

executive council, or if there is no council, the chief secretary to the local Government, shall hold and execute the office of governor until a successor arrives, or until some other person on the spot is duly appointed thereto.

(2) Every such acting governor shall, while acting as such, be entitled to receive the emoluments and advantages appertaining to the office of governor, foregoing the salary and allowances appertaining to his office of member of council or secretary.

92. (1) If a vacancy occurs in the office of an ordinary member of the executive council of the governor-general or a member of the executive council of a governor, and there is no conditional or other successor present on the spot, the Governor-General in Council, or Governor in Council as the case may be, shall supply the vacancy by appointing a temporary member of council.

Temporary
vacancy in office of
member of an
executive council.

(2) Until a successor arrives the person so appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office foregoing all emoluments and advantages to which he was entitled at the time of his being appointed to that office.

(3) If any ordinary member of the executive council of the governor-general or any member of the executive council of a governor is, by infirmity or otherwise, rendered incapable of acting or of attending to act as such, or is absent on leave, then, if any person has been conditionally appointed to succeed to his office is on the spot, the place of that member shall be supplied by that person, and, if no person conditionally appointed to succeed to the office is on the spot, the Governor-General in Council or Governor in Council, as the case may be, shall appoint some person to be a temporary member of council.

(4) Until the return to duty of the member so incapable or absent, the person conditionally or temporarily appointed shall hold and execute the office to which he has been appointed and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive half the salary of the member of council whose place he fills, and also half the salary of any other office which he may hold, if he hold any such office, the remaining half of such last named salary being at the disposal of the Governor-General in Council or Governor in Council, as the case may be.

(5) Provided as follows —

(a) no person may be appointed a temporary member of council who might not have been appointed under this Act to fill the vacancy supplied by the temporary appointment; and

(b) if the Secretary of State inform the governor-general that it is not the intention of His Majesty to fill the vacancy in the Governor-General's executive council, no temporary appointment may be made under this section to fill the vacancy, and if any such temporary appointment has been made before the date of the receipt of the information by the governor-general, the tenure of the person temporarily appointed shall cease from that date.

93. (1) A nominated or elected member of the Indian Legislative Council or of a local legislative council may resign his office to the governor-general or to the governor, lieutenant-governor or chief commissioner, as the case may

Vacancies in
legislative councils.

be, and on the acceptance of the resignation the office shall become vacant.

(2) If for a period of two consecutive months any such member is absent from India or unable to attend to the duties of his office, the governor-general, governor, lieutenant-governor or chief commissioner, as the case may be, may, by notification published in the Government Gazette, declare that the seat in council of that member has become vacant.

94. Subject to the provisions of this Act, the Secretary of State in Council may, with the concurrence of a majority of votes at a meeting of the Council of India, make rules as to the absence on leave of persons in the service of the Crown in India, and the terms as to continuance, variation or cessation of pay, salary and allowances on which any such leave may be granted.

95. (1) The Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India, may make rules for distributing between the several authorities in India the power of making appointments to and promotions in offices under the Crown in India, and may reinstate officers and servants suspended or removed by any of those authorities.

(2) Subject to such rules, all appointments to offices and commands in India, and all promotions, which, by law, or under any regulations, usage or custom, are, at the commencement of this Act, made by any authority in India shall, subject to the qualifications, conditions and restrictions then affecting such appointments and promotions, respectively, continue to be made in India by the like authority.

96. No native of British India, nor any subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them be disabled from holding any office under the Crown in India.

No disabilities in respect of religion, colour or place of birth.

PART VIII.

THE INDIAN CIVIL SERVICE.

97. (1) The Secretary of State in Council may, with the advice and assistance of the Civil Service Commissioners, make rules for the examination, under the superintendence of those Commissioners, of British subjects desirous of becoming candidates for appointment to the Indian Civil Service.

Rules for admission to the Indian Civil Service

(2) The rules shall prescribe the age and qualifications of the candidates, and the subjects of examination.

(3) All rules made in pursuance of this section shall be laid before 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

(4) The candidates certified to be entitled under the rules shall be recommended for appointment according to the order of their proficiency as shown by their examination.

(5) Such persons only as are so certified may be appointed or admitted to the Indian Civil Service by the Secretary of State in Council.

98. Subject to the provisions of this Act, all vacancies happening in any of the offices specified or referred to in the Third Schedule to this Act, and all such offices

Offices reserved to the Indian Civil Service.

which may be created hereafter, shall be filled from amongst the members of the Indian Civil service.

99. (1) The authorities in India, by whom appointments are made to offices in the Indian Civil Service, may appoint to any such office any person of proved merit and ability domiciled in British India and born in British India of parents habitually resident in India and not established there for temporary purposes only, although the person so appointed has not been admitted to that service in accordance with the foregoing provisions of this Act.

(2) Every such appointment shall be made subject to such rules as may be prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India

(3) The Governor-General in Council may, by resolution, define and limit the qualification of persons who may be appointed under this section, but every resolution made for that purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

100. (1) Where it appears to the authority in India by whom an appointment is to be made to any office reserved to members of the Indian Civil Service, that a person not being a member of that service ought, under the special circumstances of the case, to be appointed thereto the authority may appoint thereto any person who has resided for at least seven years in India and who has, before his appointment, fulfilled all the tests (if any) which would be imposed in the like case on a member of that service.

(2) Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State, with the special reasons for making it; and unless the Secretary of State in Council approves the appointment, with the concurrence of a majority of votes at a meeting of the Council of India, and within twelve months from the date of the appointment intimates such approval to the authority by whom the appointment was made the appointment shall be cancelled.

PART IX.

THE INDIAN HIGH COURTS.

Constitution.

101. (1) The high courts referred to in this Act are
Constitution of the high courts. the high courts of judicature for the time being established in British India by letters patent.

(2) Each high court shall consist of a chief justice and as many other judges as His Majesty may think fit to appoint: Provided as follows:—

- (i) the Governor-General in Council may appoint persons to act as additional judges of any high court, for such period, not exceeding two years, as may be required; and the judges so appointed shall, whilst so acting, have all the powers of a judge of the high court appointed by His Majesty under this Act
 - (ii) the maximum number of judges of a high court, including the chief justice and additional judges, shall be twenty.
- (3) A judge of a high court must be—
- (a) a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland, of not less than five years' standing; or

- (b) a member of the Indian Civil Service of not less than ten years' standing, and having for at least three years served as, or exercised the powers of, a district judge; or
- (c) a person having held judicial office, not inferior to that of a subordinate judge or a judge of a small cause court, for a period of not less than five years; or
- (d) a person having been a pleader of a high court for a period of not less than ten years.

(4) Provided that not less than one-third of the judges of a high court, including the chief justice but excluding additional judges, must be such barristers or advocates as aforesaid, and that not less than one-third must be members of the Indian Civil Service.

(5) The high court for the North-Western Provinces may be styled the court of judicature at Allahabad, and the high court at Fort William in Bengal is in this Act referred to as the high court at Calcutta

Tenure of office of judges of high courts. 102. (1) Every judge of a high court shall hold his office during His Majesty's pleasure.

(2) Any such judge may resign his office, in the case of the high court at Calcutta, to the Governor-General in Council, and in other cases to the local Government.

Precedence of judges of high courts 103. (1) The chief justice of a high court shall have rank and precedence before the other judges of the same court.

(2) All the other judges of a high court shall have rank and precedence according to the seniority of their appointments, unless otherwise provided in their patents.

104. (1) The Secretary of State in Council may fix the salaries, allowances, furloughs, retiring pensions and (where necessary) expenses for equipment and voyage, of the chief justices and other judges of the several high courts, and may alter them, but any such alteration shall not affect the salary of any judge appointed before the date thereof.

(2) The remuneration fixed for a judge 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.

(3) If a judge of a high court dies during his voyage to India, or within six months after his arrival there, for the purpose of taking upon himself the execution of his office, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, such a sum of money as will, with the amount received by or due to him at the time of his death on account of salary, make up the amount of one year's salary.

(4) If a judge of a high court dies while in possession of his office and after the expiration of six months from his arrival in India for the purpose of taking upon himself the execution of his office, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, over and above the sum due to him at the time of his death, a sum equal to six month's salary.

105. (1) On the occurrence of a vacancy in the office of chief justice of a high court, and during any absence of such a chief justice the Governor-General in Council in the case of the high court at Calcutta and the local Government in other cases, shall appoint one of the other judges of the same high court to perform the

Provision for vacancy in the office of chief justice or other judge.

duties of chief justice of the court, until some person has been appointed by His Majesty to the office of chief justice of the court and has entered on the discharge of the duties of that office, or until the chief justice has returned from his absence, as the case requires.

(2) On the occurrence of a vacancy in the office of any other judge of a High Court, and during any absence of any such judge, or on the appointment of any such judge to act as chief justice, the Governor-General in Council in the case of the high court at Calcutta, and the local Government in other cases may appoint a person, with such qualifications as are required in persons to be appointed to the high court, to act as a judge of the court; and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by His Majesty to the office of judge of the court, and has entered on the discharge of the duties of the office, or until the absent judge has returned from his absence, or until the Governor-General in Council or the local Government, as the case may be, sees cause to cancel the appointment of the acting judge.

Jurisdiction.

106. (1) The several high courts are courts of record and have such jurisdiction, original and appellate, including admiralty jurisdiction in respect of offences committed on the high seas, and all such powers and authority over or in relation to the administration of justice, including power to appoint clerks and other ministerial officers of the court, and power to make rules for regulating the practice of the court, as are vested in them by letters patent, and, subject to the provisions of any such letters patent, all such jurisdiction, powers and authority as are vested in those courts respectively at the commencement of this Act.

(2) The high courts have not and may not exercise any original jurisdiction in any matter concerning the revenue, or concerning any act ordered or done in the collection thereof according to the usage and practice of the country or the law for the time being in force.

107. Each of the high courts has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the following things, that is to say,—

Powers of high court with respect to subordinate Court.

- (a) call for returns;
- (b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction;
- (c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts;
- (d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and
- (e) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts:

Provided that such rules, forms and tables shall not be inconsistent with the provisions of any Act for the time being in force, and shall require the previous approval, in the case of the high court at Calcutta, of the Governor-General in Council, and in other cases of the local Government.

108. (1) Each high court may by its own rules provide as it thinks fit for the exercise, by one or more judges, or by division courts constituted by two or more judges, of the high court, or of the original and appellate jurisdiction vested in the court.

Exercise of jurisdiction by single judges or division courts.

(2) The chief justice of each high court shall determine what judge in each case is to sit alone, and what judges of the court, whether with or without the chief justice, are to constitute the several division courts.

109 (1) The Governor-General in Council may, by order, transfer any territory or place from the jurisdiction of one to the jurisdiction of any other of the high courts, and authorise any high court to exercise all or any portion of its jurisdiction in any part of British India not included within the limits for which the high court was established, and also to exercise any such jurisdiction in respect of Christian subjects of His Majesty resident in any part of India outside British India.

(2) The Governor-General in Council shall transmit to the Secretary of State an authentic copy of every order made under this section.

(3) His Majesty may signify, through the Secretary of State in Council, his disallowance of any such order, and such disallowance shall make void and annul the order as from the day on which the governor-general notifies that he has received intimation of the disallowance but no act done by any high court before such notification shall be deemed invalid by reason only of such disallowance.

110. (1) The governor-general, each governor, and each of the members of their respective executive councils, shall not—

Exemption from jurisdiction of high court

(a) be subject to the original jurisdiction of any high court by reason of anything counselled, ordered or done by any of them in his public capacity only; nor

- (b) be liable to be arrested or imprisoned in any suit or proceeding in any high court acting in the exercise of its original jurisdiction ; nor
- (c) be subject to the original criminal jurisdiction of any high court in respect of any offence not being treason or felony.

