

And such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council :

Regulations made by Secretary of State to be laid before Parliament

Provided always, that all regulations to be made by the said Secretary of State in Council under this Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting then, within fourteen days after the next meeting thereof.

Other appointments and admissions to service vested in Her Majesty

33. All appointments to cadetships, naval and military, and all admissions to service not herein otherwise provided for, shall be vested in Her Majesty ;

And the names of persons to be from time to time recommended for such cadetships and service shall be submitted to Her Majesty by the Secretary of State.

Regulations to be made for admitting persons to be examined for cadetships in Engineers and Artillery

34. \* \* \* \* Regulations shall be made for admitting any persons being natural-born subjects of Her Majesty (and of such age and qualifications as may be prescribed in this behalf) who may be desirous of becoming candidates for cadetships in the engineers and in the artillery, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations.

Not less than one-tenth of persons recommended for military cadetships to be selected from sons of persons who have served in India

35. Not less than one-tenth of the whole number of persons to be recommended in any year for military cadetships (other than cadetships in the engineers and artillery) shall be selected according to such regulations as the Secretary of State in Council may from time to time make in this behalf from among the sons of persons who have served in India in the military or civil services of Her Majesty or of the East India Company.

## THE GOVERNMENT OF INDIA ACT, 1858 xiii

36. Except as aforesaid, all persons to be recommended for military cadetships, shall be nominated by the Secretary of State and Members of Council, so that out of seventeen nominations the Secretary of State shall have two and each Member of Council shall have one ;

Nominations for cadetship to be made by Secretary of State and Members of Council

But no persons so nominated shall be recommended unless the nomination be approved of by the Secretary of State in Council.

37. Save as hereinbefore provided, all powers of making regulations in relation to appointments and admissions to service and other matters connected therewith, and of altering or revoking such regulations, which, if this Act had not been passed, might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised by the Secretary of State in Council ;

Regulations as to appointments and admissions to service

And all regulations in force at the time of the commencement of this Act in relation to the matters aforesaid shall remain in force, subject nevertheless to alteration or revocation by the Secretary of State in Council as aforesaid.

38. Any writing under the Royal Sign Manual, renewing or dismissing any person holding any office, employment, or commission, civil or military, in India, of which, if this Act had not been passed, a copy would have been required to be transmitted or delivered within eight days after being signed by Her Majesty to the chairman or deputy chairman of the Court of Directors shall, in lieu thereof, be communicated within the time aforesaid to the Secretary of State in Council.

Removal of officers by Her Majesty to be communicated to Secretary of State in Council

### TRANSFER OF PROPERTY

39. All lands and hereditaments, monies, stores, goods, chattels, and other real and personal estate of the said Company, subject to the debts and liabilities affecting the same respectively, and the benefit of all contracts, covenants

Real and personal property of the Company to vest in Her

Majesty for  
the purposes  
of the  
Government  
of India

and engagements, and all rights to fines, penalties, and forfeitures, and all other emoluments, which the said Company shall be seized or possessed of, or entitled to, at the time of the commencement of this Act, except the capital stock of the said Company and the dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the provisions of this Act, for the purposes of the Government of India.

Powers to  
sell and pur-  
chase, and to  
enter into  
contracts,  
vested in  
Secretary of  
State in  
Council, &c.

40<sup>1</sup>. The Secretary of State in Council, with the concurrence of a majority of votes at a meeting, shall have full power to sell and dispose of all real and personal estate whatsoever for the time being vested in Her Majesty under this Act, as may be thought fit, or to raise money on any such real estate by way of mortgage, and make the proper assurances for that purpose, and to purchase and acquire any land or hereditaments, or any interests therein, stores, goods, chattels and other property, and to enter into any contracts whatsoever, as may be thought fit for the purposes of this Act ;

And all property so acquired shall vest in Her Majesty for the service of the Government of India ; and any conveyance or assurance of or concerning any real estate to be made by the authority of the Secretary of State in Council may be made under the hands and seals of three Members of the Council<sup>1</sup>.

#### REVENUES.

Expenditure  
of revenues  
of India sub-  
ject to con-  
trol of Sec-  
retary of  
State in  
Council

41. The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council ;

And no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council.

<sup>1</sup> But see further 22 and 23 Vict., C. 41.

42. \* \* \* \* all the bond, debenture and other debt of the said Company in Great Britain, and all the territorial debt and all other debts of the said Company, and all sums of money, costs, charges and expenses, which if this Act had not been passed would after the time appointed for the commencement thereof have been payable by the said Company out of the revenues of India, in respect or by reason of any treaties, covenants, contracts, grants, or liabilities then existing, and all expenses, debts and liabilities which after the commencement of this Act shall be lawfully contracted and incurred on account of the Government of India, and all payments under this Act, shall be charged and chargeable upon the revenues of India alone, as the same would have been if this Act had not been passed, and such expenses, debts and liabilities lawfully contracted and incurred by the said Company; and such revenues shall not be applied to any other purpose whatsoever;

Existing and future debts and liabilities of the Company and expenses to be charged on revenues of India

And all other monies vested in or arising or accruing from property or rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such revenues \* \* \* \* \*

43. Such part of the revenues of India as shall be from time to time remitted to Great Britain, and all monies of the said Company in their treasury or under the care of their cashier, and all other monies in Great Britain of the said Company, or which would have been received by them in Great Britain if this Act had not been passed, and all monies arising or accruing in Great Britain from any property or rights vested in Her Majesty by this Act, or from the sale or disposition thereof, shall be paid to the Secretary of State in Council, to be applied for the purposes of this Act;

Revenues remitted to Great Britain, and monies arising in Great Britain, to be paid to Secretary of State in Council, &c.

And all such monies, except as hereinafter

otherwise provided, shall be paid into the Bank of England, to the credit of an account to be opened by the Governor and Company of the Bank of England, to be intituled "The Account of the Secretary of State in Council of India";

And all monies to be placed to the credit of such account under this Act shall be paid out upon drafts or orders signed by three Members of Council and countersigned by the Secretary of State or one of his Under Secretaries; and such account shall be a public account:

Provided always, that the Secretary of State in Council may cause to be kept from time to time, under the care of their cashier, in an account to be kept at the Bank of England, such sum or sums of money as they may deem necessary for the payments now made out of money under the care of the cashier of the said Company.

44. [Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

Stock accounts to be opened at the Bank

45. There shall be raised in the books of the Governor and Company of the Bank of England such accounts as may be necessary in respect of any stock or stocks of Government annuities; and all such accounts respectively shall be intituled "The stock account of the Secretary of State in Council of India;" and every such account shall be a public account.

46. [Rep. 41 and 42 Vict., C. 79 (S. L. R.).]

Power to grant letters of attorney for sale, &c., of stock and receipt of dividends

47. The Secretary of State in Council, by letter of attorney, executed by three Members of the Council and countersigned by the Secretary of State or one of his Under Secretaries, may authorize all or any of the cashiers of the Bank of England to sell and transfer all or any part of the stock or stocks standing, or that may thereafter stand in the books of the said Bank to the several accounts of the Secretary of State in Council, and to purchase and accept stock on the said accounts, and to receive the dividends due and to become due

## THE GOVERNMENT OF INDIA ACT, 1858 xvii

on the several stocks standing or that may thereafter stand on the said accounts, and by any writing signed by three members of the Council and countersigned as aforesaid, may direct the application of the monies to be received in respect of such sales and dividends.

But no stock shall be purchased or sold and transferred by any of the said cashiers, under the authority of such general letter of attorney, except upon an order in writing directed to the said Chief Cashier and Chief Accountant from time to time and duly signed and countersigned as aforesaid.

48. All Exchequer Bills, Exchequer bonds, or other Government Securities, of whatsoever kind, not hereinbefore referred to, which shall be held by the Governor and Company of the Bank of England in trust for or on account of the East India Company at the time of the commencement of this Act shall thenceforward be held by the said Governor and Company in trust for and on account of the Secretary of State in Council ;

Provision as to Exchequer bills, bonds, and other securities

And all such securities as aforesaid, and all such securities as may thereafter be lodged with the said Governor and Company by or on behalf of the Secretary of State in Council, shall and may be disposed of and the proceeds thereof applied as may be authorized by order in writing signed by three members of Council, and countersigned by the Secretary of State or one of his Under Secretaries, and directed to the said chief cashier and chief accountant.

49. All powers of issuing bonds, debentures and other securities for money in Great Britain which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors under the direction and control of the Commissioners for the Affairs of India, or otherwise, shall and may be exercised by the

Powers of borrowing transferred to Secretary of State in Council, &c.

Secretary of State in Council, with the concurrence of a majority of votes at a meeting ;

And such securities as might have been issued under the seal of the said Company shall be issued under the hands of three members of the Council, and countersigned by the Secretary of State or one of his Under Secretaries.

50. [Rep. 55 and 56 Vict., C. 19 (S. L. R.)]

Present system of issuing warrants to be continued

51. The regulations and practice now acted on by the Court of Directors on the issue of warrants or authorities for the payment of money shall be maintained and acted on by the Secretary of State in Council of India under this Act until the same be altered by the authority of Her Majesty in Council :

Provided \* \* \* \* that warrants or authorities which have heretofore been signed by the two Directors of the East India Company shall, after the commencement of this Act, be signed by three members of the Council of India.

Audit of accounts in Great Britain

52. It shall be lawful for Her Majesty, by warrant under her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from time to time a fit person to be Auditor of the Accounts of the Secretary of State in Council, and to authorize such auditor to appoint and remove from time to time such assistants as may be specified in such warrant, and every such auditor shall hold office during good behaviour ;

And there shall be paid to such auditor and assistants out of the revenues of India such respective salaries as Her Majesty, by warrant as aforesaid countersigned as aforesaid, may direct ;

And such Auditor shall examine and audit the accounts of the receipt, expenditure, and disposal in Great Britain of all monies, shares and property applicable for the purposes of this Act ; and the Secretary of State in Council shall by the officers and servants of the establishment produce

THE GOVERNMENT OF INDIA ACT, 1858 xix

and lay before such auditor from time to time all such accounts, accompanied by proper vouchers for the support of the same, and shall submit to his inspection all books, papers, and writings having relation thereto ;

And such auditor shall have power to examine all such officers and servants in Great Britain of the establishment as he may see fit in relation to such accounts, and the receipt, expenditure, or disposal of such monies, shares, and property, and for that purpose, by writing under his hand, to summon before him any such officer or servant ;

And such auditor shall report from time to time to the Secretary of State in Council his approval or disapproval of such accounts, with such remarks and observations in relation thereto as he may think fit, specially noting any case if there shall be, in which it shall appear to him that any money arising out of the revenues of India has been appropriated to other purposes than those of the Government of India to which alone they are declared to be applicable ; and shall specify in detail in his reports all sums of money, shares and property which ought to be accounted for, and are not brought into account, or have not been appropriated, in conformity with the provisions of this Act, or have been expended or disposed of without due authority, and shall also specify any defects, inaccuracies, or irregularities, which may appear in such accounts, or in the authorities, vouchers, or documents having relation thereto ;

And all such reports shall be laid before both Houses of Parliament by such auditor, together with the accounts of the year to which the same may relate.

53. The Secretary of State in Council shall, within the first fourteen days during which Parliament may be sitting, next after the first day of May in every year, lay before both Houses of Parlia-

Accounts to  
be annually  
laid before  
Parliament

ment an account for the financial year preceding the last completed of the annual produce of the revenues of India, distinguishing the same under the respective heads thereof, at each of the several Presidencies or Governments, and of all the annual receipts and disbursements at home and abroad on account of the Government of India, distinguishing the same under the respective heads thereof, together with the latest estimate of the same for the last financial year, and also the amount of the debts chargeable on the revenues of India, with the rates of interest they respectively carry, and the annual amount of such interest, the state of the effects and credits at each Presidency or Government, and in England or elsewhere applicable to the purposes of the Government of India, according to the latest advices which have been received thereof, and also a list of the establishment of the Secretary of State in Council, and the salaries and allowances payable in respect thereof ;

And if any new or increased salaries or pensions of fifty pounds a year or upwards have been granted or created within a year, the particulars thereof shall be specially stated and explained at the foot of the account of such year ;

And such account shall be accompanied by a statement prepared from detailed reports from each Presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such Presidency.

When order to commence hostilities is sent to India the fact to be communicated to Parliament

54. When any order is sent to India directing the actual commencement of hostilities by Her Majesty's forces in India, the fact of such order having been sent shall be communicated to both Houses of Parliament within three months after the sending of such order, if Parliament be sitting, unless such order shall have been in the meantime revoked or suspended, and, if Parliament

be not sitting at the end of such three months, then within one month after the next meeting of Parliament.

55. Except for preventing or repelling actual invasion of Her Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by Her Majesty's forces charged upon such revenues.

Except for repelling invasion, the revenues of India not applicable for any military operation beyond the frontiers

### EXISTING ESTABLISHMENTS

56. The Military and Naval Forces of the East India Company shall be deemed to be the Indian Military and Naval Forces of Her Majesty, and shall be under the same obligations to serve Her Majesty as they would have been under, to serve the said Company, and shall be liable to serve within the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the said Company; such forces, and all persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, laws of the Governor-General of India in Council, and articles of war, and all other laws, regulations and provisions, relating to the East India Company's Military and Naval Forces respectively, as if her Majesty's Indian Military and Naval Forces respectively had throughout such Acts, laws, articles, regulations, and provisions been mentioned or referred to, instead of such forces of the said company;

Indian Military and Naval Forces to remain under existing conditions of service

And the pay and expenses of and incident to Her Majesty's Indian Military and Naval Forces shall be defrayed out of the revenues of India.

Provision  
for persons  
hereafter  
entering Her  
Majesty's  
Indian  
Forces

57. Provided that it shall be lawful for Her Majesty from time to time by order in Council to alter or regulate the terms and conditions of service under which persons hereafter entering Her Majesty's Indian Forces shall be commissioned, enlisted, or entered to serve ;

And the forms of attestation and of the oath or declaration to be used and taken or made respectively on attesting persons to serve in Her Majesty's Indian Forces shall be such as Her Majesty with regard to the European Forces, and the Governor-General of India in Council with regard to the Naval Forces, shall from time to time direct:

Provided that every such Order in Council shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within fourteen days after the next meeting thereof.

Officers, etc.,  
in employ of  
the Com-  
pany at the  
commence-  
ment of this  
Act to be  
deemed to  
hold offices  
under Her  
Majesty

58. All persons who, at the time of the commencement of this Act, shall hold any offices, employments or commissions whatever under the said Company in India shall thenceforth be deemed to hold such offices, employments and commissions under Her Majesty as if they had been appointed under this Act and shall be paid out of the revenues of India ;

And the transfer of any person to the service of Her Majesty shall be deemed to be a continuance of his previous service, and shall not prejudice any claims to pension or any claims on the various annuity funds of the several Presidencies in India, which he might have had if this Act had not been passed.

All orders of  
the Court of  
Directors or  
Board of

59. All orders, regulations, and directions lawfully given or made before the commencement of this Act by the Court of Directors or by the Commissioners for the Affairs of India shall

# THE GOVERNMENT OF INDIA ACT, 1858 xxiii

remain in force ; but the same shall, from and after the commencement of this Act, be deemed to be the orders, regulations, and directions under this Act, and take effect and be subject to alteration or revocation accordingly.

Control given before commencement of this Act to remain in force

60 to 62 [Rep. 55 and 56 Vict., c. 19 (S. L. R.) ]

63. In case the person who shall be entitled under any provisional appointment to succeed to the office of Governor-General of India upon a vacancy therein, or who shall be appointed absolutely to assume that office, shall be in India (upon or after the happening of the vacancy, or upon or after the receipt of such absolute appointment, as the case may require), but shall be absent from Fort William in Bengal, or from the place where the Council of the Governor-General of India may then be, and it shall appear to him necessary to exercise the powers of Governor-General before he shall have taken his seat in Council, it shall be lawful for him to make known by proclamation his appointment, and his intention to assume the said office of Governor-General ;

Governor-General may exercise his powers before he takes his seat in Council, &c.

