

The Govt. of India Act  
&  
Govt. Reports  
1920

# The Govt. of India Act 1919 Rules Thereunder & Govt. Reports, 1920

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# The Royal Proclamation

## On The Reforms Act 1919

GEORGE, THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the Dominions beyond the seas, King, Defender of the Faith, Emperor of India.

*TO MY VICEROY AND GOVERNOR-GENERAL,  
TO THE PRINCES OF INDIAN STATES AND  
TO ALL MY SUBJECTS IN INDIA OF WHATSOEVER  
RACE OR CREED,  
GREETING—*

1. Another epoch has been reached to-day in the Council of India. I have given my Royal Assent to an Act which will take its place among the great historic measures passed by the Parliament of this Realm for the Government of India and the greater contentment of her people. The Act of seventeen hundred and seventy-three and seventeen hundred and eighty-four were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of eighteen hundred and thirty three opened the door for Indians to public office and employment. The Act of eighteen hundred and fifty-eight transferred the administration from the Company to the Crown and laid the foundations of public life which exist in India to-day. The Act of eighteen hundred and sixty-one sowed the seed of representative institutions and the seed was quickened into life by the Act of nineteen hundred and nine. The Act which has now become law entrusts elected representatives of the people with a definite share in Government and points the way to full representative Government hereafter. If, as I confidently hope, the policy which the act inaugurates should achieve its purpose, the results will be momentous in the story of human progress; and it is timely and fitting that I should invite you to-day to consider the past and to join me in my hopes of the future.

2. Ever since the welfare of India was confided to us, it has been held as a sacred trust by our Royal House and Line. In

## THE ROYAL PROCLAMATION

eighteen hundred and fifty-eight, QUEEN VICTORIA of revered memory solemnly declared herself bound to her Indian subjects by the same obligations of duty as to all her other subjects; and she assured them religious freedom and the equal and impartial protection of law. In his message to the Indian people in nineteen hundred and three my dear father KING EDWARD the Seventh announced his determination to maintain unimpaired the same principles of humane and equitable administration. Again, in his proclamation of nineteen hundred and eight, he renewed the assurances which had been given fifty years before and surveyed the progress which they had inspired. On my accession to the throne in nineteen hundred and ten, I sent a message to the Princes and peoples of India acknowledging their loyalty and homage and promising that the prosperity and happiness of India should always be to me of the highest interest and concern. In the following year I visited India with the Queen Empress and testified my sympathy for her people and my desire for their well-being.

3. While these are the sentiments of affection and devotion by which I and my predecessors have been animated, the Parliament and the People of this Realm and my officers in India have been equally zealous for the moral and material advancement of India. We have endeavoured to give to her people the many blessings which Providence has bestowed upon ourselves. But there is one gift which yet remains and without which the progress of a country cannot be consummated: the right of her people to direct her affairs and to safeguard her interests. The defence of India against foreign aggression is a duty of common Imperial interest and pride. The control of her domestic concerns is a burden which India may legitimately aspire to taking upon her own shoulders. The burden is too heavy to be borne in full until time and experience have brought the necessary strength; but opportunity will now be given for experience to grow and for responsibility to increase with the capacity for its fulfilment.

4. I have watched with understanding and sympathy the growing desire of my Indian people for representative institutions. Starting from small beginning this ambition has steadily strengthened its hold upon the intelligence of the country. It has pursued its course along constitutional channels with sincerity and courage. It has survived the discredit which at times and in places lawless men sought to cast upon it by acts of violence committed under the guise of patriotism. It has been stirred to more vigorous life by the ideals for which the British Commonwealth fought in the Great War, and it claims support in the part which India has taken

in our common struggles, anxieties and victories. In truth the desire after political responsibility has its source at the roots of the British connection with India. It has sprung inevitably from the deeper and wider studies of human thought and history, which that connection has opened to the Indian people. Without it the work of the British in India would have been incomplete. It was therefore with a wise judgment that the beginning of representative institutions were laid many years ago. This scope has been extended stage by stage until there now lies before us a definite step on the road to responsible Government.

5. With the same sympathy and with redoubled interest I shall watch the progress along this road. The path will not be easy and in marching towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India. I am confident that those high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to the franchise. I rely on the Leaders of the people, the ministers of the future, to face responsibility and endure to sacrifice much for the common interest of the State, remembering that true patriotism transcends party and communal boundaries; and while retaining the confidence of the legislatures, to co-operate with my officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous Government. Equally do I rely on my officers to respect their new colleagues and to work with them in harmony and kindness; to assist the people and their representatives in an orderly advance towards free institutions: and to find in these new tasks a fresh opportunity to fulfil as in the past their highest purpose of faithful service to my people.

6. It is my earnest desire at this time that so far possible any trace of bitterness between my people and those who are responsible for my Government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past respect it in future. Let it become possible for those who are charged with the maintenance of peaceful and orderly Government to forget extravagances they have had to curb. A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose. Therefore I direct my Viceroy to exercise in my name and on my behalf my Royal Clemency to political offenders in the fullest measure which in his judgment is compatible with public safety.

## THE ROYAL PROCLAMATION

I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering from imprisonment or restrictions upon their liberty. I trust that this leniency will be justified by the future conduct of those whom it benefits and that all my subjects will so demean themselves as to render it unnecessary to enforce the laws for such offences hereafter.

7. Simultaneously with the new constitution in British India, I have gladly assented to the establishment of a Chamber of Princes. I trust that its counsels may be fruitful of lasting good to the Princes and States themselves, may advance the interests which are common to their territories and British India, and may be to the advantage of the Empire as a whole. I take the occasion again to assure the Princes of India of my determination ever to maintain unimpaired their privileges, rights and dignities.

8. It is my intention to send my dear son, the Prince of Wales, to India by next winter to inaugurate on my behalf the new Chamber of Princes and the new constitution in British India. May he find mutual goodwill and confidence prevailing among those on whom will rest the future service of the country, so that success may crown their labours and progress and enlightenment attend their administration. And with all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fullness of political freedom.

*December the Twenty-third, Nineteen-hundred and Nineteen.*

# Royal Instruction

## To Provincial Governors

The following are the terms of the instruction issued under the Royal Sign Manual to the Governor or Acting Governor for the time being of each Governor of a Province.

