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TO
GOVERNMENT
OF
INDIA

REPORT
ON
Indian Constitutional
Reforms



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[This summary is intended only to be a concise indication of the proposals ; and it should be read with the paragraphs of the report which are noted in the margin.]

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A. Government Bills : ordinarily to be introduced and carried through the usual stages in the assembly, and if passed by the assembly to be sent to the Council of State. If the Council of State amend the Bill in a manner which is unacceptable to the assembly, the Bill to be submitted to a joint session of both Houses, unless the Governor General in Council is prepared to certify that the amendments introduced by the council are essential to the interests of peace and order or good government (including in this term sound financial administration), in which case the assembly not to have power to reject or modify such amendments. But in the event of leave to introduce being refused or the Bill being thrown out at any stage the Governor General in Council to have the power, on certifying that the Bill is within the formula cited above, to refer it <i>de novo</i> , to the Council of State. The Governor General in Council also to have the power in cases of emergency so certified to introduce the Bill in the first instance in, and to pass it through, the Council of State, merely reporting it to the assembly.	279
B. Private Bills : to be introduced in the chamber of which the mover is a member and on being passed by that chamber to be submitted to the other. Differences of opinion between the chambers to be settled by means of joint sessions. If, however, a Bill emerge from the assembly in a form which the Government think prejudicial to good administration, the Governor General in Council to have power to certify it in the terms already cited and to submit or resubmit it to the Council of State, the Bill only to become law in the form given it by the council.	280
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20. Any member of the Council of State or the Legislative Assembly to be entitled to ask supplementary questions. The Governor General not to disallow a question on the ground that it cannot be answered consistently with the public interest, but power to be retained to disallow a question on the ground that the putting of it is inconsistent with the public interest.	236, 281
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Assembly and the Council of State to be entitled to modify their rules, subject to the sanction of the Governor General. In each case such modifications not to require the sanction of the Secretary of State in Council and not to be laid before Parliament.

22. Joint standing committees of the Council of State and the Legislative Assembly to be associated with as many departments of Government as possible. The Governor General in Council to decide with which departments standing committees can be associated, and the head of the department concerned to decide what matters shall be referred to the standing committee. Two-thirds of each standing committee to be elected by ballot by the non-official members of the Legislative Assembly and the Council of State, one-third to be nominated by the Governor General in Council. 285

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28. The additional member or members to be appointed by the Governor from among his senior officials for purposes of consultation and advice only. 220

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30. Power to be taken to appoint a limited number of members of the Legislative Council to a position analogous to that of parliamentary under-secretaries in Great Britain. 224

Provincial Legislatures.

31. In each province an enlarged Legislative Council with a substantial elected majority to be established. The council to consist of (1) members elected on as broad a franchise as possible, (2) nominated, 225, 232, 233

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36. Any members of the Legislative Council to be entitled to ask supplementary questions.	236
37. The existing rules governing the procedure for the transaction of business to continue, but the Legislative Council to have power to modify them, with the sanction of the Governor.	236
38. Standing committees of the Legislative Council to be formed and attached to each department, or to groups of departments. These committees to consist of members elected by the Legislative Council, of the heads of the departments concerned, and the member or minister, who would preside.	235
39. Legislation on all subjects normally to be passed in the Legislative Council. Exceptional procedure is provided in the succeeding paragraphs.	252
40. The Governor to have power to certify that a Bill dealing with reserved subjects is essential either for the discharge of his responsibility for the peace or tranquillity of the province, or of any part thereof, or for the discharge of his responsibility for reserved subjects. The Bill will then, with this certificate, be published in the <i>Gazette</i> . It will be introduced and read in the Legislative Council, and, after discussion on its general principles, will be referred to a grand committee; but the Legislative Council may require the Governor to refer to the Government of India, whose decision shall be final, the question whether he has rightly decided that the Bill which he has certified was concerned with a reserved subject.	252
The Governor not to certify a Bill if he is of opinion that the question of the enactment of the legislation may safely be left to the Legislative Council.	
41. The grand committee (the composition of which may vary according to the subject matter of the Bill) to comprise from 40 to 50 per cent of the Legislative Council. The members to be chosen partly by election by ballot, partly by nomination. The Governor to have power to nominate a bare majority (in addition to himself), but not more than two-thirds of the nominated members to be officials.	252
42. The Bill as passed in grand committee to be reported to the Legislative Council, which may again discuss it generally within such time-limits as may be laid down, but may not amend it, except on the motion of a member of the Executive Council, or reject it. After such discussion the Bill to pass automatically, but during such discussion the Legislative Council may record by resolution any objection felt to the principle or details and any such resolution to be transmitted, with the Act, to the Governor General and the Secretary of State.	253