(2) The exemption under this section from liability to arrest and imprisonment shall extend also to the chief justices and other judges of the several high courts

111. The order in writing of the Governor-General in Council for any act shall, in any proceeding, civil or criminal, in any high court acting in the exercise of its original jurisdiction, be a full justification of the act, except so far as the order extends to any European British subject ; but nothing in this section shall exempt the governor-general, or any member of his executive council, or any person acting under their orders, from any proceedings in respect of any such act before any competent Court in England.

Law to be administered

112. The high courts at Calcutta, Madras and Bombay, in the exercise of their original jurisdiction in suits against inhabitants of Calcutta, Madras or Bombay, as the case may be, shall, in matters of inheritance and succession to lands, rents and goods, and in matters of contract and dealing between party and party, when both parties are subject to the same personal law or custom having the force of law, decide according to that personal law, or custom, and when the parties are subject to different personal laws or customs having the force of law, decide according to the law or custom to which the defendant is subject.

Additional High Courts.

113. His Majesty may, if he sees fit, by letters patent, establish a high court of judicature in any territory in British India, whether or not included within the limits of the local jurisdiction of another high court, and confer on any high court so established any such jurisdiction, powers and authority as are vested in or may be conferred on any high court existing at the commencement of this Act; and, where a high court is so established in any area included within the limits of the local jurisdiction of another high court, His Majesty may, by letters patent, alter those limits, and make such incidental, consequential and supplemental provisions as may appear to be necessary by reason of the alteration.

Advocate General.

114. (1) His Majesty may, by warrant under His Royal Sign Manual, appoint an advocate-general for each of the presidencies of Bengal, Madras and Bombay.

(2) The advocate-general for each of those presidencies may take on behalf of His Majesty such proceedings as may be taken by His Majesty's Attorney-General in England.

PART X.

ECCLESIASTICAL ESTABLISHMENT.

115. (1) The bishops of Calcutta, Madras and Bombay have and may exercise within their respective dioceses such episcopal functions, and such ecclesiastical jurisdiction for the superintendence and good government of the ministers of the Church of England therein, as His Majesty may by letters patent, direct.

(2) The Bishop of Calcutta, is the Metropolitan Bishop in India, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury.

(3) Each of the bishops of Madras and Bombay is subject to the Bishop of Calcutta as such Metropolitan, and must at the time of his appointment to his bishopric, or at the time of his consecration as bishop take an oath of obedience to the Bishop of Calcutta, in such manner as His Majesty, by letters patent, may be pleased to direct.

(4) His Majesty may, by letters patent, vary the limits of those dioceses of Calcutta, Madras and Bombay.

(5) Nothing in this Act or in any such letters patent as aforesaid shall prevent any person who is or has been bishop of any diocese in India from performing episcopal functions, not extending to the exercise of jurisdiction, in any diocese or reputed diocese at the request of his bishop thereof.

116. (1) The Bishop of Calcutta may admit into the
 Power to admit to holy orders holy orders of deacon or priest any person whom he, on examination, deems duly qualified specially for the purpose of taking on himself the cure of souls, or officiating in any spiritual capacity, within the limits of the diocese of Calcutta, and residing therein.

(2) The deposit with the bishop of a declaration of such a purpose, and a written engagement to perform from the same, signed by the person seeking ordination shall be a sufficient title with a view to his ordination.

(3) It must be distinctly stated in the letters of ordination of every person so admitted to holy orders that he has been ordained for the cure of souls within the limits of the diocese of Calcutta only.

(4) Unless a person so admitted is a British subject of or belonging to the United Kingdom, he shall not be

required to take the oaths and make the subscriptions which persons ordained in England are required to take and make.

(5) Nothing in this section shall affect any letters patent issued by His Majesty.

117. If any person under the degree of bishop is appointed to the bishopric of Calcutta, Madras or Bombay, being at the time of his appointment resident in India, the Archbishop of Canterbury, if so required to do by His Majesty by letters patent, may issue a commission under his hand and seal, directed to the two remaining bishops, authorising and charging them to perform all requisite ceremonies for the consecration of the person so to be appointed.

118. (1) The bishops and archdeacons of Calcutta, Madras and Bombay are appointed by His Majesty by letters patent, and there may be paid to them, or to any of them, out of the revenues of India such salaries and allowances as may be fixed by the Secretary of State in Council; but any power of alteration under this enactment shall not be exercised so as to impose any additional charge on the revenues of India.

(2) The remuneration fixed for a bishop or archdeacon under this section shall commence on his taking upon himself the execution of his office, and be the whole profit or advantage which he shall enjoy from his office during his continuance therein, and continue so long as he exercises the functions of his office.

(3) There shall be paid out of the revenues of India the expenses of visitations of the said bishops, but no greater sum may be issued on account of those expenses than is allowed by the Secretary of State in Council.

119. (1) If the Bishop of Calcutta dies during his voyage to India for the purpose of taking upon himself the execution of his office, or if the Bishop of Calcutta, Madras or Bombay dies within six months after his arrival there for that purpose, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, such a sum of money as will, with the amount received by or due to him at the time of his death on account of salary, make up the amount of one year's salary.

(2) If the Bishop of Calcutta, Madras or Bombay dies while in possession of his office and after the expiration of six months from his arrival in India for the purpose of taking upon himself the execution of his office, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, over and above the sum due to him at the time of his death, a sum equal to six months' salary.

120. His Majesty may, by warrant under the Royal Sign Manual, countersigned by the Chancellor of the Exchequer, grant, out of the revenues of India, to any Bishop of Calcutta a pension not exceeding fifteen hundred pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay or archdeacon for ten years, or one thousand pounds per annum if he has resided in India as Bishop of Calcutta for seven years, or seven hundred and fifty pounds per annum if he has resided in India as Bishop of Calcutta for five years, or to any Bishop of Madras or Bombay a pension not exceeding eight hundred pounds per annum, to be paid quarterly, if he has resided in British India as such bishop for fifteen years.

121. His Majesty may make such rules as to the leave of absence of the Bishops of Calcutta, Madras and Bombay on furlough or medical certificate as seem to His Majesty expedient.

122. (1) Two members of the establishment of chaplains maintained in each of the presidencies of Bengal, Madras and Bombay must always be ministers of the Church of Scotland, and shall be entitled to have, out of the revenues of India, such salary as is from time to time allotted to the military chaplains in the several presidencies :

(2) The ministers so appointed chaplains must be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh, whose judgments shall be subject to dissent, protest and appeal to the Provincial Synod of Lothian and Tweeddale and to the General Assembly of the Church of Scotland.

123 Nothing in this Act shall prevent the Governor-General in Council from granting, with the sanction of the Secretary of State in Council, to any sect, persuasion or community of Christians, not being of the Church of England or Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

Saving as to grants to Christians

PART XI.

OFFENCES, PROCEDURE AND PENALTIES.

124. * If any person holding office under the Crown in India does any of the following things, that is to say—

Certain acts to be misdemeanours.

(1) If he oppresses any British subject within his jurisdiction or in the exercise of his authority; or

Oppression.

(2) If (except in case of necessity, the burden of proving which shall be on him) he wilfully disobeys, or wilfully omits, forbears or neglects to execute, any orders, or instructions of the Secretary of State; or

Breach of duty. (3) If he is guilty of any wilful breach of the trust and duty of his office; or

Trading (4) If, being the governor-general, or a governor, lieutenant-governor or chief commissioner, or a member of the executive council of the governor-general or of a governor or lieutenant-governor, or being a person employed or concerned in the collection of revenue or the administration of justice, he is concerned in, or has any dealings or transactions by way of, trade or business in any part of India, for the benefit either of himself or of any other person, otherwise than as a share-holder in any joint stock company or trading corporation; or

Receiving presents. (5) If he demands, accepts or receives, by himself or another, in the discharge of his office, any gift, gratuity or reward, pecuniary or otherwise, or any promise of the same except in accordance with such rules as may be made by the Secretary of State as to the receipt of presents, and except in the case of fees paid or payable to barristers, physicians, surgeons and chaplains in the way of their respective professions,

he shall be guilty of a misdemeanour; and if he is convicted of having demanded, accepted or received any such gift, gratuity or reward, the same, or the full value thereof shall be forfeited to the Crown, and the court may order that the gift, gratuity or reward, or any part thereof, be restored to the person who gave it, or be given to the prosecutor or informer and that the whole or any part of any fine imposed

on the offender be paid or given to the prosecutor or informer, as the court may direct.

125. (1) If any European British subject, without the previous consent in writing of the Secretary of State in Council or of the Governor General in Council or of a local Government, by himself or another,—

Loans to princes or chiefs.

- (a) lends any money or other valuable thing to any prince or chief in India ; or
- (b) is concerned in lending money to, or raising or procuring money for, any such prince or chief, or becomes security for the repayment of any such money ; or
- (c) lends any money or other valuable thing to any other person for the purpose of being lent to any such prince or chief ; or
- (d) takes holds, or is concerned in any bond, note or other security granted by any such prince or chief for the repayment of any loan or money hereinbefore referred to

he shall be guilty of a misdemeanour.

(2) Every bond, note, or security for money, of what kind or nature soever, taken, held or enjoyed, either directly or indirectly, for the use and benefit of any European British subject, contrary to the intent of this section, shall be void.

126. (1) If any person carries on, mediately or immediately, any illicit correspondence, dangerous to the peace or safety of any part of British India, with any prince, chief, land-holder or other person having authority in India, or with the commander, governor, or president of any foreign European settlement in India, or any correspondence, contrary to the rules and orders of the Secretary of State or

Carrying on Dangerous correspondence

of the Governor-General in Council or a Governor in Council, he shall be guilty of a misdemeanour; and the governor-general or governor may issue a warrant for securing and detaining in custody any person suspected of carrying on any such correspondence.

(2) If, on examination taken on oath in writing of any credible witness before the Governor-General in Council or the Governor in Council, there appear reasonable grounds for the charge, the governor-general or governor may commit the person suspected or accused to safe custody, and shall, within a reasonable time, not exceeding five days, cause to be delivered to him a copy of the charge on which he is committed.

(3) The person charged may deliver his defence in writing, with a list of such witnesses as he may desire to be examined in support thereof.

(4) The witnesses in support of the charge and of the defence shall be examined and cross-examined on oath in the presence of the person charged, and their depositions and examination shall be taken down in writing.

(5) If, notwithstanding the defence, there appear to the Governor-General in Council or Governor in Council reasonable grounds for the charge and for continuing the confinement, the person charged shall remain in custody until he is brought to trial in India or sent to England for trial.

(6) All such examinations and proceedings, or attested copies thereof under the seal of the high court, shall be sent to the Secretary of State as soon as may be, in order to their being produced in evidence on the trial of the person charged in the event of his being sent for trial to England.

(7) If any such person is to be sent to England, the governor-general or governor, as the case may be, shall

cause him to be so sent at the first convenient opportunity unless he is disabled by illness from undertaking the voyage, in which case he shall be so sent as soon as his state of health will safely admit thereof.

(8) The examinations and proceedings transmitted in pursuance of this section shall be received as evidence in all courts of law, subject to any just exceptions as to the competency of the witnesses.

127. (1) If any person holding office under the Crown in India commits any offence under this Act, or any offence against any person within his jurisdiction or subject to his authority, the offence may, without prejudice to any other jurisdiction, be inquired of, heard, tried and determined before His Majesty's High Court of Justice, and be dealt with as if committed in the country of Middlesex.

(2) Every British subject shall be amenable to all courts of justice in the United Kingdom, of competent jurisdiction to try offences committed in India, for any offence committed within India and outside British India, as if the offence had been committed within British India.