*December 1920*

GEORGE, R. I.

"Whereas by the Government of India Act provision has been made for the gradual development of Self-Governing institutions in British India with a view to the progressive realisation of responsible Government in that country as an integral part of our Empire,

"And Whereas it is our will and pleasure that in the execution of the office of Governor in and over the Presidency of..... you shall further the purposes of the said Act to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundations, that the people of the said Presidency shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-Government, and that our authority of our Governor-General-in-Council shall be duly maintained—

"Now, therefore, we do hereby direct and enjoin you and declare our will and pleasure to be as follows :

1. You shall do all that lies in your power to maintain the standards of good administration, to encourage religious toleration, co-operation and good-will among all classes and creeds, to ensure the provity of public finance and the solvency of the Presidency Province and to promote all measures making for the moral, social and industrial welfare of the people and tending to fit all classes of the population, without distinction, to take their due share in the public life and Government of the country.

2. You shall bear in mind that it is necessary and expedient that those now and hereafter to be enfranchised shall appreciate the duties, responsibilities and advantages which spring from the privi-

## ROYAL INSTRUCTION

lege of enfranchisement, that is to say, that those who exercise the power henceforward entrusted to them of returning representatives to the Legislative Council being enabled to perceive the effect of their choice of a representative, and that those who are returned to the Council being enabled to perceive the effect of their votes given therein, shall come to look for the redress of their grievances and the improvement of their condition to the working of representative institutions.

3. In as much as certain matters have been reserved for the administration according to law of the Governor-in-Council, in respect of which the authority of our Governor-General-in-Council shall remain unimpaired, while certain other matters have been transferred to the administration of the Governor acting with a Minister, it will be for you so to regulate the business of the Government of the Presidency Province, so far as possible, that the responsibility for each of these respective classes of matters may be kept clear and distinct. Nevertheless, you shall encourage the habit of joint deliberation between yourself, your Councillors and your Ministers, in order that the experience of your official advisers may be at the disposal of your Ministers and that the knowledge of your Ministers as to the wishes of the people may be at the disposal of your Councillors.

4. You shall assist the Ministers by all the means in your power in the administration of the transferred subjects and advise them in regard to their relations with the Legislative Council.

5. In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the Presidency Province as expressed by their representatives therein.

6. But, in addition to the general responsibilities with which you are, whether by statute or under this instrument, charged, we do further hereby specially require and charge you.—

- (1) To see that whatsoever measures are, in your opinion, necessary for maintaining safety and tranquillity in all parts of your Presidency Province and for preventing occasions of religious or racial conflict, are duly taken and that all orders issued by our Secretary of State or by our Governor-General-in-Council on our behalf to whatever matters relating are duly complied with.
- (2) To take care that due provision shall be made for the advancement and social welfare of those classes amongst the people committed to your charge, who, whether on



account of the smallness of their number, or their lack of educational or material advantages, or from any other cause, specially rely upon our protection and cannot as yet fully rely for their welfare upon joint political action, and that such classes shall not suffer or have cause to fear neglect or oppression.

- (3) To see that no order of your Government and no Act of your Legislative Council shall be so formed that any of the diverse interests of, or arising from, race, religion, education, social condition, wealth or any other circumstances may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have heretofore enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large.
- (4) To safeguard all members of our services employed in the said Presidency Provinces in the legitimate exercise of their functions and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard and that due obedience is paid to all just and reasonable orders, and diligence shown in their execution.
- (5) To take care that while the people inhabiting the said Presidency shall enjoy all facilities for the province, in the development of commercial and industrial undertaking: no monopoly or special privilege, which is against the commercial interest, shall be established, and no unfair discrimination shall be made in matters affecting commercial or industrial interests.

7. And we do hereby charge you to communicate these our instructions to the members of your Executive Council and your Ministers and to publish the same in your Presidency in such manner as you may think fit.

## Secretary of State's Powers

The powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State in Council under the Act or otherwise shall, in relation to the transferred subjects, be exercised only for the following purposes, namely.

- (1) to safeguard the administration of central subjects ;
- (2) to decide questions arising between two provinces in cases where the provinces concerned fail to arrive at an agreement ;
- (3) to safeguard imperial subjects ;
- (4) to determine the position of the Government of India in respect to questions arising between the Indian and other parts of the British Empire ; and
- (5) to safeguard the due exercise and performance of any powers and duties possessed by or imposed on the Secretary of State or the Secretary of State-in-Council under or in connection with or for the purposes of the following provisions of the Act, namely, Section 29 A, Section 30 (A) part 7-A, or of any rules made by or with the sanction of the Secretary of State in Council.

# Royal Instruction

## To the Governor-General of India

The following revised Instrument of Instructions to H. E. the Governor General of India was issued under the Royal Sign Manual. These instructions were given to H. E. the Governor-General at Buckingham Palace on the 15th of March 1921.

"Whereas by the Government of India Act it is enacted that the Governor General of India is appointed by Warrant under Our Royal Sign Manual and we have by Warrant constituted and appointed a Governor General to exercise the said Office subject to such instructions and directions as Our Governor-General for the time being shall from time to time receive or have received under Our Royal Sign Manual or under the hand of one of Our Principal Secretaries of State

"And Whereas certain instructions were issued under Our Royal Sign Manual to our said Governor-General bearing the date of the nineteenth day of November 1918 and whereas by the coming into operation of the Government of India Act of 1919, it has become necessary to revoke the instructions and to make further and other provisions in their stead

"Now, therefore, we do, by these our instructions, under Our Royal Sign Manual, hereby revoke the aforesaid instructions and declare Our pleasure to be as follows :—

(1) Our Governor-General for the time being (hereinafter called our said Governor-General) shall, with all due solemnity, cause Our Warrant under Our Royal Sign Manual appointing him to be read and published in the presence of the Chief Justice for the time being or in his absence of the senior Judge of one of the High Courts established in British India and of so many of the Members of the Executive Council of Our said Governor-General as may conveniently be assembled, Our said Governor-General shall take the Oath of Allegiance and the Oath for the due execution of the office of our Governor-General of India and for the due and impartial administration of Justice in the forms hereto appended, which Oaths the

said Chief Justice or the time being or in his absence the Senior Justice of our said High Courts shall, and he is hereby required to, tender and administer unto him.