And after such proclamation, and thenceforth until he shall repair to Fort William or the place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the powers which might be exercised by the Governor-General in Council, except the power of making laws and regulations ;

And all acts done in the exercise of the said powers, except as aforesaid, shall be of the same force and effect as if they had been done by the Governor-General in Council ;

Provided that all acts done in the said Council after the date of such proclamation but before the communication thereof to such Council, shall be valid, subject nevertheless to revocation or alteration by the person who shall have so assumed the said office of Governor-General ;

And when the office of Governor-General is assumed under the foregoing provision, if there be at any time before the Governor-General takes his seat in Council no Vice-President of the Council authorised to preside at meetings for making laws and regulations (as provided by section 22<sup>1</sup> of the Government of India Act, 1853), the senior ordinary member of Council then present shall preside therein, with the same powers as if a Vice-President had been appointed and were absent.

### CONTINUANCE OF EXISTING ENACTMENTS.

Existing provisions to be applicable to Secretary of State in Council, &c.

64. All Acts and provisions of law in force or otherwise concerning India shall, subject to the provisions of this Act, continue in force, and be construed as referring to the Secretary of State in Council in the place of the said Company and the Court of Directors and Court of Proprietors thereof ;

And all enactments applicable to the officers and servants of the said Company in India, and to appointments to office or admissions to service by the said Court of Directors, shall, subject to the provisions of this Act, remain applicable to the officers and servants continued and to the officers and servants appointed or employed in India and to appointments to office and admissions to service under the authority of this Act.

### ACTIONS AND CONTRACTS

Secretary in Council may sue and be sued

65. The Secretary of State in Council shall and may sue and be sued as well in India as in England by the name of the Secretary of State in Council as a body corporate ;

And all persons and bodies politic shall and may have and take the same suits, remedies and proceedings, legal and equitable, against the

<sup>1</sup> S. 22, and 16 & 17 Vict. c. 95, was repealed by 24 and 25 Vict. c. 67, s. 2, see s. 15 of that Act.

# THE GOVERNMENT OF INDIA ACT, 1858 xxv

Secretary of State in Council of India as they could have done against the said Company ;

And the property and effects hereby vested in Her Majesty for the purposes of the Government of India, or acquired for the said purposes, shall be subject and liable to the same judgments and executions as they would, while vested in the said Company, have been liable to in respect of debts and liabilities lawfully contracted and incurred by the said company<sup>1</sup>.

66. [Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

67. All treaties made by the said Company shall be binding on Her Majesty ; and all contracts, covenants, liabilities and engagements of the said Company made, incurred, or entered into before the commencement of this Act, may be enforced by and against the Secretary of State in Council in like manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

68. Neither the Secretary of State nor any member of the Council shall be personally liable in respect of any such contract, covenant, or engagement of the said Company as aforesaid, or in respect of any contract entered into under the authority of this Act, or other liability of the said Secretary of State or Secretary of State in Council in their official capacity ; but all such liabilities, and all costs and damages in respect thereof, shall be satisfied and paid out of the revenues of India.

71. \* \* \* \* the said Company shall not, after the passing of this Act, be liable in respect of any claim, demand, or liability which has arisen or may hereafter arise out of any treaty, covenant, contract, grant, engagement, or fiduciary obligation made, incurred or entered into by the said Company before the passing of this Act,

<sup>1</sup> See *P. & O. S. N. Co. v. Secretary of State for India*, 4 Bom. H. C. Rep. Appendix, pp. 4, 5 per Peacock, C. J.

before the  
passing of  
this Act

whether the said Company would, but for this Act, have been bound to satisfy such claim, demand, or liability out of the revenues of India, or in any other manner whatsoever.

72 & 73 [Rep. 41 & 42 Vict., c. 79 (S. L. R.).]

74 [Rep. 55 & 56 Vict, c. 19 (S. L. R.)].

75 [Rep. 41 & 42 Vict., c. 79 (S. L. R.)]

## II

### The Indian Councils Act (1861).

[1st August 1861.]

*An Act to make better Provision for the Constitution of the Council of the Governor-General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a Vacancy in the Office of Governor-General.*

Whereas it is expedient that the provisions of former Acts of Parliament respecting the constitution and functions of the Council of the Governor-General of India should be consolidated and in certain respects amended, and that power should be given to the Governors in Council of the Presidencies of Fort Saint George and Bombay to make laws and regulations for the government of the said Presidencies; and that Provision should be made for constituting the like authority in other parts of Her Majesty's Indian dominions: Be it therefore declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as Short title.  
"The Indian Councils Act, 1861."

2. Sections forty, forty-three, forty-four, fifty, Acts and  
sixty-six, seventy, and so much of sections sixty- parts of Acts  
one and sixty-four as relates to vacancies in the repealed  
office of ordinary member of the Council of India,  
of the Act of the third and fourth years of King  
William the Fourth, chapter eighty-five, for  
effecting an arrangement with the East India

Company, and for the better Government of Her Majesty's Indian territories, till the thirtieth day of April, one thousand eight hundred and fifty-four, sections twenty-two, twenty-three, twenty-four and twenty-six of the Act of the sixteenth and seventeenth years of Her Majesty, chapter ninety-five, "to provide for the Government of India," and the Act of the twenty-third and twenty-fourth years of Her Majesty, chapter eighty-seven, "to remove doubts as to the authority of the senior member of the Council of the Governor-General of India in the absence of the president," are hereby repealed ; and all other enactments whatsoever now in force with relation to the Council of the Governor-General of India, or to the Councils of the Governors of the respective Presidencies of Fort Saint George and Bombay, shall, save so far as the same are altered by or are repugnant to this Act, continue in force, and be applicable to the Council of the Governor-General of India and the Councils of the respective Presidencies under this Act.

Composition  
of the Council  
of the  
Governor-  
General of  
India

3. There shall be five ordinary members of the said Council of the Governor-General, three of whom shall from time to time be appointed . . . . . from among such persons as shall have been, at the time of such appointment, in the service in India of the Crown, or of the Company and the Crown, for at least ten years ; and if the person so appointed shall be in the military service of the Crown, he shall not, during his continuance in office as a member of Council, hold any military command, or be employed in actual military duties ; and the remaining two, one of whom shall be a barrister or a member of the Faculty of Advocates in Scotland of not less than five years standing, shall be appointed from time to time by Her Majesty by warrant under Her Royal Sign Manual ; and it shall be lawful for the Secretary of State in Council to appoint the

Commander-in-Chief of Her Majesty's Forces in India to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board next after the Governor-General.

4. The present ordinary members of the Council of the Governor-General of India shall continue to be ordinary members under and for the purposes of this Act; and it shall be lawful for Her Majesty, on the passing of this Act, to appoint by warrant as aforesaid an ordinary member of Council, to complete the number of five hereby established; and there shall be paid to such ordinary member, and to all other ordinary members who may be hereafter appointed, such amount of salary as may from time to time be fixed for members of the Council of the Governor-General by the Secretary of State in Council, with the concurrence of a majority of members of Council present at a meeting; and all enactments of any Act of Parliament or law of India respecting the Council of the Governor-General of India and the members thereof shall be held to apply to the said Council as constituted by this Act, except so far as they are repealed by or are repugnant to any provisions of this Act.

Present members of Council to continue

Appointment of fifth member, and salaries of members, &c.

5. It shall be lawful for the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, and for Her Majesty, by warrant as aforesaid, respectively, to appoint any person provisionally to succeed to the office of ordinary member of the Council of the Governor-General, when the same shall become vacant by the death or resignation of the person holding the said office, or on his departure from India with intent to return to Europe, or on any event and contingency expressed in any such provisional appointment, and such appointment again to revoke; but no person so appointed to succeed provisionally to such office shall

Provisional appointments of member of Councils.

be entitled to any authority, salary, or emolument appertaining thereto until he shall be in the actual possession of such office.

Provisions during absence of Governor-General in other parts of India.

6. Whenever the said Governor-General in Council shall declare that it is expedient that the said Governor-General should visit any part of India unaccompanied by his Council, it shall be lawful for the said Governor-General in Council, previously to the departure of the Governor-General, to nominate some member of the said Council to be president of the said Council, in whom, during the time of such visit, the powers of the said Governor-General in assemblies of the said Council shall be reposed, except that of assenting to or withholding his assent from, or reserving for the signification of Her Majesty's pleasure, any law or regulation, as hereinafter provided; and it shall be lawful in every such case for the said Governor-General in Council by an order for that purpose to be made, to authorize the Governor-General alone to exercise all or any of the powers which might be exercised by the said Governor-General in Council, in every case in which the said Governor-General may think it expedient to exercise the same, except the power of making laws or regulations.

Provisions in case of absence of Governor-General &c. from meeting of Council.

7. Whenever the Governor-General, or such president so nominated as aforesaid, shall be obliged to absent himself from any meeting of Council (other than meetings for the purpose of making laws and regulations, as hereinafter provided, owing to indisposition or any other cause whatsoever, and shall signify his intended absence to the Council, then and in every such case the senior member for the time being who shall be present at such meeting shall preside there at, in such manner, and with such full powers and authorities during the time of such meeting, as such Governor-General or President would have had

in case he had been present at such meeting ; provided always, that no act of Council made at any such meeting shall be valid to any effect whatsoever unless the same shall be signed by such Governor-General or President respectively, if such Governor-General or President shall at the time be resident at the place at which such meeting shall be assembled, and shall not be prevented by such indisposition from signing the same : Provided always, that in case such Governor-General or President, not being so prevented as aforesaid, shall decline or refuse to sign such act of Council, he, and the several members of Council who shall have signed the same, shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner and subject to such regulations and ultimate responsibility as are by an Act of the thirty-third year of King George the Third, chapter fifty-two, sections forty-seven, forty-eight, forty-nine, fifty, fifty-one, provided and described in cases, where such Governor-General shall, when present, dissent from any measure proposed or agitated in the Council.

33 Geo 3.  
c. 52. ss. 47  
to 51.

8. It shall be lawful for the Governor-General from time to time to make rules and orders for the more convenient transaction of business in the said Council; and any order made or act done in accordance with such rules and orders (except as hereafter provided respecting laws and regulations) shall be deemed to be the order or act of the Governor-General in Council.

Power of  
Governor-  
General to  
make rules  
for conduct  
of business.

9. The said Council shall from time to time assemble at such place or places as shall be appointed by the Governor-General in Council within the territories of India; and as often as the said Council shall assemble within either of the Presidencies of Fort Saint George or Bombay, the Governor of such Presidency shall act as an extraordinary member of Council; and as often as

Council,  
where to  
assemble.

the said Council shall assemble with any other division, province, or territory having a Lieutenant Governor, such Lieutenant-Governor shall act as an additional councillor at meetings of the Council, for the purpose of making laws and regulations only, in manner hereinafter provided.

**Additional members to be summoned for the purpose of making laws and regulations.** 10. For the better exercise of the power of making laws and regulations vested in the Governor-General in Council the Governor-General shall nominate, in addition to the ordinary and extraordinary members above mentioned, and to such Lieutenant-Governor in the case aforesaid such persons, not less than six or more than twelve in number, as to him may seem expedient, to be members of Council for the purpose of making laws and regulations only; and such persons shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose: Provided, that not less than one-half of the persons so nominated shall be non-official persons, that is, persons who, at the date of such nomination shall not be in the civil or military service of the crown in India; and that the seat in Council of any non-official member accepting office under the Crown in India shall be vacated on such acceptance.

**Such member to be appointed for two years.** 11. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination.

**Resignation of additional members.** 12. It shall be lawful for any such additional member of Council to resign his office to the Governor-General; and on acceptance of such resignation by the Governor-General such office shall become vacant.

**Power to fill up vacancy in number of additional members.** 13. On the event of a vacancy occurring by the death, acceptance of office, or resignation accepted in manner aforesaid, of any such additional member of Council, it shall be lawful for

the Governor-General to nominate any person as additional member of Council in his place, who shall exercise the same functions until the termination of the term for which the additional member so dying, accepting office or resigning was nominated : Provided always, that it shall not be lawful for him by such nomination to diminish the proportion of non-official additional members hereinbefore directed to be nominated.

14. No law or regulation made by the Governor-General in Council in accordance with the provisions of this Act shall be deemed invalid by reason only that the proportion of non-official additional members hereby provided was not complete at the date of its introduction to the Council or its enactment.

No law to be invalid by reason of number of non-official members being incomplete

15. In the absence of the Governor-General and of the President, nominated as aforesaid, the senior ordinary member of the Council present shall preside at meetings of the Council for making laws and regulations ; and the power of making laws and regulations vested in the Governor-General in Council shall be exercised only at meetings of the said Council at which such Governor-General or President, or some ordinary member of Council and six or more members of the said Council, (including under the term members of the Council such additional members as aforesaid), shall be present ; and in every case of difference of opinion at meetings of the said Council for making laws and regulations, where there shall be an equality of voices, the Governor-General, or in his absence the President, and in the absence of the Governor-General and President such senior ordinary member of Council there presiding, shall have two votes or the casting vote.

Senior ordinary member of Council to preside at meetings for making laws and regulations in absence of Governor-General, &c. Quorum

16. The Governor-General in Council shall, as soon as conveniently may be, appoint a place and time for the first meeting of the said Council of

Governor-General to appoint first

**meeting for making laws and regulations** the Governor-General for making laws and regulations under this Act, and summon thereto as well the additional councillors nominated by and under this Act as the other members of such Council; and until such first meeting the powers now vested in the said Governor-General of India in Council of making laws and regulations shall and may be exercised in like manner and by the same members as before the passing of this Act.

**Power to appoint and adjourn meetings for making laws and regulations** 17. It shall be lawful for the Governor-General in Council from time to time to appoint all other times and places of meeting of the Council for the purpose of making laws and regulations under the provisions of this Act, and to adjourn, or from time to time to authorize such President, or senior Ordinary Member of Council in his absence, to adjourn any meeting for the purpose or making laws and regulations from time to time and from place to place.

**Rules for conduct of business at such meetings** 18. It shall be lawful for the Governor-General in Council to make rules for the conduct of business at meetings of the Council for the purpose of making laws and regulations under the provisions of this Act, prior to the first of such meetings; but such rules may be subsequently amended at meetings for the purpose of making laws or regulations, subject to the assent of the Governor-General; and such rules shall prescribe the mode of promulgation and authentication of such laws and regulations. Provided always, that it shall be lawful for the Secretary of State in Council to disallow any such rule, and to render it of no effect.

**Business to be transacted at such meetings** 19. No business shall be transacted at any meeting for the purpose of making laws and regulations, except as last hereinbefore provided, other than the consideration and enactment of measures introduced in the Council for the purpose of such enactment; and it shall not be law-

Or any of the provisions of the Acts of the third and fourth years of King William the Fourth, chapter eighty-five, and of the sixteenth and seventeenth years of Her Majesty, chapter ninety-five, and of the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, which after the passing of this Act shall remain in force:

Or any provisions of the Act of the twenty-first and twenty-second years of Her Majesty, chapter one hundred and six, entitled. "An Act for the better government of India," or of the Act of the twenty-second and twenty-third years of Her Majesty, chapter forty-one, to amend the same :

Or of any Act enabling the Secretary of State in Council to raise money in the United Kingdom for the Government of India :

Or of the Acts for punishing mutiny and desertion in Her Majesty's Army or in Her Majesty's Indian Forces respectively ; but subject to the provision contained in the Act of the third and fourth years of King William the Fourth, chapter eighty-five, section seventy-three, respecting the Indian Articles of War.

Or any provisions of any Act\* passed in this present session of Parliament, or hereafter to be passed, in anywise affecting Her Majesty's Indian territories, or the inhabitants thereof :

Or which may affect the authority of Parliament, or the constitution and rights of the East India Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the Crown over any part of the said territories.