	Para.
43. Any member of the Executive Council to have the right to challenge the whole, or any part, of a Bill on its introduction, or any amendment, when moved, on the ground that it trenches on the reserved field of legislation. The Governor to have the choice then either of allowing the Bill to proceed in the Legislative Council, or of certifying the Bill, clause, or amendment. If he certifies the Bill, clause, or amendment the Governor may either decline to allow it to be discussed, or suggest to the Legislative Council an amended Bill or clause, or at the request of the Legislative Council refer the Bill to a grand committee.	254
44. All provincial legislation to require the assent of the Governor and the Governor General and to be subject to disallowance by His Majesty.	254
45. The veto of the Governor to include power of return for amendment.	254
46. The Governor General to have power to reserve provincial Acts.	254

Finance.

47. A complete separation to be made between Indian and provincial heads of revenue.	200, 201
48. Provincial contributions to the Government of India to be the first charge on provincial revenues.	206, 206f
49. Provincial Governments to have certain powers of taxation and borrowing.	210, 211
50. The budget to be laid before the Legislative Council. If the Legislative Council refuses to accept the budget proposals for reserved subjects the Governor in Council to have power to restore the whole, or any part, of the original allotment on the Governor's certifying that, for reasons to be stated, such restoration is in his opinion essential either to the peace or tranquillity of the province, or any part thereof, or to the discharge of his responsibility for reserved subjects. Except in so far as he exercises this power, the budget to be altered so as to give effect to resolutions of the Legislative Council.	256

Local self-government.

51. Complete popular control in local bodies to be established as far as possible.	188
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Modification of provincial constitutions.

52. Five years after the first meeting of the new councils the Government of India to consider any applications addressed to it by a provincial Government or a provincial Legislative Council for the modification of the list of reserved and transferred subjects. In such cases the Government of India, with the sanction of the Secretary of State, to have power to transfer any reserved subject, or in case of serious maladministration to remove to the reserved list any subjects already transferred and to have power also to order that the salary of the ministers shall be specifically voted each year by the Legislative Council. The Legislative Council to have the right of deciding at the same, or any subsequent, time by resolution that such salary be specifically voted yearly.	260
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	Para.
PRELIMINARY ACTION.	
53. A committee to be appointed, consisting of a chairman appointed from England, an official, and an Indian non-official. This committee to advise on the question of the separation of Indian, from provincial, functions, and to recommend which of the functions assigned to the province should be transferred subjects. An official and an Indian non-official in each province which it is at the time examining to be added to the committee.	233
54. A second committee to be appointed, consisting of a chairman appointed from England, two officials, and two Indian non-officials, to examine constituencies, franchises, and the composition of the Legislative Council in each province, and of the Legislative Assembly. An official and an Indian non-official in each province which it is at the time examining to be added to the committee.	225
55. The two committees to have power to meet and confer	... 238
COMMISSION OF INQUIRY.	
56. A commission to be appointed ten years after the first meeting of the new legislative bodies to review the constitutional position both as regards the Government of India and the provinces. The names of the commissioners to be submitted for the approval of Parliament. Similar commissions to be appointed at intervals of not more than twelve years.	261
THE NATIVE STATES.	
57. To establish a Council of Princes 306
58. The Council of Princes to appoint a standing committee.	... 307
59. The Viceroy in his discretion to appoint a commission, composed of a high court judge and one nominee of each of the parties, to advise in case of disputes between States, or between a State and a local Government or the Government of India.	308
60. Should the necessity arise of considering the question of depriving a Ruler of a State of any of his rights, dignities, or powers, or of debarring from succession any member of his family, the Viceroy to appoint a commission to advise, consisting of a high court judge, two Ruling Princes, and two persons of high standing nominated by him.	309
61. All States possessing full internal powers to have direct relations with the Government of India.	310
62. Relations with Native States to be excluded from transfer to the control of provincial Legislative Councils.	310
63. Arrangements to be made for joint deliberation and discussion between the Council of Princes and the Council of State on matters of common interest.	278, 311
THE PUBLIC SERVICES.	
64. Any racial bars that still exist in regulations for appointment to the public services to be abolished.	315
65. In addition to recruitment in England, where such exists, a system of appointment to all the public services to be established in India.	316
66. Percentages of recruitment in India, with definite rate of increase, to be fixed for all these services.	316, 317

