding one year by notification in the official gazette of the province if in special circumstances (to be specified in the notification) he so think fit

The proposed Amendment is *agreed to*

The further consideration of Clause 7 and of the amendments made thereto is *postponed*

It is moved by Mr *Montagu* after Clause 7 to insert the following new clause

- (1) There shall be a president of a governor's legislative council who shall until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor and shall thereafter be a member of the council elected by the council and approved by the governor
- Provided that if at the expiration of such period of four years the council is in session the president then in office shall continue in office until the end of the current session and the first election of a president shall take place at the commencement of the next ensuing session
- (2) There shall be a deputy president of a governor's legislative council who shall preside at meetings of the council in the absence of the president, and who shall be a member of the council elected by the council and approved by the governor
- (3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section but he may resign office by writing under his hand addressed to the governor or may be removed from office by order of the governor and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term.
- (4) An elected president and a deputy president shall cease to hold office on ceasing to be members of the council They may resign office by writing under their hands addressed to the governor and may be removed from office by a vote of the council with the concurrence of the governor
- (5) The president and the deputy president shall receive such salaries as may be determined in the case of an appointed president, by the governor and in the case of an elected president or deputy president, by an Act of the local legislature

The same is *objected to*

It is moved by the Lord *Sydenham* to amend the clause by leaving out the words until the expiration of a period of four years from the first meeting of the council as constituted under this Act.

The same is *objected to*

On Question whether the proposed amendment to the clause be agreed to—

Content, 1	Not-Contents 6
Lord Sydenham	Earl of Selborne Lord Islington. Lord Sinha Mr Bennett Major Ormsby Gore Mr Spoor

The proposed Amendment to the clause is *disagreed to*

On Question whether the Clause be inserted—

Contents, 6	Not Contents, 3
Earl of Selborne Lord Brodrick (Viscount Midleton) Lord Islington Lord Sinha Sir Henry Craik Major Ormsby Gore	Lord Sydenham Mr Bennett Mr Spoor

The proposed Clause is agreed to subject to further consideration by the Committee

Clause 8 is read.

The consideration of Clause 8 is *postponed*

Clause 9 is read

It is moved by the Lord *Islington*, page 7 after sub section (1) to insert the following new sub section

(2) (i.) All subjects which shall from a date to be fixed by an Order in Council be locally controlled by provincial governments and legislative council being reserved and transferred subjects as defined by section 1 (4) of this Act shall be those set out in Schedule 1 A to this Act

(ii.) All reserved subjects shall be under the control of the governor in council of the province provided always

(iii) Where subjects are not specified in this Act as being wholly within the discretion of the local government the Government of India shall be empowered to authorise the introduction of legislation unless

(a) The Government of India disapproves of the measure

(b) While approving the measure, the Government considers that the same should first be referred to the Secretary of State on any point of principle

In all such cases the Bills shall be referred to the Secretary of State

The proposed Amendment is, by leave *withdrawn*

It is moved by Mr *Montagu* page 7 line 33 after the first the to insert estimated annual expenditure and revenue shall be laid in the form of a statement before the Council in each year and the and line 34, to leave out the and after provincial revenues to insert and other moneys and to leave out line 35 and to insert the vote of the council in the form of demands for grant The Council may assent, or refuse its assent to a demand or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed

The proposed Amendments are *agreed to*

It is moved by Mr *Montagu*, page 7 line 38 to leave out resolution and to insert demand.

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu*, page 7 line 40 after assent to insert or the reduction of the amount therein referred to and to leave out 'resolution and insert demand

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 8, line 1 to leave out resolution and to insert demand and line 13 after revenues to insert 'or other moneys' and line 14 to leave out from purpose to shall in line 16

The proposed Amendments are *agreed to*

It is moved by the Earl of *Selborne* page 8 to leave out sub section (3)

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* page 8 to leave out sub-section (4)

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 8 line 36 to leave out either and line 38 to leave out from province to the end of line 39

The proposed Amendments are *agreed to*

It is moved by the Earl of *Selborne* page 8 line 40 to leave out either and page 9 line 1 to leave out from amendment' to the end of sub section (5) and to insert and effect shall be given to any such direction

The proposed Amendments are *agreed to*

It is moved by Mr *Montagu* page 9 line 8 after over to insert meetings thereof in the absence of the president and deputy president

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 9 line 9 to leave out thereof

The proposed Amendment is *agreed to*

It is moved by the Lord *Islington*, page 9 after sub section 6 to insert the following new sub section

(7)—In all cases of legislation where the governor enforces his authority against the decision of the local legislature such legislation shall be referred to a select committee appointed by the governor from members of the local legislature and including any member of the executive council, but nothing in this section shall be considered to derogate from the authority of the governor in the discharge of his ultimate responsibility for any subject

The proposed Amendment is by leave *withdrawn*

It is moved by Mr *Montagu* page 9 line 18 after legislatures to insert Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall to the extent of that repugnancy but not otherwise be void

The proposed Amendment is agreed to

It is moved by the Lord *Sydenham*, page 9 line 19 to leave out from the beginning of the sub section to no in line 20

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*—

Contents 2	Not Contents 6
Lord Islington	Marquess of Crewe
Lord Sydenham	Earl of Selborne
	Lord Sinha.
	Mr Bennett
	Sir Henry Craik
	Mr Montagu

The proposed Amendment is *disagreed to*

The further consideration of Clause 9 and of the amendments made thereto is proposed
Clause 10 is read

It is moved by Mr *Montagu* page 10 line 25 to leave out a and to insert the

The proposed amendment is *agreed to*

The further consideration of Clause 10 and of the amendments made thereto is *postponed*

It is moved by Mr *Montagu* after Clause 10 to insert the following new clause

(1) Where a local legislative council has refused leave to introduce or has failed to pass in the form recommended by the governor, any Bill relating to a reserved subject the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject and thereupon the Bill shall notwithstanding that the council have not consented thereto, be deemed to have passed and shall become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor

Provision for
case of failure
to pass legis-
lation

(2) Every such Act shall be expressed to be made by the governor and the governor shall forthwith send an authentic copy thereof to the Governor General who shall reserve the Act for the signification of His Majesty's pleasure and upon the signification of such assent by His Majesty in Council and the notification thereof by the Governor General the Act shall have the same force and effect as an Act passed by the local legislature and duly assented to

Provided that where in the opinion of the Governor General a state of emergency exists which justifies such action he may instead of reserving such Act signify his assent thereto and thereupon the Act shall have such force and effect as aforesaid subject however to disallowance by His Majesty in Council

(3) An Act made under this section shall as soon as practicable after being made be laid before each House of Parliament and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat

The proposed Clause is *agreed to* subject to further consideration by the Committee

Clause 11 is read

The consideration of Clause 11 is *postponed*

Clause 12 is read

It is moved by Mr *Montagu* page 11 line 5 after deputy governor to insert to be appointed by the Governor General

The proposed Amendment is *agreed to*

It is moved by Sir *John Rees* page 11 line 12 to leave out within any governor's province and to insert in British India.

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* page 11 line 12 after tract to insert or a frontier tract

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*—

Contents, 4.	Not-Contents 5
Earl of Selborne	Marquess of Crewe
Lord Brodrick (Viscount Midleton)	Lord Islington
Sir Henry Craik	Lord Sydenham
Major Ormsby Gore	Lord Sinha.
	Mr Montagu

The proposed Amendment is *disagreed to*

It is moved by Mr *Montagu* page 11 after line 16 to insert Where the Governor General in Council has, by notification directed as aforesaid he may by the same or subsequent notification direct that any Act of the Indian Legislature shall not apply to the territory in question or any part thereof or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor General thinks fit or may authorise the Governor in Council to give similar directions as respects any Act of the local legislature.

The proposed Amendment is *agreed to*

The further consideration of Clause 12 and of the amendments made thereto is *postponed*

Clause 13 is read

It is moved by Mr *Montagu* page 11 line 27 at beginning of sub section (2) to insert Nothing in this Act or in any rule made thereunder shall be construed as diminishing in any respect the powers of the Indian Legislature as laid down in section sixty five of the principal Act and

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* page 11 line 30 after be to insert and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne*, page 11 line 32, to leave out a minister and to insert his ministers

The proposed Amendment is *agreed to*

The further consideration of Clause 13 and of the amendments made thereto is *postponed*

Clause 14 is read

It is moved by Mr *Montagu*, page 11 after line 41 to insert

Except as otherwise provided by or under this Act a Bill shall not be deemed to have been passed by the Indian Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as may be agreed to by both Chambers

The proposed Amendment is *agreed to*

The further consideration of Clause 14 and of the amendments made thereto is *postponed*

Clause 15 is read.

It is moved by Mr *Montagu*, page 12 lines 1 and 2 to leave out the Governor General and line 5 to leave out from the second of to end of sub section (2) and to insert not more than sixty members, and lines 10 and 11 to leave out when present, shall preside in the Council of State and and line 12 to leave out Vice President and to insert President, and after sub section (3) to insert the following new sub section—

(4) The Governor General shall have the right of addressing the Council of State and may for that purpose require the attendance of its members.

The proposed Amendments are *agreed to*

The further consideration of Clause 15 and of the amendments made thereto is *postponed*

Clause 16 is read

It is moved by Mr *B C Spoor* page 12 line 29 after sub section (2) to insert the following new sub section—

(3) The legislative assembly shall before proceeding to the despatch of any other business choose a member to be president of the legislative assembly and as often as the office of president becomes vacant the legislative assembly shall again choose a member to be president The president shall cease to hold his office if he ceases to be a member he may be removed from office by a vote of the legislative assembly or he may resign his office or his seat by writing under his hand addressed to the Governor General Prior to or during the absence of the president the legislative assembly may choose a member to perform his duties in his absence

The same is *objected to*

On Question whether the proposed amendment be *agreed to*—

Content, 1

Mr B C Spoor

Not-Contents 4

Earl of Selborne
Lord Sydenham
Sir Henry Craik
Major Ormsby Gore

The proposed Amendment is *disagreed to*

The further consideration of Clause 16 is *postponed*

It is moved by Mr *Montagu* after Clause 16 to insert the following new clause —

President of
legislative
assembly

(1) There shall be a president of the legislative assembly who shall until the expiration of four years from the first meeting thereof be a person appointed by the Governor General and shall thereafter be a member of the assembly elected by the assembly and approved by the Governor General

Provided that if at the expiration of such period of four years the assembly is in session the president then in office shall continue in office until the end of the current session and the first election of a president shall take place at the commencement of the ensuing session

(2) There shall be a deputy president of the legislative assembly who shall preside at meetings of the assembly in the absence of the president, and who shall be a member of the assembly elected by the assembly and approved by the Governor General

(3) The appointed president shall hold office until the date of the election of a president under this section, but he may resign his office by writing under his hand addressed to the Governor General, or may be removed from office by order of the Governor General and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term

(4) An elected president and a deputy president shall cease to hold office if they cease to be members of the assembly they may resign office by writing under their hands addressed to the Governor General and may be removed from office by a vote of the assembly with the concurrence of the Governor General

(5) A president and deputy president shall receive such salaries as may be determined, in the case of an appointed president by the Governor General and the case of an elected president and a deputy president by Act of the Indian Legislature

The proposed Clause is *agreed to* subject to further consideration by the Committee

Clause 17 is read.

It is moved by Sir *John Rees* page 13, line 5 after times to insert and places

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 13 line 6 after of to insert either chamber of and line 8 to leave out the Indian Legislature and to insert "such sessions"

The proposed Amendments are *agreed to*

The further consideration of Clause 17 and of the amendments made thereto is *postponed*

Clause 18 is read

It is moved by Sir *John Rees* page 13 after sub section (2) to insert the following new sub section —

(3) If any person is elected a member of both chambers of the Indian legislature he shall before he takes his seat in either chamber signify in writing the chamber of which he desires to be a member and thereupon his seat in the other chamber shall become vacant.

The proposed Amendment is *agreed to*

The further consideration of Clause 18 and of the amendments made thereto is *postponed*

Clause 19 is read

It is moved by the Lord *Sydenham*, page 14, to leave out sub-section (2)

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*—

Content, 1
The Lord Sydenham

Not-Contents, 11
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sinha.
Mr Bennett
Sir Henry Craik.
Mr Montagu.
Major Ormsby Gore
Sir John Rees
Mr Spoor

The proposed Amendment is *disagreed to*

The further consideration of Clause 19 is *postponed*

Clause 20 is read

It is moved by the Earl of *Selborne*, page 14 line 12 after assembly to insert in the absence of the president and the deputy president and line 16 to leave out from beginning of the sub section to the second line in line 17 and to insert If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers

The proposed Amendments are *agreed to*

It is moved by the Earl of *Selborne*, page 14 line 18 after may to insert in his discretion

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* page 14 line 19 to leave out from Chambers to the end of line 20 and to insert Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose in order to discuss any difference of opinion which has arisen between the two chambers

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 14 after sub section (3) to insert the following new sub section —

(4) Without prejudice to the powers of the Governor General under section sixty eight of the principal Act the Governor General may where a Bill has been passed by both chambers of the Indian Legislature, return the Bill for reconsideration by either chamber

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* to leave out sub section (4)

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 14 line 31 after relate to insert any Standing Order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall to the extent of that repugnancy but not otherwise be void

The proposed Amendment is *agreed to*

It is moved by the Lord *Brodrick* (Viscount Midleton) page 14 at the beginning of sub section (7) to insert subject to the rules of order

The same is *objected to*

On Question whether the said Amendment be agreed to—

Contents, 5
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Mr Bennett
Sir John Rees

Not-Contents, 4
Marquess of Crewe
Lord Sinha.
Major Ormsby Gore
Mr Spoor

The proposed Amendment is *agreed to*

The further consideration of Clause 20 and of the amendments made thereto is *postponed*

Ordered That the Committee be adjourned till to-morrow at Eleven o'clock

Die Veneris 31^o Octobris 1919

PRESENT

Marquess of Crewe.
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr Bennett
Sir Henry Craik.
Mr Montagu
Major Ormsby Gore
Sir John Rees
Mr Spoor

The EARL OF SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

It is moved by Mr *Montagu*.

After Clause 20 to insert the following new clause —

—(1) Where either chamber of the Indian Legislature refuses leave to introduce or fails to pass in the form recommended by the Governor General any Bill, the Governor General may certify that the passage of the Bill is essential for the safety tranquillity or interests of British India, or any part thereof and thereupon—

(a) If the Bill has already been passed by the other chamber the Bill shall notwithstanding that it has not been consented to by both chambers forthwith become an Act in the form of the Bill as originally introduced or proposed to be introduced in the Indian Legislature or (as the case may be) in the form recommended by the Governor General and

Provision for
case of failure
to pass legis-
lation

(b) If the Bill has not already been so passed the Bill shall be laid before the other chamber and if consented to by that chamber in the form recommended by the Governor General shall become an Act as aforesaid on the signification of the Governor General's assent or if not so consented to shall forthwith become an Act as aforesaid

(2) Every such Act shall be expressed to be made by the Governor General and shall as soon as practicable after being made be laid before both Houses of Parliament and shall not have effect until it has received His Majesty's assent and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat and upon the signification of such assent by His Majesty in Council and the notification thereof by the Governor General the Act shall have the same force and effect as an Act passed by the Indian Legislature and duly assented to

Provided that where in the opinion of the Governor General a state of emergency exists which justifies such action the Governor General may direct that any such Act shall come into operation forthwith and thereupon the Act shall have such force and effect as aforesaid subject however to disallowance by His Majesty in Council

The proposed Clause is *agreed to* subject to further consideration by the Committee

It is moved by Mr *Montagu*, after Clause 20 to insert the following new clause —

—(1) The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year and the proposals of the Governor General in Council for the appropriation of revenue or moneys in any year shall be submitted first to the Legislative Assembly for its assent and after consideration by the Legislative Assembly to the Council of State for its assent, in the form of demands for grants

(2) Either Chamber may assent or refuse its assent to the demands as a whole, and the Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand, either by a reduction of the whole grant or by the omission or reduction of any items of expenditure of which the grant is composed

Provided that—

(a) The Governor General in Council shall have power in relation to any such demand to act as if it had been assented to notwithstanding the withholding of such assent by either or both Chambers or the reduction of the amount therein referred to by the Legislative Assembly if the Governor General certifies that the expenditure provided for by the demand is essential for the discharge of his responsibilities

(b) The Governor General shall have power in cases of emergency to authorise such expenditure as may in his opinion be necessary for the safety or tranquillity of British India or any part thereof

(c) Nothing in this section shall require proposals to be submitted to the Indian Legislature in regard to expenditure which is declared by rules under the principal Act to be a permanent charge on revenues at the disposal of the Governor General in Council and

(d) No proposal for the appropriation of any revenue or moneys for any purpose shall be made in either Chamber except on the recommendation of the Governor General communicated to such Chamber

The further consideration of the proposed Clause is *postponed*

It is moved by Mr *Montagu* after clause 20 to insert the following new clause —

(1) In addition to the measures referred to in sub section (2) of section 67 of the principal Act as requiring the previous sanction of the Governor General it shall not be lawful without such previous sanction to introduce at any meeting of either Chamber of the Indian Legislature any measure—

c (a) regulating any provincial subject, or any part of a provincial subject which has not been declared by rules under the principal Act to be subject to Indian Legislation

(b) repealing or amending any Act of a local legislature

(c) repealing or amending any Act or ordinance of the Governor General

(2) Where in either Chamber of the Indian Legislature any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved the Governor General may certify that the Bill or any clause of it or the amendment, affects the safety or tranquillity of British India or any part thereof and may direct either that no proceedings or that no further proceeding shall be taken by the Chamber in relation to the Bill clause or amendment, and effect shall be given to such direction

The proposed clause is *agreed to* subject to further consideration by the Committee

Clause 21 is read

It is moved by the Lord *Sydenham* page 15 to leave out sub section (1)

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Contents 1
Lord Sydenham

Not Contents 10

Marquess of Crewe
Earl of Selborne
Lord Ishington
Lord Anha.
Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir John Rees
Mr Spoor

The proposed Amendment is *disagreed to*

It is moved by Sir *Henry Craik* page 15 line 2 to leave out from Act to imposing in line 7 And line 4 to leave out the second any and to insert a

The proposed Amendment is *agreed to*

It is moved by Major *Orm by Gore* page 15 line 9 after effect to insert Provided that at least one member of the Governor General's executive shall be a barrister of England or Ireland or a member of the faculty of Advocates for Scotland or a pleader of a High Court, of not less than five years standing

The proposed Amendment is *agreed to*

It is moved by M *B C Spoor* page 1 line 9 after sub section (1) to insert the following new sub section

(2) Of the members of the Governor General's executive council not less than half shall be chosen from Indians who are elected members of the legislative assembly

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Supple-
mental
provision as
to powers of
Indian legis-
lature.

Contents 1
Mr B C Spoor

Not-Contents 11
Marquis of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha
Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir John Rees

The proposed Amendment is *disagreed to*

It is moved by Major *Ormsby Gore* page 15 line 14 after section to insert and such rules shall provide that three members of the council shall be natives of India Page 15 line 14 after section to insert and such rules shall provide that three members of the council shall be persons qualified for appointment under section ninety nine of the Principal Act

The proposed Amendment is by leave *withdrawn*

The further consideration of Clause 21 and of the amendments made thereto is *postponed*

[*Ordered* That the Committee be adjourned until Monday next at Twelve o'clock

Die Lunae 3 Novembris 1919

PRESENT

Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham

Lord Sinha
Mr Bennett
Sir Henry Craik
Mr Montagu
Sir John Rees

The Earl of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Friday last are read

The clauses are further considered

It is moved by the Lord *Islington*, after Clause 21 to insert the following new clause —

Where any matter is referred by the local government of a governor's province to the Governor General in Council or the Governor General for assent or approval such assent or approval shall not be refused except with the consent of the Secretary of State in Council

The proposed Amendment is by leave *withdrawn*

It is moved by Mr *Montagu* after Clause 21 to insert the following new clause —

—(1) The Governor General may at his discretion appoint from among the members of the Legislative Assembly Council Secretaries, who shall hold office during his pleasure and discharge such duties in assisting the members of his Executive Council as he may assign to them Appointment of council secretaries

(2) There shall be paid to Council Secretaries so appointed such salary as may be provided by the Indian Legislature

(3) A Council Secretary shall cease to hold office if he ceases for more than three months to be a member of the Legislative Assembly

The same is *objected to*

On Question whether the proposed Clause be inserted —

Contents 9
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sinha
Mr Bennett
Sir Henry Craik
Mr Montagu
Sir John Rees

Not Contents 1
Lord Sydenham

The proposed Clause is *agreed to* subject to further consideration by the Committee

It is moved by the Lord *Islington* after Clause 22 to insert the following new clause —

The Secretary of State shall not advise His Majesty to signify His disallowance of an Act of the Indian Legislature unless in the case of an Act which affects the law relating to tariffs the Act is in his opinion inconsistent with any international obligations entered into by His Majesty's Government or with any undertaking of His Majesty's Government as to fiscal arrangements within the Empire, or in the case of any other Act, the Act is, in his opinion inconsistent with the policy of His Majesty's Government

The same is *objected to*

On Question whether the proposed Clause be inserted —

Contents 9
Lord Islington
Lord Sinha

Not Contents 8
Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Sydenham
Mr Bennett
Sir Henry Craik
Mr Montagu
Sir John Rees

The proposed Clause is *disagreed to*

It is moved by the Lord *Islington* after Clause 22 to insert the following new clause —

When both Chambers of the Indian Legislature have concurred in recommending to the Governor General in Council that a course of action in regard to an administrative question should be adopted and the Governor General in Council has accepted that recommendation it shall not be open to the Secretary of State, or the Secretary of State in Council in the exercise of the powers of superintendence, supervision and control vested in him under the principal Act to require action to be taken otherwise than in accordance with that course of action

The same is *objected to*

On Question whether the proposed Clause be inserted —

Contents, 1	Not Contents 7
Lord <i>Islington</i>	Marquess of <i>Crewe</i> Earl of <i>Solborne</i> . Lord <i>Brodrick</i> (Viscount <i>Midleton</i>) Mr <i>Bennett</i> Sir <i>Henry Craik</i> . Mr <i>Montagu</i> . Sir <i>John Rees</i>

The proposed Clause is *disagreed to*

It is moved by Mr *Montagu* after Clause 20 to insert the following new clause —

Indian
Budget

—(1) The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor General

(3) The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to the heads of expenditure specified in the second schedule to this Act shall not be submitted to the vote of the Legislative Assembly nor shall they be open to discussion by either Chamber

(4) If a question arises whether any proposed appropriation of revenue or moneys does or does not relate to the heads of expenditure specified in the said schedule the decision of the Governor General on the question shall be final

(5) The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the said schedule shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

(6) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor General in Council, who shall, if he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to by the Legislative Assembly

(8) Notwithstanding anything in this section the Governor General shall have power in cases of emergency to authorise such expenditure as may in his opinion be necessary for the safety or tranquillity of British India or any part thereof

The proposed Clause is *agreed to* subject to further consideration by the Committee

Clause 22 is read

The consideration of Clause 22 is *postponed*

It is moved by the Marquess of *Crewe* after Clause 22 to insert the following new clause —

The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India the qualification term of office and remuneration of its members —

Council of
India.

