

Maharaja of Bikanir, some of the problems of the Native States from the point of view of the people have been set forth for solution and the democratisation of Native States has been urged with warmth. These communications show the general trend of public opinion in the States. Every one of the reforms from the rural panchayat to the urban municipality, elected representative assemblies, the responsibility of the executive government to the people and full freedom of speech and criticism, these and other reforms have been put forward and the initiation of all these measures for widening the spheres of popular liberty have been advocated. The author makes a stirring appeal to the Maharaja and says -

"Let the subjects of Native States, therefore, freely join their brethren in British and assist in the struggle for Home Rule. Let them be participators in all the national movements of British India like the Congress, the social conference, the National Educational schemes, the Boy Scouts organisations and other beneficent activities of the present Renaissance. For, after all, India is but one household amidst the community of nations. She has one spiritual mission which binds together the subjects of Native States and those of British India, and besides, victory to the latter in the fight for Swaraj means an impetus to the same cause in the Native States. Leaders of National India are demanding an immediate declaration of policy from the Government of His Majesty to the effect that they recognize Home Rule to be the political goal of India. Would it not be in the highest interests of our common motherland if enlightened and patriotic Princes of your Highness's eminence, will send up a recommendation to His Majesty on behalf of India's movement towards larger freedom, and couple with it a prayer that His Imperial Majesty might also be graciously pleased to make it known to all his Indian Allies that they would deserve his approbation and esteem only by submitting themselves to constitutional principles and processes of administration, similar to those, which His Majesty has himself accepted."

These sentiments indicate the progress of the movement for National autonomy and constitutional Government in the Native States.

Points of contact and conflict have, therefore, been and will continue to be established between that vast area which Sir William Lee Warner calls "India under

Home Rule" and that much vaster area which is ardently awaiting its destiny of "Home Rule" yet to come. The day has passed when "the East could bow low before the storm in patient deep disdain. The legions still thunder by, but Oriental Society can never go back to what it was. To-morrow will not be as yesterday. It is certain that the present century will witness alterations in the character of British relations with the Native States." If these constitutional changes predicted by Sir William Lee-Warner long before the occurrence of conditions, which make them not merely probable but imminent, should conduce to the peaceful and permanent progress of this ancient land, and help in the establishment of sound representative institutions, it would not be enough merely to maintain the present character of British relations with the Princes and the Chiefs. The Native States must be linked with the other units of administration in India in a federal union which will give them a constitutional position in the Indian system.

LORD ISLINGTON.

Lord Islington has also recognised the need for some organic connection between the Native States and British India. In his Oxford address, he refers to the necessity for making provision for the Native States in any final scheme of Indian Self-Government. He said

"The Native States comprise in area and population one third of the Indian Peninsula. Comprised within the legal definition of India, they are excluded from that of British India, and do not form part of His Majesty's Dominions. Proud to acknowledge the paramountcy of the British Crown, their rulers are so far from being British subjects that they enjoy an almost complete internal sovereignty solemnly guaranteed to them with certain limitations, by formal treaties, the scrupulous observance of which is a point of honour with the British Government. And yet, though historically and constitutionally divorced from the body politic of British India they are inextricably bound up with it by their geographical position which necessarily exposes them on all sides to influences from without, while railways, posts and telegraphs must tend more and more to level

artificial barriers and to foster the growth of common sentiment. Thus it is that, making no claim to interfere in the affairs of British India and jealous of interference in their own, they claim to take part in the defence of the British Empire, and wherever the Indian Army has fought, Imperial Service Troops have stood side by side with their British and Indian comrades. Obviously, therefore, they occupy an important place in any of our schemes."

In order, therefore, to see whether these States can be brought into a scheme of Self-Government on the basis of a federal union, it is necessary to refer briefly to their exact position in relation to the British Government. The Native States of India cover an area of 630,068 sq. miles, being inhabited by a population of about 66 millions exclusive of Baluchistan, Nepal and the Shan States, and number about 680, of which 261 are the more important ones. The Government of India directly controls 180 States, the Government of Madras has under it 5. Bombay has 354 separate Rulers, the Punjab 34, Bengal 30, United Provinces 52. Although some of these, particularly in Bombay, are small, still "the right of all the 680 States recognised by the foreign office of the Government of India, as beyond the jurisdiction of the ordinary Courts of the British Empire, to the fullest measure of protection and partnership is firmly established by usage, by the evidence of fact and by solemn guarantee." The relations of the Native States with the Sovereign power have been regulated by treaties and developed by usage and precedent. The list of duties and obligations was no doubt recorded in ancient treaties, but they have been amended and adapted to the changing conditions, and the relations of the States with the Government at the present day are, therefore, the result of an imperceptible growth of usage and precedent in addition to express engagement. The States have obligations to the Crown and also for the common defence of the Empire. They have also obligations in external affairs and also in internal affairs. The account of rights and

obligations as between the Suzerain power and the subordinate States is a running one ; nevertheless, the main heads of the bill may be set forth.

For the purposes we have in view, it is necessary to examine the duties of the States in somewhat greater detail (i) They can be considered under five heads :—(i) Obligations for the common defence, (ii) in regard to external relations, (iii) affecting internal administration ; (iv) of loyalty to the Crown and (v) of certain jurisdictional engagements.

COMMON DEFENCE.

All States have to furnish troops according to their means at the requisition of British Government as expressed in the treaties negotiated by Lord Hastings. The system of subsidiary forces indicating, as they once did, a mistrust, if not of the fidelity, at least of the efficiency of the armies of Native States still survives in a few States. The experiment of requiring certain States to offer contingents or auxiliary forces, consisting of a body of their own troops, commanded, equipped and paid by British Officers was tried and, with a single exception (Hyderabad), abandoned. The new experiment of providing Imperial service troops marks a change in the policy of mistrust and isolation, which prevailed in the earlier periods of British intercourse, and a combined force of 21,000 men is now maintained by 27 States, while rulers of other States are anxious to contribute their contingents. While the States have to contribute to the common defence by means of subsidiary forces, contingents, local forces and Imperial service troops, their limited sovereignty entails restrictions upon the strength of their armies, and their system of recruitment so as to prohibit foreign mercenaries, and also in regard to their fortifications, equipments and armaments. In times of war, obligations are imposed upon the States to

render assistance to the full extent of their resources. Besides these, there are certain services, which the King's allies are required to render to the Imperial armies charged with the defence of their States, no less than of British territories and these comprehend the grant of rights of passage and occupation of forts, of rights of cantonment, of assistance in the matter of supplies, and of the extradition of deserters. In order that the British Government may maintain its lines of communication between its scattered forces, it requires the control over the Railway, Telegraph and telephone systems and postal communications. Its consent is required before private lines are constructed in the Native States and in regard to railways which are not isolated in a Native State but form part of the Imperial system of railways or part of a continuous line of such system; the cession of jurisdiction is invariably required in order to avoid a constant break of jurisdiction and gauge and interminable disputes regarding loss or injury to lives and goods. A free cession of the requisite strip of land and exemption from duty on materials of construction or of the goods carried by the railway constitute the cost which the Native States have to pay for the benefits of the main lines of railway constructed within the limits of their States

EXTERNAL AFFAIRS.

In regard to external affairs, the States have no *locus standi* whatever, being unable to communicate with one another or with other external powers. They cannot even receive commercial agents or simply foreigners without the consent of the Suzerain power. They cannot receive titles from foreign powers or from one another and cannot submit joint petitions. It is true that only 55 out of the 680 treaties expressly prohibit negotiations with foreigners, but such prohibition applies equally to all the others. At the same time, the Native States by fore-

going their complete sovereignty in the sense that 'Sovereignty is divisible' are entitled to have their subjects protected by the British Government in foreign areas, and may be required to punish their crimes and offences at such places. The rights enjoyed by the British Indian subjects abroad are shared by those of the Native States as well, and as such, the latter, when they possess the necessary passports and credentials, receive the protection of British Consuls or their substitutes. The right of making treaties or capitulations with the protected sovereigns of India being refused to foreign nations by the British Government, the latter reserves to itself the right to try Europeans and Americans for offences committed in Native States. In the treaty of Mysore, plenary Criminal jurisdiction over European British subjects was expressly reserved, while the omission of reference to European subjects of foreign nations is made up by the requisition that Mysore should conform to the advice of the Government of India in the administration of justice. The premier state of India, Hyderabad, has assigned to the Resident, the Criminal Jurisdiction over "the many Europeans, born in India, resident in the territory of His Highness," except those employed by the "Sucar" and its dependents. Native States must surrender fugitive offenders from other States of British India or foreign countries in co-operation with the British Government. Foreign nations cannot negotiate with the Native States, but that right being in the hands of the British Government, the Native States are obliged to co-operate with it in all such matters. All interestal dealings are prohibited except through the mediation of the Government of India. Breach of these rules, understandings and obligations is sometimes visited with punishments such as suspension, reduction or withdrawal of salutes.

INTERNAL ADMINISTRATION.

The Princes and Chiefs of India have parted with many attributes of sovereignty by resigning their rights of peace and war, by surrendering their rights of negotiation, confederacy and legation and as partners of the British Government in the benefits of international and interstate action. It may, then, appear unexpected and unjustifiable that the Native States which, when they surrendered their sovereignty, stipulated for non-interference in domestic affairs, should, nevertheless, owe obligations to the suzerain power in matters pertaining to their internal administration. The right to recognise and regulate successions, the right of interference to prevent dismemberment of a State, or to suppress rebellion against the lawful sovereign, the right to prevent gross misrule and check inhuman practices of offences against natural law and public morality, and the right to secure religious toleration are all rights conceived in the interests of the states and their sovereigns and have been reserved by the British Government, while obligations may be imposed on the States in the interests of the Empire to fight a common calamity, such as plague or famine and to assist in measures taken to secure jurisdiction over British subjects, to protect the coinage of British India, to maintain a uniform gauge in jurisdiction on railways and to help in the proper working of the judicial system in British India. It is laid down that Mints in Native States should be established and worked only at the capitals of the states under proper control and supervision by the ruler of the states, whose coinage must be limited to the requirements of his own territories and those of his subordinate chiefs. There is also a tendency for the unreserved adoption of free trade. The reforms in the fiscal system are affected by agreement, and not introduced by the assertion of the Imperial authority.

JURISDICTIONAL ARRANGEMENTS

In every State in India, the British Government exercises personal jurisdiction over British subjects as well as extra-territorial jurisdiction over all persons and things within its cantonments situated in foreign territory. In some of the protected states, the Government of India shares with the sovereign his jurisdiction over his own subjects, and in some the entire administration of justice, both civil and criminal, is conducted by the Courts of the Governor General in Council. The Political Agent sometimes hears appeals from capital sentences passed by the Courts of the Native States upon their own subjects. Sometimes, the British Government exercises jurisdiction over certain subjects of the Native States, such as the Jareja Nobles of Cutch or the Feudatory States of Kolhapur. The cantonments, while they retain their character as foreign territory, are occupied alike by the British troops, and by the laws and Courts of the Governor-General, necessary for its effective occupation so that drink, crime and insanitation may not impair the efficiency of soldiers. British jurisdiction over railways has been already referred to and it is secured either by the surrender of the whole piece of land as in Baroda or, as is more commonly the case, by ceding to the Governor-General the jurisdiction and full powers of administration in sovereignty. Sometimes jurisdiction is required in civil stations, over particular places or sites, in foreign territories, either because they form the headworks of Imperial canals or centres of trade or of the influx of the British residents; such areas are not British territory and the jurisdiction exercised is done under the Indian Foreign Jurisdiction Act XXI of 1879. British Indian Courts or Courts of foreign jurisdiction deal with offences committed by Europeans in Native States, while Indian British subjects are handed over to the Courts of Protected

Princes in whose territory they have offended. Difficult situations arise where a European British subject commits a crime in a State punishable according to the law of the land, but not according to the law to which he is amenable beyond British India. The right of demanding the extradition of fugitive criminal is not reciprocal; the British Government does not, as a rule, extradite a European offender to a Native State, while it demands the extradition of such offenders to itself. In the same way, the British Government expects the surrender of military deserters from the Imperial Army, whilst it cannot extradite to a Native State a deserter from its own army.