**Governor-General may make ordinances having force of law in case of urgent necessity**

23. Notwithstanding anything in this Act contained, it shall be lawful for the Governor-General, in cases of emergency, to make and promulgate from time to time ordinances for the peace and good government of the said territories or of any part thereof, subject however to the restrictions contained in the last preceding section; and every such ordinance shall have like force of law with a law or regulation made by the Governor-General in Council, as by this Act provided, for the space of not more than six months from its promulgation, unless the disallowance of such ordinance by Her Majesty shall be earlier signified to the Governor-General by the Secretary of State for India in Council or unless such ordinance shall be controlled or superseded by some law or regulation made by the Governor-General in Council at a meeting for the purpose of making laws and regulations as by this Act provided.

**No law, &c. invalid by reason of its affecting the prerogative of the Crown**

24. No law or regulation made by the Governor-General in Council (subject to the power of disallowance by the Crown, as hereinbefore provided), shall be deemed invalid by reason only that it affects the prerogative of the Crown.

**Laws made for the non-regulation**

25. Whereas doubts have been entertained whether the Governor-General of India, or the Governor-General of India in Council, had the power of making rules, laws, and regulations for the territories known from time to time as "Non-Regulation Provinces," except at meetings for making laws and regulations in conformity with the provisions of the said Acts of the third and fourth years of King William the Fourth, chapter eighty-five, and of the sixteenth and seventeenth years of Her Majesty, chapter ninety-five, and whether the Governor, or Governor in Council, or Lieutenant-Governor of any presidency or part of India, had such power in respect of any such territories: Be it enacted, that no rule, law, or regulation which prior to the passing of this Act

shall have been made by the Governor-General, provinces declared valid or Governor-General, in Council, or by any other of the authorities aforesaid, for and in respect of any such non-regulation province, shall be deemed invalid only by reason of the same not having been made in conformity with the provisions of the said Acts, or of any other Act of Parliament respecting the constitution and powers of the Council of India or of the Governor-General, or respecting the powers of such Governors, or Governors in Council, or Lieutenant-Governors as aforesaid.

26. It shall be lawful for the Governor-General in Council, or Governor in Council of either of the Presidencies, as the case may be, to grant to an ordinary Member of Council leave of absence under medical certificate, for a period not exceeding six months ; and such member, during his absence shall retain his office, and shall, on his return and resumption of his duties, receive half his salary\* for the period of such absence ; but if his absence shall exceed six months, his office shall be vacated.

Provision for leave of absence to an ordinary Member of Council

27. If any vacancy shall happen in the office of an ordinary Member of the Council of the Governor-General, of the Council of either of the Presidencies, when no person provisionally appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such vacancy shall be supplied by the appointment of the Governor-General in Council, or the Governor in Council as the case may be : and until a successor shall arrive the person so nominated shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary Member of Council foregoing all salaries

Power of making temporary appointments of Members of Council, &c.

\* See 3 & 4 Wm. IV, C. 85, Sec. 77.

and allowances by him held and enjoyed at the time of his being appointed to such office; and if any ordinary Member of the Council of the Governor-General, or of the Council of either of the Presidencies, shall, by any infirmity or otherwise, be rendered incapable of acting or of attending to act as such, or if any such member shall be absent on leave, and if any person shall have been provisionally appointed as aforesaid, then the place of such member absent or unable to attend shall be supplied by such person; and if no person provisionally appointed to succeed to the office shall be then on the spot, the Governor-General in Council, or Governor in Council, as the case may be, shall appoint some persons to be a temporary Member of Council; and, until the return of the member so absent or unable to attend, the person so provisionally appointed by the Secretary of State in Council, or so appointed by the Governor-General in Council, or Governor in Council as the case may be, shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall receive half the salary of the Member of Council whose place he supplies, and also half the salary of his office under the Government of India, or the Government of either of the Presidencies, as the case may be, if he hold any such office, the remaining half of such last-named salary being at the disposal of the Government of India, or other Government as aforesaid: Provided always, that no person shall be appointed a temporary Member of the said Council who might not have been appointed as hereinbefore provided to fill the vacancy supplied by such temporary appointment.

**Governors of Fort Saint George and Bombay may make rules for the con-** 28. It shall be lawful for the Governors of the Presidencies of Fort Saint George and Bombay, respectively, from time to time to make rules and orders for the conduct of business in their Councils, and any order made or act done in

accordance with such directions, except as hereinafter provided respecting laws and regulations, shall be deemed to be the order or act of the Governor in Council. duct of business in their Councils

29. For the better exercise of the power of making laws and regulations hereinafter vested in the Governors of the said Presidencies in Council respectively, each of the said Governors shall, in addition to the members whereof his Council now by law consists, or may consist, termed herein ordinary members, nominate to be additional members, the Advocate-General of the Presidency or officer acting in that capacity, and such other persons, not less than four nor more than eight in number, as to him may seem expedient, to be members of Council, for the purpose of making laws and regulations only; and such members shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose; provided, that no less than half of the persons so nominated shall be non-official persons, as hereinbefore described; and that the seat in Council of any non-official member accepting office under the Crown in India shall be vacated on such acceptance. Power to summon additional members to the Councils of Fort Saint George and Bombay for the purposes of making laws and regulations

30. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years the date of such nomination. Such members to be appointed for two years

31. It shall be lawful for any such additional member of Council to resign his office to the Governor of the Presidency; and on acceptance of such resignation by the Governor of the Presidency, such office shall become vacant. Resignation of additional members

32. On the event of a vacancy occurring by the death, acceptance of office, or resignation accepted in manner aforesaid, of any such additional Member of Council, it shall be lawful for the Governor of the Presidency to Power to fill up vacancy in the number of additional members

summon any person as additional Member of Council in his place, who shall exercise the same functions until the termination of the term for which the additional member so dying, accepting office, or resigning, was nominated : Provided always, it shall not be lawful for him by such nomination to diminish the proportion of non-official members hereinbefore directed to be nominated.

No law to be invalid by reason of incompleteness of number of non-official members

33. No law or regulation made by any such Governor in Council in accordance with the provisions of this Act shall be deemed invalid by reason only that the proportion of non-official additional members hereby established was not complete at the date of its introduction to the Council or its enactment.

Senior civil ordinary Member of Council to preside in absence of Governor of Presidency

34. At any meeting of the Council of either of the said Presidencies from which the Governor shall be absent, the senior civil ordinary Member of Council present shall preside ; and the power of making laws and regulations hereby vested in such Governor in Council shall be exercised only at meetings of such Council at which the Governor or some ordinary Member of Council, and four or more Members of Council (including under the term Members of Council such additional members as aforesaid, shall be present : and in any case of difference of opinion at meetings of any such Council for making laws and regulations, where there shall be an equality of voices, the Governor, or in his absence the senior member then presiding, shall have two votes or the casting vote.

Governor-General to fix first meeting of Councils of Presidencies for making laws and regulations, &c.

35. The Governor-General in Council shall, as soon as conveniently may be appoint the time for the first meeting of the Councils of Fort Saint George and Bombay respectively, for the purpose of making laws and regulations under this Act ; and the Governors of the said Presidencies respectively shall summon to such meeting as well

the additional Councillors appointed by and under this Act as the ordinary Members of the said Councils.

36. It shall be lawful for every such Governor to appoint all subsequent times and places of meeting of his Council for the purpose of making laws and regulations under the provisions of this Act, and to adjourn or from time to time to authorize such senior ordinary Member of Council in his absence to adjourn any meeting for making laws and regulations from time to time and from place to place.

Governors of Presidencies to appoint subsequent meetings, and adjourn them

37. Previously to the first of such meetings of their Councils for the purpose of making laws and regulations under the provisions of this Act, the Governors of the said Presidencies in Council respectively shall make rules for the conduct of business at such meetings, subject to the sanction of the Governor-General in Council; but such rules may be subsequently amended at meetings for the purpose of making laws and regulations, subject to the assent of the Governor: Provided always, that it shall be lawful for the Governor-General in Council to disallow any such rule, and render the same of no effect.

Rules for conduct of business at such meetings

38. No business shall be transacted at any meeting of the Council of either of the said Presidencies for the purpose of making laws and regulations (except as last hereinbefore provided, other than the consideration and enactment of measures introduced into such Council for the purpose of such enactment; and it shall not be lawful for any member or additional member to make, or for the Council to entertain, any motion, unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced thereinto: Provided always, that it shall not be lawful for any member or additional member to introduce, without the previous sanction of the Governor, any measure affecting the public revenues of the

Business to be transacted at such meetings

Presidency, or by which any charge shall be imposed on such revenues.

Governors to  
assent to laws  
and regula-  
tions of Pre-  
sidencies

39. When any law or regulation has been made by any such Council at a meeting for the purpose of making laws and regulations as aforesaid, it shall be lawful for the Governor, whether he shall or shall not have been present in Council at such meeting, to declare that he assents to, or withholds his assent from the same.

Governor-  
General to  
assent to laws  
and regula-  
tions of Pre-  
sidencies

40. The Governor shall transmit forthwith an authentic copy of every law or regulation to which he shall have so declared his assent to the Governor-General; and no such law or regulation shall have validity until the Governor-General shall have assented thereto, and such assent shall have been signified by him to and published by the Governor: Provided always, that in every case where the Governor-General shall withhold his assent from any such law or regulation, he shall signify to the Governor in writing his reason for so withholding his assent.

Power of the  
Crown to  
disallow laws  
and regula-  
tions of Pre-  
sidencies

41. Whenever any such law or regulation shall have been assented to by the Governor-General, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance of such law or regulation; and such disallowance shall make void and annul such law or regulation from or after the day on which such Governor shall make known by proclamation, or by signification to the Council, that he has received the notification of such disallowance by Her Majesty.

Extent of  
power of  
Governor of  
Presidency  
in Council to  
make laws

42. The Governor of each of the said Presidencies in Council shall have power, at meetings for the purpose of making laws and regulations as aforesaid, and subject to the provisions herein contained to make laws and regulations for the peace and good government of such

Presidency, and for that purpose to repeal and amend any laws and regulations made prior to the coming into operation of this Act by any authority in India, so far as they affect such Presidency : Provided always, that such Governor in Council shall not have the power of making any laws or regulations which shall in any way affect any of the provisions of this Act, or of any other Act of Parliament in force or hereafter to be in force in such Presidency.

43. It shall not be lawful for the Governor in Council of either of the aforesaid Presidencies, except with the sanction of the Governor-General, previously communicated to him to make regulations or take into consideration any law or regulation for any of the purposes next hereinafter mentioned ; that is to say,

1. Affecting the Public Debt of India, or the customs duties, or any other tax or duty now in force and imposed by the authority of the Government of India for the general purposes of such Government :

2. Regulating any of the current coin, or the issue of any bills, notes, or other paper currency :

3. Regulating the conveyance of letters by the post office or messages by the electric telegraph within the Presidency :

4. Altering in any way the Penal Code of India, as established by Act of the Governor-General in Council, No. 42 of 1860 :

5. Affecting the religion or religious rites and usages of any class of Her Majesty's subjects in India :

6. Affecting the discipline or maintenance of any part of Her Majesty's Military or Naval Forces :

7. Regulating patents or copyright :

8. Affecting the relations of the Government with foreign princes or states:

Provided always, that no law or provision of any law or regulation which shall have been made by any such Governor in Council, and assented to by the Governor-General as aforesaid shall be deemed invalid only by reason of its relating to any of the purposes comprised in the above list.

Governor-General may establish Councils for making laws and regulations in the Presidency of Fort William in Bengal, &c.

44. The Governor-General in Council, so soon as it shall appear to him expedient, shall, by proclamation, extend the provisions of this Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay to the Bengal Division of the Presidency of Fort William, and shall specify in such proclamation the period at which such provisions shall take effect, \* and the number of councillors whom the Lieutenant-Governor of the said division may nominate for his assistance in making laws and regulations; and it shall be further lawful for the Governor-General in Council, from time to time and in his discretion, by similar proclamation, to extend the same provisions to the territories known as the North-Western Provinces and the Punjab respectively.

Constitution of such Councils

45. Whenever such proclamation as aforesaid shall have been issued regarding the said division or territories respectively, the Lieutenant-Governor thereof shall nominate, for his assistance in making laws and regulations, such number of councillors as shall be in such proclamation specified; provided, that not less than one-third of such councillors shall in every case be non-official persons, as herein before described, and that the nomination of such councillors shall be subject to the sanction of the Governor-General; and pro-

\* 28th January, 1892, see *Calcutta Gazette*, 1862, pp. 257, 228.

vided further, that at any meeting of any such Council from which the Lieutenant-Governor shall be absent, the member highest in official rank among those who may hold office under the Crown shall preside ; and the power of making laws and regulations shall be exercised only at meetings at which the Lieutenant-Governor, or some member holding office as aforesaid, and not less than one-half of the members of Council so summoned as aforesaid, shall be present ; and in any case of difference of opinion at any meetings of such Council for making laws and regulations, where there shall be an equality of voices, the Lieutenant-Governor, or such member highest in official rank as aforesaid then presiding, shall have two votes or the casting vote.

46. It shall be lawful for the Governor-General, by proclamation as aforesaid, to constitute from time to time new provinces for the purposes of this Act, to which the like provisions shall be applicable ; and further to appoint from time to time a Lieutenant-Governor to any province so constituted as aforesaid, and from time to time to declare and limit the extent of the authority of such Lieutenant-Governor, in like manner as is provided by the Act of the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, respecting the Lieutenant-Governors of Bengal and the North-Western Provinces.

Power to constitute now provinces, and appoint Lieutenant-Governors

47. It shall be lawful for the Governor-General in Council, by such proclamation as aforesaid, to fix the limits of any presidency, division, province, or territory in India for the purpose of this Act, and further by proclamation to divide or alter from time to time the limits of any such presidency, division, province, or territory for the said purposes: Provided always, that any law or regulation made by the Governor or Lieutenant-Governor in Council of any presidency, division, province, or territory shall continue in force in any part thereof which may be severed therefrom by any such

Power to alter boundaries of presidencies, &c. by proclamation

proclamation, until superseded by law or regulation of the Governor-General in Council, or of the Governor or Lieutenant-Governor in Council of the presidency, division, province, or territory, to which such parts may become annexed.

Powers of newly constituted Lieutenant-Governors in Council

48. It shall be lawful for every such Lieutenant-Governor in Council thus constituted to make laws for the peace and good government of his respective division, province, or territory, and, except as otherwise hereinbefore specially provided, all the provisions in this Act contained respecting the nomination of additional members for the purpose of making laws and regulations for the Presidencies of Fort Saint George and Bombay, and limiting the power of the Governors in Council of Fort Saint George and Bombay for purpose of making laws and regulations, and respecting the conduct of business in the meetings of such Councils for that purpose, and respecting the power of the Governor-General to declare or withhold his assent to laws or regulations made by the Governor in Council of Fort Saint George and Bombay, and respecting the power of Her Majesty to disallow the same, shall apply to laws or regulations to be so made by any such Lieutenant-Governor in Council.

Previous assent of the Crown necessary to give validity to proclamation

49. Provided always, that no proclamation to be made by the Governor-General in Council under the provisions of this Act for the purpose of constituting any Council for the presidency, division, provinces, or territories herein before named, or any other provinces, or for altering the boundaries of any presidency, division, province, or territory, or constituting any new province for the purpose of this Act, shall have any force or validity until the sanction of Her Majesty to the same shall have been previously signified by the Secretary of State in Council to the Governor-General.

Provision for the supply of

50. If any vacancy shall happen in the office of Governor-General of India when no provisional

successor shall be in India to supply such vacancy, then and in every such case the Governor of the Presidency of Fort Saint George or the Governor of the Presidency of Bombay who shall have been first appointed to the office of Governor by Her Majesty, shall hold and execute the said office of Governor-General of India and Governor of the Presidency of Fort William in Bengal until a successor shall arrive, or until some person in India shall be duly appointed thereto; and every such acting Governor-General shall, during the time of his continuing to act as such, have and exercise all the rights and powers of Governor-General of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-General foregoing the salary and allowances appertaining to the office of Governor to which he stands appointed; and such office of Governor shall be supplied for the time during which such Governor shall be supplied for the time which such Governor shall act as Governor-General, in the manner directed in section sixty-three of the Act of the third and fourth years of King William the Fourth, chapter eighty-five.

