

NOTE SUBMITTED TO THE
FUNCTIONS COMMITTEE

BY

The Honourable Mr. V. J. PATEL

BAR-AT-LAW,

MEMBER, IMPERIAL LEGISLATIVE COUNCIL

23RD DECEMBER 1918.

Printed at the "Hindusthan" Press, No. 12-16, Colaba,
Bombay, and Published by the Honourable Mr. V. J. Patel.

I. RESERVED & TRANSFERRED SUBJECTS.

The distinguished authors of the Indian Constitutional Reform Scheme have given two illustrative lists of "reserved" and "transferred" subjects. It is admitted by the authors themselves that the lists cannot be regarded as exhaustive; that they will not be suitable to all provinces; that they may not be exactly suitable to any province; and that they should be regarded as merely illustrative of the authors' intentions. Now what should be the subjects for reservation by Provincial Executive Government? The underlying principle of the Reform Scheme is to achieve complete Self-Government by stages, and the goal shall be towards complete "transfer" of subjects. The ideal lies in the pushing force and not in the pulling force, or in other words towards the "decentralization" or "complete transfer" and not towards "centralization" or "reservation." The authors themselves lay down the following guiding principles:—

- (1) Those subjects which afford most opportunity for local knowledge and local service;
- (2) Those in which Indians have shown themselves to be keenly interested;
- (3) Those in which mistakes may occur which though serious, would not be irremediable; and

- (4) Those which stand most in need of development ;
should be relegated to the "transferred" category.

As regards "Reserved Subjects" the principles laid down are:—

- (1) Departments primarily concerned with the maintenance of law and order;
 - (2) Questions of land revenue or tenant rights;
 - (3) Problems affecting defence or foreign or political relations or foreign trade or tariff ;
 - (4) Matters which give rise to questions affecting the interests of more than one province;
 - (5) Subjects which concern the interests of all India Services even if serving under Provincial Governments;
 - (6) Subjects which raise religious or racial issues; and
 - (7) Subjects which affect the interests of existing services ;
- should be held as " reserved."

The reasons alleged for reserving the first item are:— that maintenance of law and order is not such a subject as would give a scope to *local* knowledge and *local* service; that a mistake therein would be disastrous; that Indians have not yet shown keen interest therein, and that they are

lacking in administrative experience. As to the second subject of reservation, it is argued that it is a matter which vitally affects the well-being of the masses who may not be adequately represented in the new Councils. Items Nos. 3, 4 & 5 are put down as illustrative of the powers of intervention by the Government of India either by Legislative or administrative action, while items Nos. 6 and 7 are stated as illustrative of the powers of intervention by the Provincial Executive Government.

Without deviating from the fundamental principles laid down by the authors of the scheme, it may be stated that the greater the political education and administrative aptitude of a province the speedier should be the action towards the "Self-Government" or its enfranchisement. Besides there should be at least one province in which provincial autonomy is working at full speed at the commencement of the Reform Scheme in order to compare its results with those of partial Autonomy in less developed provinces.

Now there can be no two opinions on the point that the Bombay Presidency occupies the foremost rank in political development. If a claim for *full* provincial Autonomy is put forth, this Presidency can support it with all possible evidence.

I would, however, concede that the subject of the maintenance of law through police may, for the present, remain with the Provincial Executive

and therefore proceed to adduce arguments why all other provincial subjects should be in the hands of Indian Ministers.

Under the broad category of "maintenance of law and order" are included the administration of Criminal Justice, including village-courts, prisons, criminal tribes, working of particular Acts, prisons etc. Now it is as clear as daylight that Indians are as keenly interested in the management of their prisons, criminal tribes settlement, and local and special acts like Poisons, Dramatic performances, Coroners etc, as they are in their village Panchayats, and village sanitation. Those matters should at once be relegated to the Category of "transferred Subjects"

As regards "Administration of Criminal Justice", there is a confusion of thought that this matter is inextricably mingled up with the police administration. The fabric of the Indian Penal Code and Criminal Procedure Code shows that the Magistrates' connection with "crime" commences from the stage of complaint or lodging of information of a cognizable offence by the police. The subsequent proceedings are purely judicial and are to be conducted in accordance with the strict rules of evidence. The association of the head of the police with the head of the magistracy is the topic of constant criticism, and in the New Reform Scheme the separation of the executive from the

judicial will have to be carried through. The magistracy ought to be free from the leading strings of the police, and should be absolutely subordinate to the Judicial department and the High Court.

It may be argued that magistrates have to perform certain duties connected with the prevention of crime in addition to the adjudication of guilt or innocence of accused persons. To this it may be replied that the prevention of crime in which the magistrate's aid is required takes two forms:—

(1) Proceedings for security for preseervation of peace and good behaviour; and

(2) Issue of orders for the use of force and arms in times of riots or disturbance of public peace. The first is not a mere executive function, but a judicial function. The police are bound to adduce evidence in support of the charge of probable breach of peace and bad behaviour. The accused are to be heard and defence evidence recorded. The Magistrate has very little to do with the effect of his decisions in security proceedings. It is this covert intimidation of district disturbance, coupled with the absolute subordination of the magistracy to the Collector—District Magistrate, who in majority of cases accepts the view of a highly paid District Superintendent of Police rather than the verdict of a Mamlatdar—Magis-

trate which keeps back most of the Indian magistrates from discharging their judicial duties fearlessly.

As to the orders in times of disturbance, the magistrate has to take initiative on his own responsibility. It is expected that by his wider outlook and experience, he has to determine the line of action in critical times. He is not expected to be a mere tool in the hands of the police who may feel the necessity to use arms for suppression of riot. If a magistrate does not rise up to the occasion, and if peace is disturbed by his folly or weakness, he is sure to be condemned in a popular rule under Ministerial control.

The administration of Criminal Justice is connected on the one hand with the police, and on the other with the Revenue Administration. If its connection is to be severed from the police; it should go bodily with Land Revenue to the "transferred category" both on economical and administrative grounds as will be presently shown:—

One of the arguments advanced against separation of the "executive" from the "judicial" is that will involve considerable cost by duplication of establishment. Individually I am of opinion that the desideratum is complete separation at any cost at the earliest opportunity. But if this goal is not to be achieved in immediate future, the transfer

of control of Land Revenue and Administration of Criminal Justice to Indian Ministers, will remove the fang of the cobra of combination of judicial and executive. The Mamlatdar—Magistrate, or Deputy Collector-Sub-Divisional Magistrate, or Collector-District Magistrate will feel that he is not under the control of two masters; that he will not have to look to the Provincial Government for prospects in service while performing his dual function; and that he will not give undue importance to one side of his duties viz, executive, as at present. He will try to learn to respect the wishes of the people more than heretofore by his subordination to Indian Ministers who, though appointed by the Governor, will be returned by popular will to the Legislative Council.