These are briefly the relations between the Suzerain power and the subordinate states. Sir William Lee Warner has, in his admirable treatise, dealt with the subject exhaustively from a constitutional standpoint.

CONSTITUTIONAL POSITION

After a comprehensive view of the exact position of the Native States, Sir William Lee-Warner has come to some conclusions in regard to the exact position of the Native States. The tie that unites them to the British Government is not international. The restrictions placed upon their independent action and the obligations which habitually govern their external relations, and even, to some extent, their exercise of internal sovereignty, must be held to have deprived them of real international life. The Government of India have expressly said, in a notification published in the Gazette of India in 1891, that "the principles of the International Law have no bearing upon the relations between the Government of India as representing the Queen Empress on the one hand and Native States under the sovereignty of Her Majesty on the other. The paramount supremacy of the former presupposes and implies the subordination of the latter." The tie is not also a

feudal tie The Parliament and the Government of India have no power to legislate for places and persons not under British jurisdiction Sir Lewis Tupper has taken the view that they are feudatories but the line of argument adopted by Sir Lewis Tupper would lead one to conclude that the Native States are British possessions and this view would completely nullify the solemn assurances given to their rulers to the contrary The question has, then, been raised whether the connection between the King's authorities in India and the rulers of the Native States is a constitutional tie The British Government alone represents to the outside world the unit India Sir William Lee-Warner has summarised the present position. The relationship is not international, neither is it feudal. It is not constitutional either. He says "that the British Government has drawn to itself the exercise of the entire external sovereignty of the Native States and it has also gathered into its hands some of the internal sovereignty of even important states" The Indian States have, therefore, been treated as types of semi-sovereign States This sovereignty has been maintained by treaties and by continuous usage on the part of the Indian Government

These being the facts, the establishment of constitutional relations between British India and the Native States is beset with difficulties If a federal Government for the whole of India is established, it must regulate measures that concern peace and war and foreign relations common to the several States and British India. It would also regulate the fiscal systems of the States themselves. The exclusive right of coining the money and regulating the value thereof will also be asserted The law of copyright and patents in British India will have to be extended to the Native States The Postal, Telegraph and Railway systems, both in the

ative States and British India, will come under the same central authority. In these and other federal matters, the Native States will have to forego their existing rights. While preserving to them freedom from interference in domestic administration, it will be possible to bring the Native States into a Federal System only with their consent. Lord Islington, laid down the following principles, which have to be kept in view in framing a federal constitution in India.

First.—The States must come into our scheme of their own free will. We can put no pressure upon them which the letter and the spirit of our treaty engagements with them do not permit.

Second.—We cannot ask them to come into any scheme which does not reserve to them all the rights, which their treaties guarantee to them. However insistent may be the demand for accommodation and give and take, their treaty rights must be scrupulously respected.

Third.—Nothing must be done to impair the personal link which binds them to the Crown.

These conditions are necessary to secure freedom of action to the States. The creation of a federal machinery in India in which the Native States are component members will be accomplished in due time.

A FEDERAL UNION.

There can be no doubt, therefore, that a federal union would be a source of strength to the people and would be a useful link between the rulers of the Native States on the one hand and the people of British India and the British Government on the other. The subjects of the Native States and the subjects of the British India are already held together by immemorial ties and by fundamental

unity of thought and culture, of race and civilisation, and they have the same social, political and economic problems, which will be promoted by a federal union. There is, therefore, little doubt that, in a scheme of Self-Government for India, provision must be made for incorporating the Native States with British India on a federal basis.

If such a union is effected between the Native States and the Government of India, the Native States will occupy a position similar to the British Provinces in regard to internal affairs. The British Government is already tied down by treaties and usage not to interfere with the internal administration of the States, and there is also no desire on the part of the Princes to interfere in the internal administration of British India. His Highness the Gaekwar of Baroda has expressly stated, at the Conference of the Princes and Chiefs held in 1916, that the British Government should not interfere in the internal affairs of the States and that the Princes and Chiefs have on their part no desire to interfere with those of British India. 'The desire for unfettered internal sovereignty has found expression several times and as a matter of fact, interference with the internal administration of the States has been reduced to a minimum for some years and specially after the Viceroyalty of Lord Hardinge. Any scheme of political reconstruction in India should, therefore, while affording all reasonable guarantees to the Native States for non-interference in internal administration, provide for adequate representation of the States in any federal machinery that may be constituted. The federal executive and the federal legislature, that may be devised, will have to take into account the claims of the Native States for suitable representation in federal assemblies and for the control of the federal affairs. It has been suggested that the Conference of Princes and Chiefs may,

in future, develop into a constitutional assembly for the settlement of the questions relating to Native States. I do not believe in the possibility of the Conference of Chiefs being developed into an organ of constitutional Government. So far as the Proceedings of the last Chiefs' Conference are concerned, one is led to think that it is more or less a ceremonial assembly. Nothing very definite has been discussed by the Council nor did the larger problems affecting the Native States and the British India ever come up for consideration. What is wanted is that the Native States should be brought in touch with the ultimate facts of political life in this country and this can only be obtained by a federal union for the whole of India in which the Native States are constituent partners sharing common obligations and rights along with British Indian Provinces. The appointment of Indian Chiefs and Princes to the Indian Legislative Councils has been suggested and statutory difficulties in the way have now been removed. The step by itself will not do any good. What is required is an organic connection and a constitutional representation of the States in a federal legislature. The Indian Legislative Council at present represents the people of British India and the appointment of a Ruling Prince to that Council will really be an anachronism. As a member of that assembly, the Indian Chief might occupy a dignified position, but he has no concern with, and no interest in, the affairs of British India, which are discussed in the Council. It may be that the Native States may have some remote connection with some subjects or other dealt with in the Legislative Council. But a Ruling Prince will not, in the Indian Legislative Council as it is now constituted, be able to discuss any questions relating to the Native States. A new central legislature with an Upper and Lower House for the discussion of matters assigned to the Central Government is the only way in which it is

possible to provide for adequate representation of Native States in a scheme of Self-Government. It is unnecessary to discuss any such scheme of federation at present, but it may be pointed out that some of the federal constitutions elsewhere provide for the representation of the States, as States, in the Upper House, while the Lower House contains representatives of the people. The bicameral system furnishes many useful analogies for the composition of a federal legislature. If the Native States are willing to come into a final scheme of Self-Government, the whole basis of the existing Legislature will have to be considered. This is, however, largely a problem of the future.

NATIVE STATES AND THE GOVERNMENT OF INDIA.

Sir M. Visweswaraya, K. C. I. E., the Dewan of Mysore, has given expression to the desire of the Native States for a close and a more constitutional connection between the Native States and the Government of India. In addressing the Representative Assembly last month, he referred to the impending reforms as follows. —

“ Having regard to the recent announcements in Parliament and the approaching visit of the Secretary of State for India, it seems important that the point of view of Indian States should receive adequate recognition. The Indian States, as is well-known, occupy nearly two-fifths of the area of the Empire and hold a quarter of the entire population. Questions connected with currency, fiscal and commercial policy, imports, exports, salt duties, emigration, army, navy, foreign affairs, all these affect the subjects of the Indian States quite as much as they do people in British India. Many of the States pay subsidies; several contribute a substantial share of the indirect taxes of the Government of India and maintain Local as well as Imperial Service troops which add to the fighting strength of the Empire.

It has been the proud privilege of many States, including ours, to contribute, in men and money, their small share to the British cause in the present world-war. The normal yearly contribution, both direct and indirect, from the Government and the people of Mysore into the coffers of the Government of India is equivalent to one-third of the entire revenues of our State.

In the recent Imperial War Conference in London, H. H. The Maharaja of Bikanir worthily represented the Indian States, besides his two colleagues from the Government of India. We feel sure that, in any future Conference, the chosen representatives of Indian States will find a place. It may be permitted to us to hope that the Indian States will be represented also in the future Executive Council or Cabinet of the Viceroy. In the discussions on the subject so far, the question of giving representation to Indian States does not appear to have received adequate attention. One view of the position is that representatives of Indian States should find a place in any future Legislative Assembly or Assemblies of the Indian Empire. The extent of representation from Individual States, or groups of States, may be based on their population, modified, if necessary, by other considerations such as literacy, revenues, etc. As members of the Assembly, the representatives of the Indian States may take part in the discussions and vote, but only on questions in which the States are interested along with the rest of India.

The Indian States are vitally concerned in the live issues of the forthcoming enquiry. Even as matters stand, public opinion in British India naturally exercises a certain amount of influence over the decisions of the Government of India on questions of policy which affect India as a whole, including the Indian States. The tendency of all

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future reforms will be the same, namely, to increase the influence of public opinion on Government. It is all the more necessary that a suitable machinery should be provided in the new constitution to elicit the views and safeguard the interests of the States and ensure to them their rightful place in the Councils of the Indian Empire "

Sir M Visweswaraya is one of the best exponents of the policy of linking together the Native States, with the Imperial system and the statement on the subject may be taken as the considered opinion of those who are responsible for the administration of Native States

CHAPTER XVII.

CONCLUSION

A BRIEF SUMMARY.

In the preceding pages, I have referred to the existing mechanism for the Government of India, in India and in England. I have also drawn attention to the proposals put forward in the scheme of the Indian National Congress and the All-India Muslim League and tried to indicate the bearing of these proposals on the existing system of administration. Many of the reforms now suggested for the development of Indian Polity, have been discussed for years by Indian public men, Anglo-Indian Administrators and political reformers in India and in the United Kingdom. The abolition of the Council of India was advocated by the Indian National Congress so long ago as 1885. The control of the Legislative Councils over the administration was definitely put forward as a necessary measure of reform since 1886. In that year, the Congress adopted a resolution that "all Legislative measures and all financial questions including Budgets should be submitted to and dealt with by the Legislative Councils and that the Executive Government should possess the power of over-ruling the decision of a majority of the Council when the public interests would suffer by the acceptance of such a decision." The expansion of the Legislative Councils and the creation of Council Governments in Provinces where they do not exist have also been advocated year after year. The wider employment of Indians in the Civil and Military services in the country has continuously formed the subject of discussion and in fact there is not one session of the Congress in which the exclusion of Indians from the higher ranks of the public services has not been referred to. The separation

of the executive and the judicial functions, the expansion of Local Self-Government, and the reform of District administration, the appointment of Indians to the Executive Councils, these and every one of the reforms embodied in the present proposals have been advocated for so long a time without any effect, that a section of those reformers lost their faith in constitutional agitation. If the present system of bureaucratic administration in India is to be altered and self-governing institutions established in this country, as now announced by His Majesty's Government, the whole system of Indian Polity must undergo a change. We have already a fully developed Central Government and well ordered Local Governments in India which are entirely in the hands of the official hierarchy. The common controlling authority over the Indian administration is vested, however, in the British Nation and not in the people of India. Self-Government in India in a national sense, therefore, implies the transfer of this authority from the people of the United Kingdom to the people of India. The scheme of reforms put forward by the Indian National Congress is intended as a definite step towards the ultimate attainment of this end and to facilitate the transformation of the bureaucracy to a democratic form of Government.

POPULAR CONTROL AND LOCAL AUTONOMY.