(2) And we do authorise and require our said Governor-General, from time to time by himself or by any other person to be authorised by him in that behalf, to administer to every persons who shall be appointed by Us by Warrant under Our Royal Sign Manual to be a Governor of one of Our Presidencies or Provinces in India and to every person who shall be appointed to be a Lieutenant Governor or a Chief Commissioner, the Oaths and Allegiance of Office in the said forms, and we do authorise and require Our said Governor-General, from time to time by himself or by any other person to be authorised by him in that behalf, to administer to every person who shall be appointed by Us by Warrant under Our Royal Sign Manual or by the Secretary of State in the Council of India to be a Member of the Governor-General's Executive Council or a Member of a Governor's Executive Council, and to every person who shall be appointed to be a Member of a Lieutenant Governor's Executive Council and to every person whom any of our said Governors shall appoint to be a minister, the Oaths and Allegiance of office in the said forms together with the Oath of secrecy hereto appended.

(3) And, We do further direct that every person who under these instructions shall be required to take an Oath may make an Affirmation in place of the Oath, if he has any objection to taking an Oath.

(4) And, We do hereby authorise and empower our said Governor General in Our name and on Our behalf to grant, to any offenders convicted in the exercise of its Criminal Jurisdiction by any Court of Justice within Our said territories, a pardon either free or subject to such lawful conditions as to him may seem fit.

(5) And, in as much as the policy of Our Parliament is set forth in the preamble to the said Government of India Act of 1919, we do hereby require Our said Governor-General to be vigilant that that policy is constantly furthered alike by his Government and as well by the Governments of all Our Presidencies and Provinces.

(6) In particular, it is Our will and pleasure that the powers of superintendence, direction and control over the said local Government vested in Our said Governor-General and in our Governor General in Council shall, unless grave reason to the contrary appears, be exercised with a view to furthering the policy of the Local Governments of all Our Governors' Provinces when such policy finds

favour with a majority of the members of the Legislative Council of the Province.

(7) Similarly, it is Our will and pleasure that Our said Governor General shall use all endeavour, consistent with the fulfilment of his responsibilities to Us and to Our Parliament, for the welfare of Our Indian subjects, that the administration of the matters committed to the direct charge of Our Governor-General in Council may be conducted in harmony with the wishes of Our said subjects as expressed by their representatives in the Indian Legislature so far as the same shall appear to him to be just and reasonable.

(8) For, above all things, it is Our will and pleasure that the plans laid by our Parliament for the progressive realisation of Responsible Government in British India as an integral part of Our Empire may come to fruition to the end that British India may attain its due place among Our Dominions. Therefore, we now charge our said Governor General, by the means aforesaid and by all other means which may to him seem fit, to guide the course of Our subjects in India whose governance We have committed to his charge, so that, subject on the one hand always to the determination of Our Parliament and on the other hand to the co-operation of those on whom new opportunities of service have been conferred, progress towards such realisation may ever advance to the benefit of all Our subjects in India.

And, We do hereby charge our said Governor-General to communicate these our instructions to the Members of His Executive Council and to publish the same in such manner as he may think fit."

# The Government of India Act 1919 9 & 10 Geo. 5, Ch. 101.

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44. Power to make rules.
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46. Definition of official.
47. Short title, commencement, interpretation and transitory provisions.

# The Government of India Act 1919

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT  
TO THE GOVERNMENT OF INDIA.

## PREAMBLE

WHEREAS it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire ;

And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken ;

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

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

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

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

## PART I

### LOCAL GOVERNMENTS.

Sec. 1. (1) Provision may be made by rules under the Government of India Act, 1915, as amended by

Classification of central  
and provincial subjects.

the Government of India (Amendment) Act, 1916 (which Act, as so amended, is

in this Act referred to as "the Principal Act")—



- a. For the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature ;
- b. For the devolution of authority in respect of provincial subjects to local governments, and for the allocation of revenues or other moneys to those governments ;
- c. For the use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency ; and
- d. For the transfer from among the provincial subjects of subjects (in this Act referred to as "transferred subjects.") to the administration of the Governor acting with Ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration.

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

- i. Regulate the extent and conditions of such devolution, allocation, and transfer ;
- ii. Provide for fixing the contributions payable by local governments to the Governor-General in Council, and making such contributions a first charge on allocated revenues or moneys ;
- iii. Provide for constituting a finance department in any province, and regulating the functions of that department ;
- iv. Provide for regulating the exercise of the authority vested in the local government of a province over members of the public services therein ;
- v. Provide for the settlement of doubts arising as to whether any matter does or does not relate to a provincial subject or a transferred subject and for the treatment of matters which affect both a transferred subject and a subject which is not transferred ; and
- vi. make such consequential and supplemental provisions as appear necessary or expedient :

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

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

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

Provincial subjects, other than transferred subjects, are in this Act referred to as "reserved subjects."

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

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

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

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

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

(2) The provisions of sections forty-six to fifty-one of the Principal Act, as amended by this Act, shall apply to the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and

- Assam, as they apply to the presidencies of Bengal, Madras, and Bombay : Provided that the Governors of the said provinces shall be appointed after consultation with the Governor General.

**Sec. 4 (1)** The Governor of a Governor's province may, by notification, appoint Ministers, not being members of his Executive council or other officials, to administer transferred subjects, and any Ministers so appointed shall hold office during his pleasure.

There may be paid to any Minister so appointed in any province the same salary as is payable to a member of the Executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.

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

(3) In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice : Provided that rules may be made under the Principal Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no Minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

(4) The Governor of a Governor's province may at his discretion appoint from among the non-official members of the local legislature Council Secretaries who shall hold office during his pleasure, and discharge such duties in assisting members of the Executive council and Ministers, as he may assign to them.

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

A Council Secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council.

**Sec. 5. (1)** The provision in section forty-seven of the Principal Act, that two of the members of the Executive council of the Governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though "one" were substituted for "two," and the provision in that section that the Commander-in-Chief of his Majesty's Forces in India, if resident at Calcutta, Madras, or Bombay, shall, during

his continuance there, be a member of the Governor's council, shall cease to have effect.