As to "Land Revenue" I am of opinion that so far as this Presidency is concerned, there is no necessity to apprehend that the interests of the masses will be jeopardised; or that the tenancy rights would be crushed; or that revenue would be sacrificed. In the proposed broadening of the elective franchise, the interests of Rayats will be duly represented. The principal land revenue tenure in the Bombay Presidency is Rayatwari, and the interests of tenants or inferior holders are sufficiently safeguarded by express provisions of the Land Revenue Code. The Settlements with reference to agricultural lands have been revised

in the whole of the Presidency, and there have been second revision also in some of the Talukas. These settlements involve a guarantee of assessment for a period of 30 years, and the new form of Government with "transferred" powers is legally bound to respect this guarantee. As to non-agricultural settlement, the areas which have already developed, or which are in a stage of development have their situation value and standard rates determined. Settlements already effected for periods of 50 or 99 years cannot be disturbed. As to future policy with regard to agricultural or non-agricultural settlements, the possible improvement may take the form of subjecting the revision proposals involving grouping of villages, and fixing of maxima rates to the vote of the Legislative Council. The greatest drawback in the present Land Revenue Administration is that although the adjective law relating to the procedure of Revenue Officers and the modes of recovery of Government dues is subject to the decision of the Legislative Council, the substantive law relating to the settlement of land-revenue for a period of 30 years in the case of agricultural lands, and of 50 years in the case of agricultural lands is left to the *Absolute* will of the Executive Government. Neither the people nor their representative in the Legislative Council have any voice in shaping the destiny of Rayats. As a matter of fact the fate of the Rayat is determined by

the will of one Settlement Officer. It is true that his proposals are subjected to scrutiny by the Collector, Divisional Commissioner, and Settlement Commissioner and that Rayats are given one opportunity to raise their objections against the proposals before final orders are passed by Government. But a glance at the green books of the Government of Bombay relating to the literature of Settlement reports will convince any unbiassed mind that in many cases Rayats have not understood the gravity of the proposals, their intricacies and their effect on individual holdings, and in some cases their objections valid though they may be intrinsically, are brushed aside against the strong bulwark of statistics gathered by the Settlement Officer. Government in passing final orders have, under the circumstances, to acquiesce in their proposals. The system is all one-sided and when the Local Legislative Council will contain adequate representation of Rayats and other large land-holders, the periodic settlement of land revenue must be subjected to the vote of the Council, and should not be left in the hands of the mere executive Government, which at present gets a blank cheque under the rule-making section of the Land Revenue Code.

As to alleged encroachment on the tenancy rights, it may be observed that under the existing provisions of the L. R. C. the possibility of rack

renting is guarded against, so much so, that although the matter of revision and suspension of land-revenue due from superior holders to Government is subject to *executive* rules, the levy of rent due by inferior holders to superior holders is *legislatively* controlled by barring the proceedings of assistance applications, (See. Amended Land Revenue Code).

I think the apprehension of Government is on the side of tenants and not on the side of landlords. Assuming that the Government are also anxious about the rights of landlords or superior holders under which term are included all Inamdars, Jagirdars, Talukdars, I can say that this section of population is well advanced in education to look after their own interests.

Thus all grounds of "reservation" are futile, so far as the Bombay Presidency is concerned, with reference to Land Revenue administration. Under the existing regime the land revenue administration is not subject to the legislative control of the Government of India. In certain matters of alienation of lands and land-revenue the Government of India exercise administrative control (Vide pages 15 & 16 of the statement showing the heads of business dealt with in the Revenue Department prepared by the Government of Bombay). Thus it is not on the ground of encroachment on the

powers of the Central Imperial Government that "reservation" is justifiable. It is already a Provincial subject, and the question is :—whether it should be under the control of the Provincial Executive Council or of Indian Ministers? The only answer is that it should go to the control of Indian Ministers.

If the subject of Land Revenue Administration is declared to be "transferred", the question how far the Government of India should retain administrative control becomes of secondary importance. It is then a question of detail, and not of principle. As an illustration as to how far the control of Government of India can be withdrawn, I append a concise statement with my remarks on some of the heads of business dealt with in the Revenue Department of Bombay in which Government of India at present exercise control.

ACCOMPANIMENTS TO SECTION I.

STATEMENT SHOWING THE HEADS OF BUSINESS IN THE REVENUE DEPARTMENT THE CONTROL ON WHICH IS EXERCISED BY THE GOVERNMENT OF INDIA TOGETHER WITH REMARKS AS TO HOW FAR SUCH CONTROL SHOULD BE RELAXED.

Heads of business.	Control exercised by the Government of India.	Remarks.
<p>The Gujrat Talukdar's Act VI of 1888 (Bombay Act).</p> <p>(1) Fixing the pay and allowance of the Talukdari Settlement Officer.</p>	<p>This is sanctioned by the Government of India.</p>	<p>This appointment is listed for provincial Civil Service. Its pay has already been fixed for a P. C. S. at Rs. 800. In future the appointment should be absolutely provincialized as it is not reserved for I. C. S. according to the shedule to the Government of India Act.</p>
<p>(2) Making an allotment for the grant of loans to</p>	<p>This is sanctioned by the Government of India. The</p>	<p>This is dependent upon the decentralization of Financial control.</p>

embarrassed Talukdari Estates.

The Sind incumbered Estate Act XXII of 1896.

(1) Pay and allowances of the Manager Sind in incumbered Estates.

Department of Agriculture.

(1) Measures for the extension of the area under wheat, castor seed, linseed etc.,

Agricultural conditions and prospects—scarcity and famine.

(1) Standing preparation against famine including.

(a) An efficient system of intelligence.

(b) An effective programme of relief works,

(c) reserves of establishment and tools.

Distribution of the allotment is made by this Government.

These are sanctioned by the Government of India.

Orders on this subject are issued in accordance with the instructions of the Government of India.

These arrangements are carried out by District Officers in accordance with Famine Relief Code under the orders of the Local Government and are subject to the general control of the Government of India.

See Note on Finance.

See remarks against (1) under Guj-rath Talukdar's Act. The appointment is fit to be provincialized.

There is no harm in the Government of India issuing general instructions, as the distribution of food-stuff is an Imperial concern.

General control of the Government of India may stand.

Hheads of business.	Control exercised by the Government of India.	Remarks.
<p>(2) Submission of separate famine or scarcity telegrams to the Government of India every week when the existence of scarcity or famine is recognized and of monthly reports to that Government subsequently.</p>	<p>This is done under the orders of the Government of India.</p>	<p>May stand.</p>
<p>Adoption of measures for the relief of the affected tracts.</p>	<p>These measures are taken by the local officers under the Famine Relief Code subject to the General control of the Local Government and the Government of India.</p>	<p>May stand.</p>
<p>The Destructive Insects and Pests Act II of 1914.</p>	<p>The Act applies to the whole of British India. The power of regulating or prohibiting the import</p>	<p>Do.</p>

The Co-operative Societies Act 11 of 1912.