128. Every prosecution before a high court in British India in respect of any offence referred to in the last foregoing section must be commenced within six years after the commission of the offence.

129. If any person commits any offence referred to in this Act he shall be liable to such fine or imprisonment or both as the court thinks fit, and shall be liable, at the discretion of the court, to be adjudged to be incapable of serving the Crown in India in any office, civil or military; and, if he is convicted in British India by a high court, the court may order that he be sent to Great Britain.

PART XII.

SUPPLEMENTAL.

Repeal of Acts.

130. The Acts specified in the Fourth Schedule to this Act are hereby repealed, to the extent mentioned in the third column of that Schedule:

Repeal.

Provided that this repeal shall not affect—

- (a) the validity of any law, charter, letters patent, Order in council, warrant, proclamation, notification, rule, resolution, order, regulation, direction or contract made, or form prescribed, or table settled, under any enactment hereby repealed and in force at the commencement of this Act, or
- (b) the validity of any appointment, or any grant or appropriation of money or property made under any enactment hereby repealed, or
- (c) the tenure of office, conditions of service, terms of remuneration or right to pension of any officer appointed before the commencement of this Act.

Savings.

131. (1) Nothing in this Act shall derogate from any rights vested in His Majesty, or any powers of the Secretary of State in Council, in relation to the Government of India.

Saving as to certain rights and powers.

(2) Nothing in this Act shall affect the power of Parliament to control the proceedings of the Governor-General in Council, or to repeal or alter any law made by any authority in British India, or to legislate for British India and the inhabitants thereof.

(3) Nothing in this Act shall affect the power of the Governor-general in Legislative Council to repeal or alter any of the provisions mentioned in the Fifth Schedule to this Act, or the validity of any previous exercise of this power.

132. All treaties made by the East India Company, so far as they are in force at the commencement of this Act, are binding on His Majesty, and all contracts made and liabilities incurred by the East India Company may, so far as they are outstanding at the commencement of this Act, be enforced by and against the Secretary of State in Council:

Treaties, contracts
and liabilities of
East India Com-
pany.

133. All orders, regulations and directions lawfully made or given by the Court of Directors of the East India Company, or by the Commissioners for the Affairs of India, are so far as they are in force at the commencement of this Act, deemed to be orders, rules and directions made or given by the Secretary of State under this Act.

Orders of East
India Company.

Definitions, Short Title and Commencement.

134. In this Act, unless the context otherwise requires,—

Definitions.

- (1) Governor-General in Council " means the Governor-General in Executive Council ;
- (2) Governor in Council " means a Governor in Executive Council ;
- (3) Lieutenant-Governor in Council " means Lieutenant-Governor in Executive Council

- (4) "Local Government" means a Governor in Council, Lieutenant-Governor in Council, Lieutenant-Governor or Chief Commissioner ;
- (5) "office" includes place and employment ;
- (6) "province" includes a presidency ; and
- (7) references to rules made under this Act include rules or regulations made under any enactment hereby repealed, until they are altered under this Act.

135. This Act may be cited as the Government of India Act, 1915, and shall come into operation on the first day of January, one thousand nine hundred and sixteen.

First Schedule.—Maximum number of Nominated or Elected Members of Legislative Councils.

Second Schedule.—Official Salaries, etc.)

SCHEDULES

FIRST SCHEDULE.

MAXIMUM NUMBER OF NOMINATED OR ELECTED MEMBERS OF LEGISLATIVE COUNCILS.

Sections 68 (2), 74 (1), 76 (1),

Legislative Council.	Maximum Number.
Indian Legislative Council	Sixty.
Local Legislative Councils—	
Bengal Legislative Council	Fifty.
Madras Legislative Council	Fifty.
Bombay Legislative Council	Fifty.
Bihar and Orissa Legislative Council	Fifty.
United Provinces Legislative Council	Fifty.
Punjab Legislative Council	Thirty.
Burma Legislative Council	Thirty.
Assam Legislative Council	Thirty.
Central Provinces Legislative Council	Thirty.
Legislative Council of the Lieutenant-governor of any province hereafter constituted.	Thirty.

SECOND SCHEDULE, OFFICIAL SALARIES, ETC.

Section 85.

Officer.	Maximum annual salary.
Governor-General of India	Two hundred and fifty-six thousand rupees.
Governor	One hundred and twenty-eight thousand rupees.
Commander-in-Chief of His Majesty's forces in India.	One hundred thousand rupees.
Lieutenant-Governor	One hundred thousand rupees.
Ordinary member of the governor-general's executive council.	
Member of a governor's executive council	Sixty-four thousand rupees.

(Third Schedule—Offices reserved to the Indian Civil Service. Fourth Schedule.—Acts Repealed.)

THIRD SCHEDULE.

OFFICES RESERVED TO THE INDIAN CIVIL SERVICE.

Part I.—General.

Section 98.

1. Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to the several Governments in India, except the Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries in the Army, Marine and Public Works Departments

2. Accountants-General.

3. Members of the Board of Revenue in the presidencies of Bengal and Madras, the United Provinces of Agra and Oudh and the Province of Bihar and Orissa.

4. Secretaries to those Boards of Revenue.

5. Commissioners of Customs, Salt, Excise and Opium.

6. Opium agent.

Part II.—Offices in the provinces which were known in the year 1861 as "Regulation Provinces"

7. District and Sessions Judges.

* No statutory maximum has been fixed.

8. Additional District or Sessions Judges and Assistant Sessions Judges.

9. District Magistrates.

10. Joint Magistrates.

11. Assistant Magistrates.

12. Commissioners of Revenue.

13. Collectors of Revenue, or Chief Revenue Officers of districts.

14. Assistant Collectors.

FOURTH SCHEDULE.

ACTS REPEALED.

Section 190.

Session and Chapter	Short Title	Extent of Repeal.
10 Geo. 3, c. 47 ...	The East India Company Act, 1770.	The whole Act
13 Geo. 3, c. 68 .	The East India Company Act, 1772.	The whole Act, except sections forty-two, forty-three and forty-five.
21 Geo. 3, c. 70 ..	The East India Company Act, 1780.	The whole Act, except section eighteen.
26 Geo. 3, c. 57 ...	The East India Company Act, 1786.	Section thirty-eight
33 Geo. 3, c. 52 ..	The East India Company Act, 1793.	The whole Act.
37 Geo. 3, c. 142 ...	The East India Act, 1797.	The whole Act, except section twelve.
39 & 40 Geo 3, c. 79 .	The Government of India Act, 1800.	The whole Act.
53 Geo. 3, c. 155 ..	The East India Company Act, 1813.	The whole Act.
55 Geo. 3, c. 84 ...	The Indian Presidency Towns Act, 1815.	The whole Act
4 Geo. 4, c. 71 ...	The Indian Bishops and Courts Act, 1823.	The whole Act.
6 Geo. 4, c. 85 ...	The Indian Salaries and Pensions Act, 1825.	The whole Act
7 Geo. 4, c. 56 ...	The East India Officers' Act, 1826.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeat.
3 & 4 Will. 4, c. 85 ...	The Government of India Act, 1833.	The whole Act, except section one hundred and twelve.
5 & 6 Will. 4, c. 52 ...	The India (North-West Provinces) Act, 1835.	The whole Act.
7 Will. 4 and 1 Vict., c. 47 ...	The India Officers' Salaries Act, 1837.	The whole Act.
5 & 6 Vict., c. 119 ...	The Indian Bishops Act, 1842.	The whole Act.
16 & 17 Vict., c. 95 ...	The Government of India Act, 1853.	The whole Act.
17 & 18 Vict., c. 77 ...	The Government of India Act, 1854.	The whole Act.
21 & 22 Vict., c. 106 ...	The Government of India Act, 1858.	The whole Act, except section four.
22 & 23 Vict., c. 41 ...	The Government of India Act, 1859.	The whole Act.
23 & 24 Vict., c. 100 ...	The European Forces (India) Act, 1860.	The whole Act.
23 & 24 Vict., c. 102 ...	The East India Stock Act, 1860.	The whole Act, except section six.
24 & 25 Vict., c. 54 ...	The Indian Civil Service Act, 1861.	The whole Act.
24 & 25 Vict., c. 67 ...	The Indian Councils Act, 1861.	The whole Act.
24 & 25 Vict., c. 104 ...	The Indian High Courts Act, 1861.	The whole Act.
28 & 29 Vict., c. 15 ...	The Indian High Court's Act, 1865.	The whole Act.
28 & 29 Vict., c. 17 ...	The Government of India Act, 1865.	The whole Act.
32 & 33 Vict., c. 97 ...	The Government of India Act, 1869.	The whole Act.
32 & 33 Vict., c. 98 ...	The Indian Councils Act, 1869.	The whole Act.

Session and Chapter.	Short Title	Extent of Repeal.
33 & 34 Vict., c. 3 ...	The Government of India Act, 1870.	The whole Act.
33 & 34 Vict., c. 59 ...	The East India Contracts Act, 1870.	The whole Act.
34 & 35 Vict., c. 34 ...	The Indian Councils Act, 1871.	The whole Act
34 & 35 Vict., c. 62 ...	The Indian Bishops Act, 1871.	The whole Act
37 & 38 Vict., c. 3 ...	The East India Loan Act, 1874.	Section fifteen
37 & 38 Vict., c. 77 .	The Colonial Clergy Act, 1874.	Section thirteen
37 & 38 Vict., c. 91 ..	The Indian Councils Act, 1874.	The whole Act
43 Vict., c. 3 ...	The Indian Salaries and Allowances Act, 1880	The whole Act.
44 & 45 Vict., c. 63 ..	The India Office Auditor Act, 1881.	The whole Act.
47 & 48 Vict., c. 38 ..	The Indian Marine Service Act 1884	Sections two, three, four and five.
55 & 56 Vict., c. 14 ...	The Indian Councils Act, 1892,	The whole Act
3 Edw. 7, c. 11 ...	The Contracts (India Office) Act, 1903.	The whole Act.
4 Edw. 7, c. 26. ...	The Indian Councils Act, 1904	The whole Act.
7 Edw. 7, c. 85. ...	The Council of India Act,	The whole Act.
9 Edw. 7, c. 4. ...	The Indian Councils Act, 1909.	The whole Act.
1 & 2 Geo. 5, c. 18 ..	The Indian High Courts Act, 1911.	The whole Act
1 & 2 Geo. 5, c. 25. ...	The Government of India (Amendment) Act, 1911	The whole Act
2 & 3 Geo. 5, c. 6. ..	The Government of India Act, 1912.	The whole Act

FIFTH SCHEDULE.

PROVISIONS OF THIS ACT WHICH MAY BE REPEALED
OR ALTERED BY THE GOVERNOR-GENERAL IN
LEGISLATIVE COUNCIL:

Section 131.

Section.	Subject.
16	... Transmission of information by the Governor-General in Council to the Secretary of State.
83, the last twenty words	... Obedience of Governor-General in Council to orders of Secretary of State.
40 (1)	... Form and signature of proceedings of Governor-General in Council.
41 (1), the words "the Governor-General in Council shall be bound by the opinion and decision of the majority of those present."	Governor-General in Council to be bound by the opinion and decision of the majority of the members present at a meeting of the executive council.
41 (4)	... Restriction of powers of Governor General in acting against the opinion of the majority present at a meeting of his executive council.
43 (2)	.. Orders by Governor-General to local Governments or officers or servants during absence from his executive council.
43 (3)	... Suspension by Secretary of State in Council of the power to issue orders under section 43 (2).
44	... Restrictions on power of Governor-General in Council to make war or treaty.
45 (2)	... Restrictions on power of local Government to make war or treaty; punishment of officers disobeying orders of Governor-General in Council under this sub-section.
47 (3)	... Commander-in-Chief when to be a member of a Governor's executive council
49 (1)	... Form and signature of proceedings of Governor-in-Council.