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

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

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

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

The Governor may also make rules and orders for regulating the relations between his Executive council and his Ministers for the purpose of the transaction of the business of the local government :

Provided that any rules or order made for the purposes specified in this section which are repugnant to the provisions of any rules made under the Principal Act as amended by this Act shall, to the extent of that repugnancy, but not otherwise, be void.

**Sec. 7. (1)** There shall be a Legislative council in every Governor's province, which shall consist of the members of the Executive council and of the members nominated or elected as provided by this Act.

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

(2) The number of members of the Governors' Legislative councils shall be in accordance with the table set out in the First Schedule to this Act ; and of the members of each Council not more

than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members :

Provided that—

- a.* Subject to the maintenance of the above proportions, rules under the Principal Act may provide for increasing the number of members of any council, as specified in that schedule ; and
- b.* the Governor may, for the purposes of any Bill introduced or proposed to be introduced in his Legislative council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the Council, and shall be in addition to the numbers above referred to ; and
- c.* members nominated to the Legislative council of the Central Provinces by the Governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the Legislative council of the Central Provinces.

(3) The powers of a Governor's Legislative council may be exercised notwithstanding any vacancy in the council.

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

- a.* the term of office of nominated members of Governors' Legislative councils, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise ; and
- b.* the conditions under which and manner in which persons may be nominated as members of Governors' Legislative councils ; and
- c.* the qualification of electors, the constitution of constituencies, and the method of election for Governors' Legislative councils, including the number of members to be elected by communal and other electorates, and any matters incidental or ancillary thereto ; and
- d.* the qualifications for being and for being nominated or elected a member of any such Council ; and
- e.* the final decision of doubts or disputes as to the validity of any election ; and
- f.* the manner in which the rules are to be carried into effect :

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

(5) Subject to any such rules any person who is a Ruler or subject of any State in India may be nominated as a member of a Governor's Legislative council.

Sessions and duration of  
Governors' legislative  
councils.

Sec. 8. (1) Every Governor's Legislative council shall continue for three years from its first meeting :

Provided that—

- a. the Council may be sooner dissolved by the Governor ; and
- b. the said period may be extended by the Governor for a period not exceeding one year, by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so thinks fit ; and
- c. after the dissolution of the Council the Governor shall appoint a date not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the Council.

(2) A Governor may appoint such times and places for holding the sessions of his Legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the Council.

(3) Any meeting of a Governor's Legislative council may be adjourned by the person presiding.

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

Sec. 9. (1) There shall be a President of a Governor's Legislative council, who shall, until the expiration of a period of four years from the first meeting of the Council as constituted under this Act, be a person appointed by the Governor, and shall thereafter be a member of the Council elected by the Council and approved by the Governor :

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

(2) There shall be a Deputy-President of a Governor's Legislative council who shall preside at meetings of the council in the absence of the President, and who shall be a member of the Council elected by the Council and approved by the Governor.

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

(4) An elected President and a Deputy-President shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the Governor, and may be removed from office by a vote of the Council with the concurrence of the Governor.

(5) The President and the Deputy-President shall receive such salaries as may be determined, in the case of an appointed President, by the Governor, and in the case of an elected President or Deputy-President, by an Act of the local legislature.

Sec. 10. (1) The local Legislature of any province has power, **Powers of local legislatures.** subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local Legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter, as to that province, any law made either before or after the commencement of this Act by any authority in British India other than that local Legislature.

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

- a. imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under the Principal Act ; or
- b. affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor General in
- c. Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty ; or



- c. affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces ; or
- d. affecting the relations of the government with foreign Princes or States ; or
- e. regulating any Central subject ; or
- f. regulating any provincial subject which has been declared by rules under the Principal Act to be, either in whole or in part, subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies ; or
- g. affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force : or
- h. altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local Legislature, is declared by rules under the Principal Act to be a law which cannot be repealed or altered by the local Legislature without previous sanction ; or
- i. altering or repealing any provision of an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act may not be repealed or altered by the local Legislature, without previous sanction :

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

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

Sec. 11. (1) Sub-sections (1) and (3) of section eighty of the Business and procedure in principal Act which relate to the classes of business which may be transacted at meetings of local Legislative councils, shall cease to apply to a Governor's Legislative council, but the business and procedure in any such Council shall be regulated in accordance with the provisions of this section.

(2) The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted



to the vote of the Council in the form of demands for grants. The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a resolution of the whole grants or by the omission or reduction of any of the items of expenditure of which the grant is composed :

Provided that—

- a. the local government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject ; and
- b. the Governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department : and
- c. no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the Governor, communicated to the council.

(3) Nothing in the foregoing sub-section shall require proposals to be submitted to the Council relating to the following heads of expenditure ;

- (i) contributions payable by the local government to the Governor-General in Council ; and
- (ii) interest and sinking fund charges on loans ; and
- (iii) expenditure of which the amount is prescribed by or under any law ; and
- (iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and
- d. salaries of judges of the High Court of the province and of the Advocate-General.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Governor shall be final.

(4) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no

proceedings or no further proceedings shall be taken by the council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by rules under the Principal Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the Council, and as to the persons to preside over meetings thereof in the absence of the President and Deputy-President, and the preservation of order at meetings; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

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

(7) Subject to the rules and standing orders affecting the Council, there shall be freedom of speech in the Governors' Legislative Councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such Council or by reason of anything contained in any official report of the proceedings of any such Council.

**Sec. 12. (1)** Where a Bill has been passed by a local Legislative council the Governor, Lieutenant-Governor or Chief Commissioner may instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration, either in whole or in part, together any amendments which he may recommend, or, in cases prescribed by rules under the Principal Act may, and if the rules so require shall, reserve the Bill for the consideration of the Governor-General.

