

CHAPTER L.

Transitory Provisions.

395. Although the Act makes provision both for the establishment of Provincial Autonomy and also for the establishment of the Federation, the establishment of Provincial Autonomy must necessarily precede the Federation. In the first place Provincial Legislatures must first be set up under the new Constitution and they must, thereafter, elect members for the Federal Legislature. In the second place, Federation depends upon the accession of a specified number of States, and that may take some time. There will, therefore, be a period of transition, which may be short or may be long. During this transitory period, while the existing Central Executive and the Central Legislature will continue as constituted at present, the establishment of Provincial Autonomy necessitates consequential changes in the powers of both the Central Legislature and the Executive. These are as follows :—

(1) The Central Legislature will have Legislative powers only over the Federal list, and the concurrent list, and not over the Provincial list.

(2) The distribution of financial powers and resources to the Provinces will also take effect, and the Indian Legislature and the Central Executive has no jurisdiction in these matters transferred to the Provinces.

(3) The Federal Court, the Federal Railway Authority and the Federal Public Service Commission will be set up, even though the Federation is not established.

(4) The References in the Act to the Federation, the Governor-General, or the Governor-General in his discretion mean respectively British India, the Governor-General in Council, and the Governor-General.

(5) The control of the Secretary of State over all matters relating to the Central Government will continue.

(6) The control over the Governors in the field of special responsibilities and the powers to give directions to Provincial Governments vested in the Act in the Governor-General in his discretion will be exercised by the Governor-General in his discretion, during the transitory period.

(7) The functions of the Crown in relation to Indian States will be exercised solely by the Governor-General and not by the Governor-General in Council.

(8) The Secretary of State's Council will be replaced by his advisers, but during the transition period their number shall be between 8 and 12 and their control over central finance will continue.

(9) Sterling loans, during the period of transition, shall be contracted by the Secretary of State with the approval of a majority of his advisers under an East India Loans Act of the British Parliament, and not by the Governor-General.

CHAPTER LI.

The Constitution of Burma and its relations with India.

396. A detailed discussion of the Constitution of Burma is beyond the scope of this book. Only a bare outline thereof is attempted in this chapter, with special reference to the relations between India and Burma under the new Constitution.

The Burman Constitution closely follows the Indian Constitution. The Executive authority of Burma vests in the Crown and is exercised by a Governor appointed by the Crown. He will have a Council of Ministers not exceeding 10. The reserved departments in Burma include Defence, external affairs, ecclesiastical administration, control of monetary policy, currency and exchange, and excluded areas. These departments, as well as the functions in relation to tribal areas in Burma, will be administered by the Governor himself, and for this purpose, he may appoint not more than three Counsellors and a Financial Adviser.

The provisions as to special responsibilities, police rules, measures to combat terrorism, disclosure of sources of information, and the conduct of business of the Government are similar to those relating to India.

The Burman Legislature is bicameral with a Senate composed of 36 members and a House of Representatives consisting of 130 members. Half the Senate is elected by the Lower House by proportional representation and the other half is nominated by the Governor in his discretion. The House of Representatives will be constituted by direct election. Money Bills can be initiated only in the House of Representatives, and the budget is submitted only to the vote of the House of Representatives.

The previous sanction of the Governor is necessary for certain legislative proposals including those affecting immigration into Burma