51. If, on such vacancy occurring, it shall appear to the Governor, who by virtue of this Act shall hold and execute the said office of Governor-General, necessary to exercise the powers thereof before he shall have taken his seat in Council, it shall be lawful for him to make known by proclamation his appointment and his intention to assume the said office of Governor-General; and after such proclamation, and thenceforth until he shall repair to the place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the powers which might be exercised by the Governor-General in Council, except the power of making laws and regulations; and all acts done in the exercise of the said powers, except as aforesaid,

the office of Governor-General in certain circumstances

If it appears to the Governor necessary to exercise powers before taking his seat in Council, he may make his appointment, &c. known by proclamation

## APPENDIX

shall be of the same force and effect as if they had been done by the Governor-General in Council ; provided, that all acts done in the said Council after the date of such proclamation, but before the communication thereof to such Council, shall be valid, subject nevertheless to revocation or alteration by such Governor who shall have so assumed the said office of Governor-General ; and from the date of the vacancy occurring, until such Governor shall have assumed the said office of Governor-General, the provisions of section sixty-two of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, shall be and the same are declared to be applicable to the case.

Nothing in this Act shall derogate from the powers of the Crown or Secretary of State for India in Council

52. Nothing in this Act contained shall be held to derogate from or interfere with (except as hereinbefore expressly provided) the rights vested in Her Majesty, or the powers of the Secretary of State for India in Council, in relation to the Government of Her Majesty's dominions in India, under any law in force at the date of the passing of this Act ; and all things which shall be done by Her Majesty, or by the Secretary of State as aforesaid, in relation to such Government, shall have the same force and validity as if this Act had not been passed.

Meaning of term "in Council"

53. Wherever any act or thing is by this Act required or authorized to be done by the Governor-General or by the Governors of the Presidencies of Fort Saint George and Bombay in Council, it is not required that such act or thing should be done at a meeting for making laws and regulations, unless where expressly provided.

### III

## Amending and Revising Acts

### (i) **The Government of India Act, 1865**

(28 and 29 Vict., Ch. 17)

An act to enlarge the power of the Governor-General of India in Council at meetings for making laws and Regulations and to amend the law respecting the Territorial Limits of the several Presidencies and Lieutenant-Governorships in India.

[9th May, 1865]

[PREAMBLE RECITES 24 AND 25 VICT., CH. 67,  
S. 22]

I. The Governor-General of India shall have power at meetings for the purpose of making laws and regulations, to make laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty whether in the service of the Government of India or otherwise.

Power to make laws for all British Subjects in territories of allied Princes in India

II. The preceding section shall be read with and taken as part of section twenty-two of the said Act of the twenty-fourth and twenty-fifth years of Her Majesty, chapter sixty-seven.

Preceding section to be read as part of section 22 of recited Act

III. [Rep : 41 and 42 Vict., Ch. 79 (S. L. R.)

IV. It shall be lawful for the Governor-General of India in Council from time to time to declare and appoint, by proclamation, what part or parts of the Indian territories for the time being under the dominion of Her Majesty shall be or continue subject to each of the Presidencies and Lieutenant Governorships for the time being subsisting in such territories, and to make such distribution

Power to Governor-General to appoint territorial limits of Presidencies &c. by proclamation

and arrangement or new distribution and arrangement of such territories into or among such Presidencies and Lieutenant Governorships as to the said Governor-General in Council may seem expedient.

Power to  
Secretary of  
State in  
Council to  
signify dis-  
allowance of  
such procla-  
mation.  
Royal Sanc-  
tion  
necessary  
to transfer of  
entire  
districts

V. Provided always that it shall be lawful for the Secretary of State in Council to signify to the said Governor-General in Council his disallowance of any proclamation : and provided further that no such proclamation for the purpose of transferring an entire Zilla or district from one Presidency to another, or from one Lieutenant Governorship to another, shall have any force or validity until the sanction of Her Majesty to the same shall have been previously signified by the Secretary of State in Council to the Governor-General.

(ii) **The Government of India Act, 1869**  
(32 and 33 Vict., Ch. 97)

An Act to amend in certain respects the Act for the better Government of India.

[PREAMBLE RECITES 21 AND 22 VICT., CH. 106].

Vacancies  
in Council of  
India

1. After the passing of this Act, all vacancies that shall take place in the said Council shall be filled up by appointment by the Secretary of State,

Term of  
office

2. Every member of the said Council who shall, after the passing of this Act, be so appointed, shall be appointed for a term of ten years, and except as hereinafter provided, shall not be reeligible.

Re-appoint-  
ment  
of a member  
for further  
period of  
five years

3. It shall be lawful for the Secretary of State to re-appoint for a further period of five years any person whose term of office as member of Council under this Act, shall have expired, provided such re-appointment be made for special reasons of public advantage, which reasons shall be set forth in a minute signed by the said Secretary of State, and laid before both Houses of Parliament.

4. Except as herein otherwise provided all the provisions of the said recited Act, and of any other Act of Parliament relating to members of the Council of India, shall apply to members appointed under the provisions of this Act. Former Acts to apply to future members

5. [ . . . . omitted as being spent ].

6. Any member of Council may by writing under his hand, which shall be recorded in the minutes of the Council, resign his office ; \* \* \* \* . Resignation of office

7. If at any time hereafter it should appear to Parliament expedient to reduce the number or otherwise to deal with the constitution of the said Council, no member of Council who has not served in his office for a period of ten years shall be entitled to claim any compensation for the loss of his office, or for any alteration in the terms and conditions under which the same is held. Provision as to future changes in the constitution of Council

8. The appointments of the ordinary members of the Governor-General's Council, and of the members of Council of the several presidencies \* \* \* shall \* \* \* be made by Her Majesty by warrant under her Royal Sign Manual. Appointment of ordinary members of the Governor-General's Council and of the Presidencies

### (iii) **The Indian Councils Act, 1869**

(32 & 33 Vict., Ch. 98)

An Act to define the the powers of the Governor-General of India in Council at meetings for making laws and regulations for certain purposes.

Whereas doubts have arisen as to the extent of power of the Governor-General of India in Council to make laws binding upon native Indian subjects beyond the Indian territories under the dominion of Her Majesty.

And whereas it is expedient that better provision should be made in other respects for the exercise of the power of the Governor-General in Council:

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

Power to make laws for native Indian subjects beyond the Indian territories

1. From and after the passing of this Act, the Governor-General of India in Council shall have power at meetings for the purpose of making laws and regulations to make laws and regulations for all persons being native Indian subjects of Her Majesty, Her heirs and successors, without and beyond, as well as within the Indian territories under the dominion of Her Majesty.

Former laws to be valid

2. No law heretofore passed by the Governor-General of India, or by the Governors of Madras and Bombay, respectively in Council, shall be deemed to be invalid solely by reason of its having reference to native subjects of Her Majesty not within the Indian territories under the dominion of Her Majesty.

Power to repeal or amend certain sections of 3 and 5, W. 4. c. 85

3. Notwithstanding anything in the Indian Councils Act or in any other Act of Parliament contained, any law or regulation which shall hereafter be made by the Governor-General in Council in manner in the said Indian Councils Act provided shall not be invalid by reason only that it may repeal or affect any of the provisions of the said Act of the third and fourth years of King William the Fourth, chapter eighty-five, contained in sections eighty-one, eighty-two, eighty-three, eighty-four, eighty-five and eighty-six of the said Act.

**(iv) The Indian Councils Act, 1870***(83 Vict., Ch. 8.)*

An Act to make better provisions for making laws and regulations for certain parts of India, and for certain other purposes relating thereto.

Whereas it is expedient that provision should be made to enable Governor-General of India in Council to make regulations for the peace and good government of certain territories in India otherwise than at meetings for the purpose of making laws and regulations held under the provisions of the Indian Councils Act, 1861, and also for certain other purposes connected with the Government of India:

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

1. Every Governor of a Presidency in Council Lieutenant-Governor, or Chief Commissioner, whether the Governorship, or Lieutenant-Governorship, or Chief Commissionership be now in existence or may hereafter be established, shall have power to propose to the Governor-General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his Government or administration to which the Secretary of State for India shall from time to time by resolution in council declare the provisions of this section to be applicable from a date to be fixed in such resolution.

Power to  
Executive  
Government  
of British  
India to make  
regulations  
for certain  
parts thereof

And the Governor-General in Council shall take such drafts and reasons into consideration; and when any such draft shall have been approved of by the Governor-General in Council and shall have received the Governor-General's assent, it

shall be published in the *Gazette of India* and in the local Gazette, and shall thereupon have like force of law and be subject to the like disallowances as if it had been made by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw such power from any Governor, Lieutenant-Governor or Chief Commissioner, on whom it has been conferred, and may from time to time restore the same as he shall think fit.

Copies of regulations to be sent to Secretary of State. Subsequent enactments to control regulations

2. The Governor-General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act; and all laws or regulations hereafter made by the Governor-General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in anywise repugnant thereto which shall have been made under the same provisions.

Lieutenant-Governors and Chief Commissioners to be members *ex-officio* of the Governor-General's Council for the purpose of making laws and regulations

3. Whenever the Governor-General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the limits of any territories now or hereafter placed under the administration of a Lieutenant Governor or a Chief Commissioner, the Lieutenant-Governor or Chief Commissioner respectively shall be *ex-officio* and Additional Member of the Council of the Governor-General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act.

Section 49 of 3 and 4, W. 4, c. 85 repealed.

4. Section forty-nine of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, is hereby repealed.

Procedure in case of difference between

5. Whenever any measure shall be proposed before the Governor-General of India in Council whereby the safety, tranquility, or

interests of the British possessions in India, or any part thereof, may be, in the judgment of the said Governor-General essentially affected, and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in Council then present shall dissent from such opinion, the Governor-General may on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the Members of the Council shall have recorded on the subject.

the Governor-General and the majority of his Council.

6. Whereas it is expedient that additional facilities should be given for the employment of natives of India, of proved merit and ability, in the Civil Service of Her Majesty in India: Be it enacted, that nothing in the "Act for the Government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or in the "Act to confirm certain appointments in India, and to amend the law concerning the Civil Service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the Civil Service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said Civil Service of India in manner in section thirty-two of the first-mentioned Act provided but subject to such rules as may be from time to time prescribed by the

Power to appoint natives of India to certain offices without certificate from the Civil Service Commissioners.

Governor-General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present ; and that for the purpose of this Act the words " natives of India " shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only ; and that it shall be lawful for the Governor-General in Council to define and limit from time to time the qualification of ' native of India ' thus expressed ; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

**(v) The Indian Councils Act, 1871**

(34 & 35 Vict., Ch. 34.)

An Act to extend in certain respects the power of Local Legislatures in India as regards European British subjects.

WHEREAS it is expedient that the power of making laws and regulations conferred on Governors of Presidencies in India in Council by the Indian Councils Act, 24 & 25 Vict., c. 67, sec. 42 should in certain respects be extended:

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

- Power to Local Legislatures to confer jurisdiction over European British subjects to
1. No law or regulation heretofore made or hereafter to be made by any Governor or Lieutenant Governor in Council in India in manner prescribed by the aforesaid Act shall be invalid only by the reason that it confers on Magistrates, being justices of the peace, the same jurisdiction over European British subjects as such Governor

or Lieutenant-Governor in Council, by regulation made as aforesaid, could have lawfully conferred or could lawfully confer on Magistrates in the exercise of authority over natives in the like cases.

2. When evidence has been given in and proceeding under this Act before a Magistrate, being a justice of the peace, which appears to be sufficient for the conviction of the accused person, being an European British subject, of an offence for which, if a native, he would under existing law be triable exclusively before the Court of Sessions, or which, in the opinion of the Magistrate, is one which ought to be tried by the High Court, the accused person, if such European British subject, shall be sent for trial by the Magistrate before the High Court.

Committal of defendant (being an European British subject) to the High Court. (Indian Act No. XXV of 1881, s. 226)

3. And whereas by an Act passed by the Governor-General of India in Council, Indian Act No. XXII of 1870, it is provided that certain Acts heretofore passed by the Governors of Madras and Bombay respectively in Council, and by the Lieutenant-Governor of Bengal in Council, shall, so far as regards the liability of European British subject to be convicted and punished thereunder, be and be deemed to be as valid as if they had been passed by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations: Be it further enacted, that the said Governors and Lieutenant-Governor in Council respectively shall have power to repeal and amend any of the said Acts to be passed under the provisions of the Indian Councils Act.

Power to local Legislatures to amend and repeal certain laws

#### (vi) **The Indian Councils Act, 1874**

(37 & 38 Vict., Ch. 91).

An Act to amend the Law relating to the Council of the Governor-General of India.

Whereas it is expedient to amend the law relating to the Council of the Governor-General of India:

Be it enacted, etc., etc. \* \* \* \* \*

as follows:

Power to  
appoint  
ordinary  
Member of  
Governor-  
General  
Council for  
public works  
purposes

1. It shall be lawful for Her Majesty, if she shall see fit, to increase the number of the ordinary members of the Council of the Governor-General of India to six, by appointing any person, from time to time, by warrant under Her Royal Sign Manual to be an ordinary member of the said Council in addition to the ordinary members thereof appointed under section three of the "Indian Councils Act, 1861," and under section eight of the Act of the thirty-second and thirty-third years of Her present Majesty, chapter ninety-seven. The law for the time being in force with reference to ordinary members of the Council of the Governor-General of India shall apply to the person so appointed by Her Majesty under this Act, who shall be called the member of Council for public works purposes.

Power to  
reduce num-  
ber of  
members of  
the Council  
of the  
Governor-  
General

2. Whenever a member of Council for public works purposes shall have been appointed under the first section of this Act, it shall be lawful for Her Majesty, if she shall see fit, to diminish, from time to time, the number of the ordinary members of the Council of the Governor-General of India to five, by abstaining so long as she shall deem proper from filling up any vacancy or vacancies occurring in the offices of the ordinary members of the said Council appointed under section three of "The Indian Councils Act, 1861," and under section eight of the Act of the thirty-second and thirty-third years of Her present Majesty, chapter ninety-seven, not being a vacancy in the office of the ordinary member of Council required by law to be a barrister or a member of the Faculty of Advocates in Scotland, and whenever the Secretary of State for India shall have informed the Governor-General of India that it is not the intention of Her Majesty to fill up any vacancy, no temporary appointment shall be made to such

vacancy under section twenty-seven of "Indian Councils Act, 1861," and if any such temporary appointment shall have been made previously to the receipt of such information, the tenure of office of the person temporarily appointed shall cease and determine from the time of the receipt of such information by the Governor-General.

3. Nothing in this Act contained shall affect the provisions of section eight of "The Indian Councils Act, 1861," or the provisions of section five of the Act of the thirty-third year of Her Majesty, chapter three, or any power or authority vested by law in the Governor-General of India in respect of his Council or of the members thereof.

Power of Governor-General in respect of his Council, not affected

### **(vii) The Council of India Act, 1876**

(39 Vict., Ch. 7.)

An Act to amend the law relating to certain appointments to the Council of India.

Whereas by an Act of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter ninety-seven (in this Act referred to as the Act of 1869), it was, among other things, provided that the members of the Council of India were to hold their offices for a period of ten years, and for such further period as is in section three of the said Act mentioned.

And whereas, regard being had to the composition of the said Council contemplated in section ten of the Act of the twenty-first and twenty-second years of Her present Majesty, chapter one hundred and six (in this Act referred to as the Act of 1858), it is expedient to amend the said first-mentioned Act in certain particulars.

Be it enacted \* \* \* \* as follows :

1. Notwithstanding anything in the Act of 1869, the Secretary of State for India may, if he thinks fit, subject to the condition as to the number of appointments hereinafter laid down, appoint any person having professional or other qualifications

Appointment of persons with Professional or other qualifications

peculiar qualifications to be a member of the said Council under this Act ; and every person so appointed shall hold his office in the same manner, and shall be entitled to the same salary, pension, and other rights and privileges, and be subject to the same disabilities, as if he had been elected or appointed before the passing of the Act of 1869.

Where any person appointed under this Act is at his appointment a member of the Council, his period of his service for the purposes of this Act shall be reckoned from the time of his first appointment to the Council.