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

- a. The Governor, Lieutenant-Governor or Chief Commissioner may, at any time within six months from the date of the reservation of the Bill with the consent of the Governor-General, return the Bill for further consideration by the

Council with a recommendation that the Council shall consider amendments thereto :

- b. After any Bill so returned has been further considered by the Council, together with any recommendations made by the governor, Lieutenant-Governor or Chief Commissioner relating thereto, the Bill, if re-affirmed with or without amendment, may be again presented to the Governor, Lieutenant-Governor, or Chief Commissioner :
- c. Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same a way as a Bill assented to by the Governor, Lieutenant-Governor or Chief Commissioner but, if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period either—
  - (i) the Bill has been returned by the Governor, Lieutenant-Governor or Chief Commissioner, for further consideration by the council ; or
  - (ii) in the case of the Council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session.

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

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

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

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

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

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

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

Sec. 15. (1) The Governor General in council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new Governor's province, or place part of a Governor's province under the administration of a Deputy-Governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of the Principal Act or this Act relating to Governor's provinces, or provinces under a Lieutenant-governor or Chief-commissioner, to any such new province or part of a province.

(2) The Governor-General in Council may declare any territory in British India to be "a backward tract," and may, by notification, with such sanction as aforesaid, direct that the Principal Act and

this Act shall apply to that territory subject to such exceptions and modifications, as may be prescribed in the notification. Where the Governor-General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that any Act of the Indian Legislature shall not apply to the territory in question or any part thereof, or shall apply to the territory or any part thereof, subject to such exceptions or modifications as the Governor-General thinks fit, or may authorise the Governor in council to give similar directions as respects any Act of the local legislature.

Sec. 16. (1) The validity of any order made or action taken

Saving.

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

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

(3) The validity of any order made or action taken by a Governor in Council, or by a Governor acting with his Ministers, shall not be open to question in any legal proceedings on the ground that such order or action relates or does not relate to transferred subject, or relates to a transferred subject of which the Minister is not in charge.

## PART II.

### GOVERNMENT OF INDIA.

Sec. 17, Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two Chambers, namely the Indian Legislature. Council of State and the Legislative Assembly.

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

**Sec 18. (1)** The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under the Principal Act, of whom not more than twenty shall be official members.

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

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

**Sec 19. (1)** The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under the Principal Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred :

Provided that rules made under the Principal Act may provide for increasing the numbers of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so however, that at least five-sevenths of the Legislative Assembly shall be non-official members.

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

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

Provided that, if at the expiration of such period of four years the Assembly is in session, the President then in office shall continue in office until the end of the current session, and the first election



of a President shall take place at the commencement of the ensuing session.

(2) There shall be a Deputy-President of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the President, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

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

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

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

**Duration and sessions of  
Legislative Assembly and  
Council of State.**

**Sec. 21. (1)** Every Council of State shall continue for five years, and every Legislative Assembly for three years, from

its first meeting:

Provided that—

- a. either Chamber of the Legislature may be sooner dissolved by the Governor-General; and
- b. any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and
- c. after the dissolution of either Chamber the Governor-General shall appoint a date not more than six months, or, with the sanction of the Secretary of State not more than nine months after the date of dissolution for the next session of that chamber.

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

(3) Any meeting of either Chamber of the Indian Legislature may be adjourned by the person presiding.

(4) All questions in either Chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The powers of either Chamber of the Indian Legislature may be exercised notwithstanding any vacancy in the Chamber.

**Sec. 22.** (1) An official shall not be qualified for election as a member of either chamber of the Indian Legislature, and, if any non-official member of either Chamber accepts office in the service of the Crown in India, his seat in that Chamber shall become vacant.

(2) If an elected member of either Chamber of the Indian Legislature becomes a member of the other Chamber, his seat in such first mentioned Chamber shall thereupon become vacant.

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

(4) Every member of the Governor-General's Executive Council shall be nominated as a member of one Chamber of the Indian Legislature, and shall have the right of attending in and addressing the other Chamber, but shall not be a member of both Chambers.

**Sec. 23.** (1) Subject to the provisions of this Act, provisions may be made by rules under the Principal Act as to—

Supplementary provisions  
as to composition of Legis-  
lative Assembly and  
Council of State

- a. the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise : and
- b. the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly ; and
- c. the qualification of electors, the constitution of constituencies, and the methods of election for the Council of State



and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto; and

*d.* the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly: and

*e.* the final decision of doubts or disputes as to the validity of an election: and

*f.* the manner in which the rules are to be carried into effect.

(2) Subject to any such rules, any person who is a ruler or subject of any State in India may be nominated as a member of the Council of State or the Legislative Assembly.

**Sec. 24.** (1) Subsections (2) and (3) of section sixty-seven of the

**Business and proceedings  
in Indian Legislature.**

Principal Act (which relate to the classes of business which may be transacted by the Indian Legislative Council) shall cease

to have effect.

(2) Provision may be made by rules under the principal Act for regulating the course of business and the preservation of order in the Chambers of the Indian Legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the President and the Deputy-President; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussions of, any subject specified in the rules.

(3) If any Bill which has been passed by one Chamber is not, within six months after the passage of the Bill by that Chamber, passed by the other Chamber either without amendments or with such amendments as may be agreed to by the two Chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both Chambers: Provided that standing orders made under this section may provide for meetings of members of both Chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two Chambers.

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

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either Chamber of the Indian Legislature in so far as these matters are not provided for by rules made under the Principal Act. The first standing orders shall be made by the Governor-General in Council, but may, with the consent of the Governor-General, be altered by the Chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the Principal Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the Chamber, there shall be freedom of speech in both Chambers of the Indian Legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings of either Chamber.

**Sec. 25.** (1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year.

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

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either Chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

- (i) interest and sinking fund charges on loans ; and
- (ii) expenditure of which the amount is prescribed by or under any law ; and
- (iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and
- (iv) salaries of Chief Commissioners and Judicial Commissioners ; and
- (v) expenditure classified by the order of the Governor-General in Council as—
  - a. ecclesiastical ;
  - b. political ;
  - c. defence.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

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

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

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

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

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

a. if the Bill has already been passed by the other Chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both Chambers, forthwith become an Act of the Indian Legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian Legislature, or (as the case may be) in the form recommended by the Governor-General; and

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

consented to, shall, on signature\* by the Governor-General, become an Act as aforesaid.