(1) This act which was passed by the Government of India applies to the whole British India.

of articles likely to cause infection to any crop is vested in the Government of India under section III of the Act while the power of framing rules for detention, inspection, disinfection or destruction of any article or articles notified under that section is vested in the Local Government.

The Act is worked by the Registrar of the Co-operative Societies and the Government of Bombay. The following matters however require the sanction of Government of India :—

(1) Exemption of the registered Co-operatives Societies from In-

Matters of administrative control by the Government of India. As long as Imperial control in matters of Income Tax etc. is retained, Item No. (1) must be retained with the Government of India.

Item No. II should be provincialized. The appointment should not be kept up for an I. C. S.

Heads of business.	Control exercised by the Government of India	Remarks.
<p>(2) The proposal for the amendment of the Land Acquisition Act in order to help Co-Operative Societies</p>	<p>come Tax, stamp duty and Registration fees is to be sanctioned by the Government of India under section 28 of the Act.</p> <p>(2) The pay and allowances of the Registrar of the Co-operative Societies have been fixed by the Government of India and Secretary of State, and any change therein will require the sanction of that Government.</p> <p>This amendment is to be considered by the Government of India.</p>	<p>No remarks.</p>

in the acquisition or land which may be required by them.

(3) Grant of financial assistance to co-operative societies.

In 1904 the Government of India sanctioned the grant of loans (free of interest for the first three years) to Co-operative Societies subject to the condition that the total amount advanced to a Society and due by it should not exceed (1) the total amount of money subscribed and deposited or of share capital paid up by the members or (2) Rs. 2000 in each case. Any relaxation of the conditions requires the sanction of the Government of India.

See note on finance.

Heads of Business,	Control exercised by the Government of India,	Remarks.
<p>Civil Veterinary Department.</p> <p>(1) Appointment of officers to the Indian Civil Veterinary Department.</p>	<p>These appointments are made by the Secretary of State for India. Officers are appointed on probation for five years and the Government of India have to decide the question of confirming them at the end of that period.</p>	<p>This department is wholly provincial. This service should be provincialized.</p>
<p>Land and Land Revenue (outside Bombay City).</p> <p>(1) Formation of divisions under the Commissioners.</p>	<p>The Government of India exercise general control.</p>	<p>A Provincial concern. The Government of India may be informed.</p>

(2) Grant of settlement allowance to a member of the Provincial Civil Service appointed to do settlement work in addition to his own duties.

(3) Grant of unalienated land revenue-free or on Survey or other tenures, and alienation of land revenue in cases referred to at pages 15 and 16.

The sanction of Government of India is necessary.

Government of India exercise general control and their sanction is necessary in certain cases (e. g. in items (1) to (9))

There is no propriety in retaining this power by the Government of India. No such power is retained when the Settlement Officer is an I. C. S.

General control over the right of alienation of land or assignment of land revenue in the Imperial Government is needed. If land revenue is declared to be a "transferred" subject a restriction may be imposed on Provincial legislature that rules so far as they relate to this subject should be subject to the approval of the Government of India. Under the existing rules the Local Government have embodied the principle of down by the Government of India

Heads of business.	Control exercised by the Government of India.	Remarks.
Excise.	Vide page 18 of the Note showing the heads of business dealt with in the Revenue Department.	<p>It seems the Government powers bay are loath to part with specifically under this head for reasons by them. As a matter of fact Excise is the first subject which should be relegated to the "transferred" category. The whole policy is opposed to the well-being of the Society; and the Indian Ministers must feel their own responsibility.</p> <p>The only argument worth considering is No. C. To this it may be replied that before making any change in the policy of British India which might affect the arrangement of Native States the sanction of the Imperial Government may be declared to be necessary. If a change of policy in British India with regard to Excise involves a corresponding</p>

Salt and Customs.

Vide pages 21 and 22 of the Note.

necessity for a change in a Native State, and if the Native State is not willing to agree to the proposal the Provincial Government in the "transferred" Department should propose a subsidy and in case of refusal the matter may be left to arbitration. But this by itself should not be taken as a valid argument for reservation of the subject by Provincial Government.

The remarks against Excise apply to Salt and Customs also.

21

The Indian Civil Service and the Provincial Civil Service.

Vide page 36 and 37 of the Note.

The question of retaining control over all India services is a thorny one. On a careful consideration of *pros* and *cons*, I am of opinion that if the control of services is to be retained by the Provincial Executive as a "reserved" subject, the conditions specified in my Note on control of services should be enforced. (Vide separate note on this subject).

Heads of business.	Control exercised by the Government of India.	Remarks.
Native titles.	Vide page 38 of the Note.	<p>In the interests of Public Service a few remarks are necessary.</p> <p>These native titles are boons of Royal prerogative. Let the Provincial Executive pour these boons on non-officials as they like as incentive to good work. But to confer titles on Officers of Government while they are in actual service leads to invidious distinctions in members of the same service in rank and precedence. Long and meritorious services may be rewarded after retirement.</p>
Income Tax.	Vide page 46 of the Note.	May be retained as an Imperial item.

Forest.

(1) Declaration that any forest or any portion thereof reserved under the Indian Forest Act shall cease to be a Reserved Forest.

(2) Compilation of the annual forest administration report.

(3) Resignation of Officers of the Imperial forest Service.

Subject to the control of Government of India. Under the Executive orders of that Government, the Bombay Government may sanction disforestsments from reserved forests when the area involved does not exceed one square mile in each case.

Government of India exercise general control *i.e.* they specify the form of the report.

The sanction of the Government of India to the acceptance of resignations is necessary.

Should be Provincial. Subject to this restriction Government of India's control may stand.

No harm in retaining such an administrative control by the Government of India.

See remarks against Indian Civil Service. The same principle should be followed.

II Subjects for Provincial Legislature.

The authors of the Reform proposals have laid down certain principles on this subject in the para relating to legislative devolution (para 212).

Now the proper course is to classify the subjects first into Imperial and Provincial subjects. Subjects which are of overlapping nature *i. e.* those which require Imperial Control should be sub-divided into :—mixed subjects requiring legislative control ; and mixed subjects requiring administrative control of the Government of India. The Government of Bombay have rightly divided the subjects into the following four categories :—

I. Matters which are of wholly provincial concern.

II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the provincial Government may be necessary.

III. Matters provincial in character but as to which it is advisable that the right of legislation should be in the hands of the Government of India.