The special reasons for every appointment under this Act shall be stated in a minute of the Secretary of State for India, and shall be laid before both Houses of Parliament. Not more than three persons appointed under this Act shall be members of the Council at the same time; nor shall the provisions of sections seven and ten of the Act of 1858, with reference to the members of the Council and the qualifications of the major part of the members, be affected by this Act.

**(viii) The Indian Councils Act, 1892.**

*(55 and 56 Vict., Ch. 14.)*

An Act to amend the Indian Councils Act, 1861.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions  
for increase  
of number of  
members of  
Indian Councils  
for making  
laws and  
regulations

1. (1) The number of additional members of Council nominated by the Governor-General under the provisions of section ten of the Indian Councils Act, 1868, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen; and the number of additional members of Council nomi-

nated by the Governors of the Presidencies of Fort St. George and Bombay respectively under the provisions of section twenty-nine of the Indian Councils Act, 1861, shall besides the Advocate-General of the presidency or officer acting in that capacity) be such as to the said Governors respectively may from time to time expedient, but shall not be less than eight nor more than twenty. 24 & 25 Vict c. 67.

(2) It shall be lawful for the Governor-General in Council by proclamation from time to time to increase the number of Councillors whom the Lieutenant-Governors of the Bengal Division of the Presidency of Fort William and of the North-Western Provinces and Oudh respectively may nominate for their assistance in making laws and regulations: Provided always that not more than twenty shall be nominated for the Bengal Division, and not more than fifteen for the North-Western Provinces and Oudh.

(3) Any person resident in India may be nominated an additional member of Council under sections ten and twenty-nine of the Indian Councils Act, 1861, and this Act, or a member of the Council of the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable.

(4) The Governor-General in Council may from time to time with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor-General, Governors, and Lieutenant-Governors, respectively, and prescribe the manner in which such regulations shall be carried into effect.

2. Notwithstanding any provision in the Indian Councils Act, 1861, the Governor-General of India in Council may from time to time make rules authorising at any meeting of the Governor- Modification of provisions of 24 & 25 Vict., c. 67 as

to business  
at Legislative  
meetings.

General's Council for the purpose of making laws and regulations the discussion of the Annual Financial Statement of the Governor-General in Council and the asking of questions, but under such conditions and restrictions as to the subject or otherwise as shall be in the said rules prescribed or declared : And notwithstanding any provisions in the Indian Councils Act, 1861, the Governors in Council of Fort St. George and Bombay, respectively, and the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been made or are hereafter extended or made applicable, may from time to time make rules for authorising at any meeting of their respective Councils for the purpose of making laws and regulations the discussion of the Annual Financial Statement of their respective local Governments and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall in the said rules applicable to such Councils respectively be prescribed or declared. But no member at any such meeting of any Council should have power to submit or propose any resolution, or to divide the Council in respect of any such financial discussion, or the answer to any question asked under the authority of this Act or the rules made under this Act: Provided that any rule made under this Act by a Governor in Council, or by a Lieutenant-Governor, shall be submitted for and shall be subject to the sanction of the Governor-General in Council, and any rule made under this Act by the Governor-General in Council shall be submitted for and shall be subject to the sanction of the Secretary of State in Council : Provided also that rules made under this Act shall not be subject to alteration or amendment at meetings for the purpose of making laws and regulations.

Meaning of 3. It is hereby declared that in the twenty-  
24 & 25 Vict. second section of the Indian Councils Act, 1861,

it was and is intended that the words "Indian territories now under the dominion of Her Majesty" should be read and construed as if the words "or hereafter" were and had at the time of the passing of the said Act been inserted next after the word "now" and further, that the Acts third and fourth, William the fourth, Chapter eighty-five, and sixteenth and seventeenth Victoria Chapter ninety-five respectively, shall be read and construed as if at the date of the enactment thereof respectively, it was intended and had been enacted that the said Acts respectively should extend to and include the territories acquired after the dates thereof respectively, by the East India Company, and should not be confined to the territories at the dates of the said enactments respectively in the possession and under the Government of the said Company.

c. 67, s. 22;  
3 & 4 Will.  
IV, c. 85 ; &  
16 & 17 Vict.  
c. 95

4. Sections thirteen and thirty-two of the Indian Councils Act, 1861, are hereby repealed ; and it is enacted that—

Repeal

(1) If any additional member of Council or any members of the Council of a Lieutenant-Governor appointed under the said Act or this Act shall be absent from India or unable to attend to the duties of his office for a period of two consecutive months, it shall be lawful for the Governor-General, the Governor, or the Lieutenant-Governor to whose Council such additional member or members may have been nominated (as the case may be) to declare, by a notification published in the *Government Gazette*, that the seat in Council of such person has become vacant.

Power to fill  
up vacancy  
in number  
of additional  
members

(2) In the event of a vacancy occurring by the absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted of any such additional member or members of the Council of a Lieutenant-Governor, it shall be lawful for the Governor-General, for the Governor,

or for the Lieutenant-Governor, as the case may be, to nominate any person as additional member or member, as the case may be, in his place; and every member so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination: Provided always that it shall not be lawful by such nomination, or by any nomination made under this Act, to diminish the proportion of non-official members directed by the Indian Councils Act, 1861, to be nominated.

**Powers of  
Indian pro-  
vincial legis-  
latures**

5. The local legislature of any province in India may from time to time, by Acts passed under and subject to the provisions of the Indian Councils Act, 1861, and with the previous sanction of the Governor-General but not otherwise, repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India other than that local legislature: Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of the Indian Councils Act, 1861, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this section.

**Definitions**

6. In this Act—The expression “local legislature” means—

(1) The Governor-in-Council for the purpose of making laws and regulations of the respective provinces of Fort St. George and Bombay; and

(2) The Council for the purpose of making laws and regulations of the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws or regulations have been or are hereafter extended or made applicable.

The expression “Province” means any presidency, division, province or territory over which

the powers of any local legislature for the time being extend.

7. Nothing in this Act shall detract from or diminish the powers of the Governor-General in Council at meetings for the purpose of making laws and regulations. Saving power of Governor-General in Council

8. This Act may be cited as the Indian Councils Act, 1892 ; and the Indian Councils Act, 1861, and this Act may be cited together as the Indian Councils Act, 1861 and 1892. Short title

**(ix) The Indian Councils Act, 1904.**

An Act to amend Indian Councils Act of 1874.

Whereas it is etc. etc.

Be it enacted \* \* \* as follows :—

1. In section one of the Indian Councils Act, 1874, the words "who shall be called the member of council for public works" and in section two of the same Act the words 'for public works' are hereby repealed.

2. The Act shall be cited as the Indian Councils Act, 1904.

**(x) The Council of India Act, 1907.**

An Act to amend the Law as to the Council of India.

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

1. The Council of India shall consist of such number of members, not less than ten and not more than fourteen, as the Secretary of State may from time to time determine.

2. In section ten of the Government of India Act, 1858 (21 and 22 Vict. c. 106), the words "more than five years" shall be substituted for the words "more than ten years."

3. Section thirteen of the same Act shall, as regards any member appointed after the passing of this Act, be read and construed as if the words one thousand pounds were substituted for the words one thousand two hundred pounds.

4. Section two of the Government of India Act, 1869 (32 and 33 Vict. c. 97), shall, as regards any appointment made after the passing of this Act, be read and construed as if the word "seven" were substituted for the word "ten."

5. The Council of India Act, 1876 (39 Vict. c. 7), and the Council of India Reduction Act, 1889 (52 and 53 Vict. c. 65), are hereby repealed.

6. This Act may be cited as the Council of India Act, 1907.

#### (xi) The Indian Councils Act, 1909.

An Act to amend the Indian Councils Acts, 1861 and 1892, and the Government of India Act, 1838. [15th May 1909.]

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

Amendment  
of constitution  
of  
Legislative  
Councils

1. (1) The additional members of the Councils for the purpose of making laws and regulations (hereinafter referred to as Legislative Councils) of the Governor-General and the Governors of Fort St. George and Bombay, and the members of the Legislative Councils already constituted, or which may hereafter be constituted, of the several Lieutenant-Governors of Provinces, instead of being all nominated by the Governor, or Lieutenant-Governor in manner provided by the Indian Councils Acts, 1861 and 1892, shall include members so nominated and also members elected in accordance with regulations made under this Act, and references in those Acts to the members so

24 & 25 Vict.  
c. 67.  
55 & 56 Vict.  
c. 14

nominated and their nomination shall be construed as including references to the members so elected and their election.

(2) The number of additional members or members so nominated and elected, the number of such members required to constitute a quorum, the term of office of such members and the manner of filling up casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise, shall, in the case of each such Council, be such as may be prescribed by regulations made under this Act :

Provided that the aggregate number of members so nominated and elected shall not, in the case of any Legislative Council mentioned in the first column of the First Schedule to this Act, exceed the number specified in the second column of that schedule.

2. (1) The numbers of ordinary members of the Councils of the Governors of Fort Saint George and Bombay shall be such number not exceeding four as the Secretary of State in Council may from time to time direct, of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years.

Constitution and procedure of Executive Councils of Governors of Fort Saint George and Bombay

(2) If at any meeting of either of such Councils there is an equality of votes on any question the Governor or other person presiding shall have two votes or the casting vote.

3. (1) It shall be lawful for the Governor-General in Council, with the approval of the Secretary of State in Council, by proclamation, to create a Council in the Bengal Division of the Presidency of Fort William for the purpose of assisting the Lieutenant-Governor in the executive government of the province, and by such proclamation—

Power to constitute provincial Executive Councils

(4) to make provision for determining what

shall be the number (not exceeding four) and qualifications of the members of the Council; and

(b) to make provision for the appointment of temporary or acting members of the Council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of a difference of opinion between a Lieutenant-Governor and his Council, and in the case of equality of votes, and in the case of a Lieutenant-Governor being obliged to absent himself from his Council from indisposition or any other cause.

(2) It shall be lawful for the Governor-General in Council, with the like approval, by a like proclamation to create a Council in any other province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the province: Provided that before any such proclamation is made a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and, if before the expiration of that time an Address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft.

(3) Where any such proclamation has been made with respect to any province the Lieutenant-Governor may, with the consent of the Governor-General in Council, from time to time make rules and orders for the more convenient transaction of business in his Council, and any order made or act done in accordance with the rules and orders so made shall be deemed to be an act or order of the Lieutenant-Governor in Council.

(4) Every member of any such Council shall be appointed by the Governor-General, with the approval of his Majesty, and shall, as such, be a

member of the Legislative Council of the Lieutenant-Governor, in addition to the members nominated by the Lieutenant-Governor and elected under the provisions of this Act.

4. The Governor General, and the Governor of Fort Saint George and Bombay, and the Lieutenant-Governor of every province respectively shall appoint a member of their respective councils to be Vice President thereof, and, for the purpose of temporarily holding and executing the office of Governor-General or Governor of Fort Saint George or Bombay and of presiding at meetings of Council in the absence of the Governor-General, Governor, or Lieutenant-Governor, the Vice President so appointed shall be deemed to be the senior member of Council and the member highest in rank, and the Indian Councils Act, 1861, and sections sixty two and sixty-three of the Government of India Act, 1883, shall have effect accordingly.

Appointment  
of Vice-Pre-  
sidents

3 & 4 Will. 4.  
c. 85

5. (1) Notwithstanding anything in the Indian Councils, Act, 1861, the Governor-General in Council, the Governors in Council of Fort Saint George and Bombay respectively, and the Lieutenant-Governor or Lieutenant-Governor in Council of every province, shall make rules authorising at any meeting of their respective legislative councils the discussion of the annual financial statement of the Governor-General in Council or of their respective Local Governments, as the case may be, and of any matter of general public interest, and the asking of questions, under such conditions and restrictions as may be prescribed in the rules applicable to the several councils.

Power to  
extend busi-  
ness of  
Legislative  
Councils

(2) Such rules as aforesaid may provide for the appointment of a member of any such council to preside at any such discussion in the place of the Governor-General, Governor, or Lieutenant-Governor, as the case may be, and of any Vice President.

(3) Rules under this section, where made by a Governor in Council, or by a Lieutenant-Governor, or a Lieutenant-Governor in Council, shall be subject to the sanction of the Governor-General in Council, and where made by the Governor-General in Council shall be subject to the sanction of the Secretary of State in Council, and shall not be subject to alteration or amendment by the Legislative Council of the Governor-General, Governor, or Lieutenant-Governor.

Power to  
make regula-  
tions

6. The Governor-General in Council shall, subject to the approval of the Secretary of State in Council, make regulations as to the conditions under which and manner in which persons resident in India may be nominated or elected as members of the Legislative Councils of the Governor-General, Governors, and as to the qualifications for being, and for being nominated or elected, a member of any such council, and as to any other matter for which regulations are authorised to be made under this Act, and also as to the manner in which those regulations are to be carried into effect. Regulations under this section shall not be subject to alteration or amendment by the Legislative Council of the Governor-General.

Laying of  
proclama-  
tions, etc.,  
before  
Parliament

7. All proclamations, regulations and rules made under this Act, other than rules made by a Lieutenant-Governor made for the more convenient transaction of business in his Council shall be laid before both Houses of Parliament as soon as may be after they are made.

Short title,  
construction  
commence-  
ment, and  
repeal.  
32 & 33 Vict.  
c. 98.  
33 & 34 Vict.  
c. 34

8. (1) This Act may be cited as the Indian Councils Act, 1909, and shall be construed with the Indian Councils Acts, 1861 and 1892, and those Acts, the Indian Councils Act 1869, the Indian Councils Act, 1871, the Indian Councils Act, 1874, the Indian Councils Act, 1904, and this Act may be cited together as the Indian Councils Acts, 1861 to 1909.

(2) This Act shall come into operation on such date or dates as the Governor-General in Council, with the approval of the Secretary of State in Council, may appoint, and different dates may be appointed for different purposes and provisions of this Act and for different councils. 37 & 38 Vict. c. 91. 4 Edw. 7. c. 26

On the date appointed for the coming into operation of this Act as respects any Legislative Council, all the nominated members of the Council then in office shall go out of office, but may, if otherwise qualified, be renominated or be elected in accordance with the provisions of this Act.

(3) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

# SCHEDULES

## FIRST SCHEDULE

*Maximum Numbers of Nominated and Elected Members of Legislative Councils*

Legislative Council.	Maximum number.
Legislative Council of the Governor-General.	60
Legislative Council of the Governor of Fort Saint George ... ..	50
Legislative Council of the Governor of Bombay ... ..	50
Legislative Council of the Lieutenant-Governor of the Bengal division of the Presidency of Fort William ... ..	50
Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh...	50
Legislative Council of the Lieutenant-Governor of the Provinces of Eastern Bengal and Assam ... ..	50
Legislative Council of the Lieutenant-Governor of the Province of the Punjab ... ..	30
Legislative Council of the Lieutenant-Governor of the Province of Burma ... ..	30
Legislative Council of the Lieutenant-Governor of any Province which may hereafter be constituted ... ..	30

SECOND SCHEDULE  
*Enactments repealed*

Session and chapter.	Short title.	Extent of repeal.
24 and 25 Vict., c. 67.	The Indian Councils Act, 1861.	<p>In section ten, the words "not less than six nor more than twelve in number."</p> <p>In section eleven, the words "for the term of two years from the date of such nomination."</p> <p>In section fifteen, the words from "and the power of making laws and regulations" to "shall be present."</p> <p>In section twenty-nine, the words "not less than four nor more than eight in number."</p> <p>In section thirty, the words "for the term of two years from the date of such nomination."</p> <p>In section thirty-four, the words from "and power of making laws and regulations." to "shall be present."</p> <p>In section forty-five, the words from "and the power of making laws and regulations" to "shall be present."</p> <p>Sections one and two.</p>
55 and 56 Vict., c. 14.	The Indian Councils Act, 1892.	In section four, the words "as pointed under the said Act or this Act" and paragraph (2).