Nor are the changes revolutionary in their character. On the other hand, the present proposals form the next natural step in the evolution of the existing administrative system in India. Lord Morley created a non-official majority in the Legislative Councils which has proved ineffective. We now claim that the Councils should contain a substantial elective element. Lord Morley intended that the non-official members should have a voice in the financial administration of the Provinces. The financial procedure, that has been devised, has made

the position of the representatives of the people untenable. They have no real voice in the shaping of the Budget or in the expenditure of public revenues. The reforms now framed are intended to secure an effective control to the people in the spending of the taxes collected from them. Lord Morley introduced an Indian element in the Executive Councils of the Governors and the Governor-General. Our aim is to strengthen this element and to associate, with the task of Government, persons drawn from the public life of the country. Again, the centralization of administrative and financial control in the hands of the Government of India has been condemned for years even by Anglo-Indian administrators. We desire that the Provinces should be set free and that autonomy should be the keynote in all branches of administrative activity. The want of touch of the officials with the people in the sphere of district administration has become a crying evil and its need for reform has been admitted by responsible officials. A large number of witnesses before the Royal Commission on Decentralization suggested the constitution of District advisory Councils or, in the alternative, the expansion of the sphere of activity of District Boards so as to enable them to deal with the topics of general administration. In regard to the Indian Legislative Council, the Government of India were prepared in 1908 to dispense with the official majority. The joint scheme, therefore, suggests an effective elected majority with the control of the purse, but without any interference in matters relating to military organisation and foreign relations. The people and even the Government of India have often pressed that India should have complete freedom in deciding her own fiscal policy. It is, therefore, urged that the voice of the representatives of the people in the Indian Legislative Council should prevail in these and other matters of purely internal administration. The Marquis of Crewe admitted

that the abolition of the Secretary of State's Council was discussed many times and he was of opinion, in 1914, that it was not then within the range of practical politics. We desire, in view of the decision in favour of the establishment of self-governing institutions in this country, that the control of the Secretary of State should be reduced to a minimum. The ~~one~~ radical change that has been suggested is the development of popular control in the Indian constitution and on this point, His Majesty's Government are now in agreement with the people of India. If self-governing institutions are to be established in India leading to the establishment of responsible Government in this country as an integral part of the British Empire, a beginning can only be made in the directions suggested by the Indian National Congress. The whole country is looking forward to a generous and substantial instalment of self-government and the scheme of the Indian National Congress and the All India Muslim League suggests ways and means by which the policy of His Majesty's Government can be carried out.

LORD MACAULAY'S PREDICTION.

In speaking on the Charter Act in 1833, Lord Macaulay, with the vision of a seer, said "It may be that the public mind of India may so expand under the existing system of administration that it has outgrown that system, that having become instructed in European knowledge, they may demand European institutions. Whether such a day will ever come, I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will form the proudest day in English History," Macaulay's prediction has been amply fulfilled. A United India demands to-day representative institutions of the western type and a substantial measure of national autonomy. The statesmen of the Empire have admitted the supreme importance

of India in the Imperial system. Kingdoms rose and fell in this ancient land before the foundations of the Roman Empire were laid. The home of great religions, of science, of ethics, law and politics, India continues to maintain its place in the domain of thought and the arts of civilization. Its ancient sages taught the world the wisdom and the philosophy of the east. Western ideals and culture have now breathed a new spirit of freedom into all classes of the people. A national solidarity has been achieved and a unifying and the democratic spirit is observed in every field of activity under the stimulating effect of western education. A political and national consciousness has come into existence and a national public opinion has been created. All these new forces are now at work and Englishmen, who have fought for liberty all over the world, will not hesitate to widen the bounds of freedom in India.

ANGLO-INDIAN OPPOSITION.

It is urged, however, in certain quarters that India is not fit for any advance towards Self-Government. The forces of reaction are organising themselves here and in the United Kingdom against any reform of the Indian administrative system. Lord Sydenham, Sir John Hewett and others of their way of thinking are already active in the United Kingdom in offering unqualified opposition to the reforms. In India, the reforms advocated by the National Congress and the Muslim League, are opposed by the European and the Anglo-Indian community and it is inevitable that it should be so. The non-official European in India belonging, as he does, to the governing class, regards himself as a privileged person. If, by the establishment of self-governing institutions, the European bureaucracy are divested of some of these powers, the non-official European believes that he also will lose a portion of his prestige. The appointment of Mr. Montagu as Secretary of State at

this juncture has alarmed the Europeans and Anglo-Indians in this country and his speech on the Mesopotamian Commission, in which he condemned the present irresponsible system of Indian administration, was too much for them. They do not like his advocacy of the development of responsibility in the Indian administration to the people of this country and they are not content with demanding what they want to protect their own interests but also claim a right to dictate to the Government what, in their own opinion, should be the reforms that may be granted to the people. They have indulged so far, in vague sympathy without formulating definite proposals. They presume to know the views of the millions of people in India much better than the educated classes in this country and they profess to act in their interests. Sir Archy Birkmyre, the commercial magnate of Calcutta, considers that the Government in India has hauled down its colors before a noisy agitation, and that the memorandum of the nineteen elected members contained impossible and extravagant demands and that Sir Michael O'Dwyer has earned the gratitude of every European in India in his condemnation of the establishment of Self-Government in India. Mr. Jones, another commercial man of Calcutta, protests against the levity with which Lord Islington and others have handled the very grave issues raised by the reforms which he said, "they were recklessly fathering on India". He says that it is a rank imposture to believe that the nineteen elected members of the Indian Legislative Council are really and truly representative of the people and it is impossible to regard these gentlemen, who framed a brand new constitution for India on a summer's afternoon, as speaking in the name and with the authority of the people of India. The Legislative Councils, in his opinion, now consisted of landholders, lawyers and money-lenders and the millions of people in India are

cultivators who are not in good terms with their landlords and money-lenders and "that the extraordinary proposal which the British people are being asked to consider was that the millions of India should be handed over to these landlords to be treated according to their tender mercies." He also fears that the cost of provincial taxation will be imposed on "tea gardens, coal mines and jute mills and that once you come to start the game there will be no stopping of the process until we are given free tickets to embark for Europe." The Hon'ble Mr Ironside says that if the reforms are accepted, the Government of this country will be torn up by the roots and that, "responsible ministers in the United Kingdom, are being made fools and that was enough to make him weep for his country" Referring to Mr. Montagu, he said "that he started in a department created for the definite purpose of helping to win the war Had he been of use, he presumed he would have stayed there, but being one of a party of meddling muddlers he found his way to the India Office and it is a thousand pities that a young man of this type is forced upon India today" In Madras, Mr Thonger, the President of the European Association, has expressed a fear that the visit of the Secretary of State in connection with internal politics in India will have a prejudicial effect on the fighting men at the front He believes that political distractions have been forced upon this country by a small disloyal minority, apparently with the consent and support of the Secretary of State for India. He suggests that the Secretary of State should be left alone and the Premier of the War Council and the Premiers of the Self-governing Colonies should be approached on the subject In taking this action, Mr Thonger declared that the European Association wished to see that the birth-right of the people of India is not sold to "a gang of agitators." The Bombay European Association was equally

emphatic. Mr. Wardlaw Milne said that the European in India will not allow their rights to be menaced and their voice to be unheard. Nobody has ever suggested that the Europeans should be ignored and that no consideration should be paid to their views. Like the other European Associations, the Bombay Association views with grave apprehension even the consideration, at the present time, of any far reaching changes in the administration of India. It is unnecessary to refer at any greater length to the attitude of these Associations, and the European Press. Reckless and misleading statements about the scope and effect of the reforms have been made by these opponents of Indian progress. They are endeavouring to make out that a great crisis has arisen, that the whole fabric of Government is in jeopardy, and that anarchy and disorder have increased and are increasing in India. They are doing their level best to create a crisis and to increase the tension and racial antagonism between Europeans and Indians. The fact is that the angle of vision of the Europeans in this country is entirely different from that of the sons of the soil. The average European in India does not believe in an Indian Nationality nor in the possibility of reconstructing India on a national basis. He is hostile to any proposals for increasing Indian influence in the administration.

THE LORD BISHOP OF MADRAS

The Lord Bishop of Madras has recently pointed out this aspect of the present situation. He said that "the danger of the present situation consists largely in the fact that, with notable exceptions, Englishmen in India are not only opposed to the feelings and sentiments of educated Indians but also to the inevitable tendency of their work and policy. We need to realise that we cannot now base the Government of India upon any other foundation than that of the will of the Indian people and not as their

masters, that a foreign bureaucracy can only be regarded as a temporary form of Government, and that our ultimate aim and object must be to enable India to become a self-governing part of the British Empire, and to develop her own civilization upon her own lines." The average European in India does not look at the question from this standpoint. The European community claim to have a monopoly of loyalty but they have never received any reform of Indian administration except with opposition. India wants the co-operation of the Europeans in all branches of her national activity and there is no reason whatever to suppose that the establishment of self-governing institutions in this country will endanger European trade and commerce. It is not possible to say whether their attitude in regard to Indian questions would undergo a change. The statesmen at the head of affairs in the United Kingdom and in India have a very graver responsibility in guiding the destinies of this country at this juncture. The political situation in this country will, it is hoped, be handled not in a spirit of "timorous faint heartedness" but with the courage, foresight and broad sympathy, which have never failed British statesmen on all great occasions in the past

APPENDIX I.

GOVERNMENT OF INDIA ACT, 1915. (5 & 6 Geo. 5. Ch. 61.)

ARRANGEMENT OF SECTIONS.

PART I.

HOME GOVERNMENT.

The Crown.

SECTION.

1. Government of India by the Crown.

The Secretary of State.

2. The Secretary of State.

The Council of India.

3. The Council of India.
4. Seat in Council disqualification for Parliament.
5. Duties of Council.
6. Powers of Council.
7. President and Vice-President of Council.
8. Meetings of Council.
9. Procedure at meetings.
10. Committees of Council.

Orders and Communications.

11. Submission of proposed orders and communications to Council.
12. Exception as to cases of urgency.
13. Exception as to secret orders and despatches.

Section.

14. Address of despatches from India.
15. Communication to Parliament as to orders for commencing hostilities.
16. Correspondence by Governor-General with Secretary of State.

Establishment of Secretary of State.

17. Establishment of Secretary of State.
18. Pensions and gratuities.

Indian Appointments.

19. Indian appointments.

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THE REVENUES OF INDIA.

20. Application of revenues
21. Control of Secretary of State over expenditure of revenues.
22. Application of revenues to military operations beyond the frontier.
23. Accounts of Secretary of State with Bank.
24. Powers of attorney for sale or purchase of stock and receipt of dividends.
25. Provision as to securities.
26. Accounts to be annually laid before Parliament.
27. Audit of Indian accounts in United Kingdom.

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PROPERTY, CONTRACTS AND LIABILITIES.

28. Power of Secretary of State to sell, mortgage, and buy property.

SECTION.

- 29. Contracts of Secretary of State.
- 30. Power to execute assurances, &c., in India.
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- 32. Rights and liabilities of Secretary of State Council.

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THE GOVERNOR-GENERAL IN COUNCIL.

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- 33. General powers and duties of Governor-General in Council.

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- 34. The Governor-General.

The Governor-General's Executive Council.

- 35. Constitution of Governor-General's Executive Council.
- 36. Ordinary members of Council.
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- 38. Vice-President of Council.
- 39. Meetings.
- 40. Business of Governor-General in Council.
- 41. Procedure in case of difference of opinion.
- 42. Provision for absence of Governor-General from meetings of Council.
- 43. Powers of Governor-General in absence from Council.

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- 44. Restriction on power of Governor-General in Council to make war or treaty.

APPENDIX I.

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46. Governments of Bengal, Madras and Bombay.
47. Members of Executive Councils.
48. Vice-President of Council.
49. Business of Governor in Council.
50. Procedure in case of difference of opinion.
51. Provision for absence of Governor from meetings of Council.
52. The province of Agra.

Lieutenant-Governorships and other Provinces.

53. Lieutenant-Governorships.
54. Lieutenant-Governors.
55. Power to create Executive Councils for Lieutenant-Governors.
56. Vice-President of Council.
57. Business of Lieutenant-Governor in Council.
58. Chief Commissioners.
59. Power to place territory under authority of Governor-General in Council.

Boundaries.

60. Power to declare and alter boundaries of provinces.
61. Saving as to Laws.
62. Power to extend boundaries of presidency-towns.
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GOVERNMENT OF INDIA ACT, 1935.

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INDIAN LEGISLATION.

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SECTION.