Section.	Subject.
50 (2)	... Power of governor to act against the opinion of the majority present at a meeting of his executive council.
50 (3)	... Written communications, and signature, in such cases.
50 (4)	... Restriction on powers of governor in acting against the opinion of the majority present at a meeting of his executive council.
51, first paragraph, the last twelve words	... Powers of member of governor's executive council presiding in absence of governor.
51, proviso	... Governor's signature to proceedings of meeting held in his absence.
62	... Power to extend limits of presidency towns.
104 (2)	... Commencement and exclusiveness of official remuneration of judges of high courts.
104 (3), (4)	... Payments to representatives of deceased judges of high courts.
106	... Jurisdiction, powers and authority of high courts.
108 (1)	... Exercise of jurisdiction of high court by single judges or division courts.
109	... Power for Governor-General in Council to alter local limits of jurisdiction of high courts, etc.
110	Exemption from jurisdiction of high courts.
111	... Written order by Governor-General in Council a justification for act in high court.
112	... Law to be administered in cases of inheritance, succession, contract and dealing between party and party.
114 (2)	... Powers of advocate-general.
116	... Power of Bishop of Calcutta to admit to holy orders.
118 (2)—So far as it relates to the Bishop of Calcutta and archdeacons.	Commencement, exclusiveness and continuance of official remuneration.

Section.	Subject.
118 (8)—so far as it relates to the Bishop of Calcutta	Expenses of visitations.
119—so far as it relates to the Bishop of Calcutta.	Payments to representatives of deceased bishop.
120—so far as it relates to residence of the Bishop of Calcutta as such bishop or as archdeacon.	Pensions.
124 (1) ...	Oppression.
124 (4)—so far as it relates to persons employed or concerned in the collection of revenue or the administration of justice.	Trading.
124 (5)—so far as it relates to persons other than the governor-general, a governor, or a member of the executive council of the governor-general or of a governor	Receiving presents.
125	Loans to princes or chiefs
126	Carrying on dangerous correspondence.
127	Prosecution of offences in the United Kingdom
128	Limitation for prosecution in British India.
129	Penalties.

APPENDIX II.
THE GOVERNMENT OF INDIA
(AMENDMENT) ACT, 1916.

(6 and 7 Geo. 5, Ch. 37.)

ARRANGEMENT OF SECTIONS.

Section.

1. Elections and nominations for legislative councils.
 2. Removal of doubts as to validity of certain Indian laws.
 3. Qualification of rulers and subjects of certain states for office.
 4. Admission to Indian Civil Service.
 5. Removal of doubts as to validity of Orders in Council under Foreign Jurisdiction Act.
 6. Transfer of India stock by deed.
 7. Minor amendments, repeals and saving.
 8. Short title, commencement, printing and construction.
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FIRST SCHEDULE.—Further amendments of the Government of India Act, 1915.

SECOND SCHEDULE.—Enactments repealed.

THE GOVERNMENT OF INDIA (AMENDMENT) ACT, 1916.

(6 and 7 Geo. 5, Ch. 37.)

An Act to amend certain enactments relating to the Government of India, and to remove doubts as to the validity of certain Orders in Council made for India.

[23rd August, 1916.]

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

1. (1) In section sixty-three of the Government of India Act, 1915 (in this Act referred to as "the principal Act"), shall be inserted the following sub-sections:—

Elections and nominations for legislative councils.

"(6A) Rules made under this section may provide for the final decision of doubts or disputes as to the validity of an election.

"(6B) Subject to any rules made under this section, any person who is a ruler or subject of any state in India shall be eligible to be nominated a member of a legislative council."

(2) In sections seventy-four and seventy-six of the principal Act corresponding sub-sections shall be inserted, and shall be numbered (4A) and (4B) in section seventy-four and (3A) and (3B) in section seventy-six.

(3) This section shall apply to and shall validate rules and nominations made as well before as after the commencement of this Act.

Removal of
doubts as to validity
of certain Indian
laws.

2. (1) In section seventy-one of the principal Act shall be inserted the following sub-section :—

“(3A) A regulation made under this section for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory.”

(2) In section eighty-four of the principal Act, after the words “Governor-General in Legislative Council” shall be inserted the words “or a local legislature,” and, at the end of the section, shall be inserted the following words :—

“A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void.”

(3) This section shall apply to and shall validate laws made as well before as after the commencement of this Act.

Qualification of
rulers and subjects
of certain states for
office

3. After section ninety-six of the principal Act shall be inserted the following section . —

“96A Notwithstanding anything in any other enactment, the Governor-General in Council, with the approval of the Secretary of State in Council, may, by notification, declare that, subject to any conditions or restrictions prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office

under the Crown to which a native of British India may be appointed, or any named subject of any state, or any named member of any independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office."

4. In section ninety-seven of the principal Act, after the words "British subjects" shall be inserted the words "and of persons in respect of whom a declaration has been made under the last foregoing section who are," and, after sub-section (2), shall be inserted the following sub-section:—

"(2A) The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty's dominions shall be subject to such restrictions as the Secretary of State in Council, with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe, and all such restrictions shall be included in the rules."

5. An Order of His Majesty in Council heretofore or hereafter made under the Foreign Jurisdiction Act, 1890, empowering the Governor-General of India in Council to make rules and orders in respect of courts or administrative authorities acting for any territory, shall not be invalid by reason only that it confers or delegates power to confer on Courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on Courts or administrative authorities sitting or acting outside the territory.

6. (1) India stock may, if registered for the time being as stock transferable by deed in manner provided by regulations made under this section, be transferred by deed.

(2) The Banks of England and Ireland respectively, with the concurrence of the Secretary of State in Council, shall provide by regulations for a separate stock register being kept for India stock which is for the time being transferable by deed, for the conditions upon which stock is to be entered in or removed from that register, for the mode in which the transfer by deed is to be carried out, and for the payment of any fees in respect of the entry or removal of stock in or from the register and the carrying out of any transfer of stock by deed.

(3) The provisions of all enactments relating to India stock which are in force at the commencement of this Act shall apply to stock transferable by deed in pursuance of this section as they apply to stock transferable in the books of the Banks of England or Ireland, or of the Secretary of State in Council, except so far as express provisions is made to the contrary by this section or by the regulations made thereunder.

(4) No stamp duty shall be payable in respect of any deed of transfer of India stock or any dividend warrant or register certificate relating to India stock.

(5) In this section the expression "India stock" means any stock created and issued, whether before or after the commencement of this Act, by the Secretary of State in Council under the authority of Parliament.

7. (1) The principal Act shall be further amended in manner appearing in the First Schedule to this Act.

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

(3) Nothing in this Act shall affect any right acquired before the commencement of this Act under any judgment or order of a Court of competent jurisdiction.

8. (1) This Act may be cited as the Government of India (Amendment) Act, 1916, and the principal Act and this Act may be cited, together as the Government of India Acts, 1915 and 1916.

Short title, commencement, printing and construction.

(2) This Act shall come into operation on the first day of September, one thousand nine hundred and sixteen

(3) Where any enactment or word is directed by this Act, or by any Act for the time being in force, whether passed before or after the commencement of this Act, to be inserted in or added to the principal Act, or to be substituted in the principal Act for any other enactment or word, or where any enactment or word in the principal Act is so directed to be repealed, then all copies of the principal Act printed by His Majesty's printers after that direction takes effect shall be printed with that enactment or word inserted in or added to the Act, or printed therein in lieu of any enactment or word for which the same is substituted, or omitted therefrom, according as the direction requires, and with the sections and sub-sections numbered in accordance with the direction; and the principal Act shall be construed as if it had, at the time at which the direction takes effect, been enacted with that addition, substitution or omission.

(4) A reference in any enactment, whether passed before or after the commencement of this Act, to the principal Act shall, unless the context otherwise requires, be construed to refer to that Act as amended by any enactment for the time being in force.

APPENDIX II.

SCHEDULES.

FIRST SCHEDULE.

Further Amendments of the Government of India Act, 1915.

Enactment to be amended.	Amendment
The Government of India Act, 1915 (5 & 6 Geo 5, c. 61).	
Section 3 (3)	.. The word "British;" where secondly occurring, shall be repealed.
Section 13 (1)	.. For this sub-section shall be substituted the following sub section:— (1) Where an order or communication concerns the levying of war, or the making of peace, or the public safety or the defence of the realm, or the treating or negotiating with any prince or state, or the policy to be observed with respect to any prince or state, and a majority of votes therefor at a meeting of the Council of India is not required by this Act, the Secretary of State may send the order or communication to the Governor General in Council or to any Governor in Council or officer or servant in India without submitting it to a meeting of the council or depositing it for the perusal of the members of the council or sending or giving notice of the reasons for making it, if he considers that it is of a nature to require secrecy."
13 (2)	... The words "or any of the matters aforesaid" shall be substituted for the words "or the levying of war, or the making of peace, or negotiations or treaties with any prince or state."
Section 21	.. At the end of this section shall be added the words "Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the council shall be deemed to be made with the concurrence of a majority of such votes."

Enactment to be amended.	Amendment.
Section 26	.. The words "twenty-eight days" shall be substituted for the words "fourteen days "
Section 27 (10)	.. The words " or retiring " shall be inserted after the word "superannuation," the words, "and their legal personal representatives shall, for the purposes of gratuity" shall be inserted after the word "allowance," and the words "the auditor and his assistants" shall be substituted for the word "they "
Sections 28 (1) and 30 (1)	.. The words " or personal," shall be inserted after the word "real," where secondly occurring, and the words "or otherwise" shall be inserted after the word mortgage"
Section 28 (2)	.. The word "two" shall be substituted for the word "three."
Sections 63 (3) and 74 (2)	... The words "any office of profit" shall be substituted for the word "office "
Sections 64 (3), 75 (3) and 78 (2).	The words " or when questions are asked" shall be inserted after the words "any matter of general public interest "
Sections 67 (3), and 80 (3)	.. The words " or when questions are asked" shall be inserted after the words "at any such discussion."
Section 86 (1)	.. The words and a Lieutenant Governor in Council" shall be inserted after the words " a Governor in Council "
Section 92 (3)	... The words ' or special duty' shall be inserted after the words "is absent on leave "
Section 94	.. The words " or special duty" shall be inserted after the words "absence on leave," and the words "absence may be permitted" shall be substituted for the words "leave may be granted "
Section 99 (1)	.. The words "in British India," where secondly occurring shall be repealed,
Section 106	... In this section shall be inserted the following sub-section .—

Enactment to be amended.	Amendment.
Section 107, proviso	<p>"(1 A). The letters patent establishing or vesting jurisdiction, powers or authority in a high court may be amended from time to time by His Majesty by further letters patent."</p> <p>... The word "law" shall be substituted for the word "Act."</p>
Section 109 (1)	<p>... The words "any British subject for the time being within" shall be substituted for the words "Christian subjects of His Majesty resident in."</p>
Section 110 (1)	<p>... The words "lieutenant-governor and chief commissioner" shall be inserted after the words "each governor," and the words "the executive council of the governor-general or of a governor or lieutenant-governor" shall be substituted for the words "their respective executive councils"</p>
Section 114	<p>... At the end of this section shall be added the following sub-section—</p> <p>"(3) On the occurrence of a vacancy in the office of advocate-general or during any absence or deputation of an advocate-general the Governor-General in Council in the case of Bengal, and the local Government in other cases, may appoint a person to act as advocate-general, and the person so appointed may exercise powers of an advocate-general until some person has been appointed by His Majesty to the office and has entered on the discharge of his duties, or until the advocate-general has returned from his absence or deputation, as the case may be, or until the Governor-General in Council or the local Government, as the case may be, cancels the acting appointment"</p>
Section 120	<p>The words "Secretary of State" shall be substituted for the words "Chancellor of the Exchequer," the words "Madras or Bombay" shall be inserted after the words "Bishop of Calcutta," where thirdly and fourthly occurring; and the words "to be paid quarterly" and the word "British" shall be repealed</p>

For the Fifth Schedule shall be substituted the following:—

"FIFTH SCHEDULE.

