

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.

56. Out of the 6 provinces abovementioned, the first two, *viz.*, North-West Frontier Province and British Baluchistan differ from the rest in many respects. They are the Frontier Provinces of India. In the Montagu-Chelmsford Report, the authors stated that "for reasons of strategy, the two Frontier Provinces must remain entirely in the hands of the Government of India."

57. (a) The North-West Frontier Province consists of five districts administered by the Chief Commissioner, and Tribal areas beyond, which are not so administered, and which are in the charge of the Chief Commissioner as the Agent to the Governor-General. Technically British India stops at the boundaries of the 5 administered districts. The difference between the administered districts and the un-administered area is marked. In the 5 districts there is an organised system of civilised Government, with the machinery for promoting law and order, in the form of the police and magistracy. In the Tribal areas there is no organised magistracy and there is no collection of taxes. The road from Peshawar to the Afghan Frontier—a distance of 34 miles, is guarded by the Khassadars, recruited from the tribesmen and paid by the Government of India a monthly wage. Except on the road and a narrow strip on both sides of it, the tribesmen are free to commit any crime with impunity, without fear from the Frontier Authorities, or the British Courts.

The Tribal areas are divided into Political Agencies. Properly speaking these areas are not part of British India. The Political Agent never enters the territory save as a guest of the Pathan Chief, but confines his movements to the road, and exerts his influence with the Pathan Chief.

(b) A Sub-Committee of the first Round Table Conference recommended that the North-West Frontier Province should at once be given the status of a Governor's Province, subject to such adjustment of detail as local circumstances require, and the extent of the all-India interest in the Province necessitate. The Viceroy, in his address to the Legislative Assembly, delivered on 25th January, 1932 stated that Government were engaged in preparing a constitution which would forthwith place the North-West Frontier Province as a Governor's Province under the Government of India Act. Within three months thereafter, the Province was constituted a Governor's Province, a Legislative Council and an Executive Council were set up, and the first Legislative Council of the North-West Frontier Province was inaugurated by the Viceroy on the 2nd April, 1932. The Legislative Council consists of 40 members, partly elected and partly nominated. There is one member of the Executive Council.

58. *British Baluchistan* :—Two-thirds of British Baluchistan is not under British administration. Even in the remaining one-third, only a portion is British territory in the proper sense, the rest being 'agency areas' administered by the Chief Commissioner as agent to the Governor-General. Much of this agency area is tribal territory, taken under British administration at the request of the Headmen.

59. *Delhi* :—Delhi was constituted a Province in 1912 with the sole object of providing the Government of India with a seat free from the dominant influence of any Provincial Government. It was parcelled out of the Punjab.

(a) Its budget forms part of the Central budget.

(b) The Indian legislature can directly legislate for it. But under the Delhi Laws Act, (Act 13 of 1912), the Governor-General in Council has the power of extending to it any Acts in force in any other part of British India.

(c) Delhi is represented by one member in the Assembly.

(d) The Chief Commissioner of Delhi is usually nominated a member of the Council of State.

60. *Ajmere-Merwara* :—This is separately administered only because it is too isolated to be included in any Governor's Province.

(1) The Province has one representative in the Legislative Assembly.

(2) Its budget forms part of the Central budget.

(3) The Indian legislature can pass laws for this Province. But the Governor-General still retains the power of legislating for it by regulation, under S. 71 of the Government of India Act.

61. *Coorg* :—Coorg, though geographically part of the Madras Presidency, owes its separate administration to historical causes. At the end of the 18th century Coorg allied itself with the British, against Tippu Sultan. After Coorg was annexed to British India, it retained its separate entity.

(1) After the passing of the Government of India Act of 1919 a Legislative Council consisting of 20 members was constituted, out of which 15 are elected, 4 are officials, and one a non-official representing the depressed classes. The franchise qualifications are based, as in the major provinces, on the tenure of land, on the system of income-tax, on military service, and the payment of certain municipal taxes.

(2) The Council has legislative, deliberative and interrogatory powers.

(3) It has its own budget. Its resolutions on the budget are merely recommendatory.

(4) Its bills are subject to the previous sanction and the subsequent assent of the Governor-General.

(5) The Resident at Mysore is the Chief Commissioner for Coorg.

(6) Provincial subjects have been separated from the central subjects, and separate revenues have been allotted to the Local administration. But there has been no explicit devolution of authority to the Chief Commissioner.

62. *Andaman and Nicobar Islands* :—These islands were originally penal settlements. In 1921 it was decided to abolish the penal settlements, and develop the area as a free colony. The decision has not been given effect to. It still continues to be a penal settlement.

Andaman and Nicobar Islands.

Its budget is part of the Central budget.

63. *Aden* was originally part of the Presidency of Bombay. In 1931 it was taken over by the Government of India. Until 1900 the entire civil and military expenditure was borne by India. As a result of the Welby Commission Report, His Majesty's Government contributed, from 1901, £ 72,000 which amounted to about half of the cost of the military administration, *viz.*, 21½ lakhs. Later on, the military expenditure grew and in 1926-27 it stood at 47½ lakhs. On the 1st of April, 1927, His Majesty's Government took over the military and political expenditure and India was to contribute £ 250,000 for the first three years, and thereafter £ 150,000 annually, or one-third, whichever was less. The annual payment at present amounts to £ 120,000.

Aden.

As regards civil administration, though there was a deficit during the last seven years, in view of economies it might be said that the civil budget would balance.

Aden settlement includes Aden, Little Aden, Shaikh Othman and the Island of Perim.

The British Government propose that Aden should be completely transferred and handed over to them. They say that thereby India would be saved annually a sum of £ 150,000 (about 15 to 20 lakhs). Indian opinion is opposed to the transfer because not only is it essential to the defence of India as a naval and military station of strategic importance, but it is also the distributing centre of India's produce.

The Imperial Government is responsible for the military and political situation in Aden and its Hinterland. But the settlement of Aden itself remains under the Government of India.

The administration is conducted by a Resident and four assistants, one of whom is styled the Judicial Assistant. The Resident has both executive and judicial powers. He is also the General Officer Commanding.

Till 1921 the Political Resident was responsible to the Foreign Office in England. After 1921 till 1927 he was responsible to the Colonial Office. From 1927, under the new arrangements entered into between the Imperial Government and the Indian Government, the post is to be held annually by an officer of the Indian Service and a member of the Colonial Service.

The laws in force in the settlement are, generally speaking, those in force in the Bombay Presidency, supplemented by regulations.

CHAPTER XI.

Backward Tracts.

64. In the Montagu-Chelmsford Report, the authors contented themselves with remarking that there were certain **Backward tracts.** backward tracts to which the reforms could not apply and that the typically backward tracts should be administered by the Governors. The suggestion that they should be directly administered by the Governors was not carried out except in the case of certain areas in Burma.

These areas are to be found in 6 of the Governor's Provinces, *viz.*, Madras, Bengal, Punjab, Bihar and Orissa, Assam and Burma.

Before the reforms, these areas were subject to special laws which, among other things, usually prescribed simple and elastic forms of judicial and administrative procedure. The laws of the Central or Provincial legislatures were not applicable to these areas; any enactment in force in British India may, by executive order, be made applicable to these areas, subject to such restrictions and modifications as may be deemed fit.

65. Certain areas were classed as wholly excluded areas by notifications under S. 52 (a) of the Government of India Act. Neither the Central nor the Provincial legislature has power to make laws applicable to these **Wholly excluded areas.** tracts but the Governor-General in Council may direct that any Act of the Provincial legislature may apply subject to such exceptions and modifications as the Governor thinks fit. Proposals for expenditure in