- 63. Constitution of the Indian Legislative Council.
- 64. Meetings.
- 65. Legislative powers.
- 66. Laws for the Royal Indian Marine Service.
- 67. Business at meetings.
- 68. Assent of Governor-General to Acts.
- 69. Power of Crown to disallow Acts.
- 70. Rules for conduct of Legislative business.

Regulations and Ordinances.

- 71. Power to make regulations.
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Local Legislatures.

- 73. Local Legislatures.
- 74. Constitution of Legislative Councils in Bengal, Madras and Bombay.
- 75. Meetings of Legislative Councils of Bengal, Madras and Bombay.
- 76. Constitution of Legislative Councils of Lieutenant-Governors and Chief Commissioners.
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- 79. Powers of local Legislatures.
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- 83. Rules for conduct of Legislative business.

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84. Removal of doubts as to validity of certain Indian Laws.

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SALARIES, LEAVE OF ABSENCE, VACATION OF OFFICE, APPOINTMENTS, &c.

85. Salaries and allowances of Governor-General and certain other officials in India
86. Leave of absence to Members of Executive Councils
87. Provisions as to absence from India or presidency.
88. Conditional appointments.
89. Power for Governor-General to exercise powers before taking seat.
90. Temporary vacancy in office of Governor-General.
91. Temporary vacancy in office of Governor.
92. Temporary vacancy in office of Member of an Executive Council
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94. Leave.
95. Power to make rules as to Indian appointments.
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PART VIII.

THE INDIAN CIVIL SERVICE.

97. Rules for admission to the Indian Civil Service.
98. Offices reserved to the Indian Civil Service.
99. Power to appoint certain persons to reserved offices
100. Power to make provisional appointments in certain cases.

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THE INDIAN HIGH COURTS.

Constitution.

SECTION.

- 101. Constitution of High Courts.
- 102. Tenure of office of Judges of High Courts
- 103. Precedence of Judges of High Courts.
- 104. Salaries, &c , of Judges of High Courts
- 105. Provision for vacancy in the office of Chief Justice or other judge

Jurisdiction.

- 106. Jurisdiction of High Courts.
- 107. Powers of High Court with respect to subordinate Courts.
- 108. Exercise of jurisdiction by single Judges or division Courts.
- 109. Power for Governor-General in Council to alter local limits of jurisdiction of High Courts.
- 110. Exemption from jurisdiction of High Court
- 111. Written order by Governor-General justification for act in any Court in India.

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- 113. Power to establish additional High Courts.

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- 114. Appointment and powers of Advocate-General.

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117. Consecration of person resident in India appointed to Bishopric
 118. Salaries and allowances of Bishops and Archdeacons.
 119. Payments to representatives of Bishops.
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124. Certain acts to be misdemeanours: Oppression—Wilful disobedience—Breach of duty—Trading—Receiving presents.
 125. Loans to Princes or Chiefs.
 126. Carrying on dangerous correspondence.
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Repeal of Acts.

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GOVERNMENT OF INDIA ACT, 1916.

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133. Orders of East India Company.

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OR ELECTED MEMBERS OF LEGISLATIVE COUNCIL.

SECOND SCHEDULE.—OFFICIAL SALARIES, &c

THIRD SCHEDULE.—OFFICES RESERVED TO THE
INDIAN CIVIL SERVICE.

FOURTH SCHEDULE.—ACTS REPEALED.

FIFTH SCHEDULE —PROVISIONS OF THIS ACT WHICH
MAY BE REPEALED OR ALTERED BY THE GOVERNOR-
GENERAL IN LEGISLATIVE COUNCIL.

THE GOVERNMENT OF INDIA ACT, 1915.

An Act to consolidate enactments relating to the Government of India. [29th July, 1915.]

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

PART I.

HOME GOVERNMENT.

The Crown.

1. The territories for the time being vested in His Government of Majesty in India are governed by and India by the Crown. in the name of His Majesty the King Emperor of India, and all rights which if the Government of India Act, 1858, had not been passed, might have been exercised by the East India Company in relation to any territories, may be exercised by and in the name of His Majesty as rights incidental to the Government of India.

The Secretary of State.

2. (1) Subject to the provisions of this Act, the Secretary of State has and performs all such or the like powers and duties relating to the Government or revenues of India, and has all such or the like powers over all officers appointed or continued under this Act, as, if the Government of India Act, 1858, had not been passed, might or should have been exercised or performed by, the East India Company, or by the Court of Directors or Court of Proprietors of that Company either alone or by the direction or with the sanction or approbation of the Commissioners for the

Affairs of India, in relation to that government or those revenues and the officers and servants of that Company, and also all such powers as might have been exercised by the said Commissioners alone.

(2) In particular the Secretary of State may, subject to the provisions of this Act superintend, direct and control all acts, operations and concerns which relate to the Government or revenues of India, and all grants of salaries, gratuities and allowances, and all other payments and charges, out of or on the revenues of India.

(3) There shall be paid out of the revenues of India to the Secretary of State and to his under-secretaries respectively the like yearly salaries as may for the time being be paid to any other Secretary of State and his under secretaries respectively.

The Council of India

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

(2) The right of filling any vacancy in the Council shall be vested in the Secretary of State.

(3) Unless at the time of an appointment to fill a vacancy in the Council nine of the then existing members of the Council are persons who have served or resided in British India for at least ten years, and have not last left British India more than five years before the date of their appointment, the person appointed to fill the vacancy must be so qualified.

(4) Every member of the Council shall hold office, ~~except as~~ by this section provided, for a term of seven years.

(5) The Secretary of State may, for special reasons of public advantage, re-appoint for a further term of five years any member of the Council whose term of office has expired. In any such case the reasons for the re-appointment shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament. Save as aforesaid, a member of the Council shall not be capable of re-appointment.

(6) Any member of the Council may, by writing signed by him, resign his office. The instrument of resignation shall be recorded in the minutes of the Council.

(7) Any member of the Council may be removed by His Majesty from his office on an address of both Houses of Parliament.

(8) There shall be paid to each member of the Council out of the revenues of India the annual salary of one thousand pounds

4. No member of the Council of India shall be capable of sitting or voting in Parliament.
Sent in Council
disqualification for
Parliament.

5. The Council of India shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the Government of India and the correspondence with India; but every order or communication sent to India, and every order made in the United Kingdom in relation to the Government of India under this Act, shall be signed by the Secretary of State
Duties of Council

6. (1) All powers required to be exercised by the Secretary of State in Council, and all powers of the Council of India, shall be exercised at meetings of the Council at which not less than five members are present.
Powers of Council

(2) The Council may act notwithstanding any vacancy in their number.

7. (1) The Secretary of State shall be the president of the Council of India, with power to vote.
President and Vice-President of Council.

(2) The Secretary of State in Council may appoint any member of the Council to be Vice-President thereof, and the Secretary of State may at any time remove any person so appointed.

(3) At every meeting of the Council the Secretary of State, or, in his absence, the Vice-President, if present, or, in the absence of both of them, one of the members of the Council, chosen by the members present at the meeting, shall preside.

8. Meetings of the Council of India shall be convened and held as and when the Secretary of State directs, but one such meeting at least shall be held in every week.
Meeting of Council.

9. (1) At any meeting of the Council of India at which the Secretary of State is present, if there is a difference of opinion on any question, except a question with respect to which a majority of votes at a meeting is by this Act declared to be necessary, the determination of the Secretary of State shall be final.
Procedure at meetings.

(2) In case of an equality of votes at any meeting of the Council, the person presiding at the meeting shall have a second or casting vote.

(3) All acts done at a meeting of the Council in the absence of the Secretary of State shall require the approval in writing of the Secretary of State.

(4) In case of difference of opinion on any question decided at a meeting of the Council, the Secretary of State may require that his opinion and the reasons for it be

entered in the minutes of the proceedings, and any member of the Council, who has been present at the meeting, may require that his opinion, and any reasons for it that he has stated at the meeting be also entered in like manner.

10. The Secretary of State may constitute committees of the Council of India for the more convenient transaction of business, and direct what departments of business are to be under those committees respectively, and generally direct the manner in which all business of the Council or committees thereof is to be transacted.

Orders and Communications

11. (1) Subject to the provisions of this Act, every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the Secretary of State under this Act, shall, unless it has been submitted to a meeting of the Council of India, be deposited in the Council-room for the perusal of all members of the council during seven days before the sending or making thereof.

(2) Any members of the Council may record, in a minute book kept for that purpose, his opinion with respect to any such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.

(3) If a majority of the Council so record their opinions against any act proposed to be done, the Secretary of State shall, unless he differs to the opinion of the majority, record his reasons for acting in opposition thereto.

12. (1) Where it appears to the Secretary of State that the despatch of any communication or the making of any order, not being an order for which a majority of votes at a meeting of the

Council of India is by this Act declared to be necessary, is urgently required, the communication may be sent or order made, although it has not been submitted to a meeting of the Council or deposited for the perusal of the members of the Council.

(2) In any such case the Secretary of State shall, except as by this Act provided, record the urgent reasons for sending the communication or making the order, and give notice thereof to every member of the Council.

13 (1) Where an order concerns the levying of war or the making of peace, or the treating
Exception as to secret orders and despatches or negotiating with any prince or state, or the policy to be observed with respect to any prince or state and is not an order for which a majority of votes at a meeting of the Council of India is by this Act declared to be necessary, and is an order which in the opinion of the Secretary of State, is of a nature to require secrecy, the Secretary of State may send the order to the Governor-General in Council or to any Governor in Council or officer or servant in India without having submitted the order to a meeting of the Council or deposited it for the perusal of the members of the Council, and without recording or giving notice of the reasons for making the order.

(2) Where any despatch to the Secretary of State from the Governor-General in Council or a Governor in Council concerns the Government of India or of any part thereof, or the levying of war, or the making of peace, or negotiations or treaties with any prince or state, and is, in the opinion of the authority sending it, of a nature to require secrecy, it may be marked "Secret" by that authority; and a despatch so marked shall not be communicated to the members of the Council of India unless the Secretary of State so directs.

14. Every despatch to the United Kingdom from the Governor-General in Council or a Governor in Council shall be addressed to the Secretary of State.

Address of despatches from India.

15. When any order is sent to India directing the actual commencement of hostilities by His Majesty's forces in India, the fact of the order having been sent shall, unless the order has in the meantime been revoked or suspended, be communicated to both Houses of Parliament within three months after the sending of the order, or, if Parliament is not sitting at the expiration of those three months, then within one month after the next meeting of Parliament.

Communication to Parliament as to orders for commencing hostilities.

16. It is the duty of the Governor-General in Council to transmit to the Secretary of State constantly and diligently an exact particular of all advices or intelligence, and of all transactions and matters, coming to the knowledge of the Governor-General in Council and relating to the government, commerce, revenues or affairs of India.

Correspondence by Governor General with Secretary of State.

Establishment of Secretary of State.

17. (1) No addition may be made to the establishment of the Secretary of State in Council nor to the salaries of the persons on that establishment, except by an Order of His Majesty in Council, to be laid before both Houses of Parliament within fourteen days after the making thereof, or, if Parliament is not then sitting, then within fourteen days after the next meeting of Parliament.

Establishment of Secretary of State.

(2) The rules made by His Majesty for Examinations, certificates, probation or other tests of fitness in relation to appointments to junior situations in the Civil Service, shall apply to such appointments on the said establishment,

(3) The Secretary of State in Council may, subject to the foregoing provisions of this section, make all appointments to and promotions in the said establishment, and may remove any officer or servant belonging to the establishment

18. His Majesty may, by warrant under the Royal Sign Manual, ~~and~~ countersigned by the ^{Pensions and} Chancellor of the Exchequer, grant to ^{gratuities.} any secretary, officer or servant appointed on the establishment of the Secretary of State in Council, such compensation, superannuation or retiring allowance, or to his legal personal representative such gratuity, as may respectively be granted to persons on the establishment of a Secretary of State, or to the personal representatives of such persons, under the laws for the time being in force concerning superannuations and other allowances to persons having held civil offices in the public service or to personal representatives of such persons.