*Provisions of this Act which may be repealed or altered
by the Governor-General in Legislative Council.*

Section 131 (3)

Section	Subject.
62	... Power to extend limits of presidency towns.
106	... Jurisdiction, powers and authority of high courts.
108 (1)	... Exercise of jurisdiction of high court by single judges or division courts
109	.. Power for Governor General in Council to alter local limits of jurisdiction of high courts, etc.
110	.. Exemption from jurisdiction of high courts.
111	... Written order by Governor General in Council a justification for act in high court.
112	... Law to be administered in cases of inheritance, succession, contract and dealing between party and party.
114 (2)	.. Powers of advocate-general.
124 (1)	.. Oppression.
124 (4)—so far as it relates to persons employed or concerned in the collection of revenue or the administration of justice.	Trading.
124 (5)—so far as it relates to persons other than the governor general, a governor, or a member of the executive council of the governor-general or of a governor.	Receiving presents
125	... Loans to princes or chiefs,

Section.	Subject
126	.. Carrying on dangerous correspondence.
128	. Limitation for prosecutions in British India
129	... Penalties "

SECOND SCHEDULE.

Enactments repealed

Section 7 (2).

Session and Chapter	Short Title.	Extent of Repeal.
13 Geo 3, c 63 ...	The East India Company Act, 1772	Sections forty-two, forty-three and forty-five.
24 Geo 3, sess 2, c 25 ...	The East India Company Act, 1784.	The whole Act.
26 Geo 3, c. 57 ..	The East India Company Act, 1786	The whole Act.
9 Geo .4, c 74 ...	The Criminal Law (India) Act, 1828.	Section fifty-six, except so far as in force in the Straits Settlements
5 and 6 Geo 5, c 61 ..	The Government of India Act, 1915	In section twenty-six, paragraph (d). In section eighty-seven, sub-sections (2), (3), (4), and (5). Section one hundred and sixteen.

APPENDIX III.

INDIAN REFORMS.

STATEMENT IN COMMONS.

MR. MONTAGU TO VISIT INDIA.

The policy of His Majesty's Government with which the Government of India are in complete accord is that of increasing the association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be, that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided with His Majesty's approval that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the view of local Governments and to receive with him the suggestions of representative bodies and others. I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India on whom the responsibility lies for the welfare and the advancement of the Indian peoples must be the judges of the time and the measure of each advance and they must be guided by the

co-operation received from those upon whom now opportunities of service will thus be conferred, and by the extent to which it is found that confidence could be reposed in their sense of responsibility. Ample opportunity will be afforded for the public discussion of the proposals which will be submitted in due course into the Parliament.

APPENDIX IV.

THE LATE MR. GOKHALE'S SCHEME.

PROVINCIAL AUTONOMY.

The grant of Provincial Autonomy foreshadowed in the Delhi Despatch, would be a fitting concession to make to the people of India at the close of the war. This will involve the two-fold operation of freeing the Provincial Governments on one side from the greater part of the control which is at present exercised over them by the Government of India and the Secretary of State in connection with the internal administration of the country and substituting on the other, in place of the control so removed, the control of the representatives of tax-payers through Provincial Legislative Councils. I indicate below in brief outline the form of administration that should be set up in different Provinces to carry out this idea.

Each Province should have .—

1. A Governor appointed from England at the head of the administration.

2. A Cabinet or Executive Council of six members, three of whom should be Englishmen and three Indians with the following portfolio :—

- (a) Home (including Law and Justice).
- (b) Finance.
- (c) Agriculture, Irrigation and Public Works.
- (d) Education.

(e) Local Self-Government (including Sanitation and Medical Relief).

(f) Industries and Commerce.

While members of the Indian Civil Service should be eligible for appointment to the Executive Council, no place in the Council, should be reserved for them, the best men available being taken both English and Indian.

3. A Legislative Council of between 75 and 100 Members of whom not less than four-fifths should be elected by different constituencies and interests. Thus in the Bombay Presidency, roughly speaking, each District should return two members, one representing Municipalities and the other District and Taluk Boards. The City of Bombay should have about ten members allotted to it. Bodies in the Mofussil like the Karachi Chamber, Ahmedabad mill-owners, Deccan Sardars should have a member each. Then there would be the special representation of Mahomedans, and here and there a member may have to be given to communities like the Lingayats, where they are strong. There should be no nominated non-official members, except as experts. A few official members may be added by the Governor as experts or to assist in representing the Executive Government.

4. The relations between the Executive Government and the Legislative Council so constituted should be roughly similar to those between the Imperial Government and the Reichstag in Germany. The Council will have to pass all Provincial legislation and its assent will be necessary to additions to or changes in Provincial taxation. The Budget too will have to come to it for discussion and its resolutions in connection with it, as also on questions of general administration will have to be given effect to, unless vetoed by the Governor. More frequent meetings or longer continuous sittings will also have to be provided for. But the

members of the Executive Government shall not depend, individually or collectively, on the support of a majority of the Council, for holding their offices.

5. The Provincial Government, so reconstituted and working under the control of the Legislative Council as outlined above, should have complete charge of the internal administration of the Province and it should have virtually independent financial powers, the present financial relations between it and the Government of India being largely revised,—and to some extent even reversed. The revenue under Salt, Customs, Tributes, Railway, Post, Telegraph and Mint should belong exclusively to the Government of India, the services being Imperial. While that under Land Revenue, including Irrigation, Excise, Forests, Assessed taxes, Stamps and Registration should belong to the Provincial Government, the services being Provincial. As under this division, the revenue falling to the Provincial Government will be in excess of its existing requirements and that assigned to the Government of India will fall short of its present expenditure, the Provincial Government should be required to make an annual contribution to the Government of India, fixed for periods of five years at a time. Subject to this arrangement the Imperial and the Provincial Governments should develop their separate systems of finance, the Provincial Governments being given powers of taxation and borrowing within certain limits.

Such a scheme of Provincial Autonomy will be incomplete unless it is accompanied by (a) liberalizing of the present form of District administration and (b) a great extension of Local Self-Government. For (a) it will be necessary to abolish the Commissionerships of Divisions except where special reasons may exist for their being maintained as in Sind, and to associate small District Councils, partly elected and partly nominated, with the

Collector for whom most of the present powers of the Commissioners could then be transferred,—the functions of the Councils being advisory to begin with. For (b) Village Panchayats, partly elected and partly nominated, should be created for villages and groups of villages and Municipal Boards in towns and Taluk Boards in Talukas should be made wholly elected bodies, the Provincial Government reserving to itself and exercising stringent powers of control. A portion of the excise revenue should be made over to those bodies so that they may have adequate resources at their disposal for the due performance of their duties. The District being too large an area for efficient Local Self-Government by an honorary agency, the functions of the District Boards should be strictly limited and the Collector should continue to be its *ex-officio* President.

THE GOVERNMENT OF INDIA.

1. The Provinces being thus rendered practically autonomous, the Constitution of the Executive Council or the Cabinet of the Viceroy will have to be correspondingly altered. At present there are four members in that Council with portfolios which concern the internal administration of the country—namely, Home, Agriculture, Education and Industries and Commerce. As all internal administration will now be made over to Provincial Governments and the Government of India will only retain in its hands nominal control to be exercised on very rare occasions, one member to be called member for the Interior should suffice in place of these four. It will, however, be necessary to create certain other portfolios, and I would have the Council consist of the following six members (at least two of whom shall always be Indians).

(a) Interior, (b) Finance, (c) Law, (d) Defence, (e) Communications (Railways, Post and Telegraph) and (f) Foreign

(a) The Legislative Council of the Viceroy should be styled the Legislative Assembly of India. Its members should be raised to about one hundred to begin with and its power enlarged, but the principle of an official majority (for which perhaps it will suffice to substitute a nominated majority) should for the present be maintained, until sufficient experience has been gathered of the working of autonomous arrangements for Provinces. This will give the Government of India a reserve power in connection with Provincial administration to be exercised in emergencies. Thus if a Provincial Legislative Council persistently decline to pass legislation which the Government regard to be essential in the vital interests of the Province it could be passed by the Government of India in its Legislative Assembly over the head of the Province. Such occasions would be extremely rare, but the reserve power will give a sense of security to the authorities and will induce them to enter on the great experiment of Provincial Autonomy with greater readiness. Subject to this principle of an official or nominated majority being for the present maintained, the Assembly should have increased opportunities of influencing the policy of the Government by discussion, questions connected with the Army and Navy (to be now created) being placed on a level with other questions. In fiscal matters the Government of India so constituted should be freed from the control of the Secretary of State whose control in other matters too should be largely reduced, his Council being abolished and his position steadily approximated to that of the Secretary of State for the Colonies.

Commissions in the Army and Navy must now be given to Indians, with proper facilities for Military and Naval instruction.

German East Africa, if conquered from the Germans, should be reserved for Indian colonization and should be handed over to the Government of India.

APPENDIX V.

CONGRESS AND MOSLEM LEAGUE'S SCHEME.

[The following is the scheme of Reforms as a definite step towards Self-Government passed at the 31st Session of the Indian National Congress held at Lucknow, on the 29th December 1916, and also adopted by the All-India Moslem League at its meeting held on the 31st December 1916 :—]

I.—PROVINCIAL LEGISLATIVE COUNCILS

1. Provincial Legislative Councils shall consist* of four-fifths elected and of one-fifth nominated members.

2. Their strength shall be not less than 125 members in the Major Provinces, and from 50 to 75 in the Minor Provinces.

3. The members of Councils should be elected directly by people on as broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and that the Mahomedans should be represented through special electorates on the Provincial Legislative Councils.

Punjab—One-half of the elected Indian Members.

United Provinces—30 per cent. " "

Bengal—40 per cent. " "

Behar—25 per cent. " "

Central Provinces—15 per cent. " "

Madras—15 per cent. " "

Bombay—One-third " "

Provided that Mahomedans shall not participate in any of the other elections to the Legislative Councils.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution

5. The head of the Provincial Government should not be the President of the Legislative Council but the Council should have the right of electing its President.

6. The right of asking supplementary questions should not be restricted to the member putting the original question but should be allowed to be exercised by any other member.

7. (a) Except customs, post, telegraph, mint, salt, opium, railways, army and navy and tributes from Indian States, all other sources of revenue should be provincial.

(b) There should be no divided heads of revenue The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(c) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province, including the power to raise loans, to impose and alter taxation and to vote on the Budget All items of expenditure and all proposals concerning ways and means for raising the necessary revenue should be embodied in Bills and submitted to the Provincial Council for adoption.

(d) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion

in accordance with rules made in that behalf by the Council itself.

(e) A resolution passed by the Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor in Council, provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(f) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance if supported by not less than one-eighth of the members present.

8. Any special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council in accordance with the rules made in that behalf by the Council itself, and the consent of the Government should not be required therefor.

10. All Bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

II.—PROVINCIAL GOVERNMENTS

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

2. There shall be in every Province an Executive Council which, with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

III.—IMPERIAL LEGISLATIVE COUNCIL.

1. The strength of the Imperial Legislative Council shall be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the Mahomedan electorates and the elected members of the Provincial Legislative Councils should also form an electorate for the return of Members to the Imperial Legislative Council.

4. The President of the Council shall be elected by the Council itself.

5. The right of asking supplementary questions shall not be restricted to the member putting the original question but should be allowed to be exercised by any other member.

