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## PART I—B.

His Highness' Government, Jammu and Kashmir—Notifications.

BY HIS HIGHNESS RAJ RAJESHWAR MAHARAJADHIRAJ  
SHRI MAHARAJA HARISINGHI BAHADUR  
INDAR MAHINDAR SIPAR-I-SALTANAT-INGLISHIA

G. C. S. I., G. C. I. E., K. C. V. O.

OF

JAMMU AND KASHMIR.

## A PROCLAMATION.

A little over seven years ago we announced our wish and pleasure that measures should be devised for associating Our people closely in Our counsels. The recommendations made by the persons appointed by Us then to submit proposals in this regard were accepted by Us.

2. The Constitution promulgated by Us as a result of this acceptance reiterated Our declared intention to provide for the association of Our subjects in legislation and administration and provided for a Council of Ministers presided over by a Prime Minister and for a Praja Sabha. Certain matters were excluded from the jurisdiction of both the Council and the Sabha. In regard to the rest, the respective powers of the Council and the Sabha and their relations, one with the other, were defined.

3. In inaugurating the Praja Sabha on the 17th of October 1934, We said :

“For Our part We declare that Divine Providence having laid upon Us the sacred duty to care equally for all those committed to Our guardianship, We can recognise no difference between one person and another or between one class and another. They are all Our beloved children whatever their persuasion or creed, and We desire to protect, foster, guide, and advance them by every means in Our power.

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May the Dispenser of all Bounties in His infinite mercy and wisdom bless your labours, and may those labours, conducted in perfect

harmony, redound to the credit of Our subjects whose first chosen representatives you are, and to the glory of Our unique heritage and of the body politic."

4. The directions We gave in 1934 were designed "to plant the feet of Our beloved subjects on the path of solid progress and achievement", and it was Our intention that, in the light of the manner in which the privileges then conferred were used by Our subjects, We should, when the time seemed suitable to Us, direct further steps to be taken to enable Our subjects to make orderly progress in the direction of attaining the ideal of active co-operation between the executive and the legislature to the end of contributing to the maximum happiness of all Our people.

5. We have been carefully watching the working of this Constitution since its inception. The Praja Sabha has a respectable record of legislation to its credit and its influence on the administration by means of questions and resolutions compares very favourably with that of similar bodies elsewhere. We consider, therefore, that the fact, that the first general elections after the inauguration of the Sabha were held only some months ago and that the term of the first set of State Councillors has not expired need not stand in the way of Our commanding the making of a constitutional advance.

6. We have given careful consideration to the nature of the steps that may now be taken and issue the following commands.

7. The Praja Sabha now consists of 75 members, 59 of whom hold office for three years and the remaining 16, designated State Councillors, are summoned by Us for a period of 4½ years. There is a large non-official majority in the Sabha, 33 of whom are elected from, and 14 are nominated to represent, the different communities in the State on a territorial basis. The term of office of the first set of members with a three-year term expired last year and from September 1938 a new set of 59 members came into office, and their term will therefore continue till September 1941.

8. The term of office, however, of the first set of 16 State Councillors will expire in the middle of March 1939 and we desire that advantage be taken of this circumstance to provide for a majority of elected members in the Sabha. We accordingly direct that 7 out of these 16 seats be thrown open to election by the important interests mentioned below, which at present have no separate representation :—

	Jammu Province.	Kashmir Province.	Total.
(1) Tazimi Sirdars	1	1	2
(2) Jagirdars, Muafidars and Mukarrari-holders, the annual assignment of revenue to whom amounts to Rs. 500 or over	1	1	2
(3) Landholders, other than (1) and (2), paying to Government a land-revenue of Rs. 250 or over per annum	1	1	2
(4) Persons receiving a pension from the State or British India of not less than Rs. 100 per mensem	1 for both Provinces.		
	Total		7

The 9 remaining seats out of the 16 will be reserved for nomination.

9. At present there are 33 elective and 42 non-elective seats in the Sabha; as a result of Our present commands there will be 40 elective and 35 non-elective seats.