Indian Appointments.

19 Except as otherwise provided by this Act, all ^{Indian appoint-} powers of making rules in relation to ^{ments} appointments and admissions to service and other matters connected therewith and of altering or revoking such rules, which, if the Government of India Act 1858, had not been passed, might have been exercised by the Court of Directors of the East India Company or the Commissioners for the Affairs of India, may be exercised by the Secretary of State in Council

Provided that in the appointment of officers to His Majesty's army the same provision as heretofore, or equal provision, shall be made for the appointment of sons of persons who have served in India in the military or civil service of the Crown or of the East India Company.

PART II.

THE REVENUES OF INDIA.

20. (1) The revenues of India shall be received for and in the name of His Majesty, and shall, subject to the provisions of this Act, be applied for the purposes of the Government of India alone

(2) There shall be charged on the revenues of India alone—

- (a) all the debts of the East India Company; and
- (b) all sums of money, costs, charges and expenses which, if the Government of India Act, 1858, had not been passed, would have been payable by the East India Company out of the revenues of India in respect of any treaties, covenants, contracts, grants or liabilities existing at the commencement of that Act; and
- (c) all expenses, debts and liabilities lawfully contracted and incurred on account of the Government of India, and
- (d) all payments under this Act.

(3) The expression "the revenues of India", in this Act shall include all the territorial and other revenues of or arising in British India, and in particular,—

- (i) all tributes and other payments in respect of any territories which would have been receivable by or in the name of the East India Company if the Government of India Act, 1858, had not been passed; and
- (ii) all fines and penalties incurred by the sentence or order of any court of justice in British India, and all forfeitures for crimes of any

moveable or immoveable property in British India ; and

- (iii) all moveable or immoveable property in British India escheating or lapsing for want of an heir or successor, and all property in British India devolving as *bona vacantia* for want of a rightful owner.

(4) All property vested in, or arising or accruing from property or rights vested in His Majesty under the Government of India Act, 1858, or this Act, or to be received or disposed of by the Secretary of State in Council under this Act, shall be applied in aid of the revenues of India

21. The expenditure of the revenues of India, both in British India and elsewhere, shall be subject to the control of the Secretary of State in Council ; and no grant or appropriation of any part of those revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of the Government of India Act, 1858, or this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council of India.

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

23. (1) Such parts of the revenues of India as are, remitted to the United Kingdom, and all money arising or accruing in the United Kingdom from any property or

Control of Secretary of State over expenditure of revenues.

Application of revenues to military operations beyond the frontier.

Accounts of Secretary of State with Bank.

rights vested in His Majesty for the purposes of the Government of India or from the sale or disposal thereof, shall be paid to the Secretary of State in Council, to be applied for the purposes of this Act.

(2) All such revenues and money shall, except as by this section is provided, be paid into the Bank of England to the credit of an account entitled "The Account of the Secretary of State in Council of India."

(3) The money placed to the credit of that account shall be paid out on drafts or order, either signed by two members of the Council of India and countersigned by the Secretary of State or one of his under secretaries or his assistant under secretary, or signed by the accountant-general on the establishment of the Secretary of State in Council or by one of the two senior clerks in the department of that accountant-general and countersigned in such manner as the Secretary of State in Council directs; and any draft or order so signed and countersigned shall effectually discharge the Bank of England for all money paid thereon.

(4) The Secretary of State in Council may, for the payment of current demands, keep at the Bank of England such accounts as he deems expedient; and every such account shall be kept in such name and be drawn upon by such person, and in such manner, as the Secretary of State in Council directs.

(5) There shall be raised in the books of the Bank of England such accounts as may be necessary in respect of stock vested in the Secretary of State in Council; and every such account shall be entitled "The Stock Account of the Secretary of State in Council of India."

(6) Every account referred to in this section shall be a public account.

24. The Secretary of State in Council; by power of attorney executed by two members of the Council of India and countersigned by the Secretary of State or one of his under-secretaries or his assistant under secretary, may authorise an or any of the cashiers of the Bank of England—

Powers of attorney for sale or purchase of stock and receipt of dividends

- (a) to sell and transfer all or any part of any stock standing in the books of the Bank to the account of the Secretary of State in Council ; and
- (b) to purchase and accept stock for any such account ; and
- (c) to receive dividends on any stock standing to any such account ;

and, by any writing signed by two members of the Council of India and countersigned as aforesaid, may direct the application of the money to be received in respect of any such sale or dividend :

Provided that stock shall not be purchased or sold and transferred under the authority of any such general power of attorney, except on an order in writing direct to the chief cashier and chief accountant of the Bank of England, and signed and countersigned as aforesaid.

25. All securities held by or lodged with the Bank of England in trust for or on account or on behalf of the Secretary of State in Council may be disposed of, and the proceeds thereof may be applied, as may be authorised by order in writing signed by two members of the Council of India and countersigned by the Secretary of State or one of his under secretaries or his assistant under secretary, and directed to the chief cashier and chief accountant of the Bank of England.

Provision as to securities.

26. (1) The Secretary of State in Council shall, within the first fourteen days during which Parliament is sitting next after the first day of May in every year, lay before both Houses of Parliament—

Accounts to be
annually laid before
Parliament.

- (a) an account, for the financial year preceding that last completed, of the annual produce of the revenues of India, distinguishing the same under the respective heads thereof, in each of the several provinces; and of all the annual receipts and disbursements at home and abroad for the purposes of the government of India, distinguishing the same under the respective heads thereof;
- (b) the latest estimate of the same for the financial year last completed.
- (c) accounts of all stocks, loans, debts and liabilities chargeable on the revenues of India, at home and abroad, at the commencement and close of the financial year preceding that last completed, the loans, debts and liabilities raised or incurred within that year, the amounts paid off or discharged during that year, the rates of interest borne by those loans, debts and liabilities respectively, and the annual amount of that interest;
- (d) an account of the state of the effects and credits in each province, and in England or elsewhere, applicable to the purposes of the government of India according to latest advices which have been received thereof; and
- (e) a list of the establishment of the Secretary of State in Council, and the salaries and allowances payable in respect thereof.

(2) If any new or increased salary or pension of fifty pounds a year or upwards has been granted or created within any year in respect of the said establishment, the particulars thereof shall be specially stated and explained at the foot of the account for that year.

(3) The account shall be accompanied by a statement, prepared from detailed reports from each province, in such form as best exhibits the moral and material progress and condition of India.

27. (1) His Majesty may, by warrant under His Royal Sign Manual, countersigned by the Chancellor of the Exchequer, appoint a fit person to be auditor of the accounts of the Secretary of State in Council, and authorise that auditor to appoint and remove such assistants as may be specified in the warrant.

(2) The auditor shall examine and audit the accounts of the receipt, expenditure and disposal in the United Kingdom of all money, stores and property applicable for the purposes of this Act.

(3) The Secretary of State in Council shall, by the officers and servants of his establishment, produce and lay before the auditor all such accounts, accompanied by proper vouchers for their support, and submit to his inspection all books, papers and writings having relation thereto.

(4) The auditor may examine all such officers and servants of that establishment, being in the United Kingdom, as he thinks fit, in relation to such accounts and the receipt, expenditure or disposal of such money, stores and property, and may for that purpose, by writing signed by him, summon before him any such officer or servant.

(5) The auditor shall report to the Secretary of State in Council his approval or disapproval of the accounts aforesaid, with such remarks and observations in relation

thereto, as he thinks fit, specially noting cases (if any) in which it appears to him that any money arising out of the revenues of India has been appropriated to purposes other than those to which they are applicable.

(6) The auditor shall specify in detail in his reports all sums of money, stores and property which ought to be accounted for, and are not brought into account or have not been appropriated in conformity with the provisions of the law, or which have been expended or disposed of without due authority, and shall also specify any defects, inaccuracies or irregularities which may appear in the accounts, or in the authorities, vouchers or documents having relation thereto.

(7) The auditor shall lay all his reports before both Houses of Parliament, with the accounts of the year to which the reports relate.

(8) The auditor shall hold office during good behaviour.

(9) There shall be paid to the auditor and his assistants, out of the revenues of India, such salaries as His Majesty, by warrant signed and counter-signed as aforesaid, may direct.

(10) The auditor and his assistants (notwithstanding that some of them do not hold certificates from the Civil Service Commissioners) shall, for the purposes of superannuation a lowance, be in the same position as if they were on the establishment of the Secretary of State in Council.

PART III.

PROPERTY, CONTRACTS AND LIABILITIES.

28. (1) The Secretary of State in Council may, with the concurrence of a majority of votes at a meeting of the Council of India, sell and dispose of any real or personal estate for the time being vested in His Majesty for the purposes of the government of India, and raise money on any such real estate by way of mortgage, and make the proper assurances for any of those purposes, and purchase and acquire any property.

Power of Secretary of State to sell, mortgage and buy property

(2) Any assurance relating to real estate, made by the authority of the Secretary of State in Council, may be made under the hands and seals of three members of the Council of India.

(3) All property acquired in pursuance of this section shall vest in His Majesty for the purposes of the government of India.

29. (1) The Secretary of State in Council may, with the concurrence of a majority of votes at a meeting of the Council of India, make any contract for the purposes of this Act

Contracts of Secretary of State.

(2) Any contract so made may be expressed to be made by the Secretary of State in Council

(3) Any contract so made, which if it were made between private persons, would be by law required to be under seal, may be made, varied or discharged under the hands and seals of two members of the Council of India.

(4) Any contract so made which, if it were made between private persons, would be by law required to be signed by the party to be charged therewith, may be made, varied or discharged under the hands of two members of the Council of India,

(5) Provided that any contract for or relating to the manufacture, sale, purchase or supply of goods, or for or relating to affreightment or the carriage of goods, or to insurance, may, subject to such rules and restrictions as the Secretary of State in Council prescribes, be made and signed on behalf of the Secretary of State in Council by any person upon the permanent establishment of the Secretary of State in Council who is duly empowered by the Secretary of State in Council in this behalf. Contracts so made and signed shall be as valid and effectual as if made as prescribed by the foregoing provisions of this section. Particulars of all contracts so made and signed shall be laid before the Secretary of State in Council in such manner and form and within such times as the Secretary of State in Council prescribes.

(6) The benefit and liability of every contract made in pursuance of this section shall pass to the Secretary of State in Council for the time being.

30. (1) The Governor-General in Council and any local Government may, on behalf and in the name of the Secretary of State in Council and subject to such provisions or restrictions as the Secretary of State in Council, with the concurrence of a majority of the votes at a meeting of the Council of India, prescribes, sell and dispose of any real or personal estate whatsoever in British India, within the limits of their respective governments, for the time being vested in His Majesty for the purposes of the government of India, or raise money on any such real estate by way of mortgage, and make proper assurances for any of those purposes, and purchase or acquire any property in British India within the said respective limits, and make any contract for purposes of this Act.

(2) Every assurance and contract made for the purposes of this section shall be executed by such person and in

such manner as the Governor-General in Council by resolution directs or authorises, and if so executed may be enforced by or against the Secretary of State in Council for the time being.

(3) All property acquired in pursuance of this section shall vest in His Majesty for the purposes of the Government of India.

31. The Governor-General in Council, and any other person authorised by any Act passed in that behalf by the Governor-General in Legislative Council, may make any grant or disposition of any property in British India accruing to His Majesty by forfeiture, escheat or lapse, or by devotion as *bona vacantia*, to or in favour of any relative or connection of the person from whom the property has accrued, or to or in favour of any other person.

32. (1) The Secretary of State in Council may sue and be sued by the name of the Secretary of State in Council as a body corporate.

Rights and liabilities of Secretary of State in Council

(2) Every person shall have the same remedies against the Secretary of State in Council as he might have had against the East India Company if the Government of India Act, 1858, and this Act had not been passed.

(3) The property for the time being vested in His Majesty for the purposes of the Government of India shall be liable to the same judgments and executions as it would have been liable to in respect of liabilities lawfully incurred by the East India Company if the Government of India Act, 1858, and this Act had not been passed.