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

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

Sec. 27. (1) In addition to the measures referred to in sub-  
Supplemental provisions section sixty-seven of the Principal Act,  
as to powers of Indian as requiring the previous sanction of the  
Legislature. Governor-General, it shall not be lawful  
without such previous sanction to introduce at any meeting of either  
Chamber of the Indian Legislature any measure.—

- a. regulating any provincial subject, or any part of provincial subject, which has not been declared by rules under the Principal Act to be subject to Legislation by the Indian Legislature.
- b. repealing or amending any Act of a local Legislature;
- c. repealing or amending any Act or ordinance made by the Governor-General.

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

**Sec. 28. (1)** The provision in section thirty-six of the Principal Act, imposing a limit on the number of members of the Governor-General's executive council, shall cease to have effect.

(2) The provision in section thirty-six of the Principal Act as to the qualification of members of the council shall have effect as though the words "at the time of their appointment" were omitted, and as though after the word "Scotland" there were inserted the words "or a pleader of the High Court" and as though "ten years" were substituted for "five years."

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

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

**Sec. 29. (1)** The Governor-General may at his discretion appoint, from among the members of the Legislative Assembly, Council Secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

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

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

### PART III.

#### SECRETARY OF STATE IN COUNCIL.

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

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

- (1) The provisions of sub-section (1) shall have effect as though "eight" and "twelve" were substituted for "ten" and "fourteen" respectively as the minimum number of members, provided that the council as constituted at the time of the passing of this Act shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.
- (2) The provisions of sub-section (3) shall have effect as if "one-half" were substituted for "nine" and "India" were substituted for "British India."
- (3) In sub-section (4) "five years" shall be substituted for "seven years" as the term of office of members of the Council, provided that the tenure of office of any person who is a member of the Council at the time of the passing of this Act shall not be affected by this provision.
- (4) The provisions of sub-section (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted :

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

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

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

Sec. 32. (1)\*The provision in section six of the Principal Act which prescribes the quorum for meetings of the Council of India shall cease to have effect, and the Secretary of State shall provide for a quorum by directions to be issued in this behalf.

(2) The provision in section eight of the Principal Act relating to meetings of the Council of India shall have effect as though "month" were substituted for "week."

(3) Section ten of the Principal Act shall have effect as though the words "all business of the Council or committees thereof to be transacted" were omitted and the words "the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council" were inserted in lieu thereof.

Sec. 33. The Secretary of State in Council may, notwithstanding anything in the Principal Act, by rule regulate and restrict the exercise of the powers of Superintendence, direction, and control, vested in the Secretary of State and the Secretary of State in Council, by the Principal Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act.

Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect.

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



**Sec. 34.** So much of section five of the Principal Act as relates to Correspondence between orders and communications sent to India Secretary of State and from the United Kingdom and to orders India. made in the United Kingdom, and section eleven, twelve, thirteen and fourteen of the Principal Act, shall cease to have effect, and the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council.

**Sec. 35.** His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants; and the Order further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council whether under the Principal Act or otherwise in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local Government.

## PART IV.

### THE CIVIL SERVICES IN INDIA.

**Sec. 36.** (1) Subject to the provisions of the Principal Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a Governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the Governor of the province in order to obtain justice, and the Governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.



(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local Governments, or authorise the Indian Legislature or local Legislatures to make laws regulating the public services :

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

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

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

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

Sec. 37. (1) Notwithstanding anything in section ninety-seven of the Principal Act the Secretary of State may make appointments to the Indian Civil Service of persons domiciled in India, in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India.

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

(2) The Indian Civil Service (Temporary Provisions) Act, 1915 5 and 6 Geo. 5. c. 87. (which confers power during the war and for a period of two years thereafter to make appointments to the Indian Civil Service without examination), shall have effect as though "three years" were substituted for "two years."

Sec. 38. (1) There shall be established in India a public service Public Service Commission. commission, consisting of not more than five members, of whom one shall be Chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of Chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

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

Sec. 39. (1) An Auditor-General in India shall be appointed Financial Control. by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment, or for the discharge of his duties in the case of a temporary vacancy or absence from duty.

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

Sec. 40. Rules made under this Part of this Act shall not be Rules under Part IV. made except with the concurrence of the majority of votes at a meeting of the Council of India.

## PART V.

## STATUTORY COMMISSION.

Sec. 41. (1) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a Commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a Commission for the purpose of inquiring into the working of the system of Government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible Government, or to extend, modify, or restrict the degree of responsible Government, then existing therein including the question whether the establishment of second Chambers of the local Legislatures is or is not desirable.

(3) The Commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the Commission by His Majesty.

## PART VI.

## GENERAL.

Sec. 42. Notwithstanding anything in section one hundred and twenty-four of the Principal Act, if any member of the Governor-General's Executive Council or any member of any local Government was at the time of his appointment concerned or engaged in any trade or business, he may, during the term of his office, with the sanction in writing of the Governor-General, or in the case of ministers of the Governor of the province, and in any case subject to such general conditions and restrictions as the Governor-General in Council may prescribe, retain his concern or interest in that trade or business, but shall not, during that term, take part in the direction or management of that trade or business.

Sec. 43. Any assent or disallowance by His Majesty, which under the Principal Act is required to be signified through the Secretary of State in Council, shall as from the passing of this Act be signified by His Majesty in Council.

• Sec. 44. (1) Where any matter is required to be prescribed or regulated by rules under the Principal Act and no special provision is made as to the authority by whom the rules are to be made the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian Legislature or by any local Legislature.

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

(3) Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder:

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but, upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.

Amendments of Principal Act to carry Act into effect, etc.

Sec. 45. (1) The amendments set out in parts I and II of the Second Schedule to this Act, being amendments to incorporate the provisions of this Act in the Principal Act, and further amendments consequential on or arising out of those provisions, shall be made in the Principal Act, and any question of interpretation shall be settled by reference to the Principal Act as so amended. The provisions of the Principal Act, specified in Part III of that schedule, being provisions which are obsolete or unnecessary, or which require amendment in detail, are hereby repealed or modified, and shall be dealt with, in the manner shown in the second column of that schedule.

(2) Every enactment and word which is directed by the Government of India (Amendment) Act, 1916, or by this section and the

Second Schedule to this Act, to be substituted for or added to any portion of the Government of India Act, 1915, shall form part of the Government of India Act, 1915, in the place assigned to it by the Government of India (Amendment) Act, 1916, or that schedule ; and the Government of India Act, 1915, and all Acts, including this Act, which refer thereto shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the Government of India Act, 1915, in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word.