6. Any special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

7. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

8. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

9. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every

such Bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

10. The term of office of members shall be five years.

11. The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council :—

(a) Matters in regard to which uniform legislation for the whole of India is desirable.

(b) Provincial legislation in so far as it may affect inter-provincial fiscal relations.

(c) Questions affecting purely Imperial Revenue, excepting tributes from Indian States.

(d) Questions affecting purely Imperial expenditure except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General in Council in respect of Military charges for the defence of the country.

(e) The right of revising Indian tariffs and customs-duties, of imposing, altering, or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

(f) Resolutions on all matters relating to the administration of the country as a whole.

12. A Resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General in Council: provided, however, that if the Resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

13. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

14. The Crown may exercise its power of veto in regard to a Bill passed by a Provincial Legislative Council or by the Imperial Legislative Council within twelve months from the date on which it is passed, and the Bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

15. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign political relations of India, including the declaration of war, the making of peace and the entering into treaties

IV.—THE GOVERNMENT OF INDIA.

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians

3. The Indian members should be elected by the elected members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

5. The power of making all appointments in the Imperial Civil Services shall vest in the Government of India as constituted under this scheme, and subject to any laws that may be made by the Imperial Legislative Council.

6. The Government of India shall not ordinarily interfere in the local affairs of a province, and powers not specifically given to a Provincial Government shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

7. In legislative and administrative matters, the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

V.—THE SECRETARY OF STATE IN COUNCIL.

1. The Council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies in relation to the Governments of the Self-Governing Dominions.

4. The Secretary of State for India should be assisted by two Permanent Under-Secretaries, one of whom should always be an Indian.

VI.—MILITARY AND OTHER MATTERS OF POLICY.

1. The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

2. Indians should be allowed to enlist as volunteers.

3. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

4. The Executive Officers in India shall have no judicial powers entrusted to them and the judiciary in every Province shall be placed under the highest Court of that Province.

APPENDIX VI.

THE MEMORANDUM OF THE NINETEEN.

The following Memorandum with regard to Post-War Reforms, signed by nineteen elected Non-Official Members of the Imperial Legislative Council, was submitted to H. E. the Viceroy in October, 1916 :—

There is no doubt that the termination of the war will see a great advance in the ideals of government all over the civilised world, and especially in the British Empire, which entered into the struggle in defence of the liberties of weak and small nationalities and is pouring forth its richest blood and treasure in upholding the cause of justice and humanity in the international relations of the world. India has borne her part in this struggle and cannot remain unaffected by the new spirit of change for a better state of things. Expectations have been raised in this country and hopes held out that after the war the problems of Indian administration will be looked at from a new angle of vision. The people of India have good reasons to be grateful to England for the great progress in her material resources and the widening of her intellectual and political outlook under British rule, and for the steady, if slow, advance up to date.

Commencing with the Charter Act of India of 1833 up to 1909, the Government of India was conducted by a

bureaucracy almost entirely non-Indian in its composition and not responsible to the people of India. The reforms of 1909 for the first time introduced an Indian element in the direction of affairs in the administration of India. This element was of a very limited character. The Indian people accepted it as an indication on the part of the Government of a desire to admit the Indians into the inner Councils of the Indian Empire so far as the Legislative Councils are concerned. The numbers of non-official members were enlarged with increased facilities for debate and interpellation. The Supreme Legislative Council retained an absolute official majority, and in the Provincial Legislative Councils, where a non-official majority was allowed, such a majority included nominated members and the European representatives in measures largely affecting the people, whether of legislation or taxation, by which Europeans were not directly affected, the Europeans would naturally support the Government, and the nominated members, being nominees of Government, would be inclined to take the same side. Past experience has shown that this has actually happened on various occasions. The non-official majorities, therefore, in the Provincial Councils have proved largely illusory and give no real power to the representatives of the people. The Legislative Councils, whether supreme or provincial, are at present nothing but advisory bodies, without any power of effective control over the Government, Imperial or Provincial.

The people or their representatives are practically as little associated with the real government of the country as they were before the reforms, except for the introduction of the Indian members in the Executive Councils where again the nomination rests entirely with the Government, the people having no voice in the selection of the Indian

members. The subject which the Government had in view in introducing the reforms of 1909 was, as expressed by the Prime Minister in his speech in the House of Commons of the second reading of the India Councils Bill on April 1st 1909, that it was most desirable in the circumstances to give to the people of India the feeling that these Legislative Councils are not mere automatons, the wires of which were pulled by the official hierarchy. This object, it is submitted, has not been attained.

Apart from this question of the constitution of the Legislative and Executive Councils, the people labour under certain grave disabilities which not only prevent the utilisation but also lead to the wastage of what is best in them and are positively derogatory to their sense of national self-respect. The Arms Act, which excludes from its operation Europeans and Anglo-Indians and applies only to the pure natives of the country, the disqualification of Indians for forming or joining Volunteer Corps and their exclusion from the commissioned ranks of the Army, are disabilities which are looked upon with an irritating sense of racial differentiation. It would be bad enough if these were mere disabilities. Restrictions and prohibitions regarding the possession and use of arms have tended to emasculate the civil population in India and expose them to serious danger. The position of Indians in India is practically this, that they have no real part or share in the direction of the government of the country and are placed under very great and galling disabilities, from which the other members of the British Empire are exempt and which have reduced them to a state of utter helplessness.

The existence, moreover, of the system of indentured emigration give to the British Colonies and the outside world the impression that Indians as a whole are no better than indentured coolies who are looked upon as very little, if at all, above the slave. The present state of things make

the Indians feel that, though theoretically they are equal subjects of the King, they hold a very inferior position in the British Empire. Other Asiatic races also hold the same, if not a worse, view about India and her status in the Empire. Humiliating as this position of inferiority is to the Indian mind, it is almost unbearable to the youth of India whose outlook is broadened by education and travel in foreign parts, where they come in contact with other free races.

In the face of these grievances and disabilities, what has sustained the people is the hope and faith inspired by the promises and assurances of fair and equal treatment which have been held out from time to time by our Sovereigns and British statesmen of high standing. In the crisis we are now going through, the Indian people have sunk domestic differences between themselves and the Government, and have faithfully and loyally stood by the Empire. The Indian soldiers were eager to go to the battlefields of Europe, not as mercenary troops but as free citizens of the British Empire which required their services, and her civilian population was animated by one desire, namely, to stand by England in the hour of her need. Peace and tranquillity reigned throughout India when she was practically denuded of British and Indian troops. The Prime Minister of England, while voicing the sentiments of the English people in regard to India's part in this great war, spoke of Indians as the joint and equal custodians of one common interest and future. India does not claim any reward for her loyalty, but she has a right to expect that the want of confidence on the part of Government, to which she not unnaturally ascribes her present, should now be a thing of the past, and that she should no longer occupy a position of subordination *but one of comradeship*. This would assure the people that England is ready and willing to help them to attain Self-

Government under the ægis of the British Crown and thus discharge the noble mission which she has undertaken and to which she has so often given voluntary expression through her rulers and statesmen.

What is wanted is not merely good government or efficient administration, *but government that is acceptable to the people, because it is responsible to them.* This is what, India understands, would constitute the changed angle of vision. If, after the termination of the war, the position of India practically remains what it was before and there is no material change in it, it will undoubtedly cause bitter disappointment and great discontent in the country, and the beneficent efforts of participation in common danger overcome by common effort will soon disappear, leaving no record behind save the painful memory of unrealised expectations. We feel sure that the Government is also alive to the situation and is contemplating a measure of reform in the administration of the country.

We feel that we should avail ourselves of this opportunity to offer to the Government our humble suggestions as to the lines on which these reforms should proceed. They must, in our opinion, go to the root of the matter. They must give to the people real and effective participation in the government of the country and also remove those irritating disabilities as regards the possession of arms and a military career which indicate want of confidence in the people and place them in a position of inferiority and helplessness. Under the first head we would take the liberty to suggest the following measures for consideration and adoption :—

(1) In all the Executive Councils, Provincial and Imperial, half the number of members should be Indians. The European element in the Executive Councils should, as far as possible, be nominated from the ranks of men trained

and educated in the public life of England, so that India may have the benefit of a wider outlook and larger experience of the outside world. It is not absolutely essential that the members of the Executive Councils, Indians or Europeans, should have experience of actual administration; for, as in the case of Ministers in England, the assistance of the permanent officials of the department is always available to them. As regards Indians we venture to say that a sufficient number of qualified Indians, who can worthily fill the office of members of the Executive Council and hold portfolios, is always available. Our short experience in this direction has shown how Indians like Sir S. P. Sinha, Sir Syed Ali Imam, the late Mr. Krishnaswami Iyer, Sir Shams-ul-Huda and Sir Sankaran Nair have maintained a high level of administrative ability in the discharge of their duties. Moreover, it is well-known that the Native States, where Indians have opportunities, have produced renowned administrators like Sir Salar Jung, Sir T. Madhav Rao, Sir Seshadri Iyer, Dewan Bahadur Ragunath Rao, not to mention the present administrators in the various Native States of India. The statutory obligation now existing, that three of the members of the Supreme Executive Council shall be selected from the public services in India and similar provisions with regard to Provincial Councils should be removed. The elected representatives of the people should have a voice in the selection of the Indian members of the Executive Councils and for that purpose a principle of election should be adopted.

(2) All the Legislative Councils in India should have a substantial majority of elected representatives. We feel that they will watch and safeguard the interests of the masses and the agricultural population, with whom they are in closer touch than any European officer, however sympathetic, can possibly be. The proceedings of the various Legislative Councils, the Indian National Congress

and the Moslem League bear ample testimony to the solicitude of the educated Indians for the welfare of the masses and their acquaintance with their wants and wishes. The franchise should be broadened and extended directly to the people Mahomedans or Hindus, wherever they are in a minority, being given proper and adequate representation having regard to their numerical strength and position.

(3) The total number of the members of the Supreme Council should be not less than 150, and of the Provincial Councils not less than 100 for the major provinces and not less than 60 to 75 for the minor provinces.

(4) The budget should be passed in the shape of money bills, fiscal autonomy being conceded to India.

(5) The Imperial Legislative Council should have power to legislate on all matters and to discuss and pass resolutions relating to all matters of Indian administration, and the Provincial Councils should have similar powers with regard to provincial administrations, save and except that the direction of military affairs of foreign relations, declarations of war, the making of peace and the entering into treaties other than commercial, should be vested in the Government of India. As a safeguard, the Governor-General-in-Council, or the Governor-in-Council, as the case may be, should have the right of veto, but subject to certain conditions and limitations.

(6) The Council of the Secretary of State should be abolished. The Secretary of State should, as far as possible, hold in relation to the Government of India a position similar to that which the Secretary of State for the Colonies holds in relation to the Colonies. The Secretary of State should be assisted by two permanent Under-Secretaries, one of whom should be an Indian. The salaries of the Secretary and the Under-Secretaries should be placed on the British Estimates.

(7) In any scheme of Imperial federation, India should be given, through her chosen representatives, a place similar to that of the Self-Governing Dominions.

(8) The Provincial Governments should be made autonomous as stated in the Government of India's despatch, dated August 25th, 1911.

(9) The United Provinces as well as the other major provinces should have a Governor brought from the United Kingdom with an Executive Council.

(10) A full measure of local self-government should be immediately granted.

(11) The right to carry arms should be granted to Indians on the same conditions as to Europeans.

(12) Indians should be allowed to enlist as volunteers and units of a Territorial Army established in India

(13) Commissions in the Army should be given to Indian youths under conditions similar to those applicable to Europeans.

Signed by

Manindra Chandra Nandy of Kasimbazar.

D. E. Wacha.

Bhupendranath Basu.