(1) The provisions of sub section (1) shall have effect as though eight and twelve were substituted for ten and fourteen respectively as the minimum and maximum number of members provided that the tenure of office of any person who is a member of the Council at the time of the passing of this Act shall not be affected by this provision

(2) The provisions of sub sections (3) and (c) shall cease to have effect and in lieu thereof the following provision shall be inserted —

Not less than one third of the members of the Council shall be selected from a list of persons permanently domiciled in India, and chosen for the purpose by the members (other than official members) of the Council of State and the Legislative Assembly in such manner subject to such conditions and restrictions and in such number as may be prescribed by rules to be made by the Secretary of State in Council or directions issued by the Secretary of State thereunder provided that this provision shall not have immediate effect, but such appointments of persons so selected shall be made within a period of _____ years after the passing of this Act as to secure that at the end of such period the number of members so selected is not less than one third of the members of the Council

(3) In sub section (4) five years shall be substituted for seven years as the term of office of members of the Council provided that the tenure of office of any person who is a member of the Council at the time of the passing of this Act shall not be affected by this provision

(4) The provisions of sub section (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted —

There shall be paid to each member of the Council of India a salary of twelve hundred pounds provided that any member of the Council who was at the time of his appointment permanently domiciled in India shall receive in addition to the salary hereby provided an annual subsistence allowance of six hundred pounds

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament

(5) Notwithstanding anything in the Act or rules, where any person in the service of the Crown in India is appointed a member of the Council before completion of the period of such service required to entitle him to a pension or annuity his service as such member shall for the purpose of any pension or annuity which would be payable to him on completion of such period be reckoned as service under the Crown in India.

It is moved by the Lord *Brodrick* (Viscount *Midleton*) to leave out sub section (2) and to insert the following new sub section —

The provisions of sub section (3) shall have effect as if one half were substituted for nine and India were substituted for British India

The proposed Amendment is *agreed to*

It is moved by the Marquess of Crewe after sub section (2) as amended to insert Not less than one third of the members of the council shall be selected from a list of persons permanently domiciled in India and chosen for the purpose by the members (other than official members) of the council of state and the legislative assembly in such manner subject to such conditions and restrictions, and in such number as may be prescribed by rules to be made by the Secretary of State in council or directions issued by the Secretary of State thereunder provided that this provision shall not have immediate effect but such appointments of persons so selected shall be made within a period of _____ years after the passing of this Act as to secure that at the end of such period the number of members so selected is not less than one third of the members of the council

The same is *objected to*

On Question whether the proposed Amendment to the Amendment be *agreed to* —

Contents 3	Not Content
Marquess of Crewe Lord Sinha. Mr Montagu	Earl of Selborne Lord Brodrick (Viscount Midleton) Lord Sydenham Sir Henry Craik Sir John Rees.

The proposed Amendment to the Amendment is *disagreed to*

It is moved by the Lord Sydenham in sub section (4) to leave out 'five' and to insert 'four'

The same is *objected to*

On Question whether the Amendment to the proposed Clause be *agreed to* —

Contents 2	Not Contents 3
Lord Sydenham Mr Bennett.	Marquess of Crewe Lord Brodrick (Viscount Midleton) Sir Henry Craik

The Amendment to the proposed Clause is *disagreed to*

The proposed Clause is *agreed to* as amended subject to further consideration by the Committee

Clause 23 is read

The consideration of Clause 23 is *postponed*

It is moved by the Earl of Selborne after Clause 23 to insert the following new clauses

Sections eleven, twelve, thirteen and fourteen of the principal Act (relating to orders and communications sent to India from the United Kingdom) shall cease to have effect, and the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council

Correspondence between Secretary of State and India.

His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom and for his pay, powers, duties and conditions of employment, and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council whether under the principal Act or otherwise in relation to making contracts and may prescribe the conditions under which he shall act on behalf of the Governor General in Council or any local government in India

High Commissioner for India

The proposed Clauses are *agreed to* subject to further consideration by the Committee

Clause 24 is read

*It is moved by Mr Montagu page 16 line 13 after appointed to insert and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed

The proposed Amendment is *agreed to*

It is moved by the Lord Brodrick (Viscount Midleton) page 16 line 13 after appointed to insert if any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province and on due application made to that superior does not receive the redress to which he may consider himself entitled he may complain to the governor of the province in order to obtain justice and the governor is hereby required to examine such complaint and pass thereon such orders as appear to him to be just and equitable

The proposed Amendment is *agreed to*

It is moved by the Lord Brodrick (Viscount Midleton) page 16 line 22 after "services" to insert Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable

The proposed Amendment is *agreed to*

It is moved by Mr Montagu, page 16 line 26 to leave out from rules to may in line 28 and to insert in force at the time of the passing of this Act Any such rules

The proposed Amendment is *agreed to*

It is moved by Mr Montagu page 16 line 34, to leave out affect and to insert prejudice the rights to which any person may or may have, become entitled under and line 39 to leave out under the principal Act and page 17 line 2 to leave out from section to the end of the clause

The proposed Amendments are *agreed to*

The further consideration of Clause 24 and of the amendments made thereto is *postponed*

Clause 25 is read

The consideration of Clause 25 is *postponed*

Clause 26 is read

The consideration of Clause 26 is *postponed*

Clause 27 is read

It is moved by Mr *Montagu*, page 17 line 39 after employment to insert or for the discharge of his duties in the case of a temporary vacancy or absence from duty^b

The proposed Amendment is *agreed to*

The further consideration of Clause 27 and of the amendments made thereto is *postponed*

Clause 28 is read

It is moved by the Earl of *Selborne* page 18 lines 16 and 17 to leave out and the provinces thereof

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu* page 18 line 19 after desirable to insert to establish the principle of responsible government or

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne*, page 18 line 19 to leave out or modify and to insert modify or restrict, and line 20 to leave out in any province, and to insert therein

The proposed Amendments are *agreed to*

The further consideration of Clause 28 and of the amendments made thereto is *postponed*

Clause 29 is read

It is moved by the Lord *Sydenham* to leave out Clause 29

The proposed Amendment is, by leave *withdrawn*

The further consideration of Clause 29 is *postponed*

It is moved by the Earl of *Selborne* after Clause 29 to insert the following new clause —

Any assent or disallowance by His Majesty which under the principal Act is required to be signified through the Secretary of State in Council shall as from the passing of this Act be signified by His Majesty in Council

The proposed new Clause is *agreed to* subject to further consideration by the Committee

Clause 30 is read

It is moved by Mr *Montagu*, page 19 line 7 to leave out from the second legislature to the end of line 8 and to insert —

Any rules made under this Act or under the principal Act may be so framed as to make different provision for different provinces

The proposed Amendment is *agreed to*

The further consideration of Clause 30 and of the amendments made thereto is *postponed*

Clause 31 is read.

It is moved by Mr *Montagu* page 19 line 18 after in to insert Parts I and II of and line 23 after amended to insert The provisions of the principal Act specified in Part III of that Schedule being provisions which are obsolete or unnecessary or which require amendment in detail are hereby repealed or modified and shall be dealt with in the manner shown in the second column of that schedule

The proposed Amendments are *agreed to*

The further consideration of Clause 31 and of the amendments made thereto is *postponed*

Clause 32 is read

The consideration of Clause 32 is *postponed*

Clause 33 is read.

The consideration of Clause 33 is *postponed*

The First Schedule is read

It is moved by the Earl of *Selborne* page 21 to leave out the third fourth fifth sixth and seventh columns

The proposed Amendment is *agreed to*

The further consideration of the First Schedule and of the amendments made thereto is *postponed*

The Second Schedule is read

It is moved by Mr *Montagu* page 20 to leave out Rules as to Pensions and to insert —

- | | |
|-----|---|
| (a) | The salary of the Governor General. |
| (b) | Salaries of members of the executive council |
| (c) | Salaries of chief commissioners and judicial commissioners |
| (d) | Salaries payable in accordance with rules to members of all India services |
| (e) | Salaries of the Auditor General and the Public Service Commission |
| (f) | Interest and sinking fund charges payable on loans |
| (g) | Charges classified under the heads Ecclesiastical, Political Territorial and Political Pensions Army, Marine Military Works and Special Defences. |
| (h) | Statutory charges |

The proposed Amendment is *agreed to*

The further consideration of the Second Schedule and of the amendments made thereto is *postponed*

The Third Schedule is read

Signification
of Royal
assent.

It is moved by Mr *Montagu* —

Page 23 line 7 in the second column to leave out Clause 62A after Clause 62 and to insert Section (52B) after Section 52A

And lines 34 to 37 to leave out the words in the second column and to insert To be inserted as new sections (93B 93C and 93D) after Section 93A constituting a new Part (VII A) after Part VII

And page 23 lines 34 35 and 36 to leave out the words in the third column

And line 38 after Act in the third column to insert and the Government of India Act 1919 to be substituted for this Act

And line 41 in the third column after Act to insert and any rules made under this sub-section to be substituted for any rules made under this section

Page 24 after line 26 to insert —

19 | The words of this section from the beginning down to and including Provided that shall be omitted

13(1) | For the words or sending there shall be substituted the words or recording

The proposed Amendments are *agreed to*

It is moved by Mr *Montagu* —

Page 24, line 32 to leave out section and to insert sub section

And page 25 after line 30 to insert —

40 | At the end of sub section (1) there shall be inserted and when so signed shall not be called in question in any legal proceeding on the ground that they were not duly made by the Governor General in Council

And after line 41 insert —

39 | In sub section (2) for one ordinary member of the council there shall be substituted one member of the council (other than the Commander in Chief of His Majesty's forces in India)

The proposed Amendments are *agreed to*

It is moved by Mr *Montagu* —

Page 26 after line 15 at end to insert —

55 (1) | In paragraph (b) after illness or otherwise there shall be inserted and for supplying a vacancy until it is permanently filled

And line 20 after council to insert and naval or air shall be substituted for or naval

The proposed Amendments are *agreed to*

It is moved by Mr *Montagu* —

Page 27 line 9 to leave out thirty and to insert one hundred

And after line 9 to insert —

76 (2) | Non officials shall be substituted for persons not in the civil or military service of the Crown in India.

And page 27 after line 11 to insert —

78 | In sub section (2) in accordance with rules made under this Act shall be omitted

And line 12 at the beginning of the line in the second column to insert —

The following provision shall be inserted at the beginning of sub section (1) —

A lieutenant governor or a chief commissioner who has a legislative council may appoint such times for holding the sessions of his legislative council as he thinks fit and may also by notification or otherwise prorogue the council and any meeting of a lieutenant governor's or a chief commissioner's legislative council may be adjourned by the person presiding

And after line 40 to insert —

82 | For any such Act where that expression occurs for the first and third times there shall be substituted an Act, and for that expression where it occurs for the second time there shall be substituted the Act

And page 28 line 9 at end to insert and non official members shall be substituted for members not holding office under the Crown in India

After line 9 to insert —

85 | The following proviso shall be inserted at the end of sub section (3) —

Provided that nothing in this sub section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned to such persons by the Secretary of State in Council

And line 16, after Commander in Chief to insert and after council of a governor there shall be inserted or of a lieutenant governor)

And after line 19 to insert —

89 | In sub section (4) for ordinary member of the council there shall be substituted member of the council (other than the Commander in Chief

And page 28 after line 31 to insert

95 | Before the word offices wherever that word occurs, before the word officers and before the word promotions where it occurs for the second time there shall be inserted the word military

And page 29 line 20 first column to leave out and Bombay and to insert Bombay and the United Provinces

And lines 22 and 23 first column to leave out the United Provinces.

And line 36 second column to insert sixty four thousand rupees

And lines 38 and 39 first column to leave out Bihar and Orissa and to insert the United Provinces

And line 40 second column to insert sixty thousand rupees

And lines 41 and 42 first column, to leave out the United Provinces and to insert Bihar and Orissa.)

And line 43 second column, to insert forty eight thousand rupees

And line 46, second column to insert forty two thousand rupees

And after line 47 at end to insert

Third
Schedule

The following schedule shall be substituted for the Third Schedule —

THIRD SCHEDULE

Section 98

Offices reserved to the Indian Civil Service

PART I

Offices under the Governor General in Council

1 The offices of Secretary joint secretary and deputy secretary in every department except the Army Marine Education Foreign Political and Public Works Departments Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service then the office of deputy secretary or secretary in that department as the case may be, need not be so filled

2 Three offices of Accountants General

PART II

Offices in the Provinces which were known in the year 1861 as Regulation Provinces

The following offices, namely —

- 1 Member of the Board of Revenue
- 2 Financial Commissioner
- 3 Commissioner of Revenue
- 4 Commissioner of Customs
- 5 Opium Agent
- 6 Secretary in every department except the Public Works or Marine Departments
- 7 Secretary to the Board of Revenue
- 8 District or sessions judge
- 9 Additional district or sessions judge
- 10 District magistrate
- 11 Collector of Revenue or Chief Revenue Officer of a district.

And page 30 after line 8 to insert

PART III

HOW DEALT WITH

Section

- | | |
|---------|--|
| 16 | To be omitted |
| 42 & 51 | The words and signified his intended absence to the Council shall be omitted |
| 45 (2) | To be omitted |
| 54 (3) | To be omitted |
| 72 (2) | To be omitted |
| 81 | In sub-section (1) the words whether he was or was not present in Council at the passing of the Act shall be omitted |
| 87 | For the words subject to the foregoing provisions of this Act as to leave of absence there shall be substituted save in the case of absence on special duty or on leave under a medical certificate |
| 88 | To be omitted |
| 89 | The words entitled under a conditional appointment to succeed to the office of Governor General or shall be omitted and for the words that office there shall be substituted the words the office of Governor General |
| 90 | In sub-section (1) the words conditional or other shall be omitted
In sub-section (3) for the words 'this Act' there shall be substituted the words section eighty nine of this Act and the words respecting the assumption of the office by a person conditionally appointed to succeed thereto shall be omitted |
| 91 | In sub-section (4) the words conditional or other shall be omitted |
| 92 | In sub-section (1) the words conditional or other shall be omitted
In sub-section (3) the words then if any person has been conditionally appointed to succeed to his office and is on the spot the place of that member shall be supplied by that person and if no person conditionally appointed to succeed to the office is on the spot shall be omitted |
| 115 | In sub-section (4) the words conditionally or shall be omitted
At the end of sub-section (1) the following shall be inserted —
His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof
At the end of sub-section (2) the following shall be inserted —
and as metropolitan shall have enjoy and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop |
| 118 | In sub-section (1) the words and archdeacon shall be omitted and after the words 'letters patent' there shall be inserted and the archdeacons of those dioceses by their respective diocesan bishops |

The proposed Amendments are *agreed to*The further consideration of the Third Schedule and of the amendments made thereto is *postponed*

The Preamble is again read

It is moved by the Earl of *Selborne* —

Page 1 to leave out from the beginning to the end of line 4 and to insert —

Whereas for the purpose of the increasing association of Indians in every branch of Indian Administration and the gradual development of self governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the Empire it is expedient that substantial steps in this direction should be taken and whereas progress in this direction can only be achieved by successive stages

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples

And whereas the action of Parliament in such matters must be guided by the co operation received from those on whom new opportunities of service will be conferred and to the extent by which it is found that confidence can be reposed in their sense of responsibility

The proposed Amendment is *agreed to*

It is moved by the Earl of *Selborne* —

Page 1 line 6 to leave out such and to insert self governing

The proposed Amendment is *agreed to*

The further consideration of the Preamble is *postponed*

Ordered—That the Committee be adjourned to Monday next at twelve o'clock

Die Lunæ 10^o Novembris 1919

PRESENT

Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha.

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir John Rees
Mr Spoor

The EARL of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of Monday last are read

The Bill as Amended by the Committee up to this day is read and is as follows —

Page 1

A

I L L

TO

Make further provision with respect to the Government of India.

WHEREAS for the purpose of the increasing association of Indians in every branch of Indian Administration and the gradual development of self governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the Empire it is expedient that substantial steps in this direction should be taken and whereas progress in this direction can only be achieved by successive stages

5 And whereas the time and manner of each advance can be determined only by Parliament upon whom responsibility lies for the welfare and advancement of the Indian peoples

10 And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred and to the extent by which it is found that confidence can be reposed in their sense of responsibility

15 And whereas concurrently with the gradual development of self governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter

20 of its own responsibilities

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows —

25

PART I

LOCAL GOVERNMENTS

1.—(1) Provision may be made by rules under the Govern-
ment of India Act 1915, as amended by the Government of
5 India (Amendment) Act 1916 (which Act as so amended is in
this Act referred to as the principal Act)—

Classification of
central and
provincial
subjects

(a) for the classification of subjects in relation to the
functions of government as central and provincial
10 subjects for the purpose of distinguishing the functions
of local governments and legislatures from the
functions of the Governor General in Council and
the Indian legislature

(b) for the devolution of authority in respect of provincial
15 subjects to local governments and for the allocation
of sources of revenue to those governments

(c) for use under the authority of the Governor-General
in Council of the agency of local governments in
relation to central subjects in so far as such agency
20 may be found convenient and for determining the
financial conditions of such agency and

(d) for the transfer from among the provincial subjects of
25 subjects (in this Act referred to as transferred
subjects) to the administration of the governor
acting with the minister in charge of the subject
and for the allocation of provincial funds for the
purpose of such administration

(2) Without prejudice to the generality of the foregoing
powers rules made for the above-mentioned purposes may—

(i) regulate the extent and conditions of such devolution
30 allocation and transfer

(ii) provide for fixing the contributions payable by local
governments to the Governor-General in Council
and making such contributions a first charge on
provincial revenues

(iii) provide for constituting a finance department in
35 any province and regulating the functions of that
department

(iv) provide for regulating the exercise of the authority
40 vested in the local government of a province over
members of the public services therein

Page 3

(v) provide for the settlement of doubts arising as to
whether any matter does or does not belong to
5 a provincial subject or a transferred subject and
for the treatment of matters which affect both a
transferred subject and a subject which is not
transferred and

(vi) make such consequential and supplemental provisions
as appear necessary or expedient

10 Provided that without prejudice to any general power of
revoking or altering rules under the principal Act the rules
shall not authorise the revocation or suspension of the transfer
of any subject except with the sanction of the Secretary of State
in Council.