## IV

### The Constitution of the Indian Legislatures

#### (i) The Regulations

In exercise of the power conferred by section 6 of the Indian Councils Act, 1909. (9th Edw. 7 ch. 4.), the Governor-General in Council has, with the approval of the Secretary of State in Council, made Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor-General of India and of the Provincial Legislative Councils.

The following are the Regulations relating to the Imperial Legislative Council :—

I. The Additional Members of the Legislative Council of the Governor-General shall ordinarily be sixty in number and shall consist of—

A.—Members elected by the classes specified in Regulation II, who shall not be less than twenty-five in number; and

B.—Members nominated by the Governor-General, who shall not exceed thirty-five in number, and of whom—

(a) not more than twenty-eight may be officials, and

(b) three shall be non-official persons to be selected—

(i) one from the Indian commercial community,

(ii) one from the Muhammadan community in the Punjab, and

(iii) one from the landholders in the Punjab:

Provided that it shall not be lawful for the Governor-General to nominate so many

non-official persons under these Regulations that the majority of all the members of the Council shall be non-officials.

**Elected  
Members**

II. The twenty-five elected members specified in Regulation I shall be elected as follows, namely :—

- (i) By the non-official Additional Members of the Council of the Governor of Fort St. George ... 2 Members.
- (ii) By the non-official Additional Members of the Council of the Governor of Bombay ... 2 „
- (iii) By the non-official Members of the Council of the Lieutenant-Governor of Bengal. 2 ,
- (iv) By the non-official Members of the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh. 2 ,
- (v) By the non-official Members of the Council of the Lieutenant-Governor of the Punjab. 1 „
- (vi) By the non-official Members of the Council of the Lieutenant-Governor of Eastern Bengal and Assam ... 1 „
- (vii) By the non-official Members of the Council of the Lieutenant-Governor of Burma ... 1 „
- (viii) By the District Councils and Municipal Committees in the Central Provinces ... 1 „
- (ix) By Landholders in the Presidency of Fort St. George ... 1 „
- (x) By Landholders in the Presidency of Bombay ... 1 „

(xi) By Landholders in Bengal ...	1	"
(xii) By Landholders in the United Provinces of Agra and Oudh ...	1	"
(xiii) By Landholders in Eastern Bengal and Assam ...	1	"
(xiv) By the Landholders in the Central Provinces ...	1	"
(xv) By the Muhammadan community in the Presidency of Fort St. George ...	1	"
(xvi) By the Muhammadan community in the Presidency of Bombay ...	1	"
(xvii) By the Muhammadan community in Bengal ...	1	"
(xviii) By the Muhammadan community in the United Provinces of Agra and Oudh ...	1	"
(xix) By the Muhammadan community in Eastern Bengal and Assam ...	1	"
(xx) By the Bengal Chamber of Commerce ...	1	"
(xxi) By the Bombay Chamber of Commerce ...	1	"

Provided that in the case of the second, fourth and succeeding alternate elections by the classes specified in sub-heads (xii) and (xiii), a second member shall be elected by the Muhammadan members of each of the said classes.

*Explanation.*—The expression "alternate elections" shall not be deemed to include elections to fill casual vacancies.

III The election of the members specified in Regulation II shall be effected by the electorates and in accordance with the procedures respectively prescribed in the schedules to these Regulations.

**Ineligible  
candidates**

IV. No person shall be eligible for election as a member of the Council if such person—

- (a) is not a British subject, or
- (b) is a female, or
- (c) has been adjudged by a competent Civil Court to be of unsound mind, or
- (d) is under twenty-five years of age, or
- (e) is an uncertificated bankrupt or an undischarged insolvent, or
- (f) has been dismissed from the Government service, or
- (g) has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such sentence or order not having subsequently been reversed or remitted, or the offender pardoned, or
- (h) has been debarred from practising as a legal practitioner by order of any competent authority, or
- (i) has been declared by the Governor-General in Council to be of such reputation and antecedents that his election would, in the opinion of the Governor-General in Council, be contrary to the public interest :

Provided that in cases (f), (g), (h) and (i) the disqualification may be removed by an order of the Governor-General in Council in this behalf.

**Qualification  
of candidates**

V. No person shall be eligible for election under any sub-head of Regulation II unless he possesses the qualifications prescribed for candidates in the Schedule regulating elections under that sub-head.

**Disqualifica-  
tions of  
voters**

VI. No person shall be qualified to vote at any election held under these Regulations if such person—

- (a) is a female, or

(b) is a minor, or

(c) has been adjudged by a competent Civil Court to be of unsound mind.

VII. Every person, who is elected or nominated under these Regulations to be a Member of Council, shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown, in the following form, namely :—

Oath of office

I. A. B., having been <sup>elected</sup><sub>nominated</sub> an additional Member of the Legislative Council of the Governor-General, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors, and that I will faithfully discharge the duty of the office upon which I am about to enter.

VIII. (1) If any person,—

(a) not being eligible for election, is elected under these Regulations, or,

Power to declare seats vacant

(b) having been elected or nominated, subsequently becomes subject to any of the disabilities stated in clause (c), (e), (f), (g) or (h) of Regulation IV, or fails to make the oath or affirmation prescribed by Regulation VII within such time as the Governor-General in Council considers reasonable,

the Governor-General shall, by notification in the Gazette of India, declare his election or nomination to be void or his seat to be vacant.

(2) When any such declaration is made the Governor-General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification, or shall nominate another person, as the case may be.

(3) If any person elected at such fresh election

is not eligible for election, the Governor-General may nominate any person who is eligible for election by the electorate concerned.

Candidates  
elected by  
several ele-  
ctorates

IX. (1) If any person is elected by more than one electorate, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date on the publication of the result of such elections in the Gazette of India, choose, or in his default the Governor General shall declare, for which of these electorates he shall serve, and the choice or declaration shall be conclusive.

(2) When any such choice or declaration has been made, the votes recorded for such person in any electorate for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, except for the said votes, would have been declared elected for such electorate, shall be deemed to have been duly elected for the same.

Term of  
office

X. (1) Save as provided in clause (2) and subject to the provisions of Regulation XVIII, the term of office of an Additional Member shall be three years from the date of his election or nomination, on the case may be:

Provided that official members and members nominated as being persons who have expert knowledge of subjects connected with proposed or pending legislation shall hold office for three years or such shorter period as the Governor-General may at the time of nomination determine.

(3) A member elected or nominated to fill a casual vacancy occurring by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise, or a member nominated on failure of an electorate to elect an eligible person, shall hold office so long as the member whose place

he fills would have been entitled to hold office if the vacancy had not occurred.

XI. (1) When a vacancy occurs in the case of a Member who represents any interest specified in Regulation II, or at any time within three months of the date when such a vacancy will occur in the ordinary course of events, the Governor-General shall, by notification as aforesaid, call upon the electorate concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) When a vacancy occurs in the case of a nominated Member, the Governor-General may nominate any person to the vacancy :

Provided that when a casual vacancy occurs—

(a) in the case of an elected Member, the election shall always be made by the same electorate as that which elected the Member whose place is to be filled and shall be subject to the same conditions in respect of eligibility of candidates for nomination as those which governed the election of such Member, and

(b) in the case of a Member nominated as representing any class specified in Regulation I, sub-head B, clause (b), the person nominated shall be selected from the same class.

XII. If within the time prescribed by a notification issued under Regulation VIII, clause (2) or Regulation XI, clause (1), the electorate concerned fails to elect, the Governor-General may nominate at his discretion any person who is eligible for election by such electorate.

XIII. The power of making laws and regulations or of transacting other business vested in the Legislative Council of the Governor-General shall be exercised only at meetings at which.—

(a) the Governor-General, or

(b) the President nominated by the Governor-

General in Council under section 6 of the Indian Councils Act, 1861, or

(c) the Vice-President appointed by the Governor-General under section 4 of the Indian Councils Act, 1909, or,

(d) in the case of the discussions referred to in section 5 of the Indian Councils Act, 1909, a Member appointed to preside in pursuance of a rule made under that section,

and fifteen or more Members of the Council, of whom eight at least shall be Additional Members are present.

XIV. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(2) A person shall be deemed to commit a corrupt practice within the meaning of these Regulations—

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person, or

(ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to be committed by a candidate, if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation.*—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested.

XV. No election shall be invalid by reason of a non-compliance with the rules contained in the Schedules to these Regulations, or any mistake

in the use of forms annexed thereto, if it appears that the election was conducted in accordance with the principles laid down in such rules and that such non-compliance or mistake did not affect the result of the election.

XVI. (1) If the validity of any election is brought in question by any person qualified either to be elected or to vote at such election on the ground of the improper rejection or reception of a nomination or of a vote, or of any corrupt practice in connection with such election, or for any other cause, such person may, at any time within fifteen days from the date of the publication of the result of such election in the *Gazette of India*, apply to the Governor-General in Council to set aside such election.

(2) The Governor-General in Council shall, after such inquiry (if any) as he may consider necessary, declare, by notification as aforesaid, whether the candidate whose election is questioned or any or what other person was duly elected, or whether the election was void.

(3) If the election is declared void, the Governor-General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification.

(4) If within the time so prescribed the electorate fails to elect, the Governor-General may nominate any person who is eligible for election by such electorate.

XVII. The decision of the Governor-General in Council on any question that may arise as to the intention, construction or application of these Regulations shall be final.

XVIII. (1) As soon as conveniently may be after these Regulations come into force, a Council shall be constituted in accordance with their provisions.

(2) For this purpose the Governor-General shall, by notification as aforesaid, call upon the electorates referred to in Regulation III to proceed to elect Members in accordance with these Regulations within such time as may be prescribed by such notification.

(3) If within the time so prescribed any such class fails to elect, the Governor-General may nominate at his discretion for a period not exceeding six months any person who is eligible for election by such class.

---

[The Regulations framed by the Governor-General in Council for the nomination and election of Additional Members for the Provincial Legislatures are similar. Regulations I and II, prescribe the strength of the Councils and the proportion of elected to nominated Members. The proviso to Regulation I does not provide for an official majority in the Councils as in the case of the Imperial Legislature, but for a non-official majority in the following terms: "Provided that it shall not be lawful for the Governor or Lieutenant-Governor, as the case may be to nominate so many officials under these regulations that the majority of all the Members of the Council shall be officials." As in the case of the Imperial Legislative Council, it is provided by Regulations II and III in each of the Provincial Regulations that the elected Members specified in Regulation I shall be elected by the electorates specified, in accordance with the procedures respectively prescribed in the schedules to the Regulations. The schedules, and the electorates for the election of Members to all the Councils, Imperial and Provincial, are summarised in full in the next section. The rest of the Regulations IV—XII, XIV—XVIII are identical in terms with those made for the Imperial Legislature, reproduced above, with the substitution of the words, 'Governor' or 'Lieutenant Governor', for the words 'Governor-General'

and of 'Governor-in-Council' for 'Governor-General in Council' as the case may be.

In the case of nominations to the Provincial Legislatures, it is provided in the Regulations that Members to the Provincial Legislative Councils of Bengal, the United Provinces of Agra and Oudh, Eastern Bengal and Assam and Burma should be nominated by the respective Lieutenant-Governors with the sanction of the Governor-General. No sanction is required in the case of nominations made to their Legislative Councils by the Governors of Madras and Bombay.

In the Regulation corresponding to Regulation XIII of those relating to the Imperial Council, fixing the quorum for Legislative Meetings, in the Regulations of each Province, the quorum has been fixed as follows :—

Excluding the President, 10 or more Members in the Legislative Councils of Madras, Bombay, Bengal, United Provinces of Agra and Oudh and Eastern Bengal and Assam, and 8 or more Members in that of the Punjab and 6 in that of Burma.

(ii) **The Imperial Legislative Council.**

The following is the constitution of the Imperial Legislative Council as approved by the Secretary of State for India in Council:—

- |  |        |
|--|--------|
| A.—Ex-officio Members  | ... 7  |
| B.—Officials representing Provinces  | ... 8  |
| C.—Nominated Members not more than 20 to be officials, while 3 must represent respectively the landholders of the Punjab, the Muhammadans of the Punjab and Indian Commerce. | ... 28 |
| D.—Elected Members (25):—  |        |
| (1) by the Provincial Legislative Councils and the Central Provinces   | ... 12 |
| (2) by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces and the Central Provinces   | 6      |

(3) by the Muhammadans of Madras, Bombay, Bengal, Eastern Bengal and Assam and the United Provinces	... 5
4 by the Chambers of Commerce, Calcutta and Bombay	... 2
	<hr/>
TOTAL	... 67

or, including His Excellency the Viceroy ... 68

The twenty-five elected Members the Imperial Legislative Council are elected as follows :—

*I. Territorial Electorates (12) :*

i. In Madras, Bombay, Bengal and the United Provinces of Agra and Oudh the non-official Members of the Provincial Legislative Councils elect two Members each for the Viceroy's Council and have cumulative vote, so as to afford an opportunity to a strong minority to secure one of the seats.

ii. In the Punjab, Eastern Bengal, Assam and Burma, the non-official Members of the Provincial Legislative Councils elect one Member each to the Viceroy's Council.

[Any person not ineligible for election under the Regulations and having a place of residence within the Province concerned and such practical connection with that Province as qualifies him to represent it may be nominated for election in the above two cases].

iii. In the Central Provinces the votes of twenty-two delegates from the District Councils and twenty-eight delegates from Municipal Committees elect one Member.

[Any person not ineligible for election under the Regulations who has a place of residence in the Central Provinces and either is a member or has served at least three years as a member of any such District Council or Municipal Committee may be nominated as a candidate for election].

## II. *Landholders* (6) :

(i) The landholders who elect an Additional Member in Madras must

(a) possess an annual income, calculated according to certain rules, of not less than fifteen thousand rupees from land situated within the Presidency; or

(b) receive from Government a *malikhana* allowance the annual amount of which is not less than fifteen thousand rupees.

(ii) The landholders who elect a Member in Bombay must be

(a) Jagirdhars and Zemindars of Sind,

(b) Sardars of Gujerat and

(c) Sardars of the Deccan.

The Jagirdars and Zemindars of Sind elect one Member in the first year, the third year and so on.

(iii) The landholders who vote in Bengal must be those who

(a) pay land-revenue or road and public works cesses as follows :—

(1) In the case of the Presidency, Burdwan and Orissa Divisions forming one group, land-revenue amounting to not less than twenty-five thousand rupees, or road and public works cesses amounting to not less than five thousand rupees per annum, and

(2) In the case of the Patna, Tirhut, Bhagalpore and Chota Nagpur Divisions forming another group, land-revenue amounting to not less than fifteen thousand rupees or road and public works cesses amounting to not less than three thousand seven hundred and fifty rupees per annum, or

(b) hold titles conferred or recognised by the Government not lower in rank than that of a Raja or Nawab.

(iv) In the United Provinces for the election

of a Member by landholders of Agra and Oudh the election is made by the British Indian Association of Oudh at an extraordinary general meeting and members qualified to vote in the Agra Province must

(a) own in that province land in respect of which land revenue amounting to not less than ten thousand rupees per annum is payable ; or

(b) own in that province land free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either taken by itself or in addition to land revenue payable in respect of other land by such owners amounts to not less than ten thousand rupees per annum ; or

(c) hold the title of Maharaja, Rajah or Nawab conferred or recognised by the Government ;

(d) hold the title of Rajwar, Rai Bahadur, Rao Bahadur, Rai, Mirza, Khan Bahadur Chaudhri or Diwan, if hereditary and recognised by the Government.

(v) In Eastern Bengal and Assam landholders who vote must

(a) hold in their own right as proprietors within the Province one or more estates or shares of estates in respect of which land revenue amounting not less than five thousand rupees or cess amounting to not less than twelve hundred and fifty rupees is payable per annum ; or

(b) hold titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab.