Bishen Dutt Shukul.

Madan Mohan Malaviya.

K. V. Rangaswamiengar.

Mazhar-ul-Haque.

V. S. Srinivasan.

Tej Bahadur Sapru.

Ibrahim Rahimtoola.

B. Narasimheswara Sarma

Mir Asad Ali.
Kamini Kumar Chandra.
Krishna Sahay.
R. N. Bhanja Deb of Kanika.
M. B. Dadabhoy.
Sita Nath Roy.
Mohamed Ali Mohamed.
M. A. Jinnah.

APPENDIX VII.

NOTE ON THE REORGANIZATION OF INDIAN PROVINCES.

BY THE STANDING COMMITTEE OF THE ANDHRA CONFERENCE.

The history of Indian administration under British rule reveals a steady growth in the number of provinces into which the country has been divided. This increase was not only due to the gradual expansion of territory acquired by the British from time to time, but also to the necessity of effecting suitable re-arrangements on grounds of administrative expediency. The growth of the Indian Provinces has, therefore, been more or less chronological and was not based on the operation of any logical, linguistic or ethnic considerations * *

This accounts for the arbitrary divisions of the country into provinces and the heterogeneous grouping of districts into each province. The process of acquiring territory extends from the cession of Bombay (1661) as part of the dower of Catherine of Braganza to the year 1916* when Basra has been conquered; and British India which was at the time of Warren Hastings composed of the three Regulation Provinces of Bombay, Bengal and Madras, has now grown to the dimensions of a country consisting of 15 provinces differing from one another considerably in area, population and importance, leaving alone the more vital differences of language, manners and customs. The process of multiplication of provinces reveals strange workings of mind in the administrators of the land, and it would be not a little amusing to recall what was in 1889 a common topic of conversation in the London East India circles that the Madras Province was to be abolished and apportioned between Bengal and Bombay and that the seat of the Supreme Government was to be transferred to the Bombay Presidency. If such an anomaly had happened and continued, the people of India would probably have no more thought of the incongruity of the arrangement than they have been till recently; for, on close examination, the existing arrangement would be seen to be equally incongruous. Bombay Presidency is divided between the

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Maharathi, the Guzarathi, the Sindhi and the Kanarese; Madras is likewise divided between the Uriya, the Telugu, the Tamil, the Kanarese and the Malayali; Central Provinces between the Marathi, the Telugu and the Hindi; Bengal till recently between the Bengali, the Behari and the Uriya or between the Bengali, the Behari and the Assamese. Viewed from another standpoint, the Maharathas are divided between Bombay, the Central Provinces and the Nizam's Dominions; the Telugus between the Central Provinces, Nizam's dominions, Mysore State and Madras Presidency; the Kanarese between Madras Presidency, Mysore State and Bombay; the Uriyas between Madras and Behar Provinces and till recently Central Provinces. Such an arrangement based on no principle whatever clearly indicates that the whole grouping was haphazard and that neither ideals of administrative efficiency nor those of national upbuilding have ever exercised the minds of the rulers or the ruled. This fact has indeed been well described by the Lord Bishop of Madras in an article that he recently contributed to *The Nineteenth Century and After*. His Lordship says. "We, English people are by temperament suspicious of ideals. We naturally fix our attention on present facts and deal with them as best we can, our whole interest is in the *status quo*, we live and work for the present and do not look forward to the future, and that to a large extent is the secret of the success in the building of our Empire. We did not come to India, with any idea of Empire, we came as traders, we established factories because they were necessary for the security of our trade, we assumed government of the districts and states, because it seemed necessary to do so for the security of our factories, and so were led on by the practical necessities of the case, step by step, until at last there came out this Empire. We are doing much the same thing now. x x x x But we never trouble ourselves to look ahead or seriously to think what is the inevitable goal towards which we are tending. Sufficient unto the day is the good and the evil thereof." A race of people who had thus built an Empire without plan could not develop the nation's culture and traditions and therefore not demarcate areas according to those laws that would help best in such a development.

However lacking in policy or in idealism the governance of India may have been, there have arisen individual administrators from time to time who have had the perspicacity to discover the error in the existing territorial divisions and with due forethought sketched a correct plan of distribution. It was Sir John Strachey that pointed out that "the political limits of the provinces have little connection with any physical characteristics." Sir Thomas Holderness, Permanent Under-Secretary of India office, writing before the Partition of Bengal, observes that "with the exception of Burma, no province represents a natural unit: that is to say, they (the provinces) do not stand for differences of race or language or geographical distribution. They are purely administrative divisions of territory. An Indian province is not what we mean by a nation, though

it tends to create a provincial spirit which is not far removed from the beginning of national life." Sir Bampfylde Fuller, a former Lieutenant-Governor in India, wrote. "It would have been well for the country, had its divisions into provinces for purposes of government followed the lines marked by race and language, so as to reinforce the sympathy which arises from similarity, by feelings of pride in the local government. The existing administrative divisions are so heterogeneous as to have a directly contrary effect." The same officer says that the nearest approach to national sentiment in India is that which springs from language.

In making such observations, the different writers have not looked at the problem from the same point of view, but it cannot be denied that they have made the nearest approach to the popular standpoint of the present day, which has directed attention to the urgency of reorganising the Indian provinces on the basis of language. The popular standpoint was for the first time expressed in a constructive suggestion made by Mr. Bal Gangadhar Tilak in his evidence before the Royal Commission on Decentralization. The object of such a reorganisation would, in the first place, be to develop that provincial spirit, which, in a properly constituted province, as pointed out by Sir Thomas Holderness, is not far removed from the beginning of national life. The experiences which the Indians have to face in solving the problem of their nationality are like those of a Western race in governing an Eastern country, altogether unique and have few precedents to help them in their struggles. Where there are hundreds of millions of population, seemingly divided by differences of language, but really welded together by a common home and a substantial unity of life and culture, the upbuilding of the Indian nation is only possible on a plan of federation in which each provincial factor shall occupy sub-national position. Unto this end, the provinces should be homogeneous as far as possible and be devoid of all elements that make for division jealousy of feeling, or inequality of progress so that various subordinate centres of self-consciousness may come into existence, around which national life groups itself into clear and distinct unities. And here in India, the home of diverse races and civilizations, of long unfolding thought and ancient growth of spirit, the need for a saner and sounder organization of a nation should express itself in a distinct sense of provincial autonomy, and under the stress of this new feeling should arise revived the idea of language, unity and substantial integrity. A clear sketch of contiguous territory, a common language and literature, common traditions of heroes and poets, warriors and kings, and deep down a strong similarity of temper and character—these constitute the full and just title of the different language-bound communities to be outlined each into a single race and accorded all those accessories of communal and political institutions which illustrate and feed that unity. It need hardly be mentioned that in the recognition of such a

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unity, there is no fragmentation of the higher idea of Indian Nationalism. The spirit indeed may never be divided, for it concentrates in equal fulness into every fragment.

That such fragments and factors have not been brought into existence must be regarded as the first evil resulting from the existing conglomeration of peoples and provinces, and when that is said, it includes a host of minor evils, drawbacks and disadvantages which necessarily flow from the original defect. The different vernacular languages which should have properly been the vehicles of modern thought and culture, the media of instruction and administration have been greatly neglected, the indigenous sciences, both metaphysical and positive, have been altogether consigned to the limbo of the forgotten past. The English language has been confused with the Western thought and science which it enshrines in part and has come to be regarded as the one means of enlightenment and as a necessary symbol of authority and power. A chasm has, therefore, come into existence between the class of people who have worshipped at the shrine of this language and the much larger class of people who are the repositories of the ancient learning of the land. Pride in local government has not been developed in its fullest measure. Local patriotism which, in proper relationship to the larger national consciousness, ought to be "the only safe and sure incentive to right political execution, and which, in the past, has determined the course and conduct in life of all those men who have attained the most lasting and world-wide reputation as benefactors of the human race," has had little chance of operation over the minds of men differing widely in language and temperament, but huddled together within the vinculum of a common province.

It must be confessed too that in certain areas instead of developing a true sense of responsibility and a generous spirit of co-operation, the promiscuous yoking of communities has had the effect of fostering prejudices towards one another and in that measure of weakening the forces that should make for national consolidation. Judged from the lower standpoint of administration, the present arrangement has manifestly resulted in impairing efficiency by entrusting the rule of the province first to foreigners who had to learn more than one language in the same province, and next, among the Indians, to people speaking different languages who feel continually embarrassed in having to learn the particular language of the place. Then again, the location of the seat of authority and the centre of influence in one part of the province as against another has resulted in markedly diminishing the influence of one community and even denying them certain opportunities for self-development.

Some of the evils, notably those which have made administration cumbersome and inefficient, have been recognized by the authorities who, however, have not been able to perceive the standpoint of the nation-builder,

The British administrator who performs his duties with a single eye to the maintenance not only of British authority in India but to the domination of Western thought and culture over an Eastern people, does not pause to consider a scheme of reorganization directed towards the realization of the national destiny, nor does he fully sympathize with the cultivation of those vernacular languages which alone can render valuable aid in such a realization. Expressions then such as 'Indian Nationalism,' 'Provincial Autonomy,' 'the Resuscitation of the Vernaculars,' the Cultivation of Indigenous Sciences' do not convey their real significance to him. Such events, therefore, as the partition of Bengal, the addition of Assam to East Bengal at one time, the coupling of Orissa with Behar are instances which prove absence of true political insight on the part of the executive government of the country in working out changes of real moment and magnitude. They further reveal the manner in which have been baffled the high hopes inspired in the Indian public by such despatches as the one dated 3rd December 1902 in which Lord Curzon's government boastfully wrote. The question of territorial and administrative redistribution in India is indeed, in our judgment, one of the most urgent and vital of the many problems for which we are at present endeavouring to find a solution." For the first time, however, a right solution was attempted by the Government of Lord Hardinge when they repaired the wrong done by the partition of Bengal and reunited the five Bengali-speaking divisions into one province and integrated the Hindi-speaking population of Behar and Chota Nagpur into another. But that liberal spirit had given way to mere considerations of administrative expediency when Orissa was tacked on to Behar, only because the Government of the day had not the required measure of imagination to take on hand comprehensive scheme of reform affecting the whole country on the very lines and principles recognized by themselves.

We may now consider the requisite conditions which must be observed in the settlement of the boundaries of provinces, in order that they may be satisfactory and conclusive. In the Government of India Despatch dated 25th August 1911, Lord Hardinge's Government laid down that a settlement of boundaries should

- (i) Provide convenient administrative units,
- (ii) Satisfy the legitimate aspirations of the people and
- (iii) Be clearly based upon broad grounds of political and administrative expediency.

Each of these may be examined in detail.

