

The financial powers are as follows:—No proposal for the appropriation of any revenues, or moneys, for any purpose shall be made except on his recommendation.

The legislative powers of the Governor-General are as follow :—

(1) He can insist on the passing of legislation rejected by either or both Chambers, by certifying that such passage is essential for the safety, tranquility or interests of British India or any part thereof.

(2) He can restore grants refused by the Assembly. He may withhold his assent to any bill, whether Central or Provincial, or reserve them for the signification of His Majesty's pleasure.

(3) In emergencies, he can promulgate ordinances, without reference to the legislature, to be in force for 6 months.

(4) The previous sanction of the Governor-General is required for the introduction of certain classes of bills, both in the central and the provincial legislatures.

(5) On questions as to whether an item is a votable or a non-votable item of expenditure, the decision of the Governor-General is final.

Apart from these statutory powers, the Governor-General, in his capacity as Viceroy, presides over the annual session of the Chamber of Princes.

CHAPTER IX.

The Governor's Provinces.

47. For purposes of administration, British India was divided into two sets of Local Governments, one set, eight in number, styled Governor's Provinces, *viz.*, Madras, Bombay, Bengal, United Provinces, Punjab, Bihar & Orissa, Central Provinces & Berar, Assam; or including Burma—nine Governor's Provinces; and the others six in number under the administration of a Chief Commissioner, *viz.*, Delhi, Ajmere-Merwara, British Baluchistan, North West Frontier Province, Coorg, Andamans & Nicobars.

In the Governor's Provinces the provincial subjects were divided into reserved subjects and transferred subjects, and the reserved subjects were to be administered by the Governor and his Executive Council and the transferred subjects by the Governor acting with Ministers appointed under the Act.

The following table shows what were treated as reserved subjects and what transferred subjects :—

RESERVED.	TRANSFERRED.
Irrigation, Canals, Drainage and Embankment, Water-Storage and Water Power, European Education, Land Revenue, Famine Relief, Police, Newspaper, Books, Printing Works, Prisons and Reformatories, Borrowing money on the credit of a Province, Forests (except in Bombay & Burma), Factories.	Local Self-Government, Public Health, Sanitation and Medical Administration, Education of Indians, Public Works, Agriculture and Fisheries, Co-operative Societies, Excise in so far as alcoholic liquor and intoxicating drugs are concerned, Forests, in Bombay and Burma, Development of Industries & Industrial Research.

If any doubt arises as to whether any matter relates to a reserved or transferred subject, the Governor is to decide the question, and his decision is final.

When a matter appears to the Governor to affect substantially the administration both of a reserved and transferred subject, and there is disagreement between the member of the Executive Council and the Minister concerned as to the action to be taken, it shall be the duty of the Governor, after due consideration of the advice tendered to him, to direct in which department the decision as to such action shall be given, provided that in so far as circumstances admit, important matters on which there is such a difference of opinion shall, before the giving of such direction, be considered by the Governor with his Executive Council and his Ministers together.

48. The Governors of Madras, Bombay and Bengal are appointed by His Majesty, and the Governors of the other **The Governor.** Governor's Provinces by His Majesty after consultation with the Governor-General.

The Executive Councils of the Governors consist of not more than 4 members, to be appointed by His Majesty. One of them at least must have put in 12 years' service under the Crown. There are 4 Executive Councillors in Madras, Bombay and Bengal and 2 in the other six Provinces. **The Executive Council of the Governor.**

Every Governor should appoint a member of his Council as its Vice-President.

49. The executive work of the Local Governments is divided into several departments and each member of Council or Minister is entrusted with specified departments. There is a finance department in each

Governor's Province in charge of a Member of Council. All orders and other proceedings of the government of a Governor's Province in respect of reserved subjects are expressed to be made by the Governor-in-Council, and those in respect of the transferred subjects by the Governor acting with the Ministers.

The Governor is ordinarily bound by the opinion of the majority of his Executive Council. But in special cases where, in his opinion, the safety, tranquility or the interests of his Province is likely to be or may be affected, the Governor may overrule his Council.

50. The Governor of a Governor's Province may appoint Ministers, not being members of his Executive Council, or other officers, to administer transferred subjects; and Ministers so appointed shall hold office during his pleasure.

The Governor's Ministers.

No Minister shall hold office for more than 6 months unless he is or becomes an elected member of the local legislature. Though the Act confers on the Governor the power to appoint as a member a person who is not at that time a member of the Legislative Council, as a matter of practice, following Parliamentary procedure, the Ministers are selected from out of the party in the Council having the largest following.

The Governor may appoint a Council Secretary for each member of the Executive Council, or to each Minister from out of the non-official members of the legislature.

51. In relation to transferred subjects the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice.

In Madras, Bombay, Bengal, the United Provinces and Punjab there are 3 Ministers, and in the other four Provinces, 2 Ministers. The transferred subjects are grouped and each group is entrusted to one Minister.

In case of emergencies, where there is a vacancy in the office of Minister, provision is made under the rules for the temporary administration of the transferred subjects either by getting the other Minister to add the subjects to his charge, or by the Governor himself taking temporary charge of the subject.

If Ministerial Government cannot be carried on, a more drastic step is held in reserve, and was adopted on more than one occasion. The Governor-General in Council may, with the previous sanction of the Secretary of State in Council, revoke or suspend the transfer of all or any subjects in the Province, and thereupon such subjects relapse, for

the time being, into the position of reserved subjects administered by the Governor-in-Council.