IV. Matters which are wholly Imperial.

Those which are wholly Provincial (No. I) or those which although mixed require administra-

tive control only (No. II) should be entirely under the control of the Provincial Legislative Council. I give one or two concrete instances of various Departments showing how matters which are at present entirely provincial in point of administration are retained by the Government of India "Treasure Trove" — a subject of the G. D. entirely provincial in character and in which the power of the Collector has been delegated to the Mamlatdar is retained in the hands of Imperial Legislature. I fail to see what Imperial concerns are involved in the disposal of Treasure Trove..

Take another instance of "Lepers and leper Asylums" dealt with by the G. D. The subject is purely Local rather than Provincial, and yet an Imperial importance is given to it, although the Government of India have not exercised any control under the Act III of 1889 up to now.

Take again for instance "Endowment Funds" — a subject deal with by the Educational Department. If any donation is made for *local* benefit where is the propriety that the Imperial Legislative Council should take up the Bill for its management? It is purely a Provincial concern.

Similarly the management of "Reformatory Schools" is a Provincial concern and the Imperial Legislature should have no hand in it.

An Imperial halo is unnecessarily attached to various subjects which can safely be relegated to the Provincial Legislature. A large number of subjects can be pruned out in this way out of the statements prepared by the Government of Bombay.

I append a list of enactments framed by the Government of India, and administered by the Government of Bombay with my remarks as to the necessity or otherwise of transferring the subjects thereof to the sphere of Provincial Legislature.

Accompaniment to Section II.

List of enactments of the Government of India administered by the Government of Bombay in the various departments with remarks as to whether the subject,—matter is fit to be left to Provincial Legislature.

GENERAL DEPARTMENT.

Present Law Code or Regulations etc.	Category under which the subject falls.	Remarks.
The Indian Treasure Trove Act, 1878.	III	There is no necessity to keep any control in the hands of the Legislature of the Govt: of India. A few broad principles may be laid down for the guidance of the Provincial Govt: for the disposal of finds and numismatics etc. At present the whole Act is administered by the Mamlatdar to whom the Collector's power has been delegated.
The Indian Lunacy Act IV of 1912.	III	This is also a provincial concern. If it be relegated to the Provincial Legislative Council, the rules to be framed by the Local Govt: may be subjected to the administrative approval of the Government of India.

Present Law Code or Regulations etc.	Category under which the Subject falls.	Remarks.
The Indian Lepers Act III of 1898.		This is purely a Provincial subject for Provincial Legislature.
The Cantonment Act XV of 1910.	III	Legislative power may remain with the Imperial Government.
The Cantonment House Accomodation Act of 1902.	III	Do.
The Indian Emigration Act XVII of 1908.	III	Do.
The Indian Explosives Act IV of 1884, & Explosive rules.	III	Do.
The Indian Patents & Designs Act II of 1911.	IV	Do.
The Native Passenger-Ships Act X of 1887.	III	Do.
The Indian Petroleum Act VII of 1899.	III	Legislation may remain with the Government of India.
The Pilgrim Ships Act XV of 1895.	III	Do.
The Protection of Pilgrims Act, Bombay Act II of 1887.	III	Do.
The Indian Volunteers Act XX of 1859.	IV	Do.

Present Law Code or Regulations etc.	Category under which the Subject falls.	Remarks.
Army Regulations Vol IX.	IV	Legislation may remain with the Government of India.
Registration of Marriages Act III of 1872.	III	Do.
The Births, Death & Marriage Registration Act VI of 1886.	III	Where Local Acts are in force this Act is a dead letter.
The Indian Tramways Act, XI of 1886.	III	Purely a Provincial matter for Provincial Legislature.
The Epidemic Diseases Act, 1897.	III	This Act is wholly administered by the Provincial Govt: The Legislative power may be left to the Province & rules be subjected to the scrutiny of the Imperial Government.
The Ancient Monuments Preservation Act, VII of 1904.	III	May remain with the Imperial Legislature.
Indian ports Act XV of 1908, Rules under Clause (p) of subsection (11 of section 6).	III	Do.
The Indian Census Act XVI of 1910.	III	It is an All-India concern & may remain with the Central Government.

Present Law Code or Regulations etc.	Category under which the Subject falls.	Remarks.
The City of Bombay Improvement Trust Act IV of 1898.	II	Absolutely a provincial affair. It is absurd that when the Municipal law of the Town of Bombay is under the control of Provincial Legislature, this institution should be raised to an Imperial status.
The Indian Factories Act XII of 1911	III	Legislation may remain with the Government of India.
The Indian Copyright Act III of 1914.	IV	To be delegated to the Provincial Legislature. entirely.
The Bombay Smoke Nuisance Act VII of 1912 (sec. 2).	II	Provincial entirely.
The Prince of Wales Museum Act III of 1909.	I	Do.
C. S. Regulations.	I	Imperial concern.

EDUCATIONAL DEPARTMENT.

The Indian Universities Act, 1904.	III	Imperial for uniformity of higher education in India.
------------------------------------	-----	---

POLITICAL DEPARTMENT.

Present Law Code or Regulations etc.	Category under which the Subject falls.	Remarks.
The Indian Extradition Act, XV of 1903.	IV	Imperial.
The Fugitive Offenders Act, 1881.	IV	Do.
The Political Prisoners and Detenus Bombay Regulation XXV of 1827.	I	Imperial. It is an old regulation of Bombay.
Sardars in Deccan Regulation XXIX of 1827 and Section 5 of Regulation VII of 1830.	I	Provincial entirely and to be treated as such.
The Foreign Ordinances of 1914.	II	Imperial.
The Indian Naval and Military News (Emergency)	IV	Do.
Ordinance No. I of 1914.	IV	Do.
Impressment of Vessels Ordinance No. II of 1914.	II	Do.
Ingress into India Ordinance No. V of 1914.	II	Do.

ECCLESIASTICAL DEPARTMENT.

Present Law Code or Regulations etc.	Category under which the Subject falls.	Remarks.
The Government of India Act, 1915, Sec. 115, 117-121.	III	This is an old relic of the East India Company's times in the Parliamentary Statute. When the Parliamentary Bill comes up for consideration, maintenance of the Ecclesiastical Department out of the revenues of India should be opposed in view of the non-interference policy of His Majesty's Government in matters of religion. The establishment may be maintained by the followers of the various churches.

THE MARINE DEPARTMENT.

The Indian Merchant's shipping Act V of 1883.	III	Imperial Legislation.
The Indian Steam Vessels Act I of 1917.	III	Do.
The Indian Transfer of Ships Registration Act. XX of 1917.		Do.
The Indian Ports Act XV of 1908.	III	Do.

JUDICIAL DEPARTMENT.