A copy of the Government of India Act, 1915, with the amendments, whether by way of substitution, addition or omission, required by the Government of India (Amendment) Act, 1916, and by this section and the Second Schedule to this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the Government of India Act, 1915, which are printed after the passing of this Act, and the Government of India Act, 1915, as so amended, may be cited as "The Government of India Act."

Sub-section (3) of section eight of the Government of India (Amendment) Act, 1916, is hereby repealed.

**Sec. 46.** In this Act the expressions "official" and "non-official,"

**Definition of official.**

where used in relation to any person, mean respectively a person who is or is not in the civil or military service of the Crown in India :

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

**Sec. 47.** (1) This Act may be cited as the Government of

**Short title, commencement, interpretation, and transitory provisions.**

India Act, 1919, and the Principal Act, as amended by any Act for the time being in force, may be cited as the Government of India Act.

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

On the dates appointed for the coming into operation of the provisions of this Act as respects any executive or Legislative

Council all the members of the Council then in office shall go out of office, but may, if otherwise qualified, be reappointed, renominated or re-elected, as the case may be, in accordance with the provisions of the Principal Act as amended by this Act.

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

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

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

## SCHEDULES.

### \* FIRST SCHEDULE.

#### NUMBER OF MEMBERS OF LEGISLATIVE COUNCILS.

Legislative Council.	Number of Members.
Madras . . . . .	118
Bombay . . . . .	111
Bengal . . . . .	125
United Provinces . . . . .	118
Punjab . . . . .	83
Bihar and Orissa . . . . .	98
Central Provinces . . . . .	70
Assam . . . . .	53

## SCHEDULE NO. 1

## † SECOND SCHEDULE.

## PART I.

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

TABLE.

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 1	To be inserted as a new section (45A) after s. 45.	"this Act" to be substituted for "the Government of India Act, 1915." "principal Act)," for "the principal Act," and for "that Act."
Sec. 3 (1)	To be substituted for s. 46 (1).	—
Sec. 4	To be substituted for s. 52.	"this Act" to be substituted for "the principal Act."
Sec. 6	To be substituted for s. 49.	"any other rules made under this Act" to be substituted for "any rules made under the principal Act as amended by this Act."
Sec. 7, 8, 9	To be inserted as new sections (72A, 72B, and 72C), after s. 72.	"this Act" to be substituted for "the principal Act."
Sec. 10	To be inserted as a new section (80A) after s. 80.	"this Act" to be substituted for "the principal Act," "the commencement of the Government of India Act, 1919," to be substituted for "the commencement of this Act" and "such first mentioned Act" to be substituted for "that Act" in subsection (3).



Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 11 .	To be inserted as a new section (72D) after s. 72C.	The following sub-section to be substituted for subsection (1) :—  “(1) The provisions contained in this section shall have effect with respect to business and procedure in Governors' legislative councils.” “this Act” to be substituted for “the principal Act.”
Sec. 12 .	To be inserted as a new section (81A) after s. 81.	“this Act” to be substituted for “the principal Act.”
Sec. 13 .	To be inserted as a new section (72E) after s. 72D.	—
Sec. 14 .	To be inserted as a new section (80B) after s. 80A.	The following new section to be inserted at the end thereof :—  “80c. It shall not be lawful for any member of any local legislative council to introduce, without the previous sanction of the Governor, Lieut-Governor or Chief Commissioner, any measure affecting the public revenues of a province or imposing any charge on those revenues.”
Sec. 15	To be inserted as a new section (52A) after s. 52.	“this Act” to be substituted for “the principal Act or this Act” and for the principal Act and this Act.



Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 16 (1) and (3). To be inserted as a new section (52B) after s. 52A.		"the Government of India Act, 1919," to be substituted for "this Act," where those words first occur, and "that Act" to be substituted for "this Act," where those words secondly occur, and "that Act or this Act" to be substituted for "this Act," where those words thirdly occur.
Sec. 16 (2). To be inserted as a new sub sec. (2) of s. 84.		"Nothing in the Government of India Act, 1919, or this Act" to be substituted for "Nothing in this Act" and "this Act" to be substituted elsewhere for "the principal Act."
Sec. 17-23 inclusive. To be inserted as new sections in lieu of ss. 63 and 64, and numbered 63, 63A, 63B, 63C, 63D, 63E, and 64.		"this Act" to be substituted for "the principal Act."
Sec. 24 (2). To be inserted as sub-section (1) of section 67 in lieu of the existing sub-section (1)		"this Act" to be substituted for "the principal Act."
Sec. 24 (3)-(7). To be inserted as sub-sections (3)-(7) of section 67 in lieu of the existing sub-section (3)		"this Act" to be substituted for "the principal Act."
Sec. 25 and 26 To be inserted as new sections (67A and 67B) after s. 67.		
Sec. 29. To be inserted as a new section (13A) after s. 43.		

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 33.	To be inserted as a new section (19A) after s. 19.	"this Act" to be substituted for "the principal Act" and "the Government of India Act, 1919," to be substituted for "this Act,"
Sec. 34.	To be inserted as new section (11) in lieu of sections 1 to 14 inclusive.	For the words from the beginning of the section down to and including the words "effect and" there shall be substituted the words "Subject to the provisions of the act."
Sec. 35.	To be inserted as a new section (29A) after s. 29.	"this Act" to be substituted for "the principal Act."
Sec. 36, 38, 39, and 40	To be inserted as new sections (96B, 96C, 96D, and 96E) after section 96A, constituting a new Part (VIIA.) after Part VII.	"this Act" to be substituted for "the principal Act," and "the Government of India Act, 1919," to be substituted for "this Act," except in section 40.
Sec. 37 (1)	To be inserted as a new sub-sec. (6) of s. 97.	"this section" to be substituted for "section ninety-seven of the principal Act," and "any rules made under this sub-section" to be substituted for "any rules made under this section."
Sec. 41.	To be inserted as a new section (84A) after s. 84, constituting a new Part (VIA) after Part VI.	"The Government of India Act, 1919" to be substituted for "this Act."
Sec. 42.	To be inserted as a proviso to s. 124.	"Provided that notwithstanding anything in this Act" to be substituted for "Notwithstanding anything in section one hundred and twenty-four of the principal Act."