10. We further direct that the holders of the present 16 special seats shall hereafter be on the same footing and their term of office the same as that of the holders of other seats in the Praja Sabha.

11. As it will not be possible to get electoral rolls ready and elections held for the new constituencies before the next meeting of the Praja Sabha, steps shall be taken to extend the term of the existing State Councillors for the period necessary for this purpose. The members elected to the 7 additional elective seats at the first election for those seats shall hold office only for the balance of the term of the existing Praja Sabha, so that general elections in the future may be held for all the 40 elective seats simultaneously.

12. We direct that an office of Deputy President be created for the Praja Sabha; it shall be filled by election by the members of the Sabha and shall carry a suitable honorarium.

13. The Council of Ministers is now and will have to continue to be responsible to Us for the administration, but in order that that administration may be run with the co-operation of representative and responsible public opinion as expressed in the Sabha, it is desirable that a closer relationship should be established between the Council and the Sabha. We accordingly direct that Praja Sabha Under Secretaries be attached to Ministers and be paid a suitable honorarium. The number of these shall be fixed from time to time. They shall be appointed by Us from among the members of the Sabha, other than officials, and shall hold office during Our pleasure and for such period not extending beyond the life of the Praja Sabha, and subject to such conditions as may be prescribed in this behalf. Their work will be confined to matters for discussion in the Sabha, whether Bills, Resolutions or Questions. They shall be associated with the work of the Committees of the Praja Sabha. Their duties will not include participation in any part of the purely administrative work of the Departments, being confined to that portion of the work of Ministers which is to come before the legislature.

14. Persons elected as Deputy Presidents or appointed as Praja Sabha Under Secretaries will not vacate their seats but will retain their membership of the House. They will be permitted also, subject to such conditions as may be prescribed, to engage themselves in their usual occupations, provided this can be done without detriment to their work as Deputy President or Praja Sabha Under Secretaries.

15. At present, though the Budget is placed before the Praja Sabha for discussion and members may move resolutions thereon, no demands for grants are submitted to the vote of the House. We direct that in future the proposals of the Council for the appropriation of the Revenues and other monies in any year for expenditure on items which are votable (the non-votable items being specified in the Statute) be submitted to the vote of the Sabha in the form of demands. The Sabha may assent or refuse its assent to any such demand or may reduce the amount of it; it shall, however, be clearly provided that the 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 or the reduction of the amount of any demand, if the Council considers that the expenditure proposed by it is necessary for the carrying on of any Department or for the discharge of the Council's responsibility for its administration.

16. We direct also that, in modification of the existing provisions, legislation regarding taxes, as distinguished from fees and penalties, should in future, subject to the safeguards relating to the initiation of, or previous consent to, such legislation, be passed by the Praja Sabha—instead of as now

by the Council of Ministers after merely placing it before the Sabha and taking into consideration the resolutions passed by it thereon.

17. We further direct Our Prime Minister to take the steps necessary for amending the existing Regulations and Rules and generally for giving effect to Our aforesaid commands.

18. By the trust We repose in the sense of proportion and the genuine loyalty of the chosen representatives of the people in the Sabha, We have been led to issue these commands. We hope that these representatives to whom, jointly with the Council of Ministers, We have committed the task of promoting the moral and material well-being of Our beloved subjects will so utilise the increased opportunity now afforded for serving the common cause that the future history of Our State will provide an inspiring example of cultural, economic and political development—so that the love of their motherland and their attachment to Our Person will be deepened in the hearts of Our people and contentment with Our efforts for their welfare and appreciation for the steady improvement in their lot will be writ large on the body politic.

19. We conclude this Proclamation of constitutional advance with the prayer that the Omniscient God of the created Universe will bestow upon all of us the wisdom that unites all hearts and makes a sustained effort possible for the good of those whom He has assigned to Our care and placed under Our directing influence.

11th February 1939.

HARISINGH

MohARAJA