Present law Code or Regulations etc.	Category under which the subject falls.	Remarks.
The Criminal Tribes Act (India) III of 1911.		Should be absolutely provincialized in legislation and administration.
P. C. V. of 1898.	I	Imperial.
Prisoners Act IV of 1871.	I	Do.
The Bombay Civil Courts Act 1869 (India Act XIV of 1869).	II	To be delegated to the Provincial Legislature.
The Provincial Small Causes Courts Act (India Act IX of 1887).	II	Do.
The Cantonment Act India Act XV of 1910.	I	Imperial.
The Parsi Marriage and Divorce Act.	I	Do.
(India Act XV of 1867)		
Prisoners Act (India Act IX of 1894).	II	Do.
Prisoners Act III of 1900 as amended by Act I of 1903.	II	Do,

Present Law Code of Regulations etc,	Category under which the subject falls,	Remarks.
The European Vagrancy Act IX of 1874.	II	Imperial.
The Indian Lunacy Act IV of 1912.	III	See remarks against this Act in the G. D. Schedule.
The Court fees Act VIII of 1870.	I & III	Imperial.
The Schedule Districts Act XIV of 1874.		Do.
The Negotiable Instruments Act XXVI of 1881.	IV	Do.
The Transfer of Property Act IX of 1882	I	Do.
The Poisons Act I of 1904.	I, II & IV	Purely a Provincial matter. Formerly the Bombay Presidency had an Act of its own.
The Provincial Insolvency Act III of 1907.	I	To be Provincialized.
The Official Trustees Act II of 1913.	IV	Imperial.
The Defence of India Act IV of 1915 and rules thereunder.	IV	Do.
The Indian Soldiers litigation Act IX of 1918.	IV	Do.
The Indian Stage Carriages Act XVI of 1861.	I	To be delegated to Provincial Legislature.

Present Law Code or Regulations etc.	Category under which the subject falls.	Remarks.
The Indian succession Act X of 1865.	III	Imperial.
The Press and Registration of books (XIX of 1876.)	I	To be delegated to Provincial Legislature.
The Dramatic performances Act XV of 1876.	I	Do.
The Indian Arms Act XI of 1878 and Rules.	IV & III.	Imperial.
The Probate and Administration Acts, V of 1881 and VIII of 1903.	III	Do.
The Newspapers (Incitement to offences) Act VII of 1908.	I	Do.
The Indian Criminal Law amendment Act XIV of 1908,	I & II	Do.
The Indian Press Act I of 1910.	I	Do.
The Prevention of Seditious Meetings Act X of 1911.	I & II	Do.
The Indian Airships Act XVII of 1911 XVI of 1914.	IV	Do.

Present Law Code or Regulations etc.	Category under which the subject falls.	Remarks.
The Administrator Generals Act III of 1913.	III	To be delegated to the Provincial Legislature.
The Indian Criminal Law Amendment Act VIII of 1913.	I	Imperial,
The Indian Motor Vehicles Act VIII of 1915.	III	This was the subject of Provincial Legislature and should be restored as such.

III CONTROL OF SERVICES.

It is proposed to retain the subject of the appointments, conditions of service, and control of all Provincial Services under the "Reserved" category (vide entry No. 4 of the illustrative list No. 1 under appendix II of the Montagu-Chelmsford Report).

Now if Provincial Autonomy is to be given in all or almost all subjects in an advanced province like Bombay the control of services *prima facie* be transferred to popular control. The chief arguments against the transfer of the control over the Indian and Provincial services to the Ministers are :—

(i) That the Indian Civil Service is an Imperial service, and its officers are spread over the whole of India in various departments of Provincial Government.

(ii) That the subject cannot be confined to the sphere of action of one province and should, therefore, be a "reserved" subject as per principles laid down in para 212.

(iii) That the Government of India ought to have power of intervention in "questions concerning the interests of All-India services even if serving under Provincial Governments" (para 240).

(iv) That the Ministers will find it difficult to "inaugurate new services for their own departments" and that if such a responsibility is saddled on them the experiment will prove a failure (para 259).

INDIAN CIVIL SERVICE.

Now the premier service viz. the Indian Civil Service is technically Imperial, but it is really a Provincial Civil Service. New recruits are from the beginning attached to various provinces and except in the case of members who are lucky in securing a footing in the Imperial Government, the majority retire in the same province. The Members of the Indian Civil Service are *primarily* connected with (1) the Land Revenue and General Administration Branch and (2) Judicial Department and a glance at the schedule to the Government of India Act, 1915, will show what posts in these departments are reserved for the Indian Civil Service. The accompanying schedule will, however, show that a number of other appointments belonging to "specialised" departments are held by members of the Indian Civil Service. There is no reason why members of this Service should be selected to fill up the special posts, when competent Europeans or Indians of other Provincial Services could be had. If these officers are confined to

Land Revenue, General Administration and Judicial Departments the argument for keeping the control of the services as a "reserved" subject will lose much of its force.

If Land-Revenue and Administration of Civil and Criminal Justice are transferred to ministerial control in an advanced province like Bombay, it becomes imperatively necessary for good and responsible Government that members of the Indian and Provincial Civil Services should be under the control of ministers. Without meaning any disrespect to these distinguished services, it may fairly be stated that ministers who have no voice in the transfer and promotions of officers placed under them will find it difficult to secure loyal co-operation from the services.

OTHER IMPERIAL SERVICES.

In addition to the Indian Civil Service the Bombay Government have under their control members of the following Imperial services :—

1. Imperial Finance Service.
2. Indian Educational Service.
3. Indian Medical Service in Civil Employment.
4. Military Officers in the Political Department.

5. Imperial P. W. D. Service.
6. Indian Agricultural Service.
7. Indian Civil Veterinary Service and
8. Indian Forest Service.

It is a foregone conclusion that most of the subjects with which these services are connected will fall under the category of "transferred" heads. Members of these services will have to co-operate and carry out the orders of the Indian Ministers. I don't wish to go into the details of the system of recruitment of members of these services; nor do I wish to criticize the conclusions of the Public Service Commission as regards pay, pension and leave rules. These are subjects which are to be determined by Government in the interests of their own servants. The point involved in the constitutional Reform scheme so far as services are concerned is connected with the question of *control* only.

In view of the difficulties pointed out by the authors of the Reform Scheme it may not be found possible to "transfer" the subject of control of services by itself to Indian Ministers. But I am emphatically of opinion that while "reserving" this subject for the Provincial executive the following conditions shall be laid down for good Government:—

(1) That the members of the Indian Civil Service should be confined to their legitimate spheres determined in the schedule to the Government of India Act, 1915.