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 44 .	To be inserted as a new section (129A) at the beginning of Part XII.	"this Act" to be substituted for "the principal Act" and for "this Act or under the principal Act."
Sec. 46 .	To be inserted as a new paragraph at the end of s. 134.	"in this Act" to be omitted, and "this Act" to be substituted for "the Principal Act" and for "the principal Act or this Act."
Sec. 47 (3) and (4)	To be inserted as new paragraph at the end of s. 130.	"this Act" to be substituted for "the principal Act" and for "the principal Act as amended by this Act."
First Schedule.	To be inserted in lieu of Schedule I.	

## PART II.

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

### Table.

Section of Act.	Amendment.
2	In sub-section (2) "or rules made thereunder" shall be inserted after "this Act."
	The following sub-section shall be substituted for sub-section (3) :—
	"(3) The salary of the Secretary of State shall be paid out of moneys provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament."

Section  
of  
Act.

## Amendment,

- 3 (1) "eight" shall be substituted for "ten," and "twelve" shall be substituted for "fourteen," and the following words shall be inserted at the end of the sub-section :—  
"Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision."
- 3 (3) "one-half shall be substituted for "nine," and "India" shall be substituted for "British India."
- 3 (4) "five years" shall be substituted for "seven years," and the following words shall be inserted at the end of the sub-section :—  
"Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed."
- 3 (8) The following sub-sections shall be substituted for this sub-section :—  
"(8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds : Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds. Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament.
- (9) Notwithstanding anything in any Act or rule, where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would have been payable to him on completion of such period be reckoned as service under the Crown in India whilst resident in India."

Section  
of  
Act.

## Amendment.

- 5 The words of this section from and including the words "but every order" to the end of the section shall be omitted.
- 6 For "not less than five members are present" there shall be substituted "such number of members are present as may be prescribed by general directions of the Secretary of State."
- 8 For "week" there shall be substituted "month."
- 10 For "all business of the Council or committees thereof is to be transacted" there shall be substituted "the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council."
- 19 The words of this section from the beginning down to and including "Provided that" shall be omitted.
- 20(2)(d) After "under this Act" there shall be inserted "except so far as is otherwise provided under this Act."
- 21 At the beginning of this section there shall be inserted "subject to the provisions of this Act and rules made thereunder."
- 27(9) After "revenues of India" there shall be inserted "or out of moneys provided by Parliament."
- 29 In sub-section (1) at the beginning there shall be inserted the words:—  
"Subject to the provisions of this Act regarding the appointment of a High Commissioner for India."
- 30 After sub-section (1) the following sub-section shall be inserted.  
"(1A) A local Government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act, and make proper assurances for that purpose, and rules made under this Act may provide for the conditions under which this power shall be exercisable."

Section  
of  
Act.

## Amendment.

In sub-section (2) "sub-section (1) of this section" shall be substituted for this "section."

31 "Indian legislature" shall be substituted for "Governor General in Legislative Council."

33 At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."

35 This section shall be omitted.

37 "ordinary" in sub-sections (1) and (2) shall be omitted.

In sub-section (2) for the words from and including "five or" to the end of the sub-section there shall be substituted "such as His Majesty thinks fit to appoint."

In sub-section (3) "at the time of their appointment" shall be omitted, after "Scotland" there shall be inserted "or a pleader of a High Court," and "ten" shall be substituted for "five."

In sub-section (4) for "person appointed as ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief for the time being of His Majesty's forces in India)."

At the end of the section the following new sub-section shall be inserted:—

"(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council in any case where such provision is not made by the foregoing provisions of this section."

37 The following section shall be substituted for section thirty-seven:—

"37. If Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's executive Council he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General."

39 In sub-section (2) for "one ordinary member of the Council" there shall be substituted "one member of the Council (other than the Commander-in-Chief)."

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## Amendment. /

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

42 For "ordinary member" there shall be substituted "member (other than the Commander-in-Chief)."

45 At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."

46 The following sub-section shall be substituted for sub-section (2):—

"(2) The Governors of the said presidencies are appointed by His Majesty by warrant under the Royal sign Manual, and the Governors of the said provinces shall be so appointed after consultation with the Governor-General."

In subsection (3) "the Governors' provinces" shall be substituted for "those presidencies" and "province" shall be substituted for presidency."

47 In sub-section (2) "One at least of them must be a person who at the time of his appointment has been" shall be substituted for "Two at least of them must be persons who at the time of their appointment have been."

The following sub-section shall be substituted for sub-section (3):—

"(3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive Council of the Governor of a province in any case where such provision is not made by the foregoing provisions of this section."

48 "province" shall be substituted for "presidency."

50(2) "province" shall be substituted for "presidency."

53(1) For the words from the beginning down to "the Punjab and" (inclusive) there shall be substituted "The province of," and the words "with or without an executive Council" shall be omitted.



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## Amendment.

- 57 At the end of the section there shall be inserted "an order made as afore-said shall not be called into question in any legal proceedings on the ground that it was not duly made by the Lieutenant-governor in Council"
- 58 "Assam, the Central Provinces," shall be omitted.
- 65 For "Governor-General in Legislative Council" there shall be substituted "Indian Legislature."
- 67 "either chamber of the Indian Legislature" shall be substituted for "the Council."
- At the end of sub-section (2) the following shall be inserted—
- (i) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to Legislation by the Indian Legislature ; or
  - (ii) repealing or amending any Act of a local Legislature ; or
  - (iii) repealing or amending any Act or ordinance made by the Governor-General.
- (2A) Where in either chamber of the Indian Legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquility of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment ; and effect shall be given to such direction."
- 68 "Bill" shall be substituted for "Act" and "a Bill" for "and Act ;" "by both chambers of the Indian Legislature" shall be substituted for "at a meeting of the Indian Legislative Council," and "whether he was or was not present in Council at the passing thereof" shall be omitted. "A Bill passed by both chambers of the Indian Legislature shall not become an Act" shall be substituted for "An