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| | Para. |
| 67. In the Indian Civil Service the percentage to be 33 per cent of the superior posts, increasing annually by $1\frac{1}{2}$ per cent until the position is reviewed by the commission (paragraph 55). | 317 |
| 68. Rates of pay to be reconsidered with reference to the rise in the cost of living and the need for maintaining the standard of recruitment. Incremental time-scales to be introduced generally and increments to continue until the superior grade is attained. The maximum of ordinary pension to be raised to R6,000, payable at the rate of 1s. 9d. to the rupee, with special pensions for certain high appointments. Indian Civil Service annuities to be made non-contributory but contributions to continue to be funded. Leave rules to be reconsidered with a view to greater elasticity; reduction of excessive amounts of leave admissible, and concession of reduced leave on full pay. The accumulation of privilege leave up to four months to be considered. | 318—321 |
| 69. A rate of pay based on recruitment in India to be fixed for all public services, but a suitable allowance to be granted to persons recruited in Europe, or on account of qualifications obtained in Europe, and the converse principle to be applied to Indians employed in Europe. | 322 |

Appendix II.

ILLUSTRATIVE LIST I SHOWING PROVINCIAL SUBJECTS.

(Vide paras. 212, 213, 233, and 240.)

Subjects.	Remarks.
1. Taxation for provincial purposes.	<i>Vide</i> para. 210.
2. Borrowing on sole credit of provincial revenues.	<i>Vide</i> para. 211.
3. Financial work on behalf of the Government of India (<i>e.g.</i> , collection of income-tax, etc.).	Subject to any restrictions or orders of the Government of India.
4. The appointments, conditions of service, and control of all provincial services.	Subject to any existing privileges enjoyed by those now in service.
5. Maintenance of law and order :	
(i) administration of criminal justice, including village courts.	The powers of the Government of India to suspend or remit sentences and the power of the Viceroy to pardon to be maintained. Existing privileges of high courts to be continued. Uniformity to be maintained as regards the codes, Evidence Act, etc.
(ii) police, including railway police.	The Director of Central Intelligence to remain under the Government of India.
(iii) prisons.	
(iv) criminal tribes.	The co-ordination by the Government of India of the work in different provinces requires consideration.
(v) working of particular Acts, <i>e.g.</i> , incitements to crime, seditious meetings, infanticide, press, arms, European vagrancy.	Legislation to remain with the Government of India : administration to be provincial.
(vi) poisons.	
(vii) gambling.	
(viii) dramatic performances and cinematographs.	
(ix) coroners.	

Subjects.	Remarks.
<p>6. Land revenue administration :</p> <p>Assessment and collection of land revenue, maintenance and procedure of revenue establishments, maintenance of land records, surveys for revenue purposes, records of rights, special laws regarding land tenures, relations of landholders and tenants, collection of rent, court of wards, encumbered and attached estates, famine, land improvement and agricultural loans, resumption of revenue free grants, diluvion and alluvion, colonization and disposal of Crown lands.</p> <p>7. Agriculture :</p> <p>Civil veterinary and livestock, diseases of animals, research institutes and demonstration farms, agricultural pests, and industries connected with agriculture.</p> <p>8. Forests and forest products.</p> <p>9. Fisheries and connected industries ; and river conservancy.</p> <p>10. Public Works :</p> <p>Roads and buildings, and major and minor irrigation.</p> <p>Tramways, light and feeder railways.</p> <p>Drainage and embankments.</p> <p>11. Education :</p> <p>Primary, secondary, colleges, technical, and universities, also reformatories and industrial schools.</p> <p>12. Medical and Sanitary :</p> <p>Public health, hospitals, dispensaries, leper asylums, Pasteur institutes, sanatoria and matters relating to medical institutions ; intra-provincial pilgrimages.*</p>	<p>So far as powers may be given by the Government of India.</p> <p>Except for universities serving more than one province and some Chiefs' colleges. The case of the Indian Universities Act to be specially considered.</p> <p>* Except for railway arrangements.</p>