(2) That they should be withdrawn from "Special Departments" on suitable Indians being found available from the Provincial or other services;

(3) That although members of all Imperial services may remain subject to the rules of Imperial Government about recruitment etc, the disciplinary control shall be entirely with the Indian ministers with respect to their functions relating to "transferred" subjects;

(4) That they shall not be removed from "transferred" Department to a departmental dealing with "reserved subjects" without the consent of the Indian Ministers;

(5) That promotions and prospects of these servants shall be dependent on the opinion of Indian ministers, and in case of difference of opinion the matter shall be determined by the full Council of the Provincial executive and Indian Ministers by majority of votes;

(6) That corresponding Provincial Services should be under the same controlling authorities as govern the Imperial Services;

(7) That just as there regular rules of recruitment etc., for the Provincial Services (Executive and Judicial Branches) there should be regular rules for Provincial Services of other Departments (viz, Educational, Agricultural, Political). There is much laxity in filling up posts of these Provincial Services. A reference to pages 28 and 32 of the Statement of subjects prepared by the Political Department will convince the Committee that in filling up Political appointments Government have got absolute patronage which requires to be regularized.

(8) That even services connected with "reserved" subjects also e.g, police administration, Indian Ministers should have a voice in expressing their views on the conduct of officers as revealed from their actions in departmental or judicial proceedings connected with "transferred" subjects. If such a principle is not laid down, a Superintendent of Police under the control of Provincial Executive will be put on a more privileged position than a judge whose subject happens to fall under "transferred" category.

ACCOMPANIMET TO SECTION III.

Schedule of distribution of I. C. S. Officers in the Presidency of Bombay as per latest Civil lists

Total I. C. S. Officers on the list ...	173
(Temporarily reduced to 171).	—
Permanent	124
Supernumeraries i. e., those who have not secured a permanent footing on Rs. 700/ as Asst : Collectors	49
Total ...	173

GOVERNMENT AND SECRETARIAT.

- ×3 Members of Council (including one additional temporary).
- ×8 Secretaries.
- 1 Private Secretary.
-
- 12

II. LAND REVENUE AND GENERAL ADMINISTRATION.

- ×3 Divisional Commissioners.
- ×1 Commissioner in Sind.
- ×13 Senior Collectors.
- ×14 Junior Collectors.
- 1 Deputy Commissioner U. S. Frontier District.
-
- 32

INFERIOR POSTS.

- ×10 Assistant Collectors @ 1200
- ×17 Do @ 900
- ×18 Do @ 700
- ×1 T. S. O. (in his capacity as Asst : Collector).
-
- 46

III. JUDICIAL DEPARTMENT.

×3	High Court Judges @	4000
×1	Judicial Commissioner in Sind @	3500
×1	Additional Judicial Commis- sioner in Sind @ ...	3000
×3	District Judges @	2500
×6	Do. @	2325
×11	Do. Including Jud. Asst: to the Agent at Kathiawar	1800
—	25	

IV. POLITICAL DEPARTMENT.

1, Agent to the Governor.

V. OPIUM EXCISE ETC.

- ×1. Commissioner of Customs, Salt etc.
- $\frac{1}{2}$. Superintendent of Stamps etc.

VI. LAND RECORDS DEPARTMENT.

- 1. Director.
- $\frac{1}{2}$. Supt. of L. R.

VII. SPECIAL APPOINTMENTS.

- 1. Chairman Improvement Trust.
- 1. Do. Port Trust.
- 1. Additional Secretary to Govt.
- 1. Director of Industries.
- 1. Deputy Secretary to Govt. Political
Judicial Department.
- 1. S. D. O.
- 1. Administrator Junagadh.
- 1. Do. Palitana.
- 1. Deputy Director of Civil Supplies
(Temporary.)
- 1. Bombay Municipal Commissioner.
- 3. Municipal Commissioners at Ahmeda-
bad, Surat and Hyderabad.

1. Assist. Commissioner in Sind.
1. Asst. Collector on Settlement of Criminal tribes at Belgaum.
4. Assistants on Settlement duty.
1. Board of Trade.
15. With other Governments.
26. On Military duty.

 61

	Total
	12
× These are appointments reserved for	32
I.C.S., as per Schedule III of the	46
Government of India Act. 1915	25
(5 & 6 Geo. 5.)	1
	2
	2
	61
	181

107

Note I—Permanent I. C. S., Officers
come up 124

Deduct	4
I.C.S. Officers ...	
with other pro-	
vinces...	...
Total	... 177

If follows therefore that
17 appointments which
are 'unreserved' are by
I. C. S. Officers in addition
to the legitimate reserved
posts.

(Deduct) 4 retired

 173

Note II—Number of "Listed" posts.

- 2 Collectors @ Rs. 1600 and 1200
- 3 District Judge @ Rs. 1600.
- 1 T. S. O.
- 3 Assistant Judges.

 9

Out of two Collectorships, only one is given to a P. C. S., the other is held by a Statutory Civil Servant T. S. O's post is still held by an I. C. S.

Out of 17 " Unreserved " posts it may be conceded that the following are fit to be held by I. C. S. Officers only in public interests :—

1 Private Secretary to the Governor.

1 Agent to the Governor at Kathiawar.

Director of Land Records,

There is no justification for I. C. S. Officers holding the remaining 14 substantive "un reserved" appointments.

IV FINANCIAL DEVOLUTION.

No amount of Legislative devolution or Administrative decentralization will secure the Provincial Autonomy unless the key of the provincial exchequer is in the hands of the Provincial Government. A careful analysis of the Reform proposals shows that the following principles are recommended for adoption:—

- (1) The broad divisions of Indian and Provincial heads of Revenue are to be maintained.
- (2) Income Tax and general stamps are to be transferred to the Indian Revenues.
- (3) Land Revenue, Irrigation, Excise and Judicial stamps are to be declared provincial heads.
- (4) The present "divided" heads of revenue are to disappear.
- (5) Government of India to levy a contribution of 87 p. c. of the gross Provincial surplus.
- (6) Government of India to be empowered to impose a special supplementary tax upon Provinces in times of emergency.

- (7) Periodic Commissions recommended should examine the adequacy of the Provincial contribution.
- (8) There should be complete separation of Imperial and Provincial Budgets.
- (9) The Code restrictions to continue on the spending power of provinces unless the control of the Secretary of State is withdrawn from the Government of India.
- (10) A schedule of the powers of taxation to be determined for provinces; the rest remaining with the Government of India.
- (11) Power of borrowing to remain with the Government of India. In some cases the Provincial Government to be allowed to float a loan for unproductive public works with a sinking fund as in the case of Municipalities (paras 203 to 211 of the Reform Report).