(3) The powers of superintendence direction and control
15 over local governments vested in the Governor General in Council
under the principal Act shall in relation to transferred subjects
be exercised only for such purposes as may be specified in rules
made under that Act but the Governor-General in Council shall
be the sole judge as to whether the purpose of the exercise of
20 such powers in any particular case comes within the purposes
so specified

(4) The expressions central subjects and provincial
subjects as used in this Act mean subjects so classified under
the rules

25 Provincial subjects other than transferred subjects are in
this Act referred to as reserved subjects

2.—(1) The provision in subsection (1) of section thirty
of the principal Act which gives power to local governments to
30 raise money on real or personal estate within the limits of their
respective governments by way of mortgage or otherwise shall
have effect as though that provision conferred a power on local
governments to raise money on the security of their allocated
revenues and to make proper assurances for that purpose

Borrowing
powers of

(2) Provision may be made by rules under the principal
35 Act as to the conditions under which the power to raise loans
on the security of allocated revenues shall be exercised

(3) The provision in subsection (1) of section thirty of the
principal Act which enables the Secretary of State in Council
with the concurrence of a majority of votes at a meeting of the
40 Council of India to prescribe provisions or conditions limiting
the power to raise money shall cease to have effect as regards the
power to raise money on the security of allocated revenues

Page 4

3.—(1) The presidencies of Fort William in Bengal Fort St. George and Bombay and the provinces known as the United Provinces the Punjab Bihar and Orissa the Central Provinces and Assam shall be governed in relation to reserved subjects by the governor in council and in relation to transferred subjects (save as otherwise provided by this Act) by the governor with ministers appointed under this Act.

Revised system of local government in central provinces.

The said presidencies and provinces are in this Act referred to as governor's provinces and the two first-named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The provisions of section forty-six to fifty-one of the principal Act as amended by this Act shall apply to the United Provinces the Punjab Bihar and Orissa the Central Provinces and Assam as they apply to the presidencies of Bengal Madras and Bombay

4.—(1) The governor of a governor's province shall by notification appoint ministers not being members of his executive council or other officials to administer transferred subjects and any ministers so appointed shall hold office during his pleasure

Appointment of ministers.

There shall be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province unless a smaller salary is provided by vote of the legislative council of the province

(2) No minister shall hold office for a longer period than three months unless he is or becomes an elected member of the local legislature

(3) In relation to transferred subjects the governor shall be guided by the advice of his ministers unless he sees sufficient cause to dissent from the opinion of his ministers in which case he may require action to be taken otherwise than in accordance with that advice.

(4) Provision may be made by rules under the principal Act for the temporary administration of a transferred subject where in cases of emergency owing to a vacancy there is no minister in charge of the subject by such authority and in such manner as may be prescribed by the rules.

(5) The governor of a governor's province may also at his discretion appoint from among the non-official members of the local legislature council secretaries who shall hold office during

Page 5

his pleasure and discharge such duties in assisting members of the executive council and ministers as he may assign to them

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council

A council secretary shall cease to hold office if he ceases for more than three months to be a member of the legislative council

5.—(1) The provision in section forty-seven of the principal Act, that two of the members of the executive council of the governor of a province must have been for at least twelve years in the service of the Crown in India shall have effect as though one were substituted for two and the provision in that section that the Commander-in-Chief of His Majesty's Forces in India, if resident at Calcutta Madras or Bombay shall during his continuance there be a member of the governor's council shall cease to have effect

Qualification of members of local executive councils.

(2) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by section forty-seven of the principal Act as amended by this section.

6.—(1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province and shall be authenticated as the governor may by rule direct, so however that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings

Business of the governor in council and the governor with ministers.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province.

(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province

The governor may also make rules and orders for regulating the relations between his executive council and his ministers for the purpose of the transaction of the business of the local government

Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any rules made under the principal Act shall to the extent of that repugnancy but not otherwise be void.

5 7—(1) There shall be a legislative council in every governor's province which shall consist of the members of the executive council and of members nominated or elected as provided by this Act. Composition of gov'tor's legislative council.

10 The governor shall not be a member of the legislative council but shall have the right of addressing the council and may for that purpose require the attendance of its members.

15 (2) The aggregate number of members of the governors legislative councils shall be in accordance with the table set out in the First Schedule to this Act and of the members of each council not more than twenty per cent shall be official members and at least seventy per cent shall be elected members

Provided that—

20 (a) subject to the maintenance of the above proportions rules under the principal Act may provide for increasing by not more than five per cent the aggregate number of members of any council, as specified in that schedule and

25 (b) the governor may for the purposes of any Bill introduced or proposed to be introduced in his legislative council nominate in the case of Assam one person and in the case of other provinces not more than two persons having special knowledge or experience of the subject-matter of the Bill and those persons shall in relation to the Bill have for the period for which they are nominated all the rights of members of the council and shall be in addition to the aggregate above referred to

30 (3) The powers of a governor's legislative council may be exercised notwithstanding any vacancy in the council.

35 (4) Subject as aforesaid provision may be made by rules under the principal Act as to—

40 (a) the term of office of members of governors legislative councils and the manner of filling casual vacancies occurring by reason of absence from India, inability to attend to duty death, acceptance of office resignation duly accepted or otherwise and

5 (c) The qualification of electors the constitution of governors legislative councils and

(b) the conditions under which and manner in which (situencies and the method of election for governors legislative councils including the number of members to be elected by communal and other electorates and any matters incidental or ancillary thereto and)

10 (d) the qualifications for being and for being nominated or elected a member of any such council, and

(e) the final decision of doubts or disputes as to the validity of any election and

15 (f) the manner in which the rules are to be carried into effect

Provided that rules as to any such matters as aforesaid may provide for delegating to the local government such power as may be specified in the rules of making subsidiary regulations affecting the same matters.

20 (5) Subject to any such rules any person who is a ruler or subject of any state in India may be nominated as a member of a governor's legislative council.

25 Members nominated to the legislative council of the Central Provinces by the governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the legislative council of the Central Provinces.

30 8—(1) Every local legislative council shall continue for three years from its first meeting

Provided that—

(a) the council may be sooner dissolved by the governor and

35 (b) the said period may be extended by the governor for a period not exceeding one year by notification in the official gazette of the province if in special circumstances (to be specified in the notification) he so think fit

(2) A governor may appoint such times for holding the sessions of his legislative council as he thinks fit and may also by notification or otherwise prorogue the council

40 (3) Any meeting of a governor's legislative council may be adjourned by the person presiding.

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(4) All questions in a governor's legislative council shall be determined by a majority of votes of the members present other than the person presiding who shall however have and exercise a casting vote in the case of an equality of votes

5 (5) A governor's legislative council may be dissolved at any time by the governor by notification but in that case the governor shall appoint a date not more than six months after the date of dissolution for the next session of his legislative council

10 9.—(1) There shall be a president of a governor's legislative council who shall until the expiration of a period of four years from the first meeting of the council as constituted under this Act be a person appointed by the governor and shall thereafter be a member of the council elected by the council

President of
legislative
council

15 and approved by the governor

Provided that if at the expiration of such period of four years the council is in session the president then in office shall continue in office until the end of the current session and the first election of a president shall take place at the commencement of the next ensuing session

20 (2) There shall be a deputy president of a governor's legislative council who shall preside at meetings of the council in the absence of the president and who shall be a member of the council elected by the council and approved by the governor

25 (3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section but he may resign office by writing under his hand addressed to the governor or may be removed from office by order of the governor and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term

30 (4) An elected president and a deputy president shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the governor and may be removed from office by a vote of the council with the concurrence of the governor

35 (5) The president and the deputy president shall receive such salaries as may be determined in the case of an appointed president by the governor and in the case of an elected president or deputy president by an Act of the local legislature

Page 9

10.—(1) The local legislature of any province has power subject to the provisions of this Act to make laws for the peace and good government of the territories for the time being constituting that province

Power of local
legislature

5 (2) The local legislature of any province may subject to the provisions of the subsection next following repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature

10 (3) The local legislature of any province may not without the previous sanction of the Governor General make or take into consideration any law—

15 (a) imposing or authorising the imposition of any new tax unless the tax is a tax (in this Act referred to as a scheduled tax) scheduled as exempted from this provision by rules made under the principal Act or

20 (b) affecting the public debt of India or the customs duties or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the government of India provided that the imposition or alteration of a scheduled tax shall not be deemed to affect any such tax or duty or

25 (c) affecting the discipline or maintenance of any part of His Majesty's naval military or air forces or

(d) affecting the relations of the government with foreign princes or states or

(e) regulating any central subject or

30 (f) regulating any provincial subject which has been declared by rules under the principal Act to be either in whole or in part subject to Indian legislation in respect of any matter to which such declaration applies or

(g) affecting any power expressly reserved to the Governor General in Council by any law for the time being in force or

35 (h) altering or repealing the provisions of any law which having been made before the commencement of this Act by any authority in British India other than that local legislature is declared by rules under the principal Act to be a law which cannot be repealed or altered by the local legislature without previous sanction or

40

(i) altering or repealing any provision of a law passed by the Indian legislature after the commencement of this Act which by the terms of such law may not be repealed or altered by the local legislature without previous sanction

5 Provided that an Act or a provision of an Act made by a local legislature and subsequently assented to by the Governor General in pursuance of this Act shall not be deemed invalid by reason only of its requiring the previous sanction of the
10 Governor General under this Act

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament.

11—(1) Subsections (1) and (3) of section eighty of the principal Act (which relate to the classes of business which may be transacted at meetings of local legislative councils) shall
15 cease to apply to a governor's legislative council but the business and procedure in any such council shall be regulated in accordance with the provisions of this section

But in ss and procedure in govt legislative councils.

(2) The estimated annual expenditure and revenue shall be
20 laid in the form of a statement before the council in each year and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demands for grants. The council may assent or refuse its assent to a
25 demand or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed

Provided that—

30 (a) the local government shall have power in relation to any such demand to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount thereon referred to if the demand relates to a reserved subject and
35 the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject and

(b) the governor shall have power in cases of emergency to authorise such expenditure as may be in his

opinion necessary for the safety or tranquillity of the province or for the carrying on of any department and

5 (c) nothing in this subsection shall require proposals to be submitted to the council in regard to expenditure which is declared by rules under the principal Act to be a permanent charge on the provincial revenues and

10 (d) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the governor communicated to the council

(3) Where any Bill has been introduced or is proposed to be introduced or any amendment to a Bill is moved or proposed to be moved the governor may certify that the Bill or any clause
15 of it or the amendment affects either the safety or tranquillity of his province or any part of it or of another province and may direct that no proceedings or no further proceedings shall be taken by the council in relation to the Bill clause or
20 amendment and effect shall be given to any such direction

(4) Provision may be made by rules under the principal Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the council and as to the persons to preside over meetings
25 thereof in the absence of the president and deputy-president and the preservation of order at meetings and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules

30 (5) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made
35 by the governor in council but may subject to the assent of the governor be altered by the local legislatures. Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall to the extent of that repugnancy but not otherwise be void

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(6) There shall be freedom of speech in the governors legislative councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such council or by reason of anything contained in any official report of the proceedings of any such council.

12.—(1) Where a Bill has been passed by a local legislative council the governor lieutenant-governor or chief commissioner may instead of declaring that he assents to or withholds his assent from the Bill return the Bill to the council for reconsideration either in whole or in part together with any amendments which he may recommend or, in cases prescribed by rules under the principal Act may and if the rules so require shall reserve the Bill for the consideration of the Governor General.

Retained
ratio of
Bill passed by
local legislature

(2) Where a Bill is reserved for the consideration of the Governor General the following provisions shall apply—

(a) The governor lieutenant-governor or chief commissioner may at any time within six months after the date of the reservation of the Bill with the consent of the Governor General return the Bill for further consideration by the council with a recommendation that the council shall consider amendments thereto and such Bill when so returned together with any recommendations relating thereto shall be dealt with by the council.

(b) After any Bill so returned has been further considered by the council together with any recommendations made by the governor lieutenant-governor or chief commissioner relating thereto the Bill if re-affirmed in accordance with the appropriate procedure with or without amendment may be again presented to the governor lieutenant-governor or chief commissioner.

(c) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation become law on due publication of such assent in the same way as a Bill assented to by the governor lieutenant-governor or chief commissioner but if not assented to by the Governor General within such period of six months shall lapse and be of no

Page 13

effect unless before the expiration of that period either—

(1) the Bill has been returned by the governor lieutenant-governor or chief commissioner for further consideration by the council or

(ii) in the case of the council not being in session a notification has been published of an intention so to return the Bill at the commencement of the next session.

(3) The Governor General may (except where the Bill has been reserved for his consideration) instead of assenting to or withholding his assent from any Act passed by a local legislature declare that he reserves the Act for the signification of His Majesty's pleasure thereon and in such case the Act shall not have validity until His Majesty has signified his assent to the Governor General through the Secretary of State in Council and his assent has been notified by the Governor General.

13.—(1) Where a local legislative council has refused leave to introduce or has failed to pass in the form recommended by the governor any Bill relating to a reserved subject the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject and thereupon the Bill shall notwithstanding that the council have not consented thereto be deemed to have passed and shall become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

Proviso for
cases if it to
pass legislative

(2) Every such Act shall be expressed to be made by the governor and the governor shall forthwith send an authentic copy thereof to the Governor-General who shall reserve the Act for the signification of His Majesty's pleasure and upon the signification of such assent by His Majesty in Council and the notification thereof by the Governor General the Act shall have the same force and effect as an Act passed by the local legislature and duly assented to.

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action he may instead of reserving such Act signify his assent thereto and thereupon the Act shall have such force and effect as aforesaid subject however to disallowance by His Majesty in Council.

(3) An Act made under this section shall as soon as practicable after being made laid before each House of Parliament and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

14 An official shall not be qualified for election as a member of a local legislative council and if any non-official member of a local legislative council whether elected or nominated accepts any office in the service of the Crown in India his seat on the council shall become vacant

Provided that for the purposes of this provision a minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a minister

15 15.—(1) The Governor-General in Council may by notification with the sanction of His Majesty previously signified by the Secretary of State in Council constitute a new governor's province or place part of a governor's province under the administration of a deputy-governor to be appointed by the Governor-General and may in any such case apply with such modifications as appear necessary or desirable, all or any of the provisions of the principal Act or this Act relating to governor's provinces or provinces under a lieutenant-governor or chief commissioner to any such new province or part of a province

(2) The Governor-General in Council may declare any territory in British India to be a backward tract and the Governor-General in Council may by notification with such sanction as aforesaid direct that the principal Act and this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification Where the Governor-General in Council has by notification directed as aforesaid he may by the same or subsequent notification direct that any Act of the Indian legislature shall not apply to the territory in question or any part thereof or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor-General thinks fit or may authorise the governor in council to give similar directions respects any Act of the local legislature

16.—(1) The validity of any order made or action taken after the commencement of this Act by the Governor-General in Council or by a local government which would have been

within the powers of the Governor-General in Council or of such local government if this Act had not been passed shall not be open to question in any legal proceedings on the ground that by reason of any provision of this Act or of any rule made by virtue of any such provision such order or action has ceased to be within the powers of the Governor-General in Council or of the government concerned

(2) Nothing in this Act or in any rule made thereunder shall be construed as diminishing in any respect the powers of the Indian legislature as laid down in section sixty five of the principal Act and the validity of any law passed by the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the law affects a provincial subject or a central subject as the case may be and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject.

(3) The validity of any order made or action taken by a governor in council or by a governor acting with his ministers shall not be open to question in any legal proceedings on the ground that such order or action relates or does not relate to a transferred subject or relates to a transferred subject of which the minister is not in charge

PART II

GOVERNMENT OF INDIA.

17 Subject to the provisions of this Act the Indian legislature shall consist of the Governor-General and two chambers namely the Council of State and the Legislative Assembly

Except as otherwise provided by or under this Act a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers either without amendment or with such amendments only as may be agreed to by both chambers

18.—(1) The Council of State shall consist of the members of the Governor-General's Executive Council and members nominated or elected in accordance with rules made under the principal Act

(2) The Council of State shall consist of not more than sixty members

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(3) The Governor General shall have power to appoint, from among the members of the Council of State a president and other persons to preside in such circumstances as he may direct

(4) The Governor General shall have the right of addressing the Council of State and may for that purpose require the attendance of its members

19 —(1) The Legislative Assembly shall consist of the members of the Governor General's Executive Council and of members nominated or elected in accordance with rules made under the principal Act

Legislative
Assembly ✓

(2) The Legislative Assembly shall consist of one hundred and twenty members. The number of non-elected members shall be forty of whom twenty-six shall be official members. The number of elected members shall be eighty

15 Provided that rules made under the principal Act may provide for increasing by not more than five per cent the aggregate number of members of the Legislative Assembly as fixed by this section and may vary the proportion which the classes of members bear one to another so however that at least two-thirds of the members of the Legislative Assembly shall be elected members and at least one-third of the other members shall be non-official members

(3) The Governor General shall have the right of addressing the Legislative Assembly and may for that purpose require the attendance of its members

20 —(1) There shall be a president of the Legislative Assembly who shall until the expiration of four years from the first meeting thereof be a person appointed by the Governor General and shall thereafter be a member of the Assembly elected by the Assembly and approved by the Governor General

President of
Legislative
Assembly

30 Provided that if at the expiration of such period of four years the Assembly is in session the president then in office shall continue in office until the end of the current session and the first election of a president shall take place at the commencement of the ensuing session

(2) There shall be a deputy president of the Legislative Assembly who shall preside at meetings of the Assembly in the

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absence of the president and who shall be a member of the Assembly elected by the Assembly and approved by the Governor General

(3) The appointed president shall hold office until the date of the election of a president under this section but he may resign his office by writing under his hand addressed to the Governor General or may be removed from office by order of the Governor General and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy president shall cease to hold office if they cease to be members of the Assembly they may resign office by writing under their hands addressed to the Governor General and may be removed from office by a vote of the Assembly with the concurrence of the Governor General

(5) A president and deputy president shall receive such salaries as may be determined in the case of an appointed president by the Governor General and the case of an elected president and a deputy president by an Act of the Indian legislature

21 Every Council of State shall continue for five years and every Legislative Assembly for three years from its first meeting

Dissolved
Legislative
Assembly
and Council
of State ✓

22 Provided that—

(a) either chamber of the legislature may be sooner dissolved by the Governor General and

(b) any such period may be extended by the Governor General if in special circumstances he so thinks fit and

(c) after the dissolution of either chamber the Governor General shall appoint a date not more than six months after the date of dissolution for the next session of that chamber

(2) The Governor General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit and may also from time to time by notification or otherwise prorogue such sessions

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding

- (4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member who shall however have and exercise a casting vote in the case of an equality of votes.
- 5 (5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber
- 22—(1) An official shall not be qualified for election as a member of either chamber of the Indian legislature and if any non-official member of either chamber accepts office in the service of the Crown in India his seat in that chamber shall become vacant Vacation of seats in Indian legislature.
- 10 (2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber his seat in such first-mentioned chamber shall thereupon become vacant.
- 15 (3) If any person is elected a member of both chambers of the Indian legislature he shall before he takes his seat in either chamber signify in writing the chamber of which he desires to be a member and thereupon his seat in the other chamber shall become vacant.
- 20 23—(1) Subject to the provisions of this Act provision may be made by rules under the principal Act as to— § applies to y provision as to composition of Legislative Assembly and Council of State.
- 25 (a) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by the reason of absence of members from India inability to attend to duty death acceptance of office, or resignation duly accepted or otherwise and
- 30 (b) the conditions under which and the manner in which persons resident in India may be nominated or elected as members of the Council of State or the Legislative Assembly and
- (c) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly and
- 35 (d) the final decision of doubts or disputes as to the validity of an election
- (2) Subject to any such rules any person who is a ruler or subject of any state in India may be nominated as a member of the Council of State or the Legislative Assembly

- 24—(1) Subsections (1) and (3) of section sixty seven of the principal Act (which relate to the classes of business which may be transacted by the Indian legislative council) shall cease to have effect. Business and proceedings in Indian legislature
- 5 (2) Provision may be made by rules under the principal Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature and as to the persons to preside at the meetings of the legislative assembly in the absence of the president and the deputy-president and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.
- 10 (3) If any Bill which has been passed by one chamber is not within six months after the passage of the Bill by that chamber passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers. Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose in order to discuss any difference of opinion which has arisen between the two chambers
- 15 (4) Without prejudice to the powers of the Governor-General under section sixty-eight of the principal Act the Governor-General may where a Bill has been passed by both chambers of the Indian legislature return the Bill for reconsideration by either chamber
- 20 (5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section
- 30 (6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the Governor-General in Council but may with the consent of the Governor-General be altered by the chamber to which they relate
- 35 Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act
- 40

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hall to the extent of that repugnancy but not otherwise be void

(7) Subject to the rules of order there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber or by reason of anything contained in any official report of the proceedings of either chamber.

25.—(1) The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to the heads of expenditure specified in the Second Schedule to this Act shall not be submitted to the vote of the legislative assembly nor shall they be open to discussion by either chamber.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the heads of expenditure specified in the said schedule the decision of the Governor General on the question shall be final.

(5) The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the said schedule shall be submitted to the vote of the legislative assembly in the form of demands for grants.

(6) The legislative assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the legislative assembly shall be submitted to the Governor General in Council who shall if he is satisfied that any demand which has been refused by the legislative assembly is essential to the discharge of his responsibilities act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to by the legislative assembly.

(8) Notwithstanding anything in this section the Governor-General shall have power in cases of emergency to authorise such

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expenditure as may in his opinion be necessary for the safety or tranquility of British India or any part thereof.