Subjects.	Remarks.
<p>13. Local self-government, rural and urban :</p> <p>Provisions for public health, safety, and convenience, constitution of local authorities—municipal rates, taxes, loans, roads, bridges, ferries, tolls, markets, pounds, fairs, exhibitions, parks, open spaces, museums, libraries, art galleries, reading-rooms, building regulations, town-planning, housing improvements, disorderly houses, lodging-houses, sarais, hackney carriages, registration of carts, nuisances, water-supply, prevention of fires, regulations for sale of food and drink, smoke nuisance, disposal of the dead, bathing and washing-places, warehouses, drains and sewers, control of animals, surveys for municipal purposes, ad-tisements, and anything dealt with in existing municipal or local self-government Acts, and also any matters declared by the Govern-ment of India to be included in local self-government.</p>	
<p>14. Franchise, electoral law, organization of constituencies.</p>	<p><i>Vide</i> para. 225. Eventually provincial.</p>
<p>15. Civil justice :</p> <p>Administration, including village courts, legal practitioners, law reports, local Acts and interpretation of local Acts.</p> <p>Administrator-General and Official Trustees Acts, management of private trusts, lunacy, registration of deeds and documents.</p>	<p>Power of legislation to remain with the Government of India. Adminis-tration to be provincial.</p>
<p>16. Excise: intoxicating liquors and drugs, control of breweries and distilleries.</p>	
<p>17. Scheduled districts : Intra-provincial territorial arrange-ments.</p>	
<p>18. Land acquisition.</p>	<p>The Government of India Act on the subject to remain, but the advis-ability of provincial variations to be considered.</p>

Subjects.	Remarks.
<p>19. Industrial matters : Factories, dangerous and offensive trades, inland steam vessels and steam boilers, registration of labour, labour exchanges, provident funds, industrial health insurance, friendly societies, apprenticeships, accident insurance.</p> <p>Electricity, petroleum, explosives, mines, geological survey for minerals.</p> <p>Developments of arts and crafts and local industries.</p>	<p>} As these develop.</p>
<p>20. Co-operative credit.</p>	<p>The power of legislation normally to remain with the Government of India, though amendments to the principal Act might be permissible to the provinces. Administration to be provincial.</p>
<p>21. Business concerns : Banks, insurance and other companies.</p>	<p>The power of legislation to remain with the Government of India. Provinces to have such administrative powers as the Government of India may permit.</p>
<p>22. Government Press : Stationery and printing.</p>	<p>The control of the Government of India over stationery raises the general question of the purchase of supplies.</p>
<p>23. Statistics : Registration of births, deaths, and marriages ; collection of statistics for provincial purposes.</p>	<p>Power to secure uniformity to remain with the Government of India.</p>
<p>24. Inter-provincial immigration and emigration.</p>	<p>Subject to the control of the Government of India.</p>
<p>25. Protection of wild birds and animals, and cruelty to animals.</p>	<p>Subject to all-India restrictions.</p>
<p>26. Assessment and recovery of provincial Government demands.</p>	
<p>27. Escheats and unclaimed property.</p>	
<p>28. Management of charitable endowments.</p>	
<p>29. Motor vehicles.</p>	<p>Some Government of India legislation is necessary. Provinces to have powers not conflicting therewith.</p>

ILLUSTRATIVE LIST II SHOWING TRANSFERRED SUBJECTS

(Vide paras. 212, 213, 238, and 240.)

Subjects.	Remarks.
<ol style="list-style-type: none"> 1. Taxation for provincial purposes. 2. Local self-government, rural and urban; viz., provisions for public health, safety, and convenience, constitution of local authorities—municipal rates, taxes, loans, roads, bridges, ferries, tolls, markets, pounds, fairs, exhibitions, parks, open spaces, museums, libraries, art galleries, reading-rooms, building regulations, town-planning, housing improvements, disorderly houses, lodging-houses, sarais, hackney carriages, registrations of carts, nuisances, water-supply, prevention of fires, regulations for sale of food and drink, smoke nuisance, disposal of the dead, bathing and washing-places, warehouses, drains and sewers, control of animals, surveys for municipal purposes, advertisements, and anything dealt with in existing municipal or local self-government Acts, and also any matters declared by the Government of India to be included in local self-government. 3. Registration of births, deaths, and marriages, coroners, village courts—civil and criminal—statistics for provincial purposes. 4. Education : Primary, secondary, and technical. 5. Medical and sanitary. 6. Agriculture : Civil veterinary, diseases of animals, etc. 7. Co-operative credit. 8. Forests (unclassed and some protected). 9. Fisheries and connected industries, and river conservancy. 	<p>The question of reserving to the executive Council the power of suspending defaulting local bodies to be considered.</p>

Subjects.	Remarks.
<p>10. Public Works : Roads and buildings, minor irrigation, tramways, light and feeder railways, drainage and embankments.</p> <p>11. Excise : Intoxicating liquors and drugs, including the control of breweries and distilleries.</p> <p>12. Charitable endowments.</p> <p>13. Development of arts and crafts and local industries.</p> <p>14. Miscellaneous subjects, <i>viz.</i>, preservation of wild birds and animals, cruelty to animals, prevention of gambling, motor vehicles, registration of deeds and documents.</p> <p>15. Franchise, electoral law, constituencies.</p>	<p>Not till after the commission has reported.</p>

SUPPLEMENTARY PAPERS.