The whole liberal policy underlying the Reform Scheme is nullified by principle No. 9 which puts the Provincial Finance under the guidance of the Government of India even with reference to expenditure from Provincial revenue. The point is fully emphasized by the authors of the Report who state:—

"The mere provincialization of heads of revenue and expenditure will, therefore, not itself suffice to free the provinces from the restrictions on the spending powers which the provisions of the Codes and other standing orders impose upon them. Nor can the Government of India, except in a minor extent, enlarge their powers to a relative measure, unless they themselves have to conform to the restrictions on expenditure imposed by the Secretary of State etc."

It is stated that the proposals for relaxation of State in the consideration of the Government of India and administrative consideration of this crucial question will be considered by the India Office. But any administrative consideration of this crucial question will not solve the problem. The control of revenues of India and expenditure therefrom is at present exercised by the Secretary of State under the provisions of Part II of the Government of India Act, 1915 (5 and 6 G. S. O. 5). Under these provisions "the revenues of India" are regarded as a unit. It is indispensably necessary that the new Parliamentary Bill for the Government of India should include provisions for the independent financial working of the provinces. My point is that after determining the Imperial and Provincial heads of revenue, and after providing for the provincial contribution at a prescribed rate as a first charge on provinces, the control of the provincial revenue should be

placed absolutely in the hands of Government. Unless this impedes the free working of provincial finance secured by Legislature in Parliament in the Codes and standing relaxation of power of the Government to interfere, will be merely a palliative to the administrative control of the State for India in Council, and the Government of India is exercised on provinces in the Government of India Act, 1915, following Codes :—

1. Civil Account Code.
2. Civil Service Regulations.
3. India Army Regulations.
4. State Railway Codes.
5. Forest Code.
6. P. W. D. Code.

The provisions of these codes will have to be modified considerably as soon as the Government of India Act is amended.

fore, of opinion that the Committee
their recommendations the neces-
sity of the Government of India
indicated. As to how far the
Government of India should be with-
in the *existing system*, I append a
where relaxation is possible and

ACCOMPANIMENT TO SECTION IV.

STATEMENT SHOWING THE HEADS OF BUSINESS IN FINANCIAL DEPARTMENT WHERE
THE CONTROL OF GOVERNMENT OF INDIA SHOULD BE RELAXED.

Subject.	Control exercised by the Government.	Remarks.
<i>Accounts.</i>		
(1) Inter-Provincial adjustments of charges incurred by the Bombay Government on behalf of other Governments or Vice versa.	Cases of dispute are to be referred to Government of India.	No objection.
(2) Opening of Special Accounts, <i>e. g. a proforma</i> account in respect of additional receipts derived from modification in the method of disposal of the right of retail vend of country spirit.	Sanction of Government of India is required.	

Audit.

Objections raised by the Accountant General in Audit.

If the Accountant General holds that a certain expenditure requires the sanction of an authority higher than the Local Government and the latter does not accept his decision, the case must be referred to the Government of India in the Finance Department for Orders.

Government of India on the opening of Special Accounts should be absolutely withdrawn.

This may stand.

Budget.

Preparation of the Annual Budget and its discussion in the Legislative Council.

This is governed by rules prescribed by the Government of India.

As the Government of India's Budget is to exclude Provincial transaction, the rules of the Provincial Budget should be prescribed by the Local Government and not by the Government of India (Para 208 of the Report).

Subject.	Control exercised by the Government.	Remarks.
<p><i>Provincial Settlement.</i> The current Provincial Settlement is of a quasi permanent character and its terms are not subject to alteration, save in the case of extreme and general necessity. The division between Imperial and Provincial of the general revenue and expenditure in each province is shown in Annexure A to Chapter 66 of the C. A. Code Vol. II pages 286 to 692.</p> <p><i>Public Expenditure.</i> Creation of new permanent appointments the cost of which is charged to a Provincial or divided head.</p>	<p>The general limitations to the financial powers of the Provincial Governments are specified in Nos. 5 and 6 of the rules given in the Annexure to the resolution of the Government of India No, 361. E. A. dated 24th July 1916.</p> <p>Sanction of Government of India is required to the creation of an appointment.</p>	<p>To be modified after the Government of India Act is amended by Parliament.</p>

(1) Which would ordinarily be held by Gazetted Civil Officers recruited in England or by an Officer of an Imperial Service ; or

May Stand.

(2) The remuneration of which exceeds Rs. 800 a month.

Not necessary with the Government of India under the new scheme.

The sanction of that Government is also required to.

(3) Any addition to, or reduction of the remuneration of, an appointment ; mentioned in (1) above or the abolition of such an appointment;

May Stand.

(4) The increase of the remuneration of other appointments to an amount exceeding Rs. 800 a month.

Not Necessary.

Subject.	Control exercised by the Government.	Remarks.
<p>Creation of temporary appointments and deputations the cost of which is charged to a Provincial or divided head.</p>	<p>The sanction of the Government of India is required—</p> <p>(1) In the case of an appointment held by Officers belonging to the Imperial services if the remuneration exceeds Rs. 2500 a month or the period exceeds six months ;</p> <p>(2) In other cases if the remuneration exceeds Rs. 800 but does not exceed Rs. 2,500 a month and the appointment is expected to last or does last for more than two years.</p>	<p>This restriction should be removed altogether.</p> <p>Do.</p>

Schemes for revision of establishments the cost of which is debitable to Provincial or divided head.

The sanction of the Government of India is required if the additional expenditure involved exceeds Rs. 50,000 a year. In the following cases the draft orders of the Local Government have to be submitted to the Government of India and if no orders are received within three months from the date of receipt by the Government of India the scheme may then be brought into effect :—

- (a) When the scheme involves revision of the rates of pay at a cost of more than Rs. 25,000 a year to any one branch of the service;

To be removed altogether provided the surplus quota of the Government of India is guaranteed.

Subject.	Control exercised by the Government.	Remarks.
	<p>(b) When it involves the raising of the average pay of a service of which the maximum pay exceeds Rs. 500 a month, above the average rate approved at the last revision of the service as sanction by the Government of India; and</p> <p>(c) When it involves the grant of local allowances as compensation for dearness of living or for increase of rents in any locality in which a considerable number</p>	

of officers paid for Imperial revenues is employed.

Remuneration of an Officer already in the Service of Government who is appointed to a temporary appointment or placed on deputation.

The sanction of the Government of India is required to the grant of higher remuneration than is admissible under Articles 36 B and 81 of the Civil Service Regulations.

Should be withdrawn and articles of the C. S. R. be amended.

Grant of pension or gratuity from Provincial funds to a non-official who is injured (or to the family of a non-official who is killed) during or in consequence of service rendered to Government, or who, though not injured has rendered some exceptional service.

The sanction of Government of India is required to a pension exceeding Rs. 1,000 a year or gratuity exceeding Rs. 3,000 in any one case.

Not necessary if the payment is to be made from Provincial revenue.