(vi) The landholders in Central Provinces who vote for the election of an additional Member shall be those

(a) whose land is assessed to land revenue at not less than five thousand rupees per annum ; or

(b) whose names are entered in the Durbar list prepared under the authority of the Local Government ; or

(c) who hold the office of Honorary Magistrate

III. *The Muhammadan Community* (5) :—

(i) The Muhammadans in Madras who vote for an additional Member must be those who

(a) are landholders possessing an annual income from land situated within the Presidency of Fort St. George of not less than three thousand rupees ; or

(b) pay on their own account income-tax on an income of not less than six thousand rupees ; or

(c) are members of the Legislative Council of the Governor of Fort St. George ; or

(d) are Ordinary or Honorary Fellows of the University of Madras ; or

(e) are holders of any title conferred or recognised by the Government, or are members of the order of the Star of India or the Indian Empire or holders of the Kaisar-i-Hind Medal ; or

(f) are in receipt of pensions for service as Gazetted or Commissioned Officers of Government.

(ii) The Member to be elected in Bombay for Muhammadan Community is elected by the Muhammadan non-officials on the Provincial Council.

(iii) The Muhammadans who vote for a Member in Bengal must be those who

(a) are members of the Legislative Council of the Lieutenant-Governor of Bengal ; or

(b) holders of any title conferred or recognised by the Government, or are members of the Order of the Star of India or of the Order of the Indian Empire or holders of the Kaiser-i-Hind Medal ; or

(c) are Ordinary or Honorary Fellows of the University of Calcutta ; or

(d) own land in respect of which land revenue amounting to not less than seven hundred and fifty rupees is payable per annum ; or

(e) own land in respect of which road and public works cesses amounting to not less than one hundred and eighty-seven rupees, eight annas, are payable per annum to Government either directly or through a superior landlord ; or

(f) pay on their own account income-tax on an income of not less than six thousand rupees per annum ; or

(g) are in respect of pensions for service as Gazetted or Commissioned Officers of the Government.

(iv) The Muhammadans who vote in the United Provinces for an additional Member must

(a) own land in respect of which land revenue amounting to not less than ten thousand rupees is payable per annum, or

(b) own land free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same either taken by itself or in addition to land revenue payable in respect of other land by such owners, amounts to not less than ten thousand rupees per annum, or

(c) pay on their own account income-tax on an income of not less than ten thousand rupees per annum, or

(d) are Members of the Legislative Council of the United Provinces of Agra and Oudh, or

(e) are Ordinary or Honorary Fellows of the University of Allahabad ; or

(f) are trustees of the Mahomedan Anglo-Oriental College, Aligarh ; or

(g) are holders of any title conferred or recognised by the Government or are members of the Order of the Star of India or the Order of the Indian Empire, or holders of the Kaiser-i-Hind Medal; or

(h) are in receipt of pension for service as Gazetted or Commissioned Officers of the Government; or

(i) are Assistant Collectors, Honorary Magistrates or Honorary Munsiffs.

(v) The Muhammadans who vote for a member in Eastern Bengal and Assam must be those who

(a) hold a title recognised or conferred by the Government of India or are members of the Order of the Star of India, or of the Order of the Indian Empire, or are holders of the Kaiser-i-Hind Medal; or

(b) Honorary or Ordinary Fellows of the University of Calcutta; or

(c) hold in their own right as proprietors or permanent tenure-holders, one or more estates or shares of estates or one or more tenures held direct from the zamidars or shares of such tenures in respect of which land revenue amounting to not less than seven hundred and fifty rupees or cess amounting to not less than one hundred and eighty-seven rupees and eight annas is payable annually; or

(d) have during the financial year immediately preceding the commencement of the election individually paid income-tax in respect of an annual income of not less than six thousand rupees; or

(e) are in receipt of pensions for service as Gazetted or Commissioned Officers of Government.

[It is provided that no elector shall have more than one vote though he may possess more than one of the qualifications described above].

IV. *The Chambers of Commerce* (2)

One Member is elected by the members of each of the Chambers of Commerce of Bengal and Bombay in such manner as a Commissioner for the Port of Calcutta or Trustee for the Port of Bombay is for the time being elected by the members of the respective Chambers.

[Any person not ineligible for election under the Regulations and whose name is on the electoral roll or who is a member of the Chamber as the case may be, is eligible for nomination or election as case may be in the case of II, III and IV].

(iii) **The Provincial Legislative Councils**

**MADRAS.**

The following is the constitution of the Legislative Council of the Governor of Fort St. George as approved by the Secretary of State for India:—

Ex-officio Members of the Executive Council	2
Advocate-General ... ..	1
Additional:—	
A—Nominated Members, not more than 16 to be officials and one to be a representative of Indian Commerce ... ..	23
B—Nominated experts who may be either officials or non-officials... ..	2
C—Elected Members (19).	
(i) by the Corporation of Madras ... ..	1
(ii) „ Municipalities and District and Taluk Boards ... ..	8
(iii) „ the University of Madras ... ..	1
(iv) „ Zemindars ... ..	2
(v) „ the Land-holders other than Zemindars	2
(vi) „ the Mahammadan Community ... ..	2
(vii) „ the Madras Chamber of Commerce.	1
(viii) „ the Madras Trades Association ... ..	1
(ix) „ the Planting Community ... ..	1

Total ... 47

or including the Governor ... 48

I. Of the eight Members to be elected by Municipalities and District and Taluk Boards, it is provided in Schedule III of the Madras Regulations that one shall be elected for each of the following groups of districts by the Municipal Councils and District and Taluk Boards therein :

- (1) Ganjam and Vizagapatam;
- (2) Godaveri, Kistna and Guntur ;
- (3) Nellore, Chingleput and North Arcot;
- (4) Cuddapah, Kurnool, Bellary and Anantapur ;
- (5) Salem, Coimbatore and the Nilgiris;
- (6) South Canara and Malabar (including Anjengo and Tangasseri);
- (7) Tanjore, South Arcot and Trichinopoly;
- (8) Madura and Tinnevely.

II. Of the two Members to be elected by Zemindars, it is provided that one shall be elected for each of the following groups of districts :—

*Group (1)*—Ganjam, Vizagapatam, Godaveri, Kistna, Guntur, Nellore, North Arcot, Cuddapah, Kurnool, Bellary and Anantapur.

*Group (2)*—Madras, Chingleput, Salem, Coimbatore, South Canara, Malabar (including Anjengo and Tangasseri), the Nilgiris, South Arcot, Tanjore, Trichinopoly, Madura and Tinnevely.

III. Of the two Members to be elected by landholders other than Zemindars, it is provided that one shall be elected for each of the groups of districts divided as for election by Zemindars mentioned above.

IV. Of the two Members to be elected by the Muhammadan community, it is provided that one shall be elected for each of the following groups of districts :—

*Group (1)*—Ganjam, Vizagapatam, Godaveri, Kistna, Guntur, Nellore, Madras, Chingleput

North Arcot, Cuddapah, Kurnool, Bellary and Anantapur.

*Group (2)*—Salem, Coimbatore, South Canara, Malabar (including Anjengo and Tangasseri), the Nilgiris, South Arcot, Tanjore, Trichinopoly, Madura, and Tinnevely.

V. For the election of one Member to represent the Planting Community, it is provided that each Planters' Association, affiliated to the United Planters' Association of Southern India, shall, at a meeting, elect one candidate for election to the Madras Legislative Council. The Secretary to the United Planters' Association of Southern India, on receiving the reports from the Secretaries of affiliated Associations about the result of the voting, should give to the vote of each of the affiliated Associations the value assigned to it by the rules framed by the United Planters' Association of Southern India to regulate voting at general meetings of that body and should determine which candidate has received the largest number of votes as so valued. In the case of an equality of votes, the Chairman, or the Vice Chairman as the case may be, shall have a casting vote.

#### BOMBAY.

The following is the constitution of the Legislative Council of the Governor of Bombay:—

Ex-officio Members of Executive			
Council	...	...	1
Advocate-General	...	...	2
Additional :—			
A—Nominated Members, not more than			
14 to be officials	...	...	21
B—Nominated experts who may be			
either officials or non-officials	...	...	2
C—Elected Members (21) :—			
(i) by the Municipal Corporation of			
city of Bombay	...	...	1

(ii) by the University of Bombay ...	1
(iii) „ the Sardars of the Deccan ...	1
(iv) „ the Sardars of Gujarat ...	1
(v) „ the Jagirdars and Zemindars of Sind.	1
(vi) „ the Municipalities ...	4
(vii) „ the District Local Boards ...	4
(viii) „ the Muhammadan Community...	4
(ix) „ the Indian Commercial Community	1
(x) „ the Bombay Chamber of Commerce.	1
(xi) „ the Karachi Chamber of Commerce.	1
(xii) „ the Millowners' Association of Bombay and the Millowners' Association of Ahmedabad, alternately ...	1
Total.	47

Or, including the Governor ... 48

I. Of the four Members to be elected by the Municipalities and four by District Local Boards, it is provided that one shall be elected by each of the following groups of Municipalities or District Local Boards :—

The Municipalities of the Southern, Northern, Central and Sind Divisions each one 4

The District Local Boards of the Southern Northern, Central and Sind Divisions, each one ... 4

II. Four Members are to be elected by the Muhammadan Community for each of the Southern, Northern, Central Divisions and the City of Bombay.

III. The Members to represent the Indian Commercial Community are to be elected by twenty delegates of the Indian Merchants' Chamber and the Bombay Native Piecegoods Merchants' Association. Each of the above bodies elects ten delegates who are to send their votes to the Returning Officer.

[Any person not ineligible for election under

the Regulations, who is or has been a member of one of the above bodies for at least one year at the date of the meeting at which delegates are elected by that body, may be nominated as a candidate for election].

### BENGAL.

The following is the constitution of the Legislative Council of the Lieutenant-Governor of Bengal :—

A—Nominated Members, not more than 17 to be officials and one to be representative of the Planting Community and one of Indian Commerce ... ..				22
B—Nominated experts who may be either officials or non-officials ... ..				2
C—Elected Members (26) :—				
i. by the Corporation of Calcutta	...			1
ii. „ the University of Calcutta	...			1
iii. „ the Municipal Commissioners	...			6
iv. „ the District Boards	...			6
v. „ the Landholders	...			5
vi. „ the Muhammadan Community	...			4
vii. „ the Bengal Chamber of Commerce.				2
viii. „ the Calcutta Trades Association	...			1
Total ...				50

Or including the Lieutenant-Governor ... 51

I. Of the six Members to be elected by Municipal Commissioners, it is provided that

(a) One shall be elected by the Municipal Commissioners of each of the following five divisions, namely, the Presidency, Burdwan, Patna, Tirhut and Bhagalpur ; and

(b) One shall be elected alternately by the

Municipal Commissioners of the Chota Nagpur and Orissa Divisions, the former Commissioners having the first right of election.

The Municipal Commissioners who take part in elections, should represent the Municipalities notified by the Local Government in the local Gazette as having a local income amounting to not less than Rs. 5,000 per annum, the words 'local income' being defined as the total income of a Municipality excluding the opening balance of the Municipal Fund, grants and contributions, and receipts under the Account Heads, "Extraordinary" and "Debt."

II. Of the six Members to be elected by the District Boards, it is provided that the District Boards of each of the Presidency, Burdwan, Patna, Tirhut and Bhagalpur Divisions shall elect one member; the District Boards of the Chota Nagpur and Orissa Divisions, electing each one Member alternately, the latter Boards having the first right of election.

III. Of the five Members to be elected by the landholders, it is provided that two Members shall be elected by the landholders of the Presidency and Burdwan Divisions forming one group, two by the landholders of the Patna, Tirhut and Bhagalpur Divisions forming one group and one by the landholders of the Orissa and Chota Nagpur Divisions forming one group.

IV. Of the four Members to be elected by the Muhammadan Community, two Members shall be elected for each of the following electoral areas :—

(1) The Presidency, Burdwan and Orissa Divisions :

(2) The Patna, Tirhut, Bhagalpur and Chota Nagpur Divisions.

## THE UNITED PROVINCES

The constitution of the Legislative Council of the Lieutenant Governor of the United Provinces of Agra and Oudh is as follows :—

A.—Nominated Members not more than 20 to be officials, and one to be a representative of Indian Commerce	... 26
B.—Nominated experts who may be either officials or non-officials...	... 2
C.—Elected Members (20):—	
(i) by the Allahabad University	... 1
(ii) „ the large Municipalities in rotation.	4
(iii) „ the District Boards and smaller Municipalities	... 8
(iv) „ the Landholders	... 2
(v) „ the Muhammadan Community	... 4
(vi) „ the Upper India Chamber of Commerce	... 1
Total	... 48

Or, including the Lieutenant-Governor ... 49

I. The four Members to be elected by the large Municipalities are to be elected alternately by the four Municipal Boards forming each of the following groups:—

*Group (1)*—the Municipal Boards of Meerut, Agra, Allahabad and Lucknow; and

*Group (2)*—the Municipal Boards of Bareilly Cawnpore, Benares and Fyzabad.

II. Of the eight Members to be elected by the District Boards and smaller Municipalities, it is provided that one Member shall be elected for each of the Meerut, Agra, Rohilkhand, Allahabad, Benares, Gorakhpur, Lucknow and Fyzabad Divisions.

III. The Members to be elected by the landholders are to be elected, one by landholders of the Province of Agra and the other by landholders of the Province of Oudh.

IV. The four Members to be elected for the Muhammadan community are to be elected for each of the following four groups:

- (1) the Meerut and Agra Divisions;
- (2) the Rohilkhand and Kumaun Divisions;
- (3) the Lucknow and Fyzabad Divisions; and
- (4) the Allahabad, Benares and Gorakhpur Divisions.

#### EASTERN BENGAL AND ASSAM

The following is the constitution of the Legislative Council of the Lieutenant-Governor of Eastern Bengal and Assam :—

A—Nominated Members not more than 17 to be officials, and one to be a representative of Indian Commerce ... 22

B—Nominated experts who may be either officials or non-officials ... 2

C—Elected Members (18) :—

- |   |     |   |
|---|-----|---|
| (i) by the Municipal Commissioners                  | ... | 3 |
| (ii) „ the District and Local Boards                | ... | 5 |
| (iii) „ the Land-holders                            | ... | 2 |
| (iv) „ the Muhammadan Community                     | ... | 4 |
| (v) „ the Tea interest...                           | ... | 2 |
| (vi) „ the Jute interest...                         | ... | 1 |
| (vii) „ the Commissioners of the Port of Chittagong | ... | 1 |

Total ... 42

Or including the Lieutenant-Governor ... 43

I. It is provided that, for the purpose of electing three Members by the Municipal Commissioners, the Municipalities, possessing an annual

income of not less than Rs. 5,000, shall be formed in the following four Groups :—

*Group (1)*—The Municipalities in the Dacca Division ;

*Group (2)*—The Municipalities in the Rajshahi Division ;

*Group (3)*—The Municipalities in the Chittagong and Surma Valley Divisions; and

*Group (4)*—The Municipalities in the Assam Valley Divisions.

The Commissioners in groups (1) and (2) are to elect each one Member. The Commissioners in group (3) and (4) are to elect the third Member alternately.

II. The five Members to be elected by the District and Local Boards are to be elected one each by the District Boards of each Division of the Province. [The term 'District Board', includes a Local Board in the District of the Surma valley and Assam valley Divisions.]

III. The two Members to be elected by the Land-holders are to be elected one by land-holders of the Dacca and the Rajshahi Divisions alternately and the other by the land-holders of the Chittagong and the Surma Valley and Hill Districts (excluding the Hill Districts) Divisions alternately.

But the landholders of the Dacca and Chittagong Divisions respectively are to have the first right of election. The District of Goalpara is deemed to be included in the Surma Valley and Hill Districts Division.

IV. Of the four Members to be elected for the Muhammadan Community it is provided that one Member shall be elected for each of the following Divisions:—

(1) The Dacca Division ;

- (2) The Chittagong Division (excluding the Chittagong Hill Tracts) ; and
  - (3) the Rajshahi Division;
- and one Member shall be alternately elected for
- (4) the Surma Valley and Hill Districts Division (excluding the Hill Tracts);
  - (5) the Assam Valley Division (excluding the Garo Hill Districts).

It is also provided that the Surma Valley and Hill Districts Division shall have the first right of election.

V. The two Members of the Tea Interest are to be elected by the Assam Branch of the Indian Tea Association, the Surma Valley Branch of the Indian Tea Association and the Duars' Planters' Association.