1. Letter from the Right Hon'ble the Earl of Donoughmore, Sir William Duke, Mr. B. N. Basu, and Mr. Charles Roberts, to the Secretary of State, dated the 3rd May, 1918.
2. Government of India's despatch no. 6, dated the 31st May 1918.
3. Minute by the Council of India, dated the 18th June 1918.

Supplementary Paper no. 1.

H. M.'s SHIP "DUFFERIN",

May 3rd, 1918.

DEAR MONTAGU,

YOU have communicated to us who formed part of your mission to India the scheme of Constitutional Reforms proposed in the system of government in British India which has been worked out and agreed upon between His Excellency the Viceroy and yourself.

The scheme is the outcome of discussions in which you have given us the privilege of taking a continuous part and it embodies the conclusions arrived at in those discussions. We need only say therefore that we unitedly support your recommendations and are prepared to recommend their adoption to public opinion both in England and in India. In our view, while safeguarding Imperial interests and providing for the proper maintenance of law and order, they carry out His Majesty's Government's announcement of August 20th last by providing at once for such an instalment of self-government as is at present practicable and safe, together with statutory machinery for its development at subsequent stages.

We would further submit an urgent plea for publication of these proposals as soon as can be arranged. It is impossible now to avoid discussions on Constitutional Reforms in India whatever may be the objection to having such discussions in war time; but we are convinced that there would be serious inconveniences and even risks unless the further discussion of these subjects is guided by regard on the one hand to the substantial measure of reform that is now practicable and on the other to the limits within which reform at this stage must necessarily be confined. We would therefore wish to represent to you our strong view of the desirability of publishing the proposals for consideration both in England and in India without any undue delay.

We have only in conclusion to express to you our sense of the readiness with which you have throughout taken into consideration any suggestions which we have from time to time placed before you and to assure you that if at any later stage we can give any assistance towards the passage of these reforms into law we shall gladly do whatever is in our power.

Yours sincerely,

DONOUGHMORE.

F. W. DUKE,

BHUPENDRA NATH BASU.

CHARLES ROBERTS.

To

THE RIGHT HON'BLE THE SECRETARY OF STATE FOR INDIA.

Supplementary Paper no. 2.

No. 6 OF 1918.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

To

THE RIGHT HON'BLE EDWIN MONTAGU,

His Majesty's Secretary of State for India.

Simla, the 31st May 1918.

SIR,

WE have the honour to inform you that we have been furnished with copies of the Report on Indian Constitutional Reforms drawn up by His Excellency the Viceroy and yourself for submission to His Majesty's Government.

2. Though this most important document represents views for which the signatories thereto are alone responsible we desire to record the fact that it was framed after prolonged discussion with us. There are no doubt detailed recommendations on which some of us hold divergent views but we wish to convey our cordial support to the general policy which the report embodies.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

CHELMSFORD.

C. C. MONRO.

W. S. MEYER.

C. H. HILL.

C. SANKARAN NAIR.

G. R. LOWNDES.

G. S. BARNES.

W. H. VINCENT.

Supplementary Paper no. 3.

Minute recorded by the Council of India

WE have read carefully the Report on Constitutional Reforms in India. This report is the outcome of the announcement made by the Secretary of State on August 20th, 1917, that Government had decided that substantial steps were to be taken as soon as possible towards increasing the association of Indians in every branch of the administration and gradually developing self-governing institutions with a view to the progress of real responsible government in India.

Having these ends in view, the general policy of the report meets with our unanimous support. We are of opinion that on the whole it recommends the measures best adapted to ensure safe and steady progress in the desired direction and, while reserving to ourselves freedom to reconsider the details of the various important measures suggested when public criticism has been received, we heartily support the policy as a whole.

We consider that in connection with the publication of the report the various addresses and schemes put before the Secretary of State in India should be published or, if the bulk of the documents in question is so great as to render a complete reprint undesirable, that a very careful selection should be made from them embodying all shades of opinion.

L. CURRIE.

F. W. DUKE.

M. HAMMICK.

CHARLES S. BAYLEY.

W. D. SHEPPARD.

MARSHALL REID.

E. G. BARROW.

S. AFTAB.

P. D. PATTANI.

BHUPENDRA NATH BASU.

Dated London, June 18, 1918.

Sir Arnold White and Mr. J. B. Brunyate were prevented by ill-health and absence from England respectively from considering the report.

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8, HASTINGS STREET