(4) Neither the Secretary of State nor any member of the Council of India shall be personally liable in respect of any assurance or contract made by or on behalf of the

Secretary of State in Council, or any other liability incurred by the Secretary of State or the Secretary of State in Council in his or their official capacity, nor in respect of any contract, covenant or engagement of the East India Company; nor shall any person executing any assurance or contract on behalf of the Secretary of State in Council be personally liable in respect thereof; but all such liabilities, and all costs and damages in respect thereof, shall be borne by the revenues of India.

PART IV.

THE GOVERNOR-GENERAL IN COUNCIL.

General Powers and Duties of Governor-General in Council.

33. The superintendence, direction and control of the civil and military Government of India is vested in the Governor-General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State.

The Governor-General.

34. The Governor-General of India is appointed by His Majesty by warrant under the Royal Sign Manual.

The Governor-General's Executive Council.

35. The governor-general's executive council consists of the ordinary members and the extraordinary members (if any) thereof.

36. (1) The ordinary members of the governor-general's executive council shall be appointed by His Majesty by warrant under the Royal Sign Manual.

(2) The number of the ordinary members of the Council shall be five, or if His Majesty thinks fit to appoint a sixth member, six.

(3) Three at least of them must be persons, who at the time of their appointment, have been for at least ten years in the service of the Crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, of not less than five years' standing.

(4) If any person appointed an ordinary member of the council is at the time of his appointment in the military service of the Crown, he shall not, during his continuance in office as such member, hold any military command or be employed in actual military duties

37. (1) The Secretary of State in Council may, if he thinks fit, appoint the commander-in-chief for the time being of His Majesty's forces in India to be an extraordinary member of the governor-general's executive council, and in that case the commander-in-chief shall, subject to the provisions of this Act, have rank and precedence in the council next after the governor-general.

(2) When and so long as the council assembles in any province having a governor, he shall be an extraordinary member of the council.

38 The governor-general shall appoint a member of his executive council to be vice-president thereof

39. (1) The governor-general's executive council shall assemble at such places in India as the Governor-General in Council appoints.

(2) At any meeting of the council the governor-general or other person presiding and one ordinary member

of the council may exercise all the functions of the Governor-General in Council.

40. (1) All orders and other proceedings of the Governor-General in Council shall be expressed to be made by the Governor-General in Council, and shall be signed by a Secretary to the Government of India, or otherwise, as the Governor-General in Council may direct.

Business of Governor-General in Council.

(2) The governor-general may make rules and orders for the more convenient transaction of business in his executive council, and every order made, or act done in accordance with such rules and orders, shall be treated as being the order or the act of the Governor-General in Council.

41. (1) If any difference of opinion arises on any question brought before a meeting of the governor-general's executive council, the Governor-General in Council shall be bounded by the opinion and decision of the majority of those present, and if they are equally divided, the governor-general or other person presiding shall have a second or casting vote.

Procedure in case of difference of opinion.

(2) Provided that whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be, in the judgment of the governor-general, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that opinion, the governor-general may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

(3) In every such case any two members of the dissentient majority may require that the adoption, suspension or

rejection of the measure, and the fact of ~~their~~ dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the council have recorded on the subject.

(4) Nothing in this section shall empower the governor-general to do anything which he could not lawfully have done with the concurrence of his council.

42. If the governor-general is obliged to absent himself from any meeting of the council, by indisposition or any other cause, and signifies his intended absence to the council, the vice-president, or, if he is absent, the senior ordinary member present at the meeting, shall preside thereat, with the like powers as the governor-general would have had if present :

Provided that if the Governor-General is at the time resident at the place where the meeting is assembled, and is not prevented by indisposition from signing any act of council made at the meeting, the act shall require his signature ; but, if he declines or refuses to sign it, the like provisions shall have effect as in cases where the governor-general, when present, dissents* from the majority at a meeting of the council.

43. (1) Whenever the Governor-General in Council declares that it is expedient that the governor-general should visit any part of India unaccompanied by his executive council, the Governor-General in Council may, by order, authorize the governor-general alone to exercise, in his discretion, all or any of the powers which might be exercised by the Governor-General in Council at meetings of the council.

(2) The governor-general during absence from his executive council may, if he thinks it necessary, issue, on

his own authority and responsibility, any order, which might have been issued by the Governor-General in Council, to any local Government, or to any officers or servants of the Crown acting under the authority of any local Government without previously communicating the order to the local Government; and any such order shall have the same force as if made by the Governor-General in Council; but a copy of the order shall be sent forthwith to the Secretary of State and to the local Government, with the reasons for making the order.

(3) The Secretary of State in Council may, by order, suspend until further order all or any of the powers of the governor-general under the last foregoing sub-section; and those powers shall accordingly be suspended as from the time of the receipt by the governor-general of the order of the Secretary of State in Council.

War and Treaties.

44. (1) The Governor-General in Council may not, without the express order of the Secretary of State in Council, in any case (except where hostilities have been actually commenced, or preparations for the commencement of hostilities have been actually made against the British Government in India or against any prince or state dependent thereon, or against any prince or state whose territories His Majesty is bound by any subsisting treaty to defend or guarantee), either declare war or commence hostilities or enter into any treaty for making war against any prince or state in India, or enter into any treaty for guaranteeing the possessions of any such prince or state.

(2) In any such excepted case the Governor-General in Council may not declare war, or commence hostilities, or enter into any treaty for making war, against any other

prince or state than such as is actually committing hostilities or making preparations as aforesaid, and may not make any treaty for guaranteeing the possessions of any prince or state except on the consideration of that prince or state actually engaging to assist His Majesty against such hostilities commenced or preparations made as aforesaid.

(3) When the Governor-General in Council commences any hostilities or makes any treaty, he shall forthwith communicate the same, with reasons therefor, to the Secretary of State.

PART V.

LOCAL GOVERNMENTS.

General.

45. (1) Every Local Government shall obey the orders of the Governor-General in Council, and keep him constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information, and is under his superintendence, direction and control in all matters relating to the government of its province.

(2) No local Government may make or issue any order for commencing hostilities or levying war, or negotiate or conclude any treaty of peace or other treaty with any Indian prince or state (except in cases of sudden emergency or imminent danger when it appears dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the Governor-General in Council or from the Secretary of State; and every such treaty shall, if possible, contain a clause subjecting the same to the ratification or rejection of the Governor-General in Council. If

any governor, lieutenant-governor or chief commissioner, or any member of a governor's or lieutenant-governor's executive council, wilfully disobeys any order received from the Governor-General in Council under this subsection, he may be suspended or removed and sent to England by the Governor-General in Council, and shall be subject to such further pains and penalties as are provided by law in that behalf.

(3) The authority of a local Government is not superseded by the presence in its province of the governor-general.

Governorships.

46. (1) The presidencies of Fort William in Bengal, Fort St George and Bombay are, subject to the provisions of this Act, governed by the Governors in Council of those presidencies respectively, and the two former presidencies are in this Act referred to as the presidencies of Bengal and of Madras.

(2) The Governors of Bengal, Madras and Bombay are appointed by His Majesty by warrant under the Royal Sign Manual.

(3) The Secretary of State may, if he thinks fit, by order revoke or suspend, for such period as he may direct, the appointment of a council for any or all of those presidencies; and whilst any such order is in force the governor of the presidency to which the order refers shall have all the powers of the Governor thereof in Council.

47. (1) The members of a governor's executive council shall be appointed by His Majesty by warrant under the Royal Sign Manual; and shall be of such number, not exceeding four, as the Secretary of State in Council directs,

Members of executive councils.

(2) Two at least of them must be persons who at the time of their appointment have been for at least twelve years in the service of the Crown in India.

(3) Provided that, if the commander-in-chief of His Majesty's forces in India (not being likewise governor-general) happens to be resident at Calcutta, Madras or Bombay, he shall, during his continuance there, be a member of the governor's council.

Vice-president of
council.

48. Every Governor of a Presidency shall appoint a member of his executive council to be vice-president thereof.

49. (1) All orders and other proceedings of the Governor in Council of any presidency shall be expressed to be made by the Governor in Council, and shall be signed by a secretary to the Government of the presidency, or otherwise, as the Governor in Council may direct.

Business of
Governor in Council.

(2) A governor may make rules and orders for the more convenient transaction of business in his executive council 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 Governor in Council.

50. (1) If any difference of opinion arises on any question brought before a meeting of a governor's executive council, the Governor in Council shall be bound by the opinion and decision of the majority of those present, and if they are equally divided the governor or other person presiding shall have a second or casting vote.

Procedure in case
of difference of
opinion.

(2) Provided that, whenever any measure is proposed before a Governor in Council whereby the safety, tranquillity or interests of his presidency, or of any part thereof, are or may be, in the judgment of the governor, essentially affected, and he is of opinion either that

the measure proposed ought to be adopted and carried into execution or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that opinion, the governor may, on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure, in whole or in part.

(3) In every such case the governor and the members of the council present at the meeting shall mutually exchange written communications (to be recorded at large in their secret proceedings) stating the grounds of their respective opinions, and the order of the governor shall be signed by the governor and by those members

(4) Nothing in this section shall empower a governor to do anything which he could not lawfully have done with the concurrence of his council.

51. If a governor is obliged to absent himself from any meeting of his executive council, by indisposition or any other cause and signifies his intended absence to the council, the vice-president, or if he is absent, the senior civil member present at the meeting, shall preside thereat, with the like powers as the governor would have had if present :

Provision for
absence of governor
from meetings of
council.

Provided that if the governor is at the time resident at the place where the meeting is assembled, and is not prevented by indisposition from signing any act of council made at the meeting, the Act shall require his signature ; but, if he declines or refuses to sign it, the like provisions shall have effect as in cases where the governor, when present, dissents from the majority at a meeting of the council.

52. The Secretary of State in Council may, if he thinks fit, direct that the province of Agra be constituted a presidency under a Governor in Council, and, if that direc-

The Province of
Agra.

tion is given, the Presidency shall be constituted on the terms and under the conditions mentioned in section nineteen of the Government of India Act, 1858, and section four of the Government of India Act, 1854.

Lieutenant-Governorships and other Provinces.

53. (1) Each of the following provinces, namely, those known as Bihar and Orissa, the United Provinces of Agra and Oudh, the Punjab and Burma, is subject to the provisions of this Act, governed by a lieutenant-governor, with or without an executive council.

(2) The Governor-General in Council may, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new province under a lieutenant-governor.

54. (1) A lieutenant-governor is appointed by the Governor-General with the approval of His Majesty.

(2) A lieutenant-governor must have been, at the time of his appointment, at least ten years in the service of the Crown in India.

(3) The Governor-General in Council may, with the sanction of His Majesty previously signified by the Secretary of State in Council, declare and limit the extent of the authority of any lieutenant-governor.

55. (1) The Governor-General in Council, with the approval of the Secretary of State in Council, may, by notification, create a council in any province under a lieutenant-governor, for the purpose of assisting the lieutenant-governor in the executive Government of the province, and by such notification—

Power to create executive councils for lieutenant-governors.

- (a) make provision for determining what shall be the number (not exceeding four) and qualifications of the members of the Council, and
- (b) make provision for the appointment of temporary or acting members of the council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of a difference of opinion between a lieutenant-governor and his council, and in the case of equality of votes, and in the case of a lieutenant-governor being obliged to absent himself from his council by indisposition or any other cause.

Provided that, before any such notification is published a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and if, before the expiration of that time, an address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft.

(2) Every notification under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

(3) Every member of a lieutenant-governor's executive council shall be appointed by the governor-general, with the approval of His Majesty.

56. A lieutenant-governor who has an executive
Vice-president of council shall appoint a member of a
council council to be vice-president thereof, and
that vice-president shall preside at meetings of the council
in the absence of the lieutenant-governor.

57. A lieutenant-governor who has an executive council may, with the consent of the Governor-General in Council, make rules and orders for more convenient transaction of business in the council, and every order made, or act done, in accordance with such rules and orders shall be treated as being the order or the act of the Lieutenant-Governor in Council.