26.—(1) Where either chamber of the Indian legislature refuses leave to introduce or fails to pass in the form recommended by the Governor General any Bill the Governor General may certify that the passage of the Bill is essential for the safety, tranquility or interests of British India or any part thereof and thereupon—

(a) If the Bill has already been passed by the other chamber the Bill shall notwithstanding that it has not been consented to by both chambers forthwith become an Act in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature or (as the case may be) in the form recommended by the Governor General and

(b) If the Bill has not already been so passed the Bill shall be laid before the other chamber and if consented to by that chamber in the form recommended by the Governor General shall become an Act as aforesaid on the signification of the Governor General's assent or if not so consented to shall forthwith become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor General and shall as soon as practicable after being made be laid before both Houses of Parliament and shall not have effect until it has received His Majesty's assent and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat and upon the signification of such assent by His Majesty in Council and the notification thereof by the Governor-General the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to.

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action the Governor General may direct that any such Act shall come into operation forthwith and thereupon the Act shall have such force and effect as aforesaid subject however to disallowance by His Majesty in Council.

P i l l
c a s e s
t h a t
p a s s
l e g i s l a
t i o n.

27—(1) In addition to the measures referred to in sub-section (2) of section sixty-seven of the principal Act as requiring the previous sanction of the Governor-General it shall not be lawful without such previous sanction to introduce at any meeting of either chamber of the Indian Legislature any measure—

Supplemental provisions as to powers of Indian legislature

- (a) regulating any provincial subject or any part of a provincial subject, which has not been declared by rules under the principal Act to be subject to Indian legislation
- 10 (b) repealing or amending any Act of a local legislature
- (c) repealing or amending any Act or ordinance of the Governor-General.

(2) Where in either chamber of the Indian legislature any Bill has been introduced or is proposed to be introduced or any amendment to a Bill is moved or proposed to be moved the Governor-General may certify that the Bill or any clause of it or the amendment affects the safety or tranquility of British India, or any part thereof and may direct either that no proceedings or that no further proceedings shall be taken by the chamber in relation to the Bill clause or amendment, and effect shall be given to such direction

28—(1) The provision in section thirty-six of the principal Act, imposing a limit on the number of members of the Governor-General's executive council, shall cease to have effect provided that at least one member of the Governor-General's executive council shall be a barrister of England or Ireland or a member of the faculty of advocates for Scotland or a pleader of a high Court of not less than five years standing

Composition of Governor-General's executive council

(2) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the Governor-General's executive council, in any case where such provision is not made by section thirty-six of the principal Act as amended by this section

(3) Subsection (2) of section thirty-seven of the principal Act (which provides that when and so long as the Governor-General's executive council assembles in a province having a governor the governor shall be an extraordinary member of the council) shall cease to have effect.

29—(1) The Governor-General may at his discretion appoint from among the members of the legislative assembly council secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

Appointment of council secretaries.

(2) There shall be paid to council secretaries so appointed such salary as may be provided by the Indian legislature

(3) A council secretary shall cease to hold office if he ceases for more than three months to be a member of the legislative assembly

PART III

SECRETARY OF STATE IN COUNCIL.

30 The salary of the Secretary of State the salaries of his under-secretaries and any other expenses of his department may notwithstanding anything in the principal Act instead of being paid out of the revenues of India be paid out of moneys provided by Parliament and the salary of the Secretary of State shall be so paid.

Payment of salary of Secretary of State & of moneys provided by Parliament.

31. The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India the qualification term of office and remuneration of its members —

Council of India.

- (1) The provisions of subsection (1) shall have effect as though eight and twelve were substituted for ten and fourteen respectively as the minimum and maximum number of members provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision
- 25
- (2) The provisions of subsection (3) shall have effect as if one-half were substituted for nine and India were substituted for British India.
- 30
- (3) The provisions of subsection (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted
- 35

There shall be paid to each member of the Council of India a salary of twelve hundred pounds provided that any member of the council who was at the time of his appointment permanently domiciled

Page 24

in India shall receive in addition to the salary hereby provided an annual subsistence allowance of six hundred pounds

5 Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament

10 (4) In subsection (4) five years shall be substituted for seven years as the term of office of members of the council provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision

15 (5) Notwithstanding anything in the Act or rules where any person in the service of the Crown in India is appointed a member of the council before completion of the period of such service required to entitle him to a pension or annuity his service as such member shall for the purpose of any pension or annuity which would be payable to him on completion of such period be reckoned as service under the Crown in India.

20 32 The Secretary of State in Council may notwithstanding anything in the principal Act by rule regulate and restrict the exercise of the powers of superintendence direction and control vested in the Secretary of State the Secretary of State in Council and the Governor General in Council by the principal Act or otherwise in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act

Control of Secretary of State and Governor

25 Any such rules shall be laid before both Houses of Parliament as soon as may be after they are made and if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled His Majesty in Council may annul the rules or any of them and those rules shall thenceforth be void but without prejudice to the validity of anything previously done thereunder

30 33 Sections eleven twelve thirteen and fourteen of the principal Act (relating to orders and communications sent to India from the United Kingdom) shall cease to have effect and the procedure for the sending of orders and communications to

Correspondence between Secretary of State and India.

Page 25

India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council

5 34 His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom and for his pay powers duties and conditions of employment and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council whether under the principal Act or otherwise in relation to making contracts and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government in India.

High Commissioner for India.

PART IV

THE CIVIL SERVICES IN INDIA.

15 35.—(1) Subject to the provisions of the principal Act and of rules made thereunder every person in the civil service of the Crown in India holds office during His Majesty's pleasure and may be employed in any manner required by the proper authority within the scope of his duty but no person in that service may be dismissed by any authority subordinate to that by which he was appointed and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed

Th civil service in India.

20 If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province and on due application made to that superior does not receive the redress to which he may consider himself entitled he may complain to the governor of the province in order to obtain justice and the governor is hereby required to examine such complaint and pass thereon such orders as appear to him to be just and equitable.

25 (2) The Secretary of State in Council may make rules for regulating the classification of public services in India the methods of their recruitment their conditions of service pay and allowances and discipline and conduct Such rules may to such extent and in respect of such matters as may be

prescribed delegate the power of making rules to the Governor-General in Council or to local governments or authorise the Indian legislature or local legislatures to make laws regulating the public services

5 Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable

10 (3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of this Act. Any such rules may be varied or added to by the
15 Secretary of State in Council and shall have effect as so varied or added to but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof

20 Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may or may have become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act 1874

37 & 38 Vict.
c. 12.

25 (4) For the removal of doubts it is hereby declared that all rules or other provisions in operation at the time of the passing of this Act whether made by the Secretary of State in Council or by any other authority relating to the civil service of the Crown in India were duly made in accordance with the powers in that behalf and are confirmed but any such rules or provisions may be revoked varied or added to by rules or laws
30 made under this section

33—(1) Notwithstanding anything in section ninety-seven of the principal Act the Secretary of State may make appointments to the Indian Civil Service of persons habitually resident in India in accordance with such rules as may be prescribed by
35 the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India

Appointm^{ts}
to the Indian
Civil S^{rvic}e.

Any rules made under this section shall not have force until they have been laid for thirty days before both Houses of Parliament

(2) The Indian Civil Service (Temporary Provisions) Act 1915 (which confers power during the war and for a period of two years thereafter to make appointments to the Indian Civil Service without examination) shall have effect as though three
5 years were substituted for two years

5 & 6 Geo 5
c 37

37—(1) There shall be established in India a public service commission consisting of not more than five members of whom one shall be chairman appointed by the Secretary of State in Council. Each member shall hold office for five years and may
10 be reappointed. No member shall be removed before the expiry of his term of office except by order of the Secretary of State in Council. The qualifications for appointment and the pay and pension (if any) attaching to the office of chairman and member shall be prescribed by rules made by the Secretary of
15 State in Council

Publl^{rvic}e
commis^{ion}

(2) The public service commission shall discharge in regard to recruitment and control of the public services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council

20 38—(1) An auditor general in India shall be appointed by the Secretary of State in Council and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall by rules make provision for his pay powers duties and conditions
25 of employment or for the discharge of his duties in the case of a temporary vacancy or absence from duty

Fi^{an} l^l
control

(2) Subject to any rules made by the Secretary of State in Council no office may be added to or withdrawn from the public service and the emoluments of no post may be varied except after consultation with such finance authority as may be designated in the rules being an authority of the province or of
30 the Government of India according as the post is or is not under the control of a local government

STATUTORY COMMISSION

35 39—(1) At the expiration of ten years after the passing of this Act the Secretary of State shall submit for the approval of both Houses of Parliament the names of persons to act as a
commis^{ion} for the purposes of this section

St^tory com
mis^{ion}
(Rep 261
264 268)

Page 28

(2) The persons whose names are so submitted subject to the approval of and to any alterations made by Parliament, shall be a commission for the purpose of inquiring into the working of the system of government the growth of education and the development of representative institutions in British India and matters connected therewith and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government or to extend modify or restrict the degree of responsible government then existing therein.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces which may be referred to the commission by the Secretary of State.

PART VI

GENERAL.

40 Notwithstanding anything in section one hundred and twenty four of the principal Act if any member of the Governor-General's Executive Council or any member of any local government was at the time of his appointment concerned or engaged in any trade or business he may during the term of his office with the sanction in writing of the Governor General or in the case of ministers of the governor of the province and in any case subject to such general conditions and restrictions as the Governor General in Council may prescribe retain his concern or interest in that trade or business but shall not during that term take part in the direction or management of that trade or business.

Modification
s. 124 of prin
cipal Act.

41 Any assent or disallowance by His Majesty which under the principal Act is required to be signified through the Secretary of State in Council shall as from the passing of this Act be signified by His Majesty in Council.

Signification of
Royal Assent.

42—(1) Where any matter is required to be prescribed or regulated by rules under the principal Act and no special provision is made as to the authority by whom the rules are to be made the rules shall be made by the Governor General in Council with the sanction of the Secretary of State in Council and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature.

P war to make
rules.

Page 29

(2) Any rules made under this Act or under the principal Act may be so framed as to make different provision for different provinces.

(3) Any rules to which this section applies shall be laid before both Houses of Parliament as soon as may be after they are made and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled His Majesty in Council may annul the rules or any of them and those rules shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

43 The amendments set out in Parts I and II of the Third Schedule to this Act being amendments to incorporate the provisions of this Act in the principal Act and further amendments consequential on or arising out of those provisions shall be made in the principal Act and any question of interpretation shall be settled by reference to the principal Act as so amended. The provisions of the principal Act specified in Part III of that schedule being provisions which are obsolete or unnecessary or which require amendment in detail are hereby repealed or modified and shall be dealt with in the manner shown in the second column of that schedule.

Amendments of
principal Act to
carry A t into
effect, &c.

44. In this Act the expressions official and non-official where used in relation to any person mean respectively a person who is or is not in the civil or military service of the Crown in India.

Definition of
Molal

Provided that rules under the principal Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of the principal Act or this Act or any of them as officials.

45.—(1) This Act may be cited as the Government of India Act 1919 and the principal Act as amended by any Act for the time being in force may be cited as the Government of India Act.

Short title
commencement,
interpretation
and transitional
provisions.

(2) This Act shall come into operation on such date or dates as the Governor General in Council with the approval of the Secretary of State in Council may appoint and different dates may be appointed for different provisions of this Act and for different parts of India.

On the dates appointed for the coming into operation of the provisions of this Act as respects any executive or legislative council all the members of the council then in office shall go out of office but may if otherwise qualified be re-appointed re-nominated or re-elected as the case may be in accordance with the provisions of the principal Act as amended by this Act

(3) Any reference in any enactment whether an Act of Parliament or made by any authority in British India or in any rules regulations or orders made under any such enactment or in any letters patent or other document to any enactment repealed by the principal Act shall for all purposes be construed as references to the principal Act as amended by this Act or to the corresponding provision thereof

(4) Any reference in any enactment in force in India whether an Act of Parliament or made by any authority in British India or in any rules regulations or orders made under any such enactment or in any letters patent or other document to any Indian legislative authority shall for all purposes be construed as references to the corresponding authority constituted by the principal Act as amended by this Act.

(5) If any difficulty arises as to the first establishment of the Indian legislature or any legislative council after the commencement of this Act or otherwise in first giving effect to the provisions of this Act the Secretary of State in Council or the Governor General in Council as occasion may require may by order do anything which appears to them necessary for the purpose of removing the difficulty

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SCHEDULES

✓FIRST SCHEDULE

AGGREGATE NUMBERS OF LEGISLATIVE COUNCILS

5	Legislative Council	Aggregate Number
	Madras	118
	Bombay	111
	Bengal	125
	United Provinces	118
10	Punjab	83
	Bihar and Orissa	98
	Central Provinces	70
	Assam	53

SECOND SCHEDULE

15	(a) The salary of the Governor General	
	(b) Salaries of members of the executive council	
	(c) Salaries of chief commissioners and judicial commissioner	
	(d) Salaries payable in accordance with rules to members of all India services.	
20	(e) Salaries of the Auditor General and the Public Service Commission	
	(f) Interest and sinking fund charges payable on loans	
	(g) Charges classified under the heads Ecclesiastical Political Territorial and Political Pensions Army Marine Military Works and Special Defences.	
25	(h) Statutory charges	

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THIRD SCHEDULE

PART I.

The provisions of this Act set out in the first column of the following table shall be incorporated in the principal Act in the manner shown in the second column of that table subject to the modifications specified in the third column of that table —

TABLE.

Provision of Act	Place and Method of Incorporation in the Principal Act.	Modifications.
10 Section 1	To be inserted as a new section (45A) after s 45	this Act to be substituted for the Government of India Act, 1919 in the principal Act for the principal Act, and for that Act
15 Section 3 (1)	To be substituted for s. 46 (1)	—
Section 4	To be substituted for s 52	—
Section 6	To be substituted for s 49	—
Section 7	To be substituted for s 74	this Act to be substituted for the principal Act
20 Section 8	To be substituted for s 75	—
Section 10	To be substituted for s 79	this Act to be substituted for the principal Act at the commencement of the Government of India Act 1919 to be substituted for the commencement of this Act.
25 Section 11	To be inserted as a new section (79A) after s 79	The following subsection to be substituted for subsection (1) — (1) The provisions contained in this section shall have effect with respect to business and procedure in Governors' legislative councils
30		this Act to be substituted for the principal Act.
35		
40 Section 12	To be inserted as a new section (81A) after s 81	this Act to be substituted for the principal Act
Section 14	To be inserted as a new section (76A) after s 76	

Provision of Act	Place and Method of Incorporation in the Principal Act.	Modifications
5 Section 15	To be inserted as a new section (5 A) after section 52.	This Act to be substituted for the principal Act or this Act
10 Section 16	To be inserted as a new section 52B after section 52A	the Government of India Act 1919 to be substituted for this Act, where those words firstly occur and that Act to be substituted for this Act where those words occur elsewhere
15 Ss. 17-23 inclusive	To be inserted as new sections in lieu of s. 63 and 64 and numbered 63, 63A, 63B, 63C, 63D and 64	this Act to be substituted for the principal Act
20 Section 24 (2)	To be inserted as subs (1) of s. 67 in lieu of the existing subsection (1)	this Act to be substituted for the principal Act
25 Section 24 (3) (7)	To be inserted as subsections (3) (7) of section 67 in lieu of the existing subsection (3)	The words "Provided that" to be inserted at the commencement, and this Act to be substituted for the principal Act
30 Section 32	To be inserted as a new section (19A) after s. 19	this Act to be substituted for the principal Act and the Government of India Act 1919 to be substituted for this Act.
35 Sections 35, 37 and 27	To be inserted as new sections (93B, 93C and 93D) after section 93A constituting a new Part (VIA) after Part VII	this Act to be substituted for the principal Act and the Government of India Act 1919 to be substituted for this Act
40 Section 36 (1)	To be inserted as a new subsection (8) of s. 97	this section to be substituted for section ninety seven of the principal Act and any rules made under this subsection to be substituted for any rules made under this section
45 Section 39	To be inserted as a new section (84D) after s. 84C constituting a new Part VI B after Part VI A.	the Government of India Act 1919 to be substituted for this Act
50 Section 46	To be inserted as a proviso to s. 124	Provided that notwithstanding anything in this Act to be substituted for Notwithstanding anything in section one hundred and twenty four of the principal Act
55 Section 42	To be inserted as a new section 129A at the beginning of Part XII.	this Act to be substituted for the principal Act.
Page 34		
5 Section 44	To be inserted as a new paragraph at the end of s. 134	this Act to be substituted for the principal Act and for the principal Act or this Act.
10 Section 45 (3) and (4)	To be inserted as new paragraphs at the end of s. 130	this Act to be substituted for the principal Act and for the principal Act as amended by this Act.
15 First Schedule	To be inserted in place of Schedule I	—
15 Second Schedule	To be inserted as a new Schedule (IA.) after the First Schedule.	—

PART II

The provisions of the principal Act specified in the first column of this table should be amended in the manner shown in the second column

TABLE.

Section of Act	Amendment.
20 3 (8)	At the end of this section the following proviso shall be inserted — Provided that such salaries may notwithstanding anything in this Act instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament
25 13 (1)	For the words "or recording" there shall be substituted the words "or recording"
30 19	The words of this section from the beginning down to and including "Provided that" shall be omitted
30 20 (2) (d)	After under this Act there shall be inserted except so far as is otherwise provided under this Act
35 21	At the beginning of this section there shall be inserted Subject to the provisions of this Act and rules made thereunder
35 27 (9)	At the end of this subsection the following proviso shall be inserted — Provided that such salaries may notwithstanding anything in this Act instead of being paid out of the revenues of India be paid out of moneys provided by Parliament
40	

Section of Act	Amendment
31	Indian legislature shall be substituted for Governor General in Legislative Council
5 33	At the beginning of the section there shall be inserted Subject to the provisions of this Act and rules made there under
3	This section shall be omitted
10 36	ordinary in subsections (1) and (2) shall be omitted In subsection (2) for the words from five or to the end of the subsection there shall be substituted such as His Majesty thinks fit to appoint
15	The following subsection shall be substituted for subsection (3) — Two at least of them must be persons who at the time of their appointment have been for at least ten years in the service of the Crown in India
20	In subsection (4) for person appointed an ordinary member of the council there shall be substituted member of the council (other than the Commander in Chief for the time being of His Majesty's forces in India)
25	At the end of the section the following new subsection shall be inserted — () Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor General's Executive Council in any case where such provision is not made by the foregoing provisions of this section
30 37	The following section shall be substituted for section thirty seven — If the Commander in Chief for the time being of His Majesty's forces in India is a member of the Governor General's Executive Council he shall subject to the provisions of this Act have rank and precedence in the Council next after the Governor General
35 39	In subsection (2) for one ordinary member of the council there shall be substituted one member of the council (other than the Commander in Chief of His Majesty's forces in India)
40 40	At the end of subsection (1) there shall be inserted— and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor General in Council
45 40	For ordinary member there shall be substituted member (other than the Commander in Chief)
45 45	At the beginning of this section there shall be inserted Subject to the provisions of this Act and rules made there under

Section of Act	Amendment
46	In subsection (2) for The Governors of Bengal Madras and Bombay are there shall be substituted The Governor of a province shall be
5 47	In subsection (3) the Governor's provinces shall be substituted for those presidencies and province shall be substituted for presidency In subsection (2) One at least of them must be a person who at the time of his appointment has been shall be substituted for Two at least of them must be persons who at the time of their appointment have been
10 47	The following subsection shall be substituted for subsection (3) — (3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section
15 48	province shall be substituted for presidency
20 50 (2)	province shall be substituted for presidency
53 (1)	For the words from the beginning down to the Punjab and (inclusive) there shall be substituted The provinces of and the words with or without an executive council shall be omitted
25 55 (1)	In paragraph (b) after illness or otherwise there shall be inserted and for supplying a vacancy until it is permanently filled
58	Assam the Central Provinces shall be omitted
30 65	For Governor General in Legislative Council there shall be substituted Indian legislature
67	either chamber of the Indian Legislature shall be substituted for the council and naval or air shall be substituted for or naval
35 68	Bill shall be substituted for Act and a Bill for an Act by both chambers of the Indian legislature or by the Council of State in cases where that Council has power to pass laws without the assent of the other chamber shall be substituted for at a meeting of the Indian Legislative Council and the words whether he was or was not present in council at the passing thereof shall be omitted
40	A Bill passed by both chambers of the Indian legislature or by the Council of State shall not become an Act shall be substituted for an Act of the Governor General in Legislative Council has not validity
45	