Subject.	Control exercised by the Government.	Remarks,
Cash grants to a charitable or religious institution in India from Provincial Funds.	The sanction of the Government of India is required to a grant exceeding Rs. 10,000 a year if recurring and Rs. 50,000 if non-recurring.	Not necessary.
Grants to local bodies from Provincial Funds.	The sanction of the Government of India is required to a grant exceeding Rs. 1 lakh a year if recurring or 10 Lakhs if nonrecurring.	do
Expenditure on State ceremonies and assemblies and on the entertainment of distinguished visitors to India	The sanction of the Government of India is required when the estimated outlay exceeds Rs. 1 Lakh.	do
The purchase of a motor car for the use of Government Officers.	The sanction of the Government of India is required in all cases.	do

Construction or purchase of a vessel required for inland navigation or for use of ports.

Compensation for accidental loss of property by civil officers.

Provincial expenditure in excess of the provision made in the budget estimates for the year.

Treasuries.

Issue of remittance transfer receipts at par in connection with the collection of subscriptions for any Public or quasi-public purpose in which Government is interested.

Sanction of the Government of India is required if the cost exceeds Rs. 1 Lakh

The power of the Local Government is limited to the payment of compensation not exceeding Rs. 1000 if it is debitable to an Imperial head.

The sanction of the Government of India is required when the aggregate budget grant for Provincial expenditure is exceeded.

The Government of India have directed that the privilege should not be extended to remittances which are of a private or quasi-private nature as the ordinary facilities for remittance of money have now greatly increased.

do

May stand.

This should be regularized by the Budget rules to be sanctioned by the Local Government.

May stand.

Subject.	Control exercised by the Government.	Remarks
<p>Employment and remuneration of temporary shroffs to deal with heavy receipts or to accompany remittances.</p>	<p>The Government of India have fixed a maximum of Re. 1 a day as the pay of these shroffs.</p>	<p>This is a matter for local Government to decide.</p>
<p>Transfer of the work of the Government treasury to a local branch of the Bank of Bombay.</p>	<p>The sanction of the Government of India is required.</p>	<p>Not necessary.</p>
<p><i>Miscellaneous.</i></p> <p>Delegation of financial powers to Heads of Departments and other subordinate authorities,</p>	<p>The limits within which such delegations can be sanctioned have been prescribed by the Government of India in the Resolution No. 352-E. A., dated 25th July 1917.</p>	<p>To be delegated to the Local Government.</p>

Recommendation of names of candidates for entry in the register maintained by the Government of India of persons suitable to compete at the examination for admission to the general list of the Finance Department.

General orders for the observance of economy during the period of war or scarcity.

Loans.

(a) Loans to local bodies under the Local Authorities Loans Act IX of 1914:—

(i) Framing of rules under the Local Authorities Loans Act.

(ii) Issue of short term bills.

The general principles on which the selection is to be made are laid down by the Government of India.

Government of India exercise general control.

The rules are framed by the Government of India.

This requires the sanction of the Government of India.

May stand

do.

do.

do.

Subjects.	Control exercised by the Government.	Remarks.
(iii) Grant of loans by Government.	The sanction of the Government of India is required to the grant of loans for a period exceeding 30 years or when funds are not available from the grant placed at the Local Government's disposal or when the rate of interest to be charged is less than 6 per cent. The Local Government may, however, remit the payment of interest and may also remit and write off, as Provincial expenditure, any irrecoverable balance of the loans.	May stand.
(iv) Permission to raise loans in the open market.	The sanction of Government of India is required if the term of the loan exceeds Rs. 5 lakhs.	Do.

- | | | |
|--|--|--|
| (v) Utilization for other works of the unexpended balance of non-Government loan | The sanction of Government of India is required if the term of the loan exceeds 40 years; or if the amount of the unexpended balance exceeds Rs. 4 Lakhs. | Not necessary. |
| (vi) Borrowing by District Boards of money for railway construction, by means of debentures repayable at the option of the Boards. | This requires the sanction of the Government of India | Not necessary; See Last sentence of para 21I of the Reform Scheme. |
| (vii) Postponement of an instalment in payment in repayment of a loan. | The sanction of the Government of India is required when the postponement involves an extension of the period of repayment to a period in excess of that up to which loan can be sanctioned by Local Government. | May stand. |

Subject.	Control exercised by the Government	Remarks.
<p>Loans to Native States and to Landlord and notabilities apart from the provisions of any law.</p>	<p>The grant of a loan to a Native State in excess of Rs. 5 Lakhs or a series of separate loans granted at small intervals to an amount exceeding Rs. 5 Lakhs required the sanction of the Secretary of the State. Loans to private individuals are to be made only when they have in them some purpose of a public or political character. Transfer of funds from classes I, II, IV and V to class III of the Provincial Loan and Advance Account to meet loans to private individuals require the sanction of the Government of India.</p>	<p>The control be transferred to the Government of India from the Secretary of State.</p>

Miscellaneous loans and advances.

Such loans require the sanction of the Government of India.

This is not necessary.

Banks

Proposals to open branches of the Bank of Bombay in the Presidency.

The sanction of the Government of India is required to the opening of the Branches.

The Local Government should look to it.

Negotiable Instruments Act. Fixing of Holidays under it.

The sanction of the Government of India is required for unusual state Holidays. The date to be observed for the King's birth-day is notified by them to the Local Government.

The Act is Imperial and hence control is reasonable.

Subject.	Control exercised by the Government.	Remarks.
<p data-bbox="168 267 461 298"><i>Endowments Funds.</i></p> <p data-bbox="120 330 500 394">Charitable Endowments Act.</p>	<p data-bbox="513 330 896 682">The sanction of the Government of India is required in the cases of (a) Appointment of Treasurer of Charitable Endowments, (b) Additions to the list of securities that can be vested in the Treasurer, and (c) Transfer of Property to the custody of Treasurer in another Province.</p>	<p data-bbox="909 330 1412 426">The control should go to the Local Government if the Legislative control is transferred to the Province.</p>
<p data-bbox="120 719 201 751">Coins.</p>	<p data-bbox="513 719 896 905">Exemption of Shroffs from bearing, loss due to to acceptance of diminished or counterfeit coins requires the sanction of the Government of India.</p>	<p data-bbox="909 719 1412 777">To be delegated to the Local Government.</p>

Miscellaneous advances, e. g., for building houses, for purchase of conveyances, tents etc.

These are regulated by the rules in the Civil Account Code 136 and 137; the sanction of the Government of India is required if an exception to the rules is to be made.

The power should go to the Local Government bodily.

Local Funds including Budget Estimates of the Fund.

The sanction of the Government of India is required to the creation of new Funds. In other respects no control is exercised by them.

May go to the Local Government.