58. Each of the following provinces, namely, those known as Assam, the Central Provinces, the North-West Frontier Province, British Baluchistan, Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands, is, subject to the provisions of this Act, administered by a chief commissioner.

59. The Governor-General in Council may, with the approval of the Secretary of State, and by notification, take any part of British India under the immediate authority and management of the Governor-General in Council, and thereupon give all necessary orders and directions respecting the administration of that part, by placing it under a chief commissioner or by otherwise providing for its administration.

Boundaries.

60. The Governor-General in Council may, by notification, declare, appoint or alter the boundaries of any of the provinces into which British India is for the time being divided, and distribute the territories of British India among the several provinces thereof in such manner as may seem expedient, subject to these qualifications, namely:—

- (1) an entire district may not be transferred from one province to another without the previous sanction of the Crown, signified by the Secretary of State in Council; and

(2) any notification under this section may be disallowed by the Secretary of State in Council.

61. An alteration in pursuance of the foregoing provisions of the mode of administration of any part of British India, or of the boundaries of any part of British India, shall not affect the law for the time being in force in that part.

62. The Governor of Bengal in Council, the Governor of Madras in Council and the Governor of Bombay in Council may, with the approval of the Secretary of State in Council, and by notification, extend the limits of the towns of Calcutta, Madras and Bombay, respectively ; and any Act of Parliament, letters patent, charter, law or usage conferring jurisdiction, power or authority within the limits of those towns respectively shall have effect within the limits as so extended.

PART VI.

INDIAN LEGISLATION.

The Governor General in Legislative Council.

63. (1) For purposes of legislation the governor-general's council shall consist of the members of his executive council with the addition of members nominated or elected in accordance with rules made under this Act. The council so constituted is in this Act referred to as the Indian Legislative Council.

(2) The number of additional members so nominated or elected, the number of such members required to constitute a quorum, the term of office of such members, and the manner of filling casual vacancies occurring by

reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise, shall be such as may be prescribed by rules made under this Act :

Provided that the aggregate number of members so nominated or elected shall not exceed the number specified in that behalf in the second column of the First Schedule to this Act.

(3) At least one-half of the additional members of the council must be persons not in the civil or military service of the Crown in India ; and, if any additional member accepts office under the Crown in India, his seat as an additional member shall thereupon become vacant.

(4) When and so long as the Indian Legislative Council assembles in a province having a lieutenant-governor or chief commissioner, he shall be an additional member of the council, in excess, if necessary, of the aggregate number of nominated or elected additional members prescribed by this section.

(5) The additional members of the council are not entitled to be present at meetings of the governor-general's executive council.

(6) The Governor-General in Council may, with the approval of the Secretary of State in Council, make rules as to the conditions under which and manner in which persons resident in India may be nominated or elected as additional members of the Indian Legislative Council, and as to the qualifications for being, and for being, nominated or elected, an additional member of that council, and as to any other matter for which rules are authorised to be made under this section, and also as to the manner in which those rules are to be carried into effect.

(7) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and those rules shall not be subject to repeal or alteration by the Governor-General in Legislative Council.

64. (1) The Indian Legislative Council shall assemble at such times and places as the Governor-General in Council appoints.

Meetings.

(2) Any meeting of the council may be adjourned, under the authority of the Governor-General in Council, by the governor-general or other person presiding.

(3) In the absence of the governor-general from any meeting of the council the person to preside thereat shall be the vice-president of the council, or, in his absence, the senior ordinary member of the council present at the meeting, or during the discussion of the annual financial statement or of any matter of general public interest, the vice-president or the member appointed to preside in accordance with rules made under this Act.

(4) If any difference of opinion arises on any question brought before a meeting of the council, the person presiding shall have a second or casting vote.

65. (1) The Governor-General in Legislative Council has power to make laws—

Legislative powers.

- (a) for all persons, for all courts and for all places and things, within British India ; and
- (b) for all subjects of His Majesty and servants of the Crown within other parts of India ; and
- (c) for all native Indian subjects of His Majesty, without and beyond as well as within British India ; and
- (d) for the government of officers, soldiers and followers in His Majesty's Indian forces,

wherever they are serving, in so far as they are not subject to the Army Act; and

(e) for all persons employed or serving in or belonging to the Royal Indian Marine Service; and

(f) for repealing or altering any laws which for the time being are in force in any part of British India or apply to persons for whom the Governor-General in Legislative Council has power to make laws.

(2) Provided that the Governor-General in Legislative Council has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—

(i) any Act of Parliament passed after the year one thousand eight hundred and sixty and extending to British India (including the Army Act and any Act amending the same); or

(ii) any Act of Parliament enabling the Secretary of State in Council to raise money in the United Kingdom for the Government of India; and has not power to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India.

(3) The Governor-General in Legislative Council has not power, without the previous approval of the Secretary of State in Council, to make any law empowering any court, other than a high court, to sentence to the punishment of death any of His Majesty's subjects, born in Europe, or the children of such subjects, or abolishing any high court.

66. (1) A law made under this Act for the Royal Indian Marine Service shall not apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of Indian waters, that is to say, the high seas between the Cape of Good Hope on the West and the Straits of Magellan on the East, and any territorial waters between those limits.

(2) The punishments imposed by any such law for offences shall be similar in character to and not in excess of the punishments which may, at the time of making the law, be imposed for similar offences under the Acts relating to His Majesty's Navy, except that in the case of persons other than Europeans or Americans, imprisonment for any term not exceeding fourteen years, or transportation for life or any less term, may be substituted for penal servitude.

67. (1) At a meeting of the Indian Legislative Council no motion shall be entertained other than a motion for leave to introduce a measure into the council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the council for that purpose, or having reference to some rule for the conduct of business in the council, and no business shall be transacted other than the consideration of those motions or the alteration of those rules.

(2) It shall not be lawful, without the previous sanction of the governor-general, to introduce at any meeting of the Council any measure affecting—

(a) the public debt or public revenues of India or imposing any charge on the revenues of India; or

(b) the religion or religious rites and usages of any class of British subjects in India; or

(a) the discipline or maintenance of any part of His Majesty's military or naval forces; or

(d) the relations of the Government with foreign princes or states.

(3) Notwithstanding anything in the foregoing provisions of this section, the Governor-General in Council may, with the sanction of the Secretary of State in Council, make rules authorising at any meeting of the Indian Legislative Council the discussion of the annual financial statement of the Governor-General in Council and of any matter of general public interest and the asking of questions, under such conditions and restrictions as may be prescribed in the rule. Rules made under this sub-section may provide for the appointment of a member of the council to preside at any such discussion in the place of the governor-general and of vice-president, and shall be laid before both Houses of Parliament as soon as may be after they are made, and shall not be subject to repeal or alteration by the Governor-General in Legislative Council.

68. (1) When an Act has been passed at a meeting of the Indian Legislative Council, the Assent of Governor-General to Acts. governor-general, whether he was or was not present in council at the passing thereof, may declare that the assents to the Act, or that he withholds assent from the Act, or that he reserves the Act for the signification of His Majesty's pleasure thereon.

(2) An Act of the Governor-General in Legislative Council has not validity until the governor-general has declared his assent thereto, or, in the case of an Act reserved for the signification of His Majesty's pleasure, until His Majesty has signified his assent to the governor-general through the Secretary of State in Council, and that assent has been notified by the governor-general.

69. (1) When an Act of the Governor-General in Legislative Council has been assented to by the governor-general, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty to signify, through the Secretary of State in Council, his disallowance of any such Act.

(2) Where the disallowance of any such Act has been so signified, the governor-general shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

70. The Governor-General in Legislative Council may, subject to the assent of the governor-general, alter the rules for the conduct of legislative business in the Indian Legislative Council (including rules prescribing the mode of promulgation and authentication of Acts passed by that council); but any alteration so made may be disallowed by the Secretary of State in Council, and if so disallowed shall have no effect.

Regulations and Ordinances.

71. (1) The local Government of any part of British India to which this section for the time being applies may propose to the Governor General in Council the draft of any regulation for the peace and good government of that part, with the reasons for proposing the regulation.

(2) Thereupon the Governor-General in Council may take any such draft and reasons into consideration; and when any such draft has been approved by the Governor-General in Council and assented to by the governor-general, it shall be published in the Gazette of India and in the local official gazette, if any, and shall thereupon

have the like force of law and be subject to the like disallowance as if it were an Act of the Governor-General in Legislative Council.

(3) The governor-general shall send to the Secretary of State in Council an authentic copy of every regulation to which he has assented under this section

(4) The Secretary of State may, by resolution in council, apply this section to any part of British India, as from a date to be fixed in the resolution, and withdraw the application of this section from any part to which it has been applied.

72. The governor-general may, in cases of emergency, make and promulgate ordinances for the peace and good government of British India or any part thereof, and any ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Governor-General in Legislative Council; but the power of making ordinances under this section is subject to the like restrictions as the power of the Governor-General in Legislative Council to make laws; and any ordinance made under this section is subject to the like disallowance as an Act passed by the Governor-General in Legislative Council, and may be controlled or superseded by any such Act.

Power to make ordinances in case of emergency.

Local Legislatures.

73. (1) For purposes of legislation, the council of a governor, or of a lieutenant-governor having an executive council, shall consist of the members of his executive council with the addition of members nominated or elected in accordance with rules made under this Act.

Local legislatures.

(2) In the case of the councils of the governors of Madras and Bombay (and, if so ordered by the governor of

Bengal, in the case of his council), the advocate-general or acting advocate-general for the time being of the presidency shall be one of the members so nominated.

(8) The legislative council of a lieutenant-governor not having an executive council, or of a chief commissioner shall consist of members nominated or elected in accordance with rules made under this Act.

(4) Councils constituted as provided by this section are in this Act referred to as local legislative councils, and Governors, Lieutenant-Governors and Chief Commissioners in Legislative Council are in this Act referred to as local legislatures

74. (1) The number of additional members nominated or elected to the legislative council of the Governor of Bengal, Madras or Bombay the number of such members required to constitute a quorum, the term of office of such members, and the manner of filling casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise, shall, in the case of each such council, be such as may be prescribed by rules made under this Act :

Constitution of legislative councils in Bengal, Madras and Bombay

Provided that the aggregate number of members so nominated or elected shall not exceed the number specified in that behalf in the second column of the First Schedule to this act.

(2) At least one-half of the additional members nominated or elected to any of those councils must be persons not in the civil or military service of the Crown in India ; and if any such person accepts office under the Crown in India his seat as a member shall thereon become vacant.

(3) An additional member of any of those councils is not entitled to be present at meetings of the governor's executive council.

(4) The Governor-General in Council may, with the approval of the Secretary of State in Council, make rules as to the conditions under which and manner in which persons resident in India may be nominated or elected additional members of any of those legislative councils, and as to the qualifications for being, and for being nominated or elected, an additional member of any of those councils, and as to any other matter for which rules are authorised to be made under this section, and also as to the manner in which those rules are to be carried into effect.

(5) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and those rules shall not be subject to repeal or alteration by the Governor-General in Legislative Council.

Meetings of legislative council of Bengal, Madras and Bombay.

75. (1) The legislative council of the Governor of Bengal, Madras or Bombay shall assemble at such times and places as the governor appoints.

(2) Any meeting of the council may be adjourned by the governor, or under his authority, by the other person presiding.

(3) In the absence of the governor from any meeting of the council the person to preside thereat shall be the vice-president of the council, or, in his absence, the senior civil member of the executive council present at the meeting, or during the discussion of the annual financial statement or of any matter of general public interest, the vice-president or the member appointed to preside in accordance with rules made under this Act.

(4) If any difference of opinion arises on any question brought before a meeting of the council, the person presiding shall have a second or casting vote.

76. (1) The number of members nominated or elected to the legislative council of a lieutenant-governor or chief commissioner, the number of such members required to constitute a quorum, the term of office of such members, and the manner of filling casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise shall, in the case of each such council, be such as may be prescribed by rules made under this Act :

Constitution of legislative councils of lieutenant-governors and chief commissioners.