Section of Act	Amendment
69	Indian legislature shall be substituted for Governor General in Legislative Council
5 70	This section shall be omitted
71 (2)	Indian legislature shall be substituted for Governor General in Legislative Council
72	Indian legislature shall be substituted for Governor General in Legislative Council wherever that expression occurs
10 73	In subsection (1) and of shall be substituted for with the addition of
76 (1)	The following proviso shall be substituted for the existing proviso —
15	Provided that the aggregate number of members so nominated or elected shall not in the case of the legislative council of a lieutenant-governor exceed one hundred
76 (2)	Non-officials shall be substituted for persons not in the civil or military service of the Crown in India
20 76 (4)	Indian legislature shall be substituted for Governor General in Legislative Council
78	In subsection (2) in accordance with rules made under this Act shall be omitted
25	The following provision shall be inserted at the beginning of subsection (1) —
30	A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times for holding the sessions of his legislative council as he thinks fit and may also by notification or otherwise prorogue the council and any meeting of a lieutenant-governor's or a chief commissioner's legislative council may be adjourned by the person presiding
35	For subsection (3) the following subsection shall be substituted —
40	(3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant-governor chief commissioner or presiding member who shall however have and exercise a casting vote in case of an equality of votes

Section of Act	Amendment
80	In subsection (1) after local legislative council there shall be inserted (other than a governor's legislative council)
5	Subsection (2) shall be omitted.
10	In subsection (3) after local government there shall be inserted of a province other than a governor's province, the word governor where it occurs immediately before the word Lieutenant-Governor shall be omitted and Indian Legislature shall be substituted for Governor General in Legislative Council
15	At the end of the section the following new section shall be inserted —
81	80A. It shall not be lawful for any member of any local legislature to introduce without the previous sanction of the governor lieutenant-governor or chief commissioner any measure affecting the public revenues of the province or imposing any charge on those revenues
20	Throughout subsections (1) and (2) and in subsection (3) where it first occurs for Act there shall be substituted Bill for an Act there shall be substituted a Bill for has no effect there shall be substituted shall not become a Act and in subsection (1) by a local legislature shall be substituted for at a meeting of the local legislative council
25	For any such Act where that expression occurs for the first and third times there shall be substituted an Act and for that expression where it occurs for the second time there shall be substituted the Act.
30	In subsections (1) after any province there shall be inserted (other than a governor's province)
84	In subsection (2) for a local legislature there shall be substituted the local legislature of any such province and Governor shall be omitted
35	Indian legislature shall be substituted for Governor General in Legislative Council and non-official members shall be substituted for members not holding office under the Crown in India
85	The following proviso shall be inserted at the end of subsection (3)
40	Provided that nothing in this subsection shall apply to the allowances or other forms of profit and advantage which may have been sanctioned to such persons by the Secretary of State in Council

Section of Act	Amendment
5	86 In subsection (1) "ordinary" shall be omitted and after the words "Executive Council" where they first occur there shall be inserted the words "(other than the Commander in Chief)."
10	87 "ordinary" shall be omitted and after "Governor General" where it occurs for the second time there shall be inserted "(other than the Commander in Chief)" and after "council of a governor" there shall be inserted "or of a lieutenant governor."
15	88 In subsection (1) "ordinary" shall be omitted and after "Council of the Governor General" there shall be inserted "(other than the Commander in Chief)."
20	89 In subsection (4) for "ordinary member of the council" there shall be substituted "member of the council (other than the Commander in-Chief)."
25	90 In subsection (1) after "Governor" there shall be inserted "of a presidency."
30	92 In subsection (4) "ordinary" shall be omitted and after "executive council" there shall be inserted "(other than the Commander in Chief of His Majesty's Forces in India)" and for "any ordinary member" and after "executive council of the Governor General" there shall be inserted "(other than the Commander in Chief of His Majesty's Forces in India)."
35	93 (1) In subsection (5) (a) under this Act shall be omitted. either chamber of the Indian Legislature shall be substituted for the Indian Legislative Council.
40	95 Before the word "offices" wherever that word occurs, before the word "officers" and before the word "promotions" where it occurs for the second time there shall be inserted the word "military."
	110 In subsection (1) after "Governor or Lieutenant Governor" there shall be inserted "and a minister appointed under this Act."
	124 In subsection (4) after "Lieutenant-Governor" where it secondly occurs there shall be inserted "or being a minister appointed under this Act."
	131 "Indian Legislature" shall be substituted for "Governor General in Legislative Council."

Section of Act.	Amendment																										
5	134 (4) The following subsection shall be substituted for subsection (4) — (4) "Local Government" means in the case of a governor's province either the governor in council or the governor acting with a minister and in the case of a province other than a governor's province a lieutenant-governor in council, lieutenant-governor or chief commissioner.																										
10	135 The following section shall be substituted for section 135 — 135. This Act may be cited as the Government of India Act."																										
15	The following Schedule shall be substituted for the Second Schedule:— SECOND SCHEDULE. OFFICIAL SALARIES &c																										
	<table border="1"> <thead> <tr> <th>Officer</th> <th>Maximum Annual Salary</th> </tr> </thead> <tbody> <tr> <td>Governor General of India</td> <td>Two hundred and fifty six thousand rupees</td> </tr> <tr> <td>Governor of Bengal, Madras, Bombay and the United Provinces.</td> <td>One hundred and twenty eight thousand rupees.</td> </tr> <tr> <td>Governor of the Punjab and Bihar and Orissa.</td> <td>One hundred thousand rupees</td> </tr> <tr> <td>Governor of the Central Provinces</td> <td>Seventy two thousand rupees.</td> </tr> <tr> <td>Governor of Assam</td> <td>Sixty six thousand rupees</td> </tr> <tr> <td>Commander-in-Chief of His Majesty's Forces in India</td> <td>One hundred thousand rupees.</td> </tr> <tr> <td>Lieutenant Governor</td> <td>One hundred thousand rupees.</td> </tr> <tr> <td>Member of the Governor General's Executive Council (other than the Commander in Chief)</td> <td>Eighty thousand rupees</td> </tr> <tr> <td>Member of the executive council of the governor of Bengal, Madras, Bombay and the United Provinces</td> <td>Sixty four thousand rupees.</td> </tr> <tr> <td>Member of the executive council of the governor of the Punjab and Bihar and Orissa</td> <td>Sixty thousand rupees</td> </tr> <tr> <td>Member of the executive council of the governor of the Central Provinces.</td> <td>Forty eight thousand rupees</td> </tr> <tr> <td>Member of the executive council of the governor of Assam</td> <td>Forty two thousand rupees.</td> </tr> </tbody> </table>	Officer	Maximum Annual Salary	Governor General of India	Two hundred and fifty six thousand rupees	Governor of Bengal, Madras, Bombay and the United Provinces.	One hundred and twenty eight thousand rupees.	Governor of the Punjab and Bihar and Orissa.	One hundred thousand rupees	Governor of the Central Provinces	Seventy two thousand rupees.	Governor of Assam	Sixty six thousand rupees	Commander-in-Chief of His Majesty's Forces in India	One hundred thousand rupees.	Lieutenant Governor	One hundred thousand rupees.	Member of the Governor General's Executive Council (other than the Commander in Chief)	Eighty thousand rupees	Member of the executive council of the governor of Bengal, Madras, Bombay and the United Provinces	Sixty four thousand rupees.	Member of the executive council of the governor of the Punjab and Bihar and Orissa	Sixty thousand rupees	Member of the executive council of the governor of the Central Provinces.	Forty eight thousand rupees	Member of the executive council of the governor of Assam	Forty two thousand rupees.
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Section of Act.	Amendment
5	The following schedule shall be substituted for the Third Schedule — THIRD SCHEDULE.
	OFFICES RESERVED TO THE INDIAN CIVIL SERVICE. Section 88.
	A. Offices under the Governor-General in Council
10	1. The offices of secretary joint secretary and deputy secretary in every department except the Army Marine, Education, Foreign, Political and Public Works Departments. Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled.
15	2. Three offices of Accountants General.
20	B. Offices in the provinces which were known in the year 1861 as "Regulation Provinces"
	The following offices, namely —
25	1. Member of the Board of Revenue
	2. Financial Commissioner
	3. Commissioner of Revenue.
	4. Commissioner of Customs.
	5. Opium Agent.
	6. Secretary in every department except the Public Works or Marine Departments.
30	7. Secretary to the Board of Revenue.
	8. District or sessions judge
	9. Additional district or sessions judge.
	10. District magistrate.
35	11. Collector of Revenue or Chief Revenue Officer of a district.
	Fifth Schedule. "Indian legislature" shall be substituted in the heading for Governor General in Legislative Council

40 *Note*—In both parts of the Third Schedule to this Act reference to any word or expression in any provision of the principal Act or this Act apply unless the contrary is stated to that word or expression wherever the word or expression occurs in that provision.

Section of Act.	How dealt with
16	To be omitted
42 & 51	The words "and signified his intended absence to the Council" shall be omitted
5	45 (2) To be omitted.
	54 (3) To be omitted.
	73 (2) To be omitted.
10	81 In subsection (1) the words "whether he was or was not present in Council at the passing of the Act" shall be omitted.
	67 For the words "subject to the foregoing provisions of this Act as to leave of absence there shall be substituted save in the case of absence on special duty or on leave under a medical certificate."
15	88 To be omitted
	89 The words "entitled under a conditional appointment to succeed to the office of Governor-General or shall be omitted, and for the words "that office" there shall be substituted the words "the office of Governor-General"
20	90 In subsection (1) the words "conditional or other" shall be omitted
	In subsection (3) for the words "this Act" there shall be substituted the words "section eighty nine of this Act" and the words "respecting the assumption of the office by a person conditionally appointed to succeed thereto" shall be omitted.
25	In subsection (4) the words "conditional or other" shall be omitted.
30	91 In subsection (1) the words "conditional or other" shall be omitted.
	92 In subsection (1) the words "conditional or other" shall be omitted
35	In subsection (3) the words "then if any person has been conditionally appointed to succeed to his office and is on the spot, the place of that member shall be supplied by that person and if no person conditionally appointed to succeed to the office is on the spot" shall be omitted
40	In subsection (4) the words "conditionally or" shall be omitted
11c	At the end of subsection (1) the following shall be inserted —
45	His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof

Section of Act.	How dealt with
5	At the end of subsection (2) the following shall be inserted — and as metropolitan shall have enjoy and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop
10	In subsection (1) the words and archdeacon shall be omitted and after the words letters patent there shall be inserted and the archdeacons of those dioceses by their respective diocesan bishops
118	

The Bill as Amended is again considered

Clause 1 of the Amended Bill is read

It is moved by Mr *Montagu*, page 2 line 10 after and to insert local and line 15 to leave out sources of revenue and to insert revenues or other moneys, and line 16 after for to insert the and line 24 to leave out the Minister in charge of the subject and to insert Ministers appointed under this Act and line 25 to leave out provincial funds and to insert revenues or moneys and line 34 to leave out provincial revenues and to insert allocated revenues or moneys and page 3 line 2 to leave out belong and to insert relate

The proposed Amendments are *agreed to*

Clause 1 is *agreed to* as amended

Clause 2 of the Amended Bill is read and *agreed to*

Clause 3 of the Amended Bill is read

It is moved by the Lord *Islington* page 4 at the beginning of subsection 1 to insert The province known as the United Provinces shall be known as the Presidency of Agra and Oudh and that presidency and

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Contents 5
Marquess of Crewe
Lord Islington
Lord Sinha
Mr Bennett
Mr Spoor

Not Contents 6
Earl of Selborne
Lord Brodrick (Viscount Middleton)
Lord Sydenham
Sir Henry Craik
Major Ormsby Gore
Sir John Rees.

The proposed Amendment is *disagreed to*

It is moved by Mr *Montagu* page 4 line 4 after shall to insert each and line 5 to leave out the and to insert a, and line 7 after governor to insert acting

The proposed Amendments are *agreed to*

It is moved by Sir *Henry Craik* page 4, after line 16 to insert Provided that the governors of the said provinces shall be appointed by the Governor General with the approval of His Majesty

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Contents 4
Lord Brodrick (Viscount Middleton)
Mr Bennett
Sir Henry Craik
Major Ormsby Gore

Not-Contents, 6
Marquess of Crewe.
Earl of Selborne
Lord Islington
Lord Sydenham
Lord Sinha.
Sir John Rees.

The proposed Amendment is *disagreed to*

It is moved by Sir *Henry Craik* page 4 after line 16 to insert Provided further that the said governors must have been at the time of their appointments at least ten years in the service of the Crown in India.

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Content 1
Sir Henry Craik

Not Contents, 10
Marquess of Crewe
Earl of Selborne
Lord Islington
Lord Sydenham
Lord Sinha.
Mr Bennett.
Sir Henry Craik
Major Ormsby Gore
Sir John Rees
Mr Spoor

The proposed Amendment is *disagreed to*

It is moved by the Lord *Brodrick* (Viscount *Middleton*), page 4, after line 16, to insert Provided that the governors of the said provinces shall be appointed after consultation with the Governor General.

The same is *objected to*

On Question whether the proposed Amendment be *agreed to*

Contents, 7
 Marquess of Crewe.
 Earl of Selborne
 Lord Brodrick (Viscount Midleton)
 Lord Sydenham
 Mr Bennett
 Major Ormsby Gore
 Sir John Rees

Not Contents, 3
 Lord Sinha.
 Sir Henry Craik
 Mr Spoor

The proposed Amendment is *agreed to*

Clause 3 is *agreed to* as amended

Clause 4 of the Amended Bill is read

It is moved by Mr *Montagu* page 4, line 17 to leave out shall and to insert may

The proposed Amendment is *agreed to*

It is moved by Sir *John Rees* page 4 line 30 to leave out the opinion of his ministers and to insert their opinion

The proposed Amendment is *agreed to*

It is moved by Mr *Montagu*, page 4, line 33 to leave out Provision may be made by rules and to insert Provided that rules may be made and line 38 to leave out also

The proposed Amendments are *agreed to*

It is moved by the Earl of *Selborne* page 4, line 26 and page 5 line 6 to leave out three and to insert six

The proposed Amendments are *agreed to*

Clause 4 is *agreed to* as amended

Clause 5 of the Amended Bill is read and *agreed to*

Clause 6 of the Amended Bill is read

It is moved by the Lord *Islington* page 5 after subsection (1) to insert the following new subsection

(g) So far as circumstances admit all questions requiring decision by the Local Government of the Province shall be considered by the Governor with his Executive Council and his Ministers sitting together but all questions relating to reserved subjects shall nevertheless be decided by the Governor in Council and all questions relating to transferred subjects by the Governor acting with his Ministers

The proposed Amendments is by leave *withdrawn*

It is moved by Sir *John Rees* page 6 line 3 after Act to insert as amended by this Act

The proposed Amendment is *agreed to*

Clause 6 is *agreed to* as amended

(Clause 7 of the Amended Bill is read,

It is moved by Mr *Montagu*, page 6 line 12 to leave out aggregate and line 21 to leave out by not more than five per cent and line 22 to leave out aggregate and line 33 to leave out aggregate and to insert numbers and line 33 after to to insert and and after line 33 to insert the following new sub paragraph

(c) Members nominated to the Legislative Council of the Central Provinces by the Governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the Legislative Council of the Central Provinces

And line 38 after the second of to insert nominated and line 40 after absence to insert of members and page 7 to leave out lines 23 to 28 inclusive

The proposed Amendments are *agreed to*

Clause 7 is *agreed to* as amended

Clause 8 of the Amended Bill is read.

It is moved by Mr *Montagu* page 7 line 36 after fit to insert and and after line 36 to insert the following new sub paragraph

(c) After the dissolution of the council the governor shall appoint a date not more than six months or with the sanction of the Secretary of State for not more than nine months from the date of dissolution for the next session of the council

And line 37 after times to insert and places, and page 8 line 5 to leave out subsection 5

The proposed Amendments are *agreed to*

Clause 8 is *agreed to* as amended)

Clause 9 of the Amended Bill is read and *agreed to*

Clause 10 of the Amended Bill is read.

It is moved by Mr *Montagu* page 9 lines 14 and 15 to leave out in this Act referred to as a scheduled tax and line 22 to leave out a scheduled tax and to insert a tax scheduled as aforesaid and line 31 to leave out Indian legislation and to insert legislation by the Indian Legislature and page 10 line 1 to leave out from of to may in line 3 and to insert an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act

The proposed Amendments are *agreed to*

Clause 10 is *agreed to* as amended

Clause 11 of the Amended Bill is read

It is moved by Mr *Montagu*, page 10 line 19 after revenue to insert of the province, and page 11 line 4 to leave out paragraph (c) and after line 12 to insert the following new subsections

(3) Nothing in the foregoing subsection shall require proposals to be submitted to the council relating to the following heads of expenditure

- (i) contributions payable by the local government to the Governor General in Council and
- (ii) interest and sinking fund charges on loans and
- (iii) expenditure of which the amount is prescribed by or under any law and
- (iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council and
- (v) salaries of judges of the High Court of the province and of the Advocate-General

(4) If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Governor shall be final, &

And line 16, to leave out either and page 12, line 1 at beginning of subsection (6) to insert Subject to the rules and standing orders affecting the Council

The proposed Amendments are agreed to

Clause 11 is agreed to as amended.

Clause 12 of the amended Bill is read

It is moved by Mr *Montagu*, page 12 line 17 to leave out after and to insert from and line 21 to leave out from "thereto" to the end of paragraph (a), and line 29, to leave out in accordance with the appropriate procedure," and page 13, line 15 to leave out from Majesty' to and in line 16 and to insert in Council has signified his assent

The proposed Amendments are agreed to

Clause 12 is agreed to as amended

Clause 13 of the Amended Bill is read

It is moved by Mr *Montagu*, page 13, line 19, to leave out the and to insert a and line 24 after shall to insert on signature by the governor,' and line 36, to leave out legislation and to insert legislature and page 14 line 2 after made" to insert "be."

The proposed Amendments are agreed to

Clause 13 is agreed to as amended

Clause 14 of the Amended Bill is read and agreed to

Clause 15 of the Amended Bill is read

It is moved by Major *Ormsby Gore*, page 14, line 15, after may to insert 'after obtaining an expression of opinion from the local government and the local legislature affected.

The proposed Amendment is agreed to

It is moved by Mr *Montagu*, page 14 lines 26 and 27, to leave out The Governor General in Council

The proposed Amendment is agreed to

Clause 15 is agreed to as amended

Clause 16 of the Amended Bill is read

It is moved by Mr *Montagu*, page 15, line 11, to leave out law passed by and to insert "Act of and line 13, to leave out "law and to insert "Act.

The proposed Amendments are agreed to

Clause 16 is agreed to as amended

Clause 17 of the Amended Bill is read and agreed to.

Clause 18 of the Amended Bill is read

It is moved by Mr *Montagu*, page 15, to leave out from of' in line 34 to members in line 35, and to insert not more than sixty and line 35 to leave out sub-section (2).

The proposed Amendments are agreed to

It is moved by the Lord *Sinha* page 15 line 37 after Act" to insert of whom not more than twenty shall be official members

The proposed Amendment is agreed to

Clause 18 is agreed to as amended

Clause 19 of the Amended Bill is read

It is moved by Mr *Montagu*, page 16, lines 7 and 8, to leave out the members of the Governor-Generals executive council and of and lines 11 and 12, to leave out the legislative assembly shall consist of one hundred and twenty members and to insert the total number of members of the legislative assembly shall be one hundred and forty' line 14, to leave out eighty and to insert one hundred line 16, to leave out by not more than five per cent. line 17 to leave out aggregate line 20, to leave out "two thirds and to insert" five-sevenths.

The proposed Amendments are agreed to

Clause 19 is agreed to as amended,

Clause 20 of the Amended Bill is read and agreed to

Clause 21 of the Amended Bill is read

It is moved by the Earl of *Selborne* page 17 line 32 after ' months to insert or with the sanction of the Secretary of State not more than nine months.

The proposed Amendment is agreed to

Clause 21 is agreed to as amended

Clause 22 of the Amended Bill is read.

It is moved by the Earl of *Selborne*, page 18, line 19 after vacant to insert Every member of the Governor General's Executive Council shall be nominated as a member of one chamber of the Indian Legislature and shall have the right of attending in and addressing the other chamber but shall not be a member of both chambers.

The proposed Amendment is agreed to)

Clause 22 is agreed to as amended

Clause 23 of the Amended Bill is read.

It is moved by Mr *Montagu*, page 18, line 24, to leave out the, and line 29 to leave out resident in India," and lines 29 and 30 to leave out or elected and after line 31 to insert the following new sub paragraph (e) The qualification of electors the constitution of constituencies and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto and

Line 36 after election to insert and, and after line 36 to insert the following new sub paragraph

(e) The manner in which the rules are to be carried into effect

The proposed Amendments are agreed to.

Clause 23 is agreed to as amended)

Clause 24 of the Amended Bill is read

It is moved by Mr *Montagu*, page 20 line 3, to leave out the rules of order and to insert the rules and Standing Orders affecting the Chamber

The proposed Amendment is agreed to

Clause 24 is agreed to as amended.

Clause 2 of the Amended Bill is read

It is moved by Mr *Montagu* page 20 line 17 after the to insert following and line 18 to leave out specified in the Second Schedule to this Act, and line 20 after 'chamber to insert at the time when the annual statement is under consideration unless the Governor General otherwise directs (i) interest and sinking fund charges on loans and (ii) expenditure of which the amount is prescribed by or under any law and (iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council and (iv) salaries of chief commissioners and judicial commissioners and (v) expenditure classified by the order of the Governor General in Council as—

(a) ecclesiastical

(b) political

(c) defence

and page 20 lines 22 and 23 to leave out "heads of expenditure specified in the said schedule, and to insert above heads and line 27 to leave out said schedule and to insert above heads and line 33, after if to insert he declares that.