The first branch has four votes, the second four and the Duars' Planters' Association two and no Association can give to one candidate more than half the number of votes allotted to it.

Any person not ineligible for election under the Regulations may be nominated as a candidate.

Each Association nominates one Member.

Nominations are made and votes given by each Association in the manner laid down in the rules of the Association.

If there is an equality in the number of votes, it is provided that votes shall be taken again under the same procedure to determine which of the candidates shall be declared to be elected.

VI. The Member for the Jute Interest is to be elected by the members of the Naraingunj Chamber of Commerce.

### THE PUNJAB

The following is the constitution of the Legislative Council of the Lieutenant-Governor of the Punjab :—

A—Nominated Members, not more than 10 to be officials—	...	19
B—Nominated experts, who may be either officials or non-officials—	...	2
C—Elected Members (5) :—		
(i) by the Punjab University ...	...	1
(ii) „ the Municipal and Cantonment Committees—	...	3
(iii) „ the Punjab Chamber for Commerce	...	1
	Total ...	26

Or, including the Lieutenant-Governor ...—27

The three Members for the Municipal and Cantonment Committees are to be elected by the following groups of Municipal and Cantonment Committees :—

(1) The Cis—Sutlej group consisting of the Municipal Committees of Delhi, Simla, Ambala, Ludhiana, and Ferozepore, and the Cantonment Committees of Ambala and Ferozepore ;

(2) The Central group consisting of the Municipal Committees of Lahore, Amritsar, and Jullundur, and the Cantonment Committees of Lahore and Jullundur ; and

(3) The Western group consisting of the Municipal Committees of Multan, Rawalpindi and Sialkot and the Cantonment Committees of Multan, Rawalpindi and Sialkot.

#### BURMA

The following is the constitution of the Legislative Council of the Lieutenant-Governor of Burma :—

(A)—Nominated officials	...	6
(B)—Nominated non-officials (8) :—		
(i) to represent the Burmese Population...	...	4
(ii) to represent the Indian Community...	...	1
(iii) to represent the Chinese community ...	...	1
(iv) to represent other interests	...	2

(C)—Nominated experts who may be either officials or non-officials	...	2
(D)—Elected by the Burma Chamber of Commerce	...	1
	Total.	17

Or, including the Lieutenant-Governor... 18

[There is no schedule to the Regulations for the nomination and election of Members of the Legislative Council of the Lieutenant-Governor of Burma. There is only one elected Member and he is sent by the Burma Chamber of Commerce. It is provided in the Regulations that the candidate to be eligible for election must be a member of the Chamber at the date of election. The election is made in the same manner as a Commissioner for the Port of Rangoon is for the time being elected by the Chamber.]

#### (iv) **Electoral Groups and Electoral Qualifications**

[It is provided in the case of all electoral groups that a candidate for election by each group should, in addition to the qualifications referred to below, not be ineligible for election under the Regulations.]

##### 1.—THE MUNICIPAL CORPORATIONS

*Electoral groups.*—The Corporations of Madras, Bombay and Calcutta elect one Member each to the Provincial Legislative Councils of Madras, Bombay and Bengal respectively.

*Qualifications of electors.*—The electors should be members of the respective Corporations.

*Qualifications of candidates.*—In the case of Madras and Calcutta, any person who is qualified to vote as a Commissioner of the Corporation is eligible to be elected. In the case of Bombay, any person who (a) is, at the

date of the election, a member of the Municipal Corporation of the City of Bombay or (b) has served at least for three years as a member of that Corporation, is eligible for election.

## II.—THE UNIVERSITIES.

The Universities of Madras, Bombay, Calcutta Allahabad and the Punjab elect one Member each to the respective Provincial Legislative Councils.

The electors as well as persons eligible to be elected, should be members of the respective Senates or Honorary Fellows of the respective Universities, having a place of residence in India.

## III.—THE LOCAL AND MUNICIPAL BODIES

### MADRAS

*Electoral groups* :—Eight Members are to be elected, one for each of the following eight groups :—(1) Ganjam and Vizagapatam; (2) Godavari, Kistna and Guntur; (3) Nellore, Chingleput and North Arcot; (4) Cuddapah, Kurnool, Bellary and Anantapur; (5) Salem, Coimbatore and the Nilgiris; (6) South Canara and Malabar (including Anjengo and Tangasseri); (7) Tanjore, South Arcot and Trichinopoly and (8) Madura and Tinnevely.

*Qualifications of electors* :—The election is made by the non-official members of the Municipal Councils and District and Taluq Boards within the electoral area concerned whose appointments as such members have been notified in the Local Official Gazette prior to the date on which they record their votes.

*Qualifications of candidates* :—Candidates, to be eligible for election, must be qualified to vote.

### BOMBAY

*Electoral groups* :—Eight Members are elected, one for each of the following : Municipalities

of the Southern, Northern, Central and Sind Divisions (4 Members); and District Local Boards of the Southern, Northern, Central and Sind Divisions (4 Members).

*Electoral Qualifications* :—(1) The Member to be elected by each of the groups of Municipalities or District Local Boards is elected by the votes of delegates to be selected from among themselves in the manner described below, by the non-official Members of all the Municipalities or District Local Boards of the group.

(2) The number of delegates which Municipalities or District Local Boards are entitled to select is in accordance with the following scale, namely:—

*Municipalities*

	Number of delegates.
Where the population of the Municipality.— exceeds 5,000, but does not exceed	
10,000    ...    ...    ...    ...	1
do. 10,000    do 20,000    ...	2
and for every 10,000 or part there- of in excess of 20,000    ...    ...	1

*District Local Boards*

	Number of delegates.
Where the population of the district— does not exceed 1,00,000    ...    ...	1
where it exceeds 1,00,000 but, does not exceed 2,00,000    ...    ...	2
and for every 1,00,000 or part thereof in excess of 2,00,000    ...	1

(8) The population of each Municipality or district is deemed to be that stated in the returns of the most recent official census.

*Qualifications of candidates* :—Candidates to be eligible for election must have a place of residence in the group for which they seek election and either are non-official members or have served at least three years as such members of any Municipality or District Local Board in those groups.

#### BENGAL

##### (i) *Municipalities.*

*Electoral groups* :—The six Members are to be elected :—

(a) one each by the Municipal Commissioners of the following five divisions, namely, the Presidency, Burdwan, Patna, Tirhut and Bhagalpur Divisions; and

(b) one alternately by the Municipal Commissioners of the Chota Nagpur and Orissa Divisions, the former Commissioners having the first right of election :

Provided that the right of election conferred on Municipal Commissioners is exercised only by those Commissioners who represent Municipalities which are notified from time to time by the Local Government in the Local Official Gazette as having a local income amounting to not less than five thousand rupees per annum.

*Qualifications of voters* :—(1) The election is made by the votes of delegates to be selected, in the manner described below by the Commissioners of the Municipalities in the said Division other than (a) the Chairman, if an official, and (b) the Commissioners appointed ex-officio.

(2) Each delegate has the number of votes assigned to the Municipality by the Commis-

sioners of which he is selected in accordance with the following scale, namely :—

Municipalities with a local income of	Rs.		Rs.		Number of votes for each delegate.
	...	...	...	...	
... 5,000 and less than	5,000	and less than	10,000	10,000	1
Do. ... 10,000	10,000	do	20,000	20,000	2
Do. ... 20,000	20,000	do	50,000	50,000	3
Do. ... 50,000	50,000	do	1,00,000	1,00,000	4
and for every additional Rs. 50,000 or part thereof in excess of 1,00,000					1

(3) The number of votes to which each delegate is entitled on the said scale will be notified from time to time by the Local Government in the Local Official Gazette.

*Qualifications of candidates :—*Candidates to be eligible for election must have a place of residence in the division for the representation of the Municipalities of which they are candidates; if they are Commissioners of any one of such Municipalities, other than (a) the Chairman, if an official, or (b) a Commissioner appointed ex-officio or have for any period aggregating three years been Commissioners.

#### (ii) District Boards

*Electoral groups :—*The six Members are to be elected :—

(a) one each by the District Boards of each of the following five Divisions, namely, the Presidency, Burdwan, Patna, Tirhut and Bhagalpur Divisions, and

(b) one alternately by the District Boards of the Chota Nagpur and Orissa Divisions, the latter Boards having the first right of election.

*Qualifications of electors :—*(1) The election is made by the votes of delegates to be selected in the manner described below by the members of the District Boards of the said Divisions other

than (a) the Chairman, if an official, and (b) the members appointed ex-officio.

(2) Each delegate has the number of votes assigned to the District Board by which he is selected in accordance with the following scale :—

District Boards with an annual income (exclusive of opening bal- ances and receipts from loans) ... ..	Rs.	Rs. *	Number of votes for each delegate.
... .. of less			
Do. do. ... ..	than 75,000	...	1
... ..	but less		
ing 75,000	than 1,25,000	...	2
and for every additional Rs. 50,000 or			
part thereof in excess of 1,25,000	...		1

(3) The number of votes to which\* each delegate is entitled on the said scale will be notified from time to time by the Local Government in the Local Official Gazette.

*Qualifications of candidates* :—Candidates to be eligible for election must have a place of residence in the Division for the representation of the District Boards of which they are candidates, if they are members of any one of such District Boards, other than (a) the Chairman, if an official, or (b) a member appointed ex-officio or have any period aggregating three years been members.

## THE UNITED PROVINCES

### (i) *The Large Municipalities*

*Electoral groups and qualifications for electors* :—

For the purpose of the election of the four Members, two groups of Municipal Boards have been formed, namely :—

*Group (1)*—consisting of the Municipal Boards of Meerut, Agra, Allahabad and Lucknow; and

*Group (2)*—consisting of the Municipal Boards of Bareilly, Cawnpore, Benares and Fyzabad.

The four Members above referred to are elected alternately by the four Municipal Boards forming each of the said groups, the Municipal Boards in group (1) having the first right of election.

The members, other than (a) the Chairman, if an official, and (b) the members appointed ex-officio, of each of the four Municipal Boards forming a group, elect one member.

*Qualifications of candidates:—*Any person having a place of residence in the Municipality for the representation of which he a candidate is eligible for election if he—

(a) is qualified as an elector in such Municipality; or

(b) has served as a member of the Municipal Board of such Municipality for a period of not less than three years.

(ii) *The Smaller Municipalities and Boards.*

*Electoral groups:—*The eight Members are elected one for each of the Meerut, Agra, Rohilkhand, Allahabad, Benares, Gorakhpur, Lucknow and Fyzabad Divisions.

*Qualifications of electors:—*The Members are elected by the votes of delegates, to be selected by the Members other than (a) the Chairman, if an official, and (b) the Members appointed ex-officio, of all District Boards and such Municipal Boards within the said Divisions as are established for towns forming district head-quarters or containing more than twenty thousand inhabitants according to the returns of the most recent official census, or are named in the notification of the Lieutenant-Governor of the United Provinces of Agra and Oudh No. 44-C/III-807-A, dated the 19th day of July, 1899.

Provided that nothing in this rule is deemed to apply to any Municipal Board which,—

(a) at the time of holding an election under this Schedule to fill a casual vacancy, is already represented by a Member elected for the larger Municipalities, or

(b) at the time of holding an election to fill a vacancy other than casual, is entitled to elect a Member for the larger Municipalities.

The number of delegates which such District and Municipal Boards are entitled respectively to select is in accordance with the following scale :—

				Delegates.
For districts with a population				
of under	... 500,000	...	...	2
Do.	from 500,000 to 750,000	...	...	3
Do.	... 750,000 to 1,000,000	...	...	4
Do.	... 1,000,000 to 1,250,000	...	...	5
Do.	... 1,250,000 to 1,500,000	...	...	6
Do.	over 1,500,000	...	...	6

				Delegates.
For towns containing				
not more than 20,000 inhabitants	...	...	...	1
Do. between 20,000 and 50,000 inhabitants	...	...	...	2
Do. 50,000 and 100,000 do.	...	...	...	3
Do. over 100,000 do.	...	...	...	4

*Qualifications of candidates :—*Any person having a place of residence in the Division for the representation of which he is a candidate is eligible for election if he—

(a) is a member of any District or Municipal Board in that Division; or

(b) owns land in respect of which land-revenue amounting to not less than three thousand rupees per annum is payable ; or

(c) owns land free of revenue if the land-revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with land-revenue payable in respect of other land by such owner,

amounts to not less than three thousand rupees per annum ; or

(d) pays on his own account income-tax on an income of not less than three thousand rupees; or,

(e) owns land and pays income-tax, when the sum of land-revenue payable annually by him together with the land-revenue nominally assessed on land owned by him, and the income on which he pays income-tax, is not less than three thousand rupees.

#### THE PUNJAB

*Electoral Groups* :—The three Members are elected one for each of the three following groups :—

(1) The Cis-Sutlej group ; (2) the Central group ; and (3) The Western group of Municipal and Cantonment Committees.

*Qualifications of Electors* :—Members of these Committees, other than those appointed ex-officio, are entitled to vote for the elections.

*Qualifications of Candidates* :—Any person having a place of residence in the group for which he seeks election is entitled to be a candidate for election if he is, or has served for at least three years, as a member of a Municipal or Cantonment Committee belonging to that group.

#### EASTERN BENGAL AND ASSAM

##### (i) *Municipal Commissioners.*

*Electoral groups and qualifications of electors* :—For the purpose of the election of the three Members, the Municipalities possessing an annual local income of not less than five thousand rupees are formed in the following four groups :—

*Group (1)*—The Municipalities in the Dacca Division.

*Group (2)*—The Municipalities in the Rajshahi Division.

*Group (3)*—The Municipalities in the Chittagong and Surma Valley Divisions.

*Group (4)*—The Municipalities in the Assam Valley Division.

The Commissioners, other than the Chairman, if an official, and the members appointed ex-officio, of the Municipalities in groups (1) and (2) elect each one Member.

The Commissioners other than the Chairman, if an official, and the members appointed ex-officio, of the Municipalities in groups (3) and (4) elect the third member alternately, the Commissioners of the Municipalities in group (4) having the first right of election.

The number of votes which the Commissioners of each Municipality are entitled to give is regulated by the local income possessed by it according with the following scale:—

	Votes.
Municipalities with an annual local income of Rs. 5,000 and less than Rs. 10,000...	1
Do Rs. 10,000 and less than Rs. 20,000...	2
Do Rs. 20,000 and less than Rs. 50,000...	3
Do Rs. 50,000 and less than Rs. 80,000...	4
and for every additional Rs. 30,000 or part thereof in excess of Rs. 80,000 ... ..	1

(ii) *District and Local Boards*

*Electoral Groups*:—The five Members are elected, one each by the District Boards of each Division of the Province.

*Qualifications of Electors*:—The election is made by the votes of the Members of the District Boards in the division other than (a) the Chairman, if an official and (b) the Members appointed ex-officio.

The number of votes which the Members of each District Board are entitled to give is regula-

ted by the ordinary income (which is taken to be the total income of the Board, excluding the opening balance, and entries under the account head, "Debt") possessed by it as follows:—

One vote, if the ordinary income of the Board does not exceed Rs. 1,00,00, and one additional vote for every additional Rs. 1,00,000 or portion thereof.

*Qualifications of Candidates* :—Any person who has a place of residence within the division and such practical connection with it as qualifies him to represent it may be nominated as a candidate for election, if he—

- (a) is a member of any District Board in that division; or
- (b) has served as a member of a District Board within that division for a period of not less than three years; or
- (c) is entered in the electoral roll of land-holders entitled to elect a Member or Members for the Legislative Council of the Lieutenant-Governor of Eastern Bengal and Assam.

---

#### IV—THE ELECTORATE OF THE LANDED CLASSES

##### MADRAS

##### 1. *Zemindars* :—

*Electoral Groups*—Two Members are elected to the Provincial Legislative Council, one each by two groups of districts.

*Qualifications of Electors* :—The election is made by all Zamindars qualified to vote and having a place of residence within the electoral area concerned, who—

- (a) possess an annual income, calculated according to prescribed rules of not less