Provided that the aggregate number of members so nominated or elected shall not, in the case of any legislative council mentioned in the first column of the First Schedule to this Act, exceed the number specified in that behalf in the second column of that Schedule.

(2) At least one-third of the persons so nominated or elected to the legislative council of a lieutenant-governor or chief commissioner must be persons not in the civil or military service of the Crown in India.

(3) The Governor-General in Council may, with the approval of the Secretary of State in Council, make rules as to the conditions under which and manner in which persons resident in India may be nominated or elected members of any of those legislative councils and as to the qualifications for being, and for being nominated or elected, a member of any of those councils, and as to any other matter for which rules are authorised to be made under this section, and as to the manner in which those rules are to be carried into effect.

(4) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and those rules shall not be subject to repeal or alteration by the Governor-General in Legislative Council.

77. (1) When a new lieutenant-governorship is constituted under this Act, the Governor-General in Council, may, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute the Lieutenant-Governor in Legislative Council of the province as from a date specified in the notification, a local legislature for that province, and define the limits of the province for which the Lieutenant-Governor in Legislative Council is to exercise legislative powers.

(2) The Governor-General in Council may, by notification, extend the provisions of this Act relating to legislative councils of lieutenant-governors, subject to such modifications and adaptations as he may consider necessary, to any provinces for the time being under a chief commissioner.

78. (1) Every lieutenant-governor who has no executive council, and every chief commissioner who has a legislative council, shall appoint a member of his legislative council to be vice-president thereof.

(2) In the absence of the lieutenant-governor or chief commissioner from any meeting of his legislative council the person to preside thereat shall be the vice-president of the council, or, in his absence, the member of the council who is highest in official rank among those holding office under the Crown who are present at the meeting, or during the discussion of the annual financial statement or of any matter of general public interest, the vice-president, or the member appointed to preside in accordance with rules made under this Act.

(3) If any difference of opinion arises on any question brought before a meeting of the council, the person presiding shall have a second or casting vote.

79. (1) The local legislatures of any province has power, 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.

Powers of local legislatures.

(2) The local legislature of any province may, with the previous sanction of the governor-general, but not otherwise, 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) 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 Council for the general purposes of the Government of India ; or
- (b) regulating any of the current coin, or the issue of any bills, notes or other paper currency ; or
- (c) regulating the conveyance of letters by the post office or messages by the electric telegraph ; or
- (d) altering in any way the India Penal Code ; or
- (e) affecting the religion or religious rites and usages of any class of British subjects in India ; or
- (f) affecting the discipline or maintenance of any part of His Majesty's naval or military forces ; or
- (g) regulating patents or copyright ; or
- (h) affecting the relations of the Government with foreign princes or states.

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

(5) 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.

80. (1) At a meeting of a local legislative council no motion shall be entertained other than a motion for leave to introduce a measure into the council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the council for that purpose, or having reference to some rule for the conduct of business in the council and no business shall be transacted other than the consideration of those motions or the alterations of those rules.

Business at meetings.

(2) It shall not be lawful for any member of any local legislative council to introduce, without the previous sanction of the governor, lieutenant-governor or chief commissioner, any measure affecting the public revenues of the province or imposing any charge on those revenues.

(3) Notwithstanding anything in the foregoing provisions of this section, the local government may, with the sanction of the Governor-General in Council, make rules authorising, at any meeting of the local legislative council, the discussion of the annual financial statement of the local government, and of any matter of general public interest, and the asking of questions under such conditions and restrictions as may be prescribed in the rules. Rules made under this sub-section for any council may provide for the appointment of a member of the council to preside at any such discussion in the place of the governor, lieutenant-governor or chief commissioner as the case may be, and of

the vice-president, and shall be laid before both Houses of Parliament as soon as may be after they are made, and shall not be subject to repeal or alteration by the Governor-General in Legislative Council or the local legislature.

81. (1) When an Act has been passed at a meeting of a local legislative council, the governor, lieutenant-governor or chief commissioner, whether he was or was not present in council at the passing of the Act, may declare that he assents to or withholds his assent from the Act.

(2) If the governor, lieutenant-governor or chief commissioner withholds his assent from any such Act, the Act has no effect.

(3) If the governor, lieutenant-governor or chief commissioner assents to any such Act, he shall forthwith send an authentic copy of the Act to the governor-general, and the Act shall not have validity until the governor-general has assented thereto and that assent has been signified by the governor-general to, and published by the governor, lieutenant-governor or chief commissioner.

(4) Where the governor-general withholds his assent from any such Act, he shall signify to the governor, lieutenant-governor or chief commissioner in writing his reason for so withholding his assent.

82. (1) When any such Act has been assented to by the governor-general, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty to signify, through the Secretary of State in Council, his disallowance of any such Act.

(2) Where the disallowance of any such Act has been so signified, the governor, lieutenant-governor or chief commissioner shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

83. (1) The local government of any province for which a local legislative council is hereafter constituted under this Act shall, before the first meeting of that council and with the sanction of the Governor-General in Council, make rules for the conduct of legislative business in that council (including rules for prescribing the mode of promulgation and authentication of laws passed by that council).

(2) A local legislature may, subject to the assent of the governor, lieutenant-governor or chief commissioner, alter the rules for the conduct of legislative business in the local legislative council (including rules prescribing the mode of promulgation and authentication of law passed by the council); but any alteration so made may be disallowed by the Governor-General in Council, and if so disallowed shall have no effect.

Validity of Indian Laws.

84. A law made by any authority in British India shall not be deemed invalid solely on account of any one or more of the following reasons:—

- (a) in the case of a law made by the Governor-General in Legislative Council, because it effects the prerogative of the Crown; or
- (b) in the case of any law, because the requisite proportion of members not holding office under the Crown in India was not complete at the date of its introduction into the council or its enactment; or
- (c) in the case of a law made by a local legislature, because it confers on magistrates, being justices of the peace, the same jurisdiction over

Removal of doubts as to validity of certain Indian laws.

European British subjects as that legislature, by Acts duly made could lawfully confer on magistrates in the exercise of authority over other British subjects in the like cases.

PART VII.

SALARIES, LEAVE OF ABSENCE, VACATION OF OFFICE, APPOINTMENTS, ETC.

85. (1) There shall be paid to the Governor-General of India, and to the other persons mentioned in the Second Schedule to this Act, out of the revenues of India, such salaries, not exceeding in any case the maximum specified in that behalf in that Schedule, and such allowances (if any) for equipment and voyage as the Secretary of State in Council may by order fix in that behalf, and, subject to or in default of any such order, as are payable at the commencement of this Act ;

Salaries and allowances of governor-general and certain other officials in India.

(2) Provided as follows :—

- (a) an order affecting salaries of members of the governor-general's executive council may not be made without the concurrence of a majority of votes at a meeting of the Council of India ;
- (b) if any person to whom this section applies holds or enjoys any pension or salary, or any office of profit under the Crown or under any public office, his salary under this section shall be reduced by the amount of the pension, salary or profits of office so held or enjoyed by him ;

- (c) nothing in the provisions of this section with respect to allowances shall authorise the imposition of any additional charge on the revenues of India.

(3) The remuneration payable to a person under this section shall commence on his taking upon himself the execution of his office and shall be the whole profit or advantage which he shall enjoy from his office during his continuance therein.

86. (1) The Governor-General in Council may grant to any of the ordinary members of his executive council, and a Governor in Council may grant to any member of his executive council, leave of absence under medical certificate for a period not exceeding six months.

Leave of absence
to members of exe-
cutive councils.

(2) Where a member of council obtains leave of absence in pursuance of this section, he shall retain his office during his absence, and shall on his return and resumption of his duties be entitled to receive half his salary for the period of his absence. but if his absence exceeds six months his office shall become vacant.

87. (1) If the governor-general, or a governor, or the commander-in chief of His Majesty's forces in India, and, subject to the foregoing provisions of this Act as to leave of absence, if any ordinary member of the executive council of the governor-general, or any member of the executive council of a governor departs from India, intending to return to Europe, his office shall thereupon become vacant.

Provisions as to
absence from India
or presidency

(2) No act or declaration of the governor-general or a governor or a member of an executive council, other than as aforesaid, except a declaration in writing under hand and seal, delivered to a secretary to the Government of India or

to the chief secretary of the presidency wherein he is, in order to its being recorded, shall be deemed or held as a resignation or surrender of his office.

(3) If the governor-general, or any ordinary member of the governor-general's executive council, leaves India otherwise than in the known actual service of the Crown, and if any governor, lieutenant governor or member of a governor's executive council leaves the province to which he belongs otherwise than as aforesaid, his salary and allowances shall not be payable during his absence to any person for his use.

(4) If any such officer, not having proceeded or intended to proceed to Europe, dies during his absence and whilst intending to return to India or to his province, his salary and allowances shall, subject to any rules in that behalf made by the Secretary of State in Council, be paid to his personal representatives.

(5) If any such officer does not return to India or his province, or returns to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving India or his province.

88. (1) His Majesty may, by warrant under His Royal Sign Manual, appoint any person conditionally to succeed to any of the offices of governor-general, governor, ordinary member of the executive council of the governor-general, or member of the executive council of a governor, in the event of the office becoming vacant, or in any other event or contingency expressed in the appointment, and revoke any such conditional appointment.

(2) A person so conditionally appointed shall not be entitled to any authority, salary or emolument appertaining to the office to which he is appointed, until he is in the actual possession of the office.

89. (1) If any person entitled under a conditional

Power for governor-general to exercise powers before taking seat.

appointment to succeed to the office of governor-general, or appointed absolutely to that office, is in India on or after the event on which he is to succeed, and thinks it necessary to exercise the powers of governor-general before he takes his seat in council, he may make known by notification his appointment and his intention to assume the office of governor-general.

(2) After the notification, and thenceforth until he repairs to the place where the council may assemble, he may exercise alone all or any of the powers which might be exercised by the Governor-General in Council.

(3) All acts done in the council after the date of the notification, but before the communication thereof to the council, shall be valid, subject nevertheless, to revocation or alteration by the person who has so assumed the office of governor-general.

(4) When the office of governor-general is assumed under the foregoing provision, the vice-president, or, if he is absent, the senior ordinary member of the council then present, shall preside therein, with the same powers as the governor-general would have had if present.

90 (1) If a vacancy occurs in the office of governor-general when there is no conditional or

Temporary vacancy in office of governor-general.

other successor in India to supply the vacancy, the governor who was first appointed to the office of governor by His Majesty shall hold and execute the office of governor-general until a successor arrives or until some person in India is duly appointed thereto.

(2) Every such acting governor-general, while acting as such, shall have and may exercise all the rights and powers of the office of governor-general, and shall

be entitled to receive the emoluments and advantages appertaining to the office foregoing the salary and allowances appertaining to his office of governor ; and his office of governor shall be supplied, for the time during which he acts as governor-general, in the manner directed by this Act with respect to vacancies in the office of governor.

(3) If, on the vacancy occurring it appears to the governor, who by virtue of this section holds and executes the office of governor-general, necessary to exercise the powers thereof before he takes his seat in council, he may make known by notification his appointment, and his intention to assume the office of governor-general, and thereupon the provisions of this Act respecting the assumption of the office by a person conditionally appointed to succeed thereto shall apply.

(4) Until such a governor has assumed the office of governor-general, if no conditional or other successor is on the spot to supply such vacancy, the vice-president, or, if he is absent, the senior ordinary member of the executive council, shall hold and execute the office of governor-general until the vacancy is filled in accordance with the provisions of this Act.

(5) Every vice-president or other member of council so acting as governor-general, while so acting, shall have and may exercise all the rights and powers of the office of governor-general and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing his salary and allowances as member of council for that period.

91. (1) If a vacancy occurs in the office of governor when no conditional or other successor is on the spot to supply the vacancy, the vice-president, or, if he is absent, the senior member of the governors'

Temporary
vacancy in office of
governor.