The proposed Amendments are agreed to

Clause 25 is agreed to as amended

Clause 26 of the Amended Bill is read

It is moved by Mr *Montagu*, page 21 line 4 to leave out the and to insert "a," and line 10 after shall to insert on signature by the Governor-General and line 12, after 'Act to insert ' of the Indian Legislature, and line 21 to leave out ' forthwith and to insert on signature by the Governor General

The proposed Amendments are agreed to

Clause 26 is agreed to as amended

Clause 27 of the Amended Bill is read

It is moved by Mr *Montagu*, page 22, lines 8 and 9, to leave out "Indian Legislation, and to insert legislation by the Indian Legislature and line 11 to leave out of and to insert "made by" and line 18 to leave out either

The proposed Amendments are agreed to

Clause 27 is agreed to as amended

Clause 28 of the Amended Bill is read

It is moved by Mr *Montagu*, page 22 line 24, to leave out from ' effect to the end of sub section (2) and to insert

"(2) The provision in Section thirty six of the principal Act as to the qualification of members of the Council shall have effect as though the words at the time of their appointment were omitted and as though after the word Scotland there were inserted the words ' or a pleader of the High Court, and as though ten years were substituted for five years

The proposed Amendment is agreed to

Clause 28 is agreed to as amended

Clause 29 of the Amended Bill is read

It is moved by Mr *Montagu*, page 23 line 9 to leave out ' three and insert six

The proposed Amendment is agreed to.

Clause 29 is agreed to as amended

Clause 30 of the Amended Bill is read and agreed to

Clause 31 of the Amended Bill is read

It is moved by Mr *Montagu*, page 23 line 37 to leave out a and to insert the annual and line 39 to leave out "permanently and page 24, line 13, to leave out the and to insert any, and line 20 at end to insert " whilst resident in India

The proposed Amendments are agreed to

Clause 31 is agreed to as amended.

It is moved by Mr *Montagu*, after Clause 31 to insert the following new clause —

"(1) The provision in section six of the principal Act which prescribes the quorum for meetings of the Council of India shall cease to have effect and the Secretary of State may provide for a quorum by such directions as he may issue in this behalf

(2) The provision in section eight of the principal Act which requires weekly meetings of the Council of India shall cease to have effect

(3) Section ten of the principal Act shall have effect as though the words all business of the council or committees thereof is to be transacted were omitted and the words the business of the Secretary of State in Council or the Council of India shall be transacted and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council were inserted in lieu thereof

The proposed new Clause is read and agreed to

Clause 32 of the Amended Bill is read

It is moved by Mr *Montagu* page 24, line 24 after the first State to insert and and line 25 to leave out and the Governor General in Council and line 28 to leave out Any such rules and to insert

Before any rules are made under this section relating to subjects other than transferred subjects the rules proposed to be made shall be laid in draft before both Houses of Parliament and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved and such rules on being so made shall be of full force and effect Any other rules

The proposed Amendments are agreed to

Clause 32 is agreed to as amended

Clause 33 of the Amended Bill is read

It is moved by Mr *Montagu* page 24 line 37 to leave out from the beginning of the clause down to shall in line 39 and to insert So much of section five of the principal Act as relates to orders and communications sent to India from the United Kingdom and to orders made in the United Kingdom and sections eleven, twelve, thirteen and fourteen of the principal Act.

The proposed Amendment is agreed to

Clause 33 is *agreed to* as amended

Clause 34 of the Amended Bill is read.

It is moved by Mr *Montagu* page 25 line 14, to leave out in India

The proposed Amendment is *agreed to*

Clause 34 is *agreed to* as amended

Clause 35 of the Amended Bill is read

It is moved by Mr *Montagu* page 25 line 31 after may to insert without prejudice to any other right of redress and line 33 to leave out required and to insert directed and lines 33 and 34 to leave out pass thereon such orders as and to insert require such action to be taken thereon as may and line 36 to leave out public and to insert the civil

The proposed Amendments are *agreed to*

Clause 35 is *agreed to* as amended

Clause 36 of the Amended Bill is read

It is moved by Mr *Montagu* page 26 line 34, to leave out habitually resident, and to insert domiciled

The proposed Amendment is *agreed to*

Clause 36 is *agreed to* as amended

Clauses 37 and 38 of the Amended Bill are read and *agreed to*

It is moved by Mr *Montagu* after Clause 38 to insert the following new clause —

Rules made under this part of this Act shall not be made except with the concurrence of a majority of votes at a meeting of the Council of India Rules under Part IV

The proposed new clause is read and *agreed to*

Clause 39 of the Amended Bill is read

It is moved by Mr *Montagu* page 29 line 10 after therein to insert including the question whether the establishment of second chambers of the local legislatures is or is not desirable

The proposed Amendment is *agreed to*

Clause 39 is *agreed to* as amended

Clauses 40 and 41 of the Amended Bill are read and *agreed to*

Clause 42 of the Amended Bill is read

It is moved by Mr *Montagu* page 29 after line 12 to insert —

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree but upon such approval being given the rules may be made in the form in which they have been approved and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament

The proposed Amendment is *agreed to*

Clause 42 is *agreed to* as amended

The First Schedule of the Amended Bill is considered

It is moved by the Earl of *Selborne* page 31 line 3 to leave out Aggregate Numbers and to insert Number of Members and lines 4 and 5 to leave out Aggregate Number and to insert Number of Member

The proposed Amendments are *agreed to*

The First Schedule is *agreed to* as amended

The Second Schedule of the Amended Bill is considered

It is moved by Mr *Montagu* page 31 to leave out the Second Schedule

The proposed Amendment is *agreed to*.

The Third Schedule of the Amended Bill is considered

It is moved by Mr *Montagu*, page 37 line 20 after legislature to insert or the local legislature and page 38 line 15 to leave out legislature and to insert Legislative Council, and page 40 line 7 to leave out a minister and to insert ministers and page 42 line 4 to leave out signified and to insert signifies and line 18 after or to insert and the word absolutely and page 43 line 11 to leave out archdeacon and to insert archdeacons

The proposed Amendments are *agreed to*

The further consideration of the Third Schedule and of the amendments made thereto is postponed

The Preamble of the Amended Bill is considered

It is moved by Mr *Montagu*, page 1 to leave out lines 1 to 7 inclusive and to insert

Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration and for the gradual development of self governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the Empire

And whereas progress in giving effect to this policy can only be achieved by successive stages and it is expedient that substantial steps in this direction should now be taken

And line 13 to leave out to and to insert by and to leave out by and to insert to

The postponed Amendments are *agreed to*

Further consideration of the Preamble and of the amendments made thereto is postponed

Ordered, that the Committee be adjourned till to-morrow at Eleven o'clock

(0185)

Die Martis 11 Novembris 1919

MEMBERS PRESENT

Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton)
Lord Islington
Lord Sydenham
Lord Sinha

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir John Rees

The Earl of SELBORNE in the Chair

The Order of Adjournment is read

The Proceedings of yesterday are read

The Committee deliberate

Ordered That the Committee be adjourned to Monday next, at Twelve o'clock

Die Lunae 17^o Novembris 1919

MEMBERS PRESENT

Marquess of Crewe
Earl of Selborne
Lord Brodrick (Viscount Midleton).
Lord Islington
Lord Sydenham.
Lord Sinha
Mr F D Acland.

Mr Bennett
Sir Henry Craik
Mr Montagu
Major Ormsby Gore
Sir John Rees
Mr Spoor

The Earl of SELBORNE in the Chair

The Order of Adjournment is read.

The Proceedings of Monday last are read

The Third Schedule of the Bill is again considered.

It is received by Mr *Montagu*

To leave out the Third Schedule and to insert the following new Third Schedule —

PART I

The provisions of this Act set out in the first column of the following table shall be incorporated in the principal Act in the manner shown in the second column of that table subject to the modifications specified in the third column of that table —

TABLE.

Provision of Act	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 1	To be inserted as a new section (4 A) after s 4	this Act to be substituted for the Government of India Act, 1915 (principal Act) for the principal Act, and for that Act
Section 3 (1) Section 4	To be substituted for s. 46 (1) To be substituted for s 52	this Act to be substituted for the principal Act
Section 6	To be substituted for s 49	any other rules made under this Act to be substituted for any rules made under the principal Act as amended by this Act
Sections 7 8 9	To be inserted as new sections (2A, 72B and 72C) after s 72	this Act to be substituted for the principal Act
Section 10	To be inserted as a new section (80A) after s. 80	this Act to be substituted for the principal Act the commencement of the Government of India Act, 1919 to be substituted for the commencement of this Act in sub section (3)

Provision of Act	Place and Method of Incorporation in the Principal Act	Modifications
Section 11	To be inserted as a new section (72D) after s 72C	The following sub-section to be substituted for sub-section (1) — (1) The provisions contained in this section shall have effect with respect to business and procedure in governors legislative councils this Act to be substituted for the principal Act
Section 12	To be inserted as a new section (81A) after s 81	this Act to be substituted for the principal Act
Section 13	To be inserted as a new section (72E) after s 72D	— — —
Section 14	To be inserted as a new section (80B) after s 80A	The following new section to be inserted at the end thereof — 80C It shall not be lawful for any member of any local legislative council to introduce without the previous sanction of the governor lieutenant-governor or chief commissioner any measure affecting the public revenues of a province or imposing any charge on those revenues this Act to be substituted for the principal Act or this Act and for the principal Act and this Act
Section 15	To be inserted as a new section (52A) after s 52	the Government of India Act, 1919 to be substituted for this Act where those words first occur and that Act to be substituted for this Act where those words secondly occur, and that Act or this Act to be substituted for this Act where those words thirdly occur
Section 16 (1) and (3)	To be inserted as a new section (52B) after s 52A.	Nothing in the Government of India Act, 1919 or this Act to be substituted for Nothing in this Act and this Act to be substituted elsewhere for the principal Act
Section 16 (2)	To be inserted as a new sub section (2) of s 84	this Act to be substituted for the principal Act.
Sections 17 23 inclusive	To be inserted as new sections in lieu of ss 63 and 64 and numbered 63 63A 63B 63C 63D 63E and 64	this Act to be substituted for the principal Act
Section 24 (2)	To be inserted as sub section (1) of s 67 in lieu of the existing sub section (1)	this Act to be substituted for the principal Act.
Section 24 (3) (7)	To be inserted as sub sections (3)—(7) of s 67 in lieu of the existing sub section (3)	this Act to be substituted for the principal Act.
Sections 25 and 26	To be inserted as new sections (67A and 67B) after s 67	— — —
Section 29	To be inserted as a new section (43A) after s 43	— — —
Section 33	To be inserted as a new section (19A) after s 19	this Act to be substituted for the principal Act and the Government of India Act 1919 to be substituted for this Act
Section 34	To be inserted as a new section (11) in lieu of sections 11 to 14 (inclusive)	For the words from the beginning of the section down to and including the words effect and there shall be substituted the words Subject to the provisions of this Act
Section 35	To be inserted as a new section (29A) after s 29	this Act to be substituted for the principal Act.
Sections 36 38 39 and 40	To be inserted as new sections (96B 96C 96D and 96E) after section 96A constituting a new Part VIIA) after Part VII	this Act to be substituted for the principal Act and the Government of India Act, 1919 to be substituted for this Act
Section 37 (1)	To be inserted as a new sub section (6) of s 97	this section to be substituted for section ninety seven of the principal Act, and any rules made under this sub section to be substituted for any rules made under this section
Section 41	To be inserted as a new section (84A) after s 84 constituting a new Part VIIA after Part VI	the Government of India Act 1919 to be substituted for this Act
Section 42	To be inserted as a proviso to s 124	Providing that notwithstanding anything in this Act to be substituted for Notwithstanding anything in section one hundred and twenty four of the principal Act
Section 44	To be inserted as a new section (129A) at the beginning of Part XII	this Act to be substituted for the principal Act and for this Act or under the principal Act
Section 46	To be inserted as a new paragraph at the end of s 134	in this Act to be omitted, and this Act to be substituted for the principal Act and for the principal Act or this Act
Section 47 (3) and (4)	To be inserted as new paragraphs at the end of s 130	this Act to be substituted for the principal Act as amended by this Act
First Schedule	To be inserted in lieu of Schedule I	

The provisions of the principal Act specified in the first column of this table shall be amended in the manner shown in the second column

TABLE

Section of Act	Amendment
2	In subsection (2) or rules made thereunder shall be inserted after this Act. The following subsection shall be substituted for subsection (3) —
3 (1)	(3) The salary of the Secretary of State shall be paid out of moneys provided by Parliament and the salaries of his under secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament eight shall be substituted for ten and twelve shall be substituted for fourteen and the following words shall be inserted at the end of the subsection — Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act 1919 shall not be affected by this provision
3 (3)	one-half shall be substituted for nine and India shall be substituted for British India
3 (4)	five years shall be substituted for seven years and the following words shall be inserted at the end of the subsection — Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act 1919 shall not be affected by this provision
3 (8)	The following subsections shall be substituted for this subsection — (8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds. Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive in addition to the salary hereby provided an annual subsistence allowance of six hundred pounds Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament. (9) Notwithstanding anything in any Act or rule where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity his service as such member shall for the purpose of any pension or annuity which would have been payable to him on completion of such period be reckoned as service under the Crown in India whilst resident in India
5	The words of this section from and including the words but every order to the end of the section shall be omitted
6	For not less than five members are present there shall be substituted such number of members are present as may be prescribed by general directions of the Secretary of State.
8	The words but one such meeting at least shall be held in every week shall be omitted.
10	For all business of the Council or committees thereof is to be transacted there shall be substituted the business of the Secretary of the State in Council or the Council of India shall be transacted and any order made or act done in accordance with such direction shall subject to the provisions of this Act be treated as being an order of the Secretary of State in Council
19	The words of this section from the beginning down to and including Provided that shall be omitted
20 (2) (d)	After under this Act there shall be inserted except so far as is otherwise provided under this Act
21	At the beginning of this section there shall be inserted Subject to the provisions of this Act and rules made thereunder
27 (9)	After revenues of India there shall be inserted or out of moneys provided by Parliament
9	In subsection (1) at the beginning there shall be inserted the words — Subject to the provisions of this Act regarding the appointment of a High Commissioner for India
30	After subsection (1) the following subsection shall be inserted — (1A) A local government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act and make proper assurances for that purpose and rules made under this Act may provide for the conditions under which this power shall be exercisable
31	Indian legislature shall be substituted for Governor General in Legislative Council
33	At the beginning of the section there shall be inserted Subject to the provisions of this Act and rules made thereunder
3	This section shall be omitted
36	ordinary in subsections (1) and (2) shall be omitted

Section of Act	Amendment
	In subsection (2) for the words from and including five or to the end of the subsection there shall be substituted such as His Majesty thinks fit to appoint
	In subsection (3) at the time of their appointment shall be omitted after Scotland there shall be inserted or a pleader of a High Court and ten shall be substituted for five
	In subsection (4) for person appointed an ordinary member of the Council there shall be substituted member of the Council (other than the Commander in Chief for the time being of His Majesty's forces in India)
	At the end of the section the following new subsection shall be inserted —
	(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council in any case where such provision is not made by the foregoing provisions of this section
37	The following section shall be substituted for section thirty seven —
	37 If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's Executive Council he shall subject to the provisions of this Act have rank and precedence in the Council next after the Governor-General
39	In subsection (2) for one ordinary member of the Council there shall be substituted one member of the Council (other than the Commander-in-Chief)
40	At the end of subsection (1) there shall be inserted— and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor General in Council
42	For ordinary member there shall be substituted member (other than the Commander in Chief)
45	At the beginning of the section there shall be inserted Subject to the provisions of this Act and rules made thereunder
46	The following subsection shall be substituted for subsection (2) —
	(2) The governors of the said presidencies are appointed by His Majesty by warrant under the Royal Sign Manual and the governors of the said provinces shall be so appointed after consultation with the Governor General
	In subsection (3) the governors provinces shall be substituted for those presidencies and province shall be substituted for presidency
47	In subsection (2) One at least of them must be a person who at the time of his appointment has been shall be substituted for Two at least of them must be persons who at the time of their appointment have been
	The following subsection shall be substituted for subsection (3) —
	(3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section
48	province shall be substituted for presidency
0 (2)	province shall be substituted for presidency
3 (1)	For the words from the beginning down to the Punjab and (inclusive) there shall be substituted The province of and the words with or without an executive council shall be omitted
49	At the end of the section there shall be inserted An order made as aforesaid shall not be called into question in any legal proceedings on the ground that it was not duly made by the lieutenant-governor in council
58	Assam the Central Provinces shall be omitted
6	For Governor General in Legislative Council there shall be substituted Indian legislature
61	either chamber of the Indian legislature shall be substituted for the council
	At the end of subsection (2) the following shall be inserted —
	or any measure—
	(i) regulating any provincial subject or any part of a provincial subject, which has not been declared by rules under this Act to be subject to legislation by the Indian legislature or
	(ii) repealing or amending any Act of a local legislature or
	(iii) repealing or amending any Act or ordinance made by the Governor General
	(2A) Where in either chamber of the Indian legislature any Bill has been introduced or is proposed to be introduced or any amendment to a Bill is moved or proposed to be moved the Governor General may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of British India or any part thereof and may direct that no proceedings or that no further proceedings shall be taken by the chamber in relation to the Bill clause or amendment and effect shall be given to such direction
68	Bill shall be substituted for Act and a Bill for an Act by both chambers of the Indian legislature shall be substituted for at a meeting of the Indian Legislative Council and whether he was or was not present in council at the passing thereof shall be omitted
	A Bill passed by both chambers of the Indian legislature shall not become an Act shall be substituted for An Act of the Governor General in Legislative Council has not validity
	in Council shall be inserted after His Majesty and to the Governor General through the Secretary of State in Council shall be omitted
69	Indian legislature shall be substituted for Governor General in Legislative Council
0	This section shall be omitted

Section of Act	Amendment
71 (2)	Indian legislature shall be substituted for Governor General in Legislative Council
72	Indian legislature shall be substituted for Governor General in Legislative Council
73	<p>In subsection (1) a governor or of shall be omitted and and of members nominated or elected as hereinafter provided shall be substituted for with the addition of members nominated or elected in accordance with rules made under this Act</p> <p>In subsection (3) as hereinafter provided shall be substituted for in accordance with rules made under this Act.</p> <p>Subsection (4) shall be omitted</p>
4	This section shall be omitted
5	This section shall be omitted
6	<p>In subsection (1) following proviso shall be substituted for the existing proviso —</p> <p>Provided that the number of members so nominated or elected shall not in the case of the legislative council of a lieutenant-governor exceed one hundred</p>
76	In subsection (2) Non-officials shall be substituted for persons not in the civil or military service of the Crown in India.
6	In subsection (4) Indian legislature or the local legislature shall be substituted for Governor General in Legislative Council
78	<p>The following provision shall be inserted at the beginning of subsection (1) —</p> <p>A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times and places for holding the sessions of his legislative council as he thinks fit and may also by notification or otherwise prorogue the council and any meeting of the legislative council of a lieutenant-governor or a chief commissioner may be adjourned by the person presiding</p> <p>In subsection (2) in accordance with rules made under this Act shall be omitted</p> <p>For subsection (3) the following subsections shall be substituted —</p> <p>(3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant governor chief commissioner or presiding member who shall however have and exercise a casting vote in case of an equality of votes</p> <p>(4) Subject to rules affecting the council there shall be freedom of speech in the legislative councils of lieutenant-governors and chief commissioners No person shall be liable to any proceedings in any court by reason of his speech or vote in those councils or by reason of anything contained in any official report of the proceedings of those councils.</p>
9	This section shall be omitted
80	<p>In subsection (1) after local legislative council there shall be inserted (other than a governor's legislative council)</p> <p>Subsection (2) shall be omitted</p> <p>In subsection (3) after local government there shall be inserted of a province other than a governor's province the word Governor where it occurs immediately before the word Lieutenant-Governor shall be omitted and Indian legislature shall be substituted for Governor General in Legislative Council</p> <p>At the end of the section the following new subsections shall be inserted —</p> <p>(4) The local Government of any province (other than a governor's province) for which a local legislative council is hereafter constituted under this Act shall before the first meeting of that council and with the sanction of the Governor General in Council make rules for the conduct of legislative business in that council (including rules for prescribing the mode of promulgation and authentication of laws passed by that council)</p> <p>(5) The local legislature of any such province may subject to the assent of the lieutenant-governor or chief commissioner alter the rules for the conduct of legislative business in the local council (including rules prescribing the mode of promulgation and authentication of laws passed by the council) but any alteration so made may be disallowed by the Governor-General in Council and if so disallowed shall have no effect</p>
81	<p>Throughout subsections (1) and (2) and in subsection (3) where it first occurs for Act there shall be substituted Bill and in subsection (1) by shall be substituted for at a meeting of</p> <p>For an Act there shall be substituted a Bill and for has no effect there shall be substituted shall not become an Act</p>
82	<p>For any such Act where those words occur for the first and third times there shall be substituted An Act and for those words where they occur for the second time there shall be substituted the Act</p> <p>In subsection (1) after His Majesty there shall be inserted in Council and the words through the Secretary of State in Council shall be omitted</p>
83	This section shall be omitted
84	an Act of the Indian legislature shall be substituted for a law made by the Governor General in Legislative Council and non-official members shall be substituted for members not holding office under the crown in India