1. Few will deny that convenient administrative units are at once furnished by contiguous tracts of country where the people speak a common

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language. The evils of constituting provinces on any other basis have been pointed out in the foregoing pages. That is why Lord Hardinge has begun the annulment of the Partition with a decision to "re-unite the five Bengali-speaking divisions and form them into a presidency to be administered by a Governor-in-Council." Again, in paragraph 19, he proceeds to say "We are satisfied that it is in the highest degree desirable to give the Hindi-speaking people, now included within the province of Bengal, a separate administration. These people have hitherto been unequally yoked with the Bengalees and have never therefore, had a fair opportunity for development." It is impossible to quote a higher and better authority than that of this despatch (of 25-8-1911) in support of the theory that language areas provide the best administrative units

2. The legitimate aspirations of the people must be satisfied in carving out provinces. During the last few years, a new consciousness has dawned upon the people that opportunities for self-development, scope for civic discipline and political popular education, chances for the cultivation of one's own language and literature, and above all possibilities of provincial autonomy would exist only when each language area has a scheme of administration wholly unto itself. It is the recognition of this consciousness that impelled Lord Hardinge to write in paragraph 19 as follows: "There has, moreover, been a very marked awakening in Behar in recent years and a strong belief has grown up among the Beharees that Behar will never develop until it is disassociated from Bengal." If the British came into India for the first time in 1916, and met with an admixture of peoples and languages, in a random and disorderly manner, as at present, would it not strike them that a demand from the people to group them on the basis of a common language and likewise reorganize their provinces, was the most natural, the most legitimate and the most justifiable that could be made by a nation which had not been taken into confidence in the determination of such vital affairs? While the legitimacy of such aspirations may be supported by abundant proof of advantages and benefits calculated to flow from them, there is an additional factor operating, higher than the benefits and the advantages, viz., the factor of sentiment, and Lord Hardinge recognizes the place of such a factor when he writes in paragraph 12, "no doubt, sentiment has played a considerable part in the opposition offered by the Bengalees and in saying this, we, by no means, under-rate the importance which should be attached to sentiment, even if it be exaggerated." Sentiment, after all, is not a factor to be slighted, for it implies the "readiness to react against the despotism of fact." It implies not "the vulgar satisfaction of sense" "but a ready susceptibility to the stimulus of emotion and excitement."

3. The last of the considerations is something higher than one of administrative convenience or the aspiration of the people. If political expediency demands a change, it shall be effected, though it may not be

wholly in conformity with the first conditions. "Political expediency" may be interpreted from the standpoint of a progressive people struggling in their march towards nationality or from that of a Government untouched by such struggles. That Lord Hardinge's Government intended the former is made clear from paragraph 12.—"As matters now stand, the Bengalees can never exercise in either province that influence to which they consider themselves entitled by reason of their numbers, wealth and culture. This is a substantial grievance which will be felt all the more keenly in the course of time as the representative character of the Legislative Council increases, and with it the influence which these assemblies exercise upon the conduct of public affairs. There is therefore only too much reason to believe that this bitterness of feeling will become more and more acute," and from another sentence in paragraph 19 in which it is said that "that belief among the Beharees (that Behar will never develop until it is dissociated from Bengal) will, unless a remedy be found, give rise to agitation in the near future and the present is an admirable opportunity to carry out, on our own initiative, a thoroughly sound and much deserved change." Of such changes only one has been effected and if other changes thoroughly sound and much deserved in equal measure should follow, the initiative should come not incidentally in the course of repairing a wrong done, but deliberately in the form of a comprehensive scheme of reform advocated by the people's congress.

It may be feared that such a scheme would necessitate too many provinces, but in this vast country where nearly hundred and forty-seven languages are spoken, those with a distinctive literature and culture of their own are not more than 15 or 16. Accordingly in our ideal scheme of "one province, one language," we may not have to provide for more than 15 or 16 provinces. The day may indeed come when the growth of population, the needs of administration, the aspirations of the people marked by local variations in manner and temperament, and political expediency may demand a further increase in the number of provinces, so that we cannot lay down the proposition of one language, one province, and just as the Hindi-speaking people being even now too numerous for one province have absorbed two provinces for themselves, other language areas may, at a remote future, comprise more than one province.

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The following table shows the existing conditions.

Provinces,	Number of Districts.	Area in square miles.	Population.
1 Ajmere-Merwara	... 2	2,711	501,395
2 Andamans and Nicobars	...	3,143	26,459
3 Assam	... 1	52,959	6,718,635
4 Baluchistan	... 6	45,804	414,412
5 Bengal	... 28	78,412	45,483,077
6 Behar, Chota-nagpur and Orissa	... 21	83,205	34,490,084
7 Bombay	... 26	123,064	19,672,642
8 Burma	.. 41	296,738	12,115,217
9 Central Provinces and Berar	... 22	100,345	13,916,308
10 Coorg	.. 1	1,582	174,976
11 Madras	... 24	141,726	41,405,404
12 North-West Frontier Province (Districts and administered territories)	... 5	16,466	2,196,933
13 The Punjab	... 29	97,209	19,974,956
14 United Provinces	.. 48	107,164	47,182,044
15 Delhi has been made an enclave	...	557	391,828

Reorganization of Provinces on the basis of language would alter the Map of India as follows.—

Provinces	Language.	Number of Dists.	Area in square miles.	Population.	Relative size in relation to Belgium. (11,300 Sq. miles.)
1 Ajmere-Merwara	.. Local dialects of Rajastani and Hindi.	2	2,711	501,395	
2 Andamans and Nicobars		3,143	26,459	
3 Assam	Bengali 46 per cent Assamese 22 per cent Hindi and Uia.	12	52,959	6,713,635	
4 Beluchistan		6	45,804	414,414	
5 Bengal	Bengali.	28	78,412	45,483,077	
6 1 Orissa (including 11 Uriya tracts of Ganjam) and Vizagpatam in Madras Presidency)	Uriya		1 Orissa 13,770 11 the rest 10,000	5½ millions	2 times.
7 1 Behar, Chota Nagpur (excluding Orissa) 11 Hindi-speaking area of Central Provinces.	(1) Behari (11) Hindi (The rest.)	...	1 70,000 11 40,000	30 millions 7½ millions	10 times.
			110,000	37½ millions	

Provinces.	Language.	Number of Dists.	Area in square miles	Population.	Relative size in relation to Belgium. (11,900 Sq. miles.)
8 i Berars ii Marata speaking area of Cen- tral Provinces and iii of Bombay.	Marathi.		i Berars 17,718	3 millions	
			Bombay. ii 37,192	6 millions	
			the rest iii 20,982.	4½ millions	
			75,892	13½ millions	7 times.
9 Gujarathi speaking area of Bombay	... Gujarathi.	6	18 710	3½ millions	1 1/5 times.
10 Sindhi	... Sindhi.	6	47 066	3,538 435	4 times.
11 Coorg	...	1	1,582	174 976	
12 Andhra Province (Telugu speaking area in Madras Presidency)	... } Telugu	11	73,318	14 millions	6½ times.
13 Dravida Province (Tamil speaking area in Madras Presidency).	Tamil	will be- come 12 dts. in a year.			
		10	50,000	15 millions	4½ of times.
		including Madras.	square miles		
14 Malabar Province	... Malayali.	1	5,794	3,015,119	½ of Belgium.
15 Kannada do. (Bombay & Madras)	... Kanarese.	7	29 015	6,265 919	2½ times.
16 North-West Frontier Province	...	5	16,466	2,196,933	
17 The Punjab	...	29	97 209	9 974,956	
18 United Provinces	...	48	107 164	47,182,044	
19 Delhi (Enclave)	...	1	557	291,828	

A better knowledge of the local conditions and feelings in the different parts of the country may suggest variations not contemplated in this list. There is certainly a volume of discontent in Sindh with its own present lot while some have suggested its addition to the Punjab and in the same spirit the addition of the Northern Circars in the Madras Presidency to the Central Provinces. In the altered map of India, the Central Provinces has been removed and the provinces of (Kalinga) Uriya, Andhra, Karnataka and Maharashtra have been added. Orissa is taken away from Behar, the Hindi speaking population of the Central Provinces is added to Behar and Chota Nagpur, the Maharatta-speaking population of Central Provinces and Berars along with that occupying contiguous territory in the Bombay Presidency constitute a separate administration, while the Guzarathees have a presidency exclusively to themselves. The Kanarese districts of Bombay along with the one in Madras form one entity, while the Telugus and the Tamils have each a province. The Uriyas of Orissa and those of Ganjam and Vizagapatam in the Madras Presidency are grouped together under one administration. The problem of the Sindhis and of the Malayalis is considered by some to be a complicated one and whether they should be constituted into separate provinces analogous to Coorg in the existing arrangement, though distinctly larger, is a matter that may be left entirely to their wishes. In this scheme no note is taken of the complicating circumstance of the Native states sharing a portion of the Hindi, Telugu and Mahratta speaking peoples, and until the day comes when India may enjoy genuine self government, their problem may baffle all attempts at solution. But this theoretical imperfection need not operate as an impediment to the reorganisation of Provinces in British India.

The organisation of Indian provinces on natural and linguistic lines forms but the first step in the achievement of that provincial unity which is essential to the perfect flowering of Indian nationalism. For, the singleness of political administration, while it perhaps takes rank as the highest symbol of racial integrity, would prove of no further significance, if it did not avail itself of those vital forces which sustain and develop communal life among a people. And any government to be fruitful of these benefits for which all governments exist, must, in the daily business of administration, relate itself intimately to the life and habits of the people whom it seeks to govern. Administration, in the full interpretation of its end and aim is really no more mechanical than education, depending for its success in a very vital measure on the inner psychology of relations between the governing and the governed. Judged by such a standard of administrative perfection, the most serious defect of British administration in India appears to be the lack of correspondence between the mind of the English rulers and the mind of the Indian people, between the demand for

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organisation and the impulse to respond. Thus it is that, though essentially democratic in temper, the British scheme of Government has lain, on its Indian subject races with the weight of an arbitrary Bureaucracy while, on the other hand, it has found its task of administration peculiarly hard and unsatisfactory even with a people who have been for ages accustomed to democratic forms and institutions of self-government.

One important reason for such small measure of success of British institutions in India is doubtless the fact that the daily business of administration is carried on in a language not understood by the people. The increasing employment of English educated Indian interpreters has never proved any real palliative to the evil of government in a foreign language. For, where the fountain of authority is foreign in *personnel*, the more faithfully and efficiently the task of interpretation is discharged, the more completely does the administration retain its impress of an alien character. So that government by the English educated Indian has oftentimes proved itself as un-Indian in tone and temper as that by European officers uninformed of the ways of Indian life. Things seem to have been somewhat better, if not radically different, in the days when European administrators learnt the language of the land and were more intimately in touch with the habits and characteristics of the people.

The next important corollary to reorganisation of provinces on a linguistic basis is the free and universal acceptance of the vernacular as the sole medium of instruction in all the educational institutions of the land. As a general proposition it has found the acceptance of all classes of thinkers that the children of a race would be best educated in and through their own mother tongue, but the full significance of the fact would be realised only when in a rightly constituted province the full vigour of national life expresses itself in a rich and varied glorification of the vernacular. For, the evil of forcing an alien language on the children of another race is proved not only by the tremendous drain it involves on the vital energies of youth, when most they should be conserved, but extends to all their varied activities, drying up, so to speak, at their sources the very fountain-springs of national power. Thus it is that a century of European education has left the Indian mind richer by a new language but seriously impoverished on the side of initiative and originality. It was bad psychology at best to have conceived of the possibility of educating an oriental people, with a well-formed organisation of mental and moral tendencies through a scheme of culture utterly at variance with their own. The very strain of mind involved in the acquisition of a new vocabulary of ideas and words has resulted in the disappearance of many of the characteristic traits for which the Indian mind was justly famous. While the

very extent of apparent success which has attended this tremendous educational experiment, due entirely to the dominance of an administrative expediency, may really be accounted as the measure of its failure from the point of view of the evolution of a true national culture. For, the progress of English education in the land has been marked by a steadily increasing alienation and estrangement of the people from the ancient inheritance of their culture. And if it be true that the individuality of a people's culture is their greatest treasure in the eye of humanity and that nothing may rightly be permitted whether to individuals or nations to weaken or destroy the integrity of that culture, then surely the primary duty of the British Government in India would lie in the restoration to each vernacular of the land that dominance which English now holds over 'all. For, if a culture is to be constantly replenished and kept alive as a growing entity, the language which is its vehicle must be frankly accepted as the one medium of self expression for all of a nation's activities. But more than elsewhere, in the Vidyalaya of the land the vernacular of the race must form the sole medium of education, and be universally accorded that reverence of young and old which alone can make of it the store-house of national power and passion and influence.

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