52. In the Montagu-Chelmsford Report, Burma was set aside for future and separate consideration. The Joint Select Committee decided that Burma should not be included within the scheme of the Government of India Act because Burma had nothing in common with India, and "the Burmese are as distinct from the Indians, in race and language, as they are from the British."

It was not till 1921 that it was decided to bring Burma within the purview of the Government of India Act on a line with other Provinces. A Special Committee visited Burma in 1921, its recommendations were, in the main, approved, and the constitution of Burma as a Governor's Province came into operation at the beginning of 1923.

53. Till 1923, Burma was under the Administration of a Lieutenant-Governor. The Lieutenant-Governor was appointed by the Governor-General with the approval of His Majesty. He must have been, at the time of his appointment, at least 10 years in the service of the Crown. The Governor-General in Council may, with the approval of the Secretary of State in Council, by a notification, constitute an Executive Council for a Lieutenant-Governor, and appoint Members, not exceeding 4, with the approval of His Majesty. He must have been, at the time of his appointment, at least 10 years in the service of the Crown. The Executive Council of a Lieutenant-Governor was to transact business in the same manner as the Executive Council of a Governor's Province.

There are, now, no Lieutenant-Governors and what has been mentioned in this paragraph is only of historical interest.

54. *Central control over Provinces* :—Under S. 45 of the Government of India Act every Local Government is bound to obey the orders of the Governor-General in Council, and is under his superintendence, direction and control in all matters relating to the Government of its Province, subject to the provisions of the Act and the rules made thereunder.

The Devolution Rules have effected a change in the control of the Centre and we have already seen that in respect of the transferred sphere the Government of India could interfere only in certain cases. But the separation, which the reforms effected, between central and provincial subjects, in no wise affects the responsibility of the Central Government, for the financial and administrative stability of India as a whole. In

order that the Centre may discharge this responsibility satisfactorily, it exercises control over the Provinces in the following matters:—

(1) The obligation to supply information to the Governor-General in Council is imposed by S. 45 of the Act and Rule 5 of the Devolution Rules, on both halves of the Provincial Governments.

(2) Provincial Governments are bound to obey the orders of the Central Government in the reserved field.

(3) Certain central subjects, such as statistics, and all-India Services in respect of officers serving in transferred departments are of such a nature as to have little meaning, apart from the administration of provincial subjects. The proper discharge by the Centre of its responsibilities in such subjects, therefore, seems to require the power of issuing orders to both halves of the Provincial Governments.

(4) An essential function of the Centre which must invade the whole Provincial sphere in both its reserved and transferred parts is 'external relations.' The adherence of the Indian Government to conventions of the League of Nations and the International Labour Office has involved obligations financial as well as administrative, on the Provinces, especially in the transferred departments.

In these cases, the Government of India usually consults the Local Governments. But the principle has been established that the responsibility of the Centre for central subjects prevails over the restrictions which have been placed upon its powers of control over provincial transferred subjects.

(5) The Centre exercises authority over the transferred subjects in one other way. Progress in any one Province may depend upon the co-operation of adjoining Provinces and this co-ordination is best secured by central action. This co-ordinating power of the Centre is well-recognised in the Constitution. "Central agencies and institutions for research" is one of the central subjects. The Government of India has established research institutions, such as the Agricultural Institutes at Pusa and Coimbatore, Veterinary Institute at Muktesar and Forest Research Institute at Dehra Dun. By means of these Institutes the Centre has exercised authority over transferred subjects. The Central Cotton Committee, the Central Council of Agricultural Research, the Central Board of Irrigation and its adjunct, the Central Bureau of Irrigation, the Inspector-General of Forests, the Public Health Commissioner to the Government of India, all these are central offices or central officers whose function is to give advice to Provincial Governments.

(6) The co-ordinating power secured to the Central Government by the device by which certain provincial matters are made subject to

central legislation covers a wide category of provincial activities including (among others) the borrowing and taxing powers of local self-governing bodies, factories, labour questions, infectious and contagious diseases, standards of weights and measures. Legislation on these subjects has, in practice, been central rather than provincial. Thus while the administration and enforcement of these enactments is provincial, their working is watched by the Central Government.

(7) The Centre controls provincial legislation. This control comes under the following heads:—

- (a) Governor-General's ordinance-making power for any part of India.
- (b) Governor-General's powers of assent, dissent and reservation.
- (c) Governor-General's previous sanction to certain bills.

(8) Control over provincial finance, *vide* paragraphs 102 & 103, *infra*.

CHAPTER X.

Chief Commissioners' Provinces.

55. The following six Provinces are under the administration of Chief Commissioners:—

The Chief Commissioners' Provinces.

- (1) Delhi.
- (2) North-West Frontier Province.
- (3) British Baluchistan.
- (4) Ajmere-Merwara.
- (5) Coorg.
- (6) Andaman & Nicobar Islands.

Their whole administration and finance are a central charge, including matters like education and public health which in a Governor's Province would be in the charge of a Minister. For example, the Executive Councillor of the Governor-General in charge of education and health is responsible for the schools and hospitals for these areas. These Provinces are, therefore, said to be under the immediate authority of the Governor-General in Council. The Chief Commissioner is appointed by the Governor-General in Council. He merely administers these territories on behalf of the Governor-General in Council. By making over the local administration to a Chief Commissioner, the Governor-General in Council does not divest himself of his powers. There is no Executive Council for these Provinces and no Legislative Council except in Coorg.