Section of Act	Amendment.
86	In paragraph (c) an Act of shall be substituted for a law made by In subsection (1) ordinary shall be omitted and after the words Executive Council where they first occur there shall be inserted the words (other than the Commander in Chief)
87	ordinary shall be omitted and after Governor General where it occurs for the second time there shall be inserted (other than the Commander in-Chief)
89	In subsection (4) for ordinary member of the council there shall be substituted member of the council (other than the Commander in Chief)
90	In subsection (1) after Governor there shall be inserted of a presidency In subsection (4) ordinary shall be omitted and after executive council there shall be inserted (other than the Commander in-Chief)
92	a member shall be substituted for an ordinary member and for any ordinary member and after executive council of the Governor General there shall be inserted (other than the Commander in Chief)
	In subsection (5) (a) under this Act shall be omitted
93 (1)	either chamber of the Indian legislature shall be substituted for the Indian Legislative Council
95	Before offices wherever that word occurs before officers and before promotions where it occurs for the second time there shall be inserted military
110	In subsection (1) after Governor or Lieutenant-Governor there shall be inserted and a minister appointed under this Act.
124	In subsection (4) after Lieutenant-Governor where it secondly occurs there shall be inserted or being a minister appointed under this Act
131	Indian legislature shall be substituted for Governor-General in Legislative Council
134 (4)	The following paragraph shall be substituted for paragraph (4) — (4) Local government means in the case of a governor's province governor in council or the governor acting with ministers (as the case may require) and in the case of a province other than a governor's province a lieutenant-governor in council lieutenant-governor or chief commissioner Local legislative council includes the legislative council in any governor's province and any other legislative council constituted in accordance with this Act. Local legislature means in the case of a governor's province the governor and the legislative council of the province and in the case of any other province the lieutenant-governor or chief commissioner in legislative council
135	The following section shall be substituted for section 135 — 135 This Act may be cited as the Government of India Act.
Second Schedule.	The following Schedule shall be substituted for the Second Schedule —
SECOND SCHEDULE	
OFFICIAL SALARIES &C	
Officer	Maximum Annual Salary
Governor General of India	Two hundred and fifty-six thousand rupees
Governor of Bengal Madras Bombay and the United Provinces	One hundred and twenty-eight thousand rupees.
Commander in Chief of His Majesty's forces in India.	One hundred thousand rupees
Governor of the Punjab and Bihar and Orissa	One hundred thousand rupees.
Governor of the Central Provinces	Seventy two thousand rupees.
Governor of Assam	Sixty six thousand rupees.
Lieutenant-Governor	One hundred thousand rupees
Member of the Governor General's Executive Council (other than the Commander in Chief)	Eighty thousand rupees
Member of the executive council of the governor of Bengal Madras Bombay and the United Provinces	Sixty four thousand rupees
Member of the executive council of the governor of the Punjab and Bihar and Orissa	Sixty thousand rupees.
Member of the executive council of the governor of the Central Provinces	Forty-eight thousand rupees
Member of the executive council of the governor of Assam	Forty two thousand rupees

Section of Act	Amendment.
Third Schedule.	<p>The following Schedule shall be substituted for the Third Schedule —</p> <p style="text-align: center;">THIRD SCHEDULE</p> <p style="text-align: center;">OFFICES RESERVED TO THE INDIAN CIVIL SERVICE</p> <p style="text-align: center;">A—Offices under the Governor General in Council</p> <p>1 the offices of secretary joint secretary and deputy secretary in every department except the Army Marine Education Foreign Political and Public Works Departments Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service then the office of deputy secretary or secretary in that department as the case may be need not be so filled</p> <p>2 Three offices of Accountants General</p> <p style="text-align: center;">B—Offices in the provinces which were known in the year 1861 as Regulation Provinces</p> <p>The following offices namely —</p> <ol style="list-style-type: none"> 1 Member of the Board of Revenue 2 Financial Commissioner 3 Commissioner of Revenue 4 Commissioner of Customs 5 Opium Agent 6 Secretary in every department except the Public Works or Marine Departments 7 Secretary to the Board of Revenue 8 District or sessions judge 9 Additional district or sessions judge 10 District magistrate 11 Collector of Revenue or Chief Revenue Officer of a district
Fifth Schedule	<p>Indian legislature shall be substituted in the heading for Governor General in Legislative Council</p>

Note—In parts I and II. of the Second Schedule to this Act references to any word or expression in any provision of the principal Act or this Act apply, unless the contrary is stated to that word or expression wherever the word or expression occurs in that provision

PART III

Section of Act.	How dealt with
13 (1) 16 42 45 (2) 51 54 (3)	<p>or sending shall be substituted for or recording</p> <p>To be omitted</p> <p>and signifies his intended absence to the Council and civil shall be omitted</p> <p>To be omitted</p> <p>and signifies his intended absence to the Council shall be omitted</p> <p>To be omitted</p>
55 (1) 65 67	<p>In paragraph (b) after illness or otherwise there shall be inserted and for supply ing a vacancy until it is permanently filled</p> <p>In subsection (1) (d) airman shall be inserted after soldiers</p> <p>In subsection (2) (1) the Air Force Act shall be inserted after the Army Act naval or air shall be substituted for or naval</p>
73 (2)	<p>To be omitted</p>
81	<p>In subsection (1) whether he was or was not present in Council at the passing of the Act shall be omitted</p>
85	<p>The following proviso shall be inserted at the end of subsection (3) Provided that nothing in this subsection shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons by the Secretary of State in Council</p>
87	<p>For subject to the foregoing provisions of this Act as to leave of absence there shall be substituted save in the case of absence on special duty or on leave under a medical certificate</p>
88	<p>After council of a governor there shall be inserted or of a lieutenant-governor</p> <p>To be omitted</p>
89	<p>entitled under a conditional appointment to succeed to the office of Governor General or and absolutely shall be omitted and for that office there shall be substituted the office of Governor-General</p>
90	<p>In subsection (1) conditional or other shall be omitted</p> <p>In subsection (3) for this Act there shall be substituted section eighty nine of this Act and respecting the assumption of the office by a person conditionally appointed to succeed thereto shall be omitted.</p>

Section of Act	How dealt with
	In subsection (4) conditional or other shall be omitted
31)	In subsection (1) conditional or other shall be omitted In subsection (1) conditional or other shall be omitted In subsection (3) then if any member has been conditionally appointed to succeed to his office and is on the spot the place of that member shall be supplied by that person and if no person conditionally appointed to succeed to the office is on the spot shall be omitted In subsection (4) conditionally or shall be omitted
110	At the end of subsection (1) the following shall be inserted — His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof At the end of subsection (2) the following shall be inserted — and as metropolitan shall have enjoy and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop
118	In subsection (1) and archdeacons shall be omitted and after letters patent there shall be inserted and the archdeacons of those dioceses by their respective diocesan bishops

The Proposed Amendment is *agreed to*

The new Third Schedule is again read and *agreed to*

The Preamble is again read and *agreed to as amended*

The Title is again read and *agreed to*

The following DRAFT REPORT is laid before the Committee

ORDERED TO RE-OPEN—

1 That the Committee have met and considered the said Bill and taken the evidence of a large number of witnesses, many of whom had come all the way from India for the purpose. A mass of telegrams and other communications has also been received. The list of witnesses and the telegrams have been printed as an appendix to the evidence. Written representations have not as a rule been printed. The Committee appreciate the advantage they have derived from being placed in full possession of the views of many persons who have given much thought to the political future of the country.

2 The Committee were not charged as some have seemed to think with the task of reporting on the state of India or on the conduct of the administration in India or even at large on the best form of government for India but only with the duty of dealing with this Bill which had been read a second time in the House of Commons according to the well known forms of Parliamentary procedure and with the rules and conventions arising out of it.

3 In the declaration made by His Majesty's Government on the 20th August 1917 there is enunciated the problem for which the Bill endeavours to provide a solution. It is to design the first stage in a measured progress towards responsible government. Any such stage if it is to be a real advance must, as the Committee conceive it, involve the creation of an electorate and the bestowal of some share in the work and responsibilities of government on those whom the electorate chooses to represent its interests. In the present circumstances of India, the electorate must at the outset be small and the administrative experience of its representatives must be limited. Before therefore, the policy of His Majesty's Government can be fulfilled the electorate must grow and practical experience in the conduct of public affairs must be enlarged. During this period the guardianship of the people of India cannot be withdrawn from the care of the official agency which Parliament at present charges with the duties of the administration and the Committee regard it to be an essential feature of the policy of His Majesty's Government that except in so far as he is released from responsibility by the changes made under this Bill the Governor General in Council should remain in undisturbed responsibility to Parliament and fully equipped with the necessary powers to fulfil that responsibility. But from the beginning the people must be given an opportunity and all political wisdom points to its being a generous opportunity of learning the actual business of government and of showing by their conduct of it, to some future Parliament that the time has come for further extensions of power.

4 In the opinion of the Committee the plan proposed by the Bill is conceived wholly in this spirit, and interprets the pronouncement of the 20th August, 1917 with scrupulous accuracy. It partitions the domain of provincial government into two fields, one of which is made over to ministers chosen from the elected members of the provincial legislature while the other remains under the administration of a Governor in Council. This scheme has evoked apprehensions which are not unnatural in view of its novelty. But the Committee after the most careful consideration of all suggested alternatives are of opinion that it is the best way of giving effect to the spirit of the declared policy of His Majesty's Government. Its critics forget that the announcement spoke of a substantial step in the direction of the gradual development of self-governing institutions with a view to the progressive realisation of responsible government and not of the partial introduction of responsible government and it is this distinction which justifies the method by which the Bill imposes responsibility both on Ministers to the legislative council and on the members of the legislative council to their constituents, for the results of that part of the administration which is transferred to their charge.

5 Having weighed the evidence and information before them the Committee have made a number of changes in the Bill. Those of a more detailed or miscellaneous character are briefly discussed below under the clauses to which they relate. Those which are directed to the avoidance of the difficulties and dangers which have been pointed out proceed on a simple and in the Committee's opinion an indefeasible theory. That theory the Committee

think it desirable to state at once. Ministers who enjoy the confidence of a majority in their legislative council will be given the fullest opportunity of managing that field of government which is entrusted to their care. In their work they will be assisted and guided by the Governor who will accept their advice and promote their policy wherever possible. If he finds himself compelled to act against their advice it will only be in circumstances roughly analogous to those in which he has to override his executive council—circumstances which will be indicated in the Instrument of Instructions furnished to him on his appointment by His Majesty. On the other hand in and for that field of government in which Parliament continues to hold him responsible the provincial Governor in Council will remain equipped with the sure and certain power of fulfilling that responsibility. The Committee will indicate in the course of this Report how they visualise the relations between the two parts of the provincial Government, but they wish to place in the forefront of the Report their opinion that they see no reason why the relations should not be harmonious and mutually advantageous. They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of his Government, and indeed that he should insist upon it in all important matters of common interest. He will thus ensure that ministers will contribute their knowledge of the people's wishes and susceptibilities and the members of his Executive Council their administrative experience, to the joint wisdom of the Government. But while the Committee anticipate much advantage from amicable and as far as possible spontaneous association for purposes of deliberation they would not allow it to confuse the duties or obscure the separate responsibility which will rest on the two parts of the administration. Each side of the Government will advise and assist the other—neither will control or impede the other. The responsibility for administrative and legislative action in their own field will be fixed beyond possibility of doubt on ministers and on the majorities of the provincial legislatures which support them and they will be given adequate power to fulfil their charge. Similarly within that field for which he remains accountable to Parliament the responsibility for action must be fixed on the Governor in Council and he must possess unfailing means for the discharge of his duties. Finally behind the provincial authorities stands the Government of India.

6 The change which this Bill will make in the political structure and life of India is very important. It marks a great step in the path of self government and it is a proof of the confidence reposed by His Majesty's Government in the loyalty, wisdom and capacity of our Indian fellow subjects. At the same time it points to the desirability of keeping Parliament in closer touch with Indian affairs than has recently been possible. The Committee accordingly propose that a Standing Joint Committee should be appointed by both Houses of Parliament for that purpose. It should have no statutory functions but a purely advisory and consultative status and among its tasks is one of high importance—the consideration of amendment to rules made under this Bill. For the plan on which the Bill has been drafted and in the opinion of the Committee rightly drafted will necessitate the completion of some of its main provisions by a large number of rules and other documents which will have to be framed before the machinery established by the Bill can come into working order. Many of these rules and documents will be drafted in India for the approval of the Secretary of State. When they come to England it may be found convenient that the present Committee be reappointed to advise Parliament in regard to them.

7 The Committee will now proceed to indicate the nature of the changes they have made in the Bill and also their suggestions for action to be taken under it either in the framing of rules or by executive process hereafter.

PREAMBLE

The Preamble of the Bill as drafted was based on the announcement of His Majesty's Government in Parliament of the 20th August, 1917 and it incorporated that part of the announcement which pointed to the progressive realisation of responsible government in British India as an integral part of the Empire, and to the expediency of gradually developing self governing institutions in India, and it referred to the granting to the Provinces of India of a large measure of independence of the Government of India. It did not, however deal with those parts of the announcement which spoke of the increasing association of Indians in every branch of the administration and declared that the progress of this policy could only be achieved by successive stages and that Parliament advised by His Majesty's Government and by the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian people must be the judge of the time and measure of each advance, and be guided by the co-operation received from those upon whom new opportunities of service are conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

The Committee have enlarged the preamble so as to include all parts of the announcement of the 20th August 1917. Their reason for doing so is that an attempt has been made to distinguish between the parts of this announcement and to attach a different value to each part according to opinion. It has been said, for instance that whereas the first part is a binding pledge the later part is a mere expression of opinion of no importance. But the Committee think that it is of the utmost importance, from the very inauguration of these constitutional changes that Parliament should make it quite plain that the responsibility for the successive stages of the development of self government in India rests on itself and on itself alone and that it cannot share this responsibility with much less delegate it to the newly elected legislatures of India.

They also desire to emphasize the wisdom and justice of and increasing association of Indians with every branch of the administration but they wish to make it perfectly clear that His Majesty's Government must remain free to appoint Europeans to those posts for which they are specially required and qualified.

PART I

Clause 1—The Committee wish to take this opportunity of acknowledging the debt they owe to the work of the two Committees on Franchise and Functions presided over by Lord Southborough. If they are not able to accept all the conclusions of these Committees and if they recommend some additional provisions to those included in those reports, it does not mean that they are not very sensible of the value of the work done without which indeed this constitutional change could not have been effected.

The lists of central, provincial and transferred subjects included in the Functions Committee's report have been somewhat altered after consultation with the India Office (see Appendix F to the Minutes of Evidence), and are so amended they are accepted by this Committee subject to certain general observations at the end of this Report. It must not, however be concluded that these partitions of the functions of government are absolutely clear cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Franchise Committee report, and with due regard to the necessity for special procedure in cases where their orbits overlap.

The Committee have given much attention to the difficult question of the principle on which the provincial revenues and balances should be distributed between the two sides of the provincial Governments. They are confident that the problem can readily be solved by the simple process of common sense and reasonable give and take but they are aware that this question might, in certain circumstances become the cause of much friction in the provincial Government and they are of opinion that the rules governing the allocation of the revenues and balances should be framed so as to make the existence of such friction impossible. They advise that if the Governor in the course of preparing either his first or any subsequent budget, finds that there is likely to be a serious protracted difference of opinion between the executive council and his ministers on this subject, he should be empowered at once to make an allocation of revenue and balances between the reserved and transferred subjects which should continue for at least the whole life of the existing legislative council. The Committee do not endorse the suggestion that certain sources of revenue should be allocated to reserved and certain sources to transferred subjects, but they recommend that the Governor should allocate a definite proportion of the revenue say by way of illustration two-thirds to reserved and one third to transferred subjects and similarly a proportion though not

necessarily the same fraction of the balances. If the Governor desires assistance in making the allocation he should be allowed at his discretion to refer the question to be decided to such authority as the Governor General shall appoint. Further the Committee are of opinion that it should be laid down from the first that until an agreement which both sides of the Government will equally support has been reached, or until an allocation has been made by the Governor the total provisions of the different expenditure heads in the budget of the province for the preceding financial year shall hold good.

The Committee desire that the relation of the two sides of the Government in this matter as in all others should be of such mutual sympathy that each will be able to assist and influence for the common good the work of the other but not to exercise control over it. The budget should not be capable of being used as a means for enabling ministers or a majority of the legislative council to direct the policy of reserved subjects but on the other hand the executive council should be helpful to ministers in their desire to develop the departments entrusted to their care. On the Governor personally will devolve the task of holding the balance between the legitimate needs of both sets of his advisers.

Clause 2—This clause has been inserted to regularise the raising of loans by local Governments on the special security of their own provincial revenues.

Clause 3—The question has been raised as to the communications between the Governors of provinces and the Secretary of State. The question as to whether such communication shall in future take place, and as to the procedure to be adopted in them may well be left to the Secretary of State. In the opinion of the Committee there is no cause at present for disturbing the existing position except to the extent to which the Secretary of State relaxes his power of direction and control over local governments. To that extent the Government of India will also withdraw from intervention but India is not yet ripe for a true federal system and the central government cannot be relegated to functions of mere inspection and advice. The Committee trust that there will be an extensive delegation statutory and otherwise to provincial governments of some powers and duties now in the hands of the Government of India and they trust also that the control of that Government over provincial matters will be exercised with a view to preparing the provinces for the gradual transfer of power to the provincial Government and legislature.

Clause 4—The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council enjoying its confidence and capable of leading it. A minister will have the option of resigning if his advice is not accepted by the Governor and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election but if this course is adopted the Committee hope that the Governor will find himself able to accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers, while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so and in the opinion of the Committee it is better that they should and therefore that the fact should be recognised on the face of the Bill. They advise that the status of ministers should be similar to that of the members of the executive council but that their salaries should be fixed by the legislative council. Later on in this Report it will be suggested that Indian members of the Council of India in London should be paid a higher scale of remuneration than those members of the council domiciled in the United Kingdom. The same principle might suggest to the legislative council that it was reasonable for the ministers of the provincial government domiciled in India to be paid on a lower scale of remuneration than the European members.

Provision has been made in this clause for the appointment, at the Governor's discretion, of non official members of the legislative council to fill a role somewhat similar to that of the Parliamentary Under Secretary in this country.

Clause 5—The Committee are of opinion that the normal strength of an executive council especially in the smaller provinces need not exceed two members. They have not, however reduced the existing statutory maximum of four but if in any case the council includes two members with service qualifications neither of whom is by birth an Indian they think that it should also include two unofficial Indian members.

Clause 6—The Committee desire at this point to give a picture of the manner in which they think that under this Bill the government of a province should be worked. There will be many matters of administrative business as in all countries which can be disposed of departmentally but there will remain a large category of business of the character which would naturally be the subject of Cabinet consultation. In regard to this last category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects but the Committee attach the highest importance to the principle that when once opinions have been freely exchanged and the last word has been said there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore in the opinion of the Committee after such consultation and when it is clear that the decision lies within the jurisdiction of one or other half of the Government that decision in respect of a reserved subject should be recorded separately by the executive council and in respect of a transferred subject by the ministers and all acts and proceedings of the Government should state in definite terms on whom the responsibility for the decision rests. It will not always however be clear otherwise than in a purely departmental and technical fashion with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration and it will equally be his duty to see that a decision arrived at on one side of his Government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

The position of the Governor will thus be one of great responsibility and difficulty and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his government in their new responsibilities. He should never hesitate to point out to ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if after hearing all the arguments ministers should decide not to adopt his advice then in the opinion of the Committee the Governor should ordinarily allow ministers to have their way fixing the responsibility upon them even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries mistakes will be made by ministers acting with the approval of a majority of the legislative council but there is no way of learning except through experience and by the realisation of responsibility.

In the debates of the legislative council members of the executive council should act together and ministers should act together but members of the executive council and ministers should not oppose each other by speech or vote. Members of the executive council should not be required to support either by speech or vote proposals of ministers of which they do not approve, nor should members be required to support by speech or vote proposals of the executive council of which they do not approve, they should be free to speak and vote for each other's proposals when they are in agreement with them. All other official members of the legislative council should be free to speak and vote as they choose.

Clause 7—The Committee have altered the first schedule to the Bill so as to show only the total strength of the legislative council in each province. They have retained the provision now in sub clause () that at least 70 per cent of the members shall be elected and not more than 20 per cent shall be officials. This general stipulation

will govern the distribution of the seats in each province but in certain respects the detailed arrangements will require further consideration and proposals should be called for from the Government of India in regard to them. The points in question as well as some disputable matters on which the Committee wish to endorse the proposals of the Franchise Committee's report, are dealt with in the following recommendations —

(a) The Committee regard the number of seats allotted to the rural population, as distinct from the urban as disproportionately low and consider that it should receive a larger share of representation. They also think that an attempt should be made to secure better representation of the urban wage earning class and they are convinced that an effort should be made to remedy in part at least the present disparity between the size of the electorates in the different provinces. In all these matters no definite instructions need be given. The Government of India should be left a wide discretion in adjusting the figures subject, however to the understanding that the adjustment should be effected in all cases rather by enlargement than by diminution of the representation proposed in the Franchise Committee's report.

(b) The Committee are of opinion that the representation proposed for the depressed classes is inadequate. Within this definition are comprised as shown in the report of the Franchise Committee, a large proportion of the whole population of India. They think that the Government of India should, as it advises, be instructed to give such classes a larger share of representation by nomination regard being had to the numbers of depressed classes in each province and after consultation with the Local Governments. This representation should if necessary be in addition to but not in diminution of the general electorate. Whenever possible other persons than members of the Civil Services should be selected to represent the depressed classes but if a member of those services, specially qualified for this purpose has to be appointed his nomination should not operate to increase the maximum ratio of official seats.

(c) In the Madras Presidency the Committee consider that the non Brahmins must be provided with separate representation by means of the reservation of seats. The Brahmins and non Brahmins should be invited to settle the matter by negotiation among themselves and it would only be if agreement cannot be reached in that way that the decision should be referred to an arbitrator appointed for the purpose by the Government of India.

(d) The Committee would recommend that similar treatment be accorded to the Mahrattas in the Bombay Presidency.

(e) The question whether women should or should not be admitted to the franchise on the same terms as men should be left to the newly elected legislative council of each province to settle by resolution. The Government of India should be instructed to make rules so that if a legislative council so voted women might be put upon the register of voters in that province. The Committee have not felt able to settle this question themselves as urged by the majority of witnesses who appeared before them. It seems to them to go deep into the social system and susceptibilities of India, and therefore to be a question which can only with any prudence, be settled in accordance with the wishes of Indians themselves as constitutionally expressed.

(f) The Committee are of opinion that the franchise as settled by the rules to be made under this Act should not be altered for the first ten years, and that it should at present be outside the power of the Legislative Councils to make any alteration in the franchise. The recommendation therefore, in respect of woman suffrage, is to be regarded as altogether exceptional and a not forming any precedent in respect of proposals for other alterations.

(g) The special representation of landholders in the provinces should be reconsidered by the Government of India in consultation with the local governments.

(h) The franchise for the University seats should be extended to all graduates of over seven years standing.

(i) The Government of India should be instructed to consult with the Government of Bengal in respect of the representation of Europeans in Bengal. It appears to the Committee that there are good reasons for a re-adjustment of that representation. The recommendations of the report of the Franchise Committee in respect of European representation in other provinces may be accepted.

(j) The question whether the rulers and subjects of Indian States may be registered as electors or may be elected to the legislative councils should be left to be settled in each case by the local government of the province.

(k) The Committee are of opinion that dismissal from the service of the government in India should not be a disqualification for election but that a criminal conviction entailing a sentence of more than six months imprisonment should be a disqualification for five years from the date of the expiration of the sentence.

(l) The compromise suggested by the Franchise Committee in respect of the residential qualification of candidates for legislative councils whereby the restriction was to be imposed only in the provinces of Bombay, the Punjab and the Central Provinces, may be accepted.

(m) The recommendations of the Franchise Committee in respect of the proportionate representations of Mohammedans based on the Lucknow compact, may be accepted.

Two further observations must be made on this question of franchise. It seems to the Committee that the principle of proportional representation may be found to be particularly applicable to the circumstances of India, and they recommend that this suggestion be fully explored so that there may be material for consideration by the Statutory Commission when it sits at the end of ten years. Further, it has been strongly represented to the Committee, and the Committee are themselves firmly convinced that a complete and stringent Corrupt Practices Act should be passed and brought into operation before the first elections for the legislative councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is in other countries.

Clause 9—The Committee have considered carefully the question who is to preside over the legislative councils in the provinces. They are of opinion that the Governor should not preside and they advise that for a period of four years the President should be appointed by the Governor. Wherever possible it would be a great advantage if someone could be found for this purpose who had had parliamentary experience. The legislative council should itself elect a Vice President and at the end of four years the nominated President would disappear and the President and Vice President would be elected by the councils. The Committee attribute the greatest importance to the question of the Presidency of the legislative council. It will in their opinion conduce very greatly to the successful working of the new councils if they are imbued from the commencement with the spirit and conventions of parliamentary procedure as developed in the Imperial Parliament. The Committee will recur to this subject in dealing with the question of the President of the Legislative Assembly of India.

Clause 11—The Committee think that the provincial Budget should be submitted to the vote of the Legislative Council subject to the exemption from this process of certain charges of a special or recurring character which have been set out in the Bill. In cases where the Council alter the provision for a transferred subject the Committee consider that the Governor would be justified if so advised by his Ministers in re-submitting the provision to the Council for a review of their former decision but they do not apprehend that any statutory prescription to that effect is required. Where the Council have reduced a provision for a reserved subject which the Governor considers essential to the proper administration of the subject concerned he will have a power of restoration. The Committee wish it to be perfectly clear that this power is real and that its exercise should not be regarded as unusual or arbitrary unless the Governor has the right to secure supply for those services for which he remains responsible to Parliament, that responsibility cannot justly be fastened upon him.

Whenever the necessity for new taxation arises as arise it must, the questions involved should be thrashed out by both parts of the Government in consultation together and it is especially important that in this matter both parts of the Government should, if possible be in agreement when the proposals of the Government are laid before the Legislature.

Clause 13—The Committee have rejected the plan of Grand Committees as drafted originally in the Bill. They have done so because in their opinion the Grand Committee did not give the Governor the power of securing legislation in a crisis in respect of those matters for which he is held responsible and because in respect of ordinary legislation about reserved subjects it perpetuated the system of securing legislation by what is known as the official bloc which has been the cause of great friction and heartburning. The responsibility for legislation on reserved subjects is with the Governor in Council and when the official bloc has been put into operation it has been put into operation by him and is merely an indirect way of asserting his responsibility. The Committee think it much better that there should be no attempt to conceal the fact that the responsibility is with the Governor in Council and they recommend a process by which the Governor should be empowered to pass an Act in respect of any reserved subject if he considers that the Act is necessary for the proper fulfilment of his responsibility to Parliament. He should not do so until he has given every opportunity for the matter to be thoroughly discussed in the Legislative Council and as a sensible man he should of course endeavour to carry the Legislative Council with him in the matter by the strength of his case. But if he finds that cannot be so then he should have the power to proceed on his own responsibility. Acts passed on his sole responsibility should be reserved by the Governor General for His Majesty's pleasure and be laid before Parliament. His Majesty will necessarily be advised by the Secretary of State for India and the responsibility for the advice to be given to His Majesty can only rest with the Secretary of State. But the Committee suggest that the Standing Committee of Parliament, whose appointment they have advised should be specially consulted about Acts of this character. Provision however is made in the Bill for the avoidance of delay in case of a grave emergency by giving the Governor General power to assent to the Act without reserving it though this of course would prevent subsequent disallowance by His Majesty in Council.

Clause 15—The Committee have two observations to make on the working of this Clause. On the one hand they do not think that any change in the boundaries of a province should be made without due consideration of the views of the Legislative Council of the province. On the other hand they are of opinion that any clear request made by a majority of the members of a Legislative Council representing a distinctive racial or linguistic territorial unit for its constitution under this Clause as a sub province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed by the Secretary of State and that it should not be a bar to the appointment of such a commission of inquiry that the majority of the Legislative Council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit.

PART II

Clause 18—As will be explained below the Committee do not accept the device in the Bill as drafted of carrying government measures through the Council of State without reference to the Legislative Assembly in cases where the latter body cannot be got to assent to a law which the Governor General considers essential. Under the scheme which the Committee propose to substitute for this procedure there is no necessity to retain the Council of State as an organ for government legislation. It should therefore be reconstituted from the commencement as a true Second Chamber. They recommend that it should consist of sixty members of whom not more than twenty should be official members. The Franchise Committee advise that the non official members should be elected by the same group of persons as elect the members of the Legislative Assembly and in the same constituencies. This is a plan which the Committee could in no circumstances accept. They hope and believe that a different system of election for the Council of State can be devised by the time the constitution embodied in this Bill comes into operation and they recommend that the Government of India be enjoined forthwith to make suggestions accordingly to which effect can be given without delaying the inauguration of the new constitution. If the advice of the Committee that it be reappointed for the purpose of considering the rules to be framed under this Bill be approved it should have an opportunity of considering the proposals made for the election of the Council of State.

Clause 19—For the Legislative Assembly the Committee are equally unwilling to accept, as a permanent arrangement the method of indirect election proposed in the report of the Franchise Committee. If by no other course it were possible to avoid delay in bringing the constitution enacted by the Bill into operation the Committee would acquiesce in that method for a preliminary period of three years. But they are not convinced that delay would be involved in preparing a better scheme of direct election and they endorse the view expressed by the Government of India in paragraph 39 of its despatch dealing with the subject. They accordingly advise that the Government of India be instructed at once to make recommendations to this effect at the earliest possible moment. These recommendations as embodied in draft rules would also be subject to examination by this Committee if reappointed.

Clause 20—The Committee think that the President of the Legislative Assembly should for four years be a person appointed by the Governor General. He should be qualified by experience in the House of Commons and a knowledge of parliamentary procedure precedents and conventions. He should be the guide and adviser of the Presidents of the provincial councils and he should be chosen with a view to the influence which it is hoped he would have on the whole history of parliamentary procedure in India. He should be paid an adequate salary.

Clause 25—This is a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly, on the understanding that this body is constituted as a chamber reasonably representative in character and elected directly by suitable constituencies. The Committee consider it necessary (as suggested to them by the consolidated fund charges in the Imperial Parliament) to exempt certain charges of a special or recurring nature which have been set out in the Bill *e.g.* the cost of defence, the debt charge and certain fixed salaries from the process of being voted. But otherwise they would leave the Assembly free to criticise and vote the estimates of the expenditure of the Government of India. It is not however within the scheme of the Bill to introduce at the present stage any measure of responsible government into the central administration and a power must be reserved to the Governor General in Council of treating as sanctioned any expenditure which the Assembly may have refused to vote if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good government of the country. It should be understood from the beginning that this power of the Governor General in Council is real and that it is meant to be used if and whenever necessary.

Clause 26—For reasons which prompted the rejection of the process of certification by a Governor to a grand committee in a province the Committee are opposed to the proposals in the Bill which would have enabled the Governor General to refer to the Council of State and to obtain by virtue of his official majority in that body any legislation which the lower chamber refuse to accept but which he regarded as essential to the discharge of his duties. The Committee have no hesitation in accepting the view that the Governor General in Council should in all circumstances be fully empowered to secure legislation which is required for the discharge of his responsibilities but they think it is unworthy that such responsibility should be concealed through the action of a Council of State specially devised in its composition to secure the necessary power. They believe that in such a case it would add strength to the Government of India to act before the world on its own responsibility. In order however that Parliament may be fully apprised of the position and of the considerations which led to this exceptional procedure they advise that all Acts passed in this manner should be laid before Parliament who would naturally consider the opinion of the standing committee already referred to.

Clause 28—The recommendation of the Committee is that the present limitation on the number of the members of the Governor General's Executive Council should be removed that three members of that Council should continue to be public servants or ex public servants who have had not less than ten years experience in the service of the Crown in India that one member of the Council should have definite legal qualifications but that those

qualifications may be gained in India as well as in the United Kingdom and that not less than three members of the Council should be Indians. In this connection it must be borne in mind that the members of the Council drawn from the ranks of the public servants will as time goes on be more and more likely to be of Indian rather than of European extraction.

Clause 29—The Committee have inserted this provision to allow of the selection of members of the Legislature who will be able to undertake duties similar to those of the Parliamentary Under Secretaries in this country. It should be entirely at the discretion of the Governor General to say to which departments these officers should be attached and to define the scope of their duties.

PART III

Clause 30—The Committee think that all charges of the India Office not being agency charges should be paid out of moneys to be provided by Parliament.

Clause 31—The Committee are not in favour of the abolition of the Council of India. They think that, at any rate for some time to come it will be absolutely necessary that the Secretary of State should be advised by persons of Indian experience, and they are convinced that if no such Council existed, the Secretary of State would have to form an informal one if not a formal one. Therefore they think it much better to continue a body which has all the advantages behind it of tradition and authority although they would not debar the readjustment of its work so as to make it possible to introduce what is known as the portfolio system. They think also that its constitution may advantageously be modified by the introduction of more Indians into it and by shortening of the period of the service upon it, in order to ensure a continuous flow of fresh experience from India and to relieve Indian members from the necessity of spending so long a period as seven years in England.

Clause 33—The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial governments. In the relations of the Secretary of State with the Governor General in Council the Committee are not of opinion that any statutory change can be made so long as the Governor General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to anyone else the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India and without limiting the power of veto which rests in the Crown, and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India for the needs of her consumers as well as for her manufacturers it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention when it does take place should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

The relations of the Secretary of State and of the Government of India with provincial governments should in the Committee's judgment be regulated by similar principles so far as the reserved subjects are concerned. It follows therefore, that in purely provincial matters which are reserved where the provincial government and legislature are in agreement their view should ordinarily be allowed to prevail though it is necessary to bear in mind the fact that some reserved subjects do cover matters in which the central government is closely concerned. Over transferred subjects on the other hand the control of the Governor General in Council and thus of the Secretary of State should be restricted in future within the narrowest possible limits, which will be defined by rules under sub-clause 3 of Clause 1 of the Bill.

Rules under this clause will be subsidiary legislation of sufficient moment to justify their being brought especially to the notice of Parliament. The Secretary of State might conveniently discuss them with the Standing Committee whose creation has been recommended in this Report and Parliament would no doubt consider the opinion of this body when the rules come, as it is proposed that they should do for acceptance by positive resolution in both Houses. The same procedure is recommended by the Committee for adoption in the case of rules of special or novel importance under other clauses of the Bill. It must be for the Secretary of State to decide which of the many rules that will fall to be drafted by the Government of India can be sufficiently dealt with by the ordinary process of laying on the table of Parliament for a certain number of days. In deciding this point however he may naturally have recourse to the advice of the Standing Committee should it happen to be in session and obtain their assistance in determining which rules deserve to be made the subject of the more formal procedure by positive resolution.

Clause 35—This clause carries out the recommendation of Lord Crewe's Committee to appoint a High Commissioner for India, to be paid out of Indian revenues who will perform for India functions of agency as distinguished from political functions, analogous to those now performed in the offices of the High Commissioners of the Dominions.

PART IV

Clause 36—The Committee do not conceal from themselves that the position of the public services in working the new constitutions in the provinces will in certain circumstances be difficult. They are of opinion that these services have deserved the admiration and gratitude of the whole Empire. They know that some members of the services regard the wisdom of the proposed changes with grave misgiving and that some fear that those changes will not tend to the welfare of the Indian masses. They are convinced however that the services will accept the changing conditions and the inevitable alteration in their own position and devote themselves in all loyalty to making a success, so far as in them lies of the new constitution.

In the provinces officers serving in a reserved department will be controlled by the Governor in Council and in a transferred department by the Governor acting with Ministers but in both cases alike the personal concurrence of the Governor should be regarded as essential in the case of all orders of any importance prejudicially affecting the position or prospects of officers appointed by the Secretary of State.

The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited, and they have introduced fresh provisions into this clause to that end. If friction occurs a readjustment of persons and places may often get over the difficulty and the Governor must always regard it as one of his most important duties to establish a complete understanding between

his Ministers and the officers through whom they will have to work. But if there are members of the service whose doubts as to the change to be made are so deeply rooted that they feel they cannot usefully endeavour to take part in their career elsewhere if it is in the power of His Majesty's Government to do so or in the last resort, that they should be allowed to retire on such pension as the Secretary of State in Council may consider suitable to their period of service.

PART V

Clause 41—The Committee are of opinion that the Statutory Commission should not be appointed until the expiration of ten years and that no changes of substance in the constitution whether in the franchise or in the lists of reserved and transferred subjects or otherwise should be made in the interval. The Commission will be fully empowered to examine the working of the constitutions in all their details in the provinces and to advise whether the time has come for full responsible government in each province or in the alternative whether and to what extent the powers of self government already granted should be extended or modified or restricted. It should be clearly understood also, that the Commission should be empowered to examine into the working of the Government of India and to advise in respect of the Government of India no less than in respect of the provincial governments.

8 This concludes the Committee's specific recommendations of the Bill. There remain certain other topics which do not conveniently fall within any particular clause. The first of these is the treatment of Burma, and after hearing evidence the Committee have not advised that Burma should be included within the scheme. They do not doubt but that the Burmese have deserved and should receive a constitution analogous to that provided in the Bill for their Indian fellow subjects. But Burma is only by accident part of the responsibility of the Governor General of India. The Burmese are as distinct from the Indians in race and language as they are from the British.

9 Doubts have been expressed from several quarters questioning the financial adjustment proposed between the Central and Provincial Governments in India. Without expressing any opinion on this controversy the Committee accept and endorse the recommendation of the Government of India that a fully qualified financial commission should be appointed to advise as to the principle on which contributions from the Provincial Governments to the Central Government should in future be adjusted.

10 The Committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government but they only express their opinion on the understanding that the appointment of such committees, their composition and the regulation which govern their procedure shall be matter wholly and exclusively within the discretion of the Governor General or of the Governor as the case may be.

11 The Committee are impressed by the objection urged by many witnesses that the manner in which certain classes of taxation can be laid upon the people of India by executive action without in some cases any statutory limitation of the rates and in other cases any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular without expressing any judgment on the question whether the land revenue is a rent or tax they advise that the process of revising the land revenue assessment should be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different Provinces but in some at least the pitch of assessment is entirely at the discretion of the Executive Government. No branch of the administration is regulated with greater elaboration or care but the people who are most affected have no voice in the shaping of the system and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancement and the other chief processes which touch the well being of the revenue payers. The subject is one which probably would not be transferred to ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords, and the system should be established on a clear statutory basis before this change takes place.

12 The Committee have not hitherto touched on the subject of education in India, and it is far too large for them to make any attempt to deal with it adequately. They have accepted the recommendation of the Education Committee that, subject to certain reservations about the Universities, the responsibility for the whole field of education in each province should be transferred to ministers. They attach much importance however to the moral advancement of the depressed and backward classes and they trust that the subject will receive special attention from ministers. They are also impressed by the advantage of Boards, such as Sir Michael Sadler has advised in Bengal for the assistance of ministers in controlling the different grades of education and they trust that ministers will see their way from the outset to constitute such Boards in every province. The Committee would similarly commend to ministers the advisability of creating local government departments in the provinces.

13 The Committee attach the greatest importance to the formation in each Provincial Government of a strong, independent department of Finance which will serve both sides of the Government alike.

14 The Committee have been greatly struck by the earnest representation made to them by several witnesses, both of British and Indian birth to the effect that the Government of India and the provincial governments must become more vocal and put forth their view of what the good of India requires with more courage and more persistence than they have in the past. It has been represented to them that it will be of the utmost importance in the future that the Government of India and the provincial governments should have means of explaining to the people of India the reasons why things are done, the reasons which underlie decisions, and the arguments against proposals which they consider will be detrimental to the welfare of the country. It was represented to the Committee that at present, to a great extent the case for the policy of the Government of India and of the provincial governments is unknown to the masses of Indians whereas the case against that policy is becoming every day more widely disseminated by means of the vernacular press. They are glad to think that this opinion is also shared by the Secretary of State for India and the Viceroy. It is dealt with in paragraph 326 of their Report on Indian Constitutional Reforms.

15 In conclusion the Committee emphatically repudiate the suggestion that the changes in this Bill in the form of the provincial governments of India imply any condemnation of the present system of government in India. The Government of India has accomplished great things for India's good and one of its greatest services has been the introduction into India of a reign of law to which the Government itself is as much subject as the people it governs. It is no reproach to it that in form it has been everywhere autocratic. So long as Parliament on the one hand did not bestow any form of constitutional self government on any part of India, and on the other hand held the Government of India rigidly responsible to itself or to every action it could not do otherwise in the provinces any more than at the central seat of government. But whatever the form the spirit of its being everywhere and always has been effort for the welfare of the masses of the people of India.

16 The Committee have directed the Minutes of Proceedings together with Appendices, to be laid before both Houses of Parliament.

The said Draft Report is read and considered.

Paragraphs 1 to 16 are read and agreed to.

The Draft Report is agreed to without Amendment.

Ordered that the Lord in the Chair do make the said report to the House of Lords.

Ordered that Mr Montagu do make the said report and report the Bill with amendments to the House of Commons.