



Subjects.

Remarks.

6. Communications—to the extent described under the following heads :—

- (a) Railways and tramways, except (i) tramways within municipal areas and (ii) light and feeder railways and tramways.
- (b) Such roads, bridges, ferries, tunnels, ropeways, causeways, and other means of communication as are declared by the Governor General in Council to be of military importance.
- (c) Aircraft, aircraft factories, aerodromes, and landing places.
- (d) Inland waterways to an extent to be declared by the Governor General in Council.

7. Shipping and Navigation [including shipping and navigation on inland waterways in so far as declared by the Governor General in Council under 6 (d).]

It is suggested that wide powers should be delegated to local Governments to enable them to regulate local shipping traffic, *e.g.*, coasting vessels plying between ports in the same province, especially as regards accommodation provided for passengers.

8. Lightships, beacons, buoys and lighthouses (including their approaches).

9. Port quarantine and marine hospitals.

10. Ports declared to be major ports by the Governor General in Council.

11. Posts, telegraphs and telephones and wireless installations.

Subjects.	Remarks.
12. Sources of imperial revenue, including customs, cotton excise duties, taxes on income, salt, stamps (non-judicial).	
13. Currency and coinage.	
14. Public debt of India.	
15. Savings banks.	
16. Department of the Comptroller and Auditor-General.	
17. Civil Law, including laws regarding status, property, civil rights and liabilities and civil procedure.	
18. Commerce, including banking and insurance.	
19. Trading companies and other associations.	
19A. Regulation of food supply, fodder, fuel and trade generally between provinces in times of scarcity.	
20. Control of production, supply and distribution of any articles in respect of which control by a central authority is declared by the Governor General in Council essential in the public interests.	
20A. Control of cultivation and manufacture of opium and sales of opium for export.	
20B. Stores and Stationery	Subject to the introduction as soon as possible of such measures of decentralisation as are found by the Governor General in Council to be advisable.
21. Control of petroleum and explosives.	The law regarding petroleum and explosives is at present under the direct control of the Government of India and uniformity of law and administration is desirable.
22. Geological survey.	
22A. The development of industries including industrial research.	<i>Vide</i> 24, Provincial. The fact that the development of any industry or any industrial research is being taken up by the Government of India will not prevent local Governments from also taking it up.

Subjects.	Remarks.
<p>23. Control of mineral development, in so far as such control is reserved to the Governor General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.</p>	<p>The rules regulating the grant of licenses to prospect for minerals and the grant of leases of mines and minerals are made by the Governor General in Council and sanctioned by the Secretary of State in Council.</p> <p>Mining administration is now controlled by the Government of India and there is a small expert department of Inspectors working freely all over India. It would be impossible without great extravagance and loss of efficiency for each province to have its own expert staff.</p>
<p>24. Inventions and designs.</p>	
<p>25. Copyright.</p>	
<p>26. Emigration and Immigration and inter-provincial migration.</p>	
<p>26A. Pilgrimages beyond British India.</p>	<p>It is considered desirable to make inter-provincial migration an All-India subject to be administered by the provincial Governments as agents.</p>
<p>27. Criminal Law, including criminal procedure.</p>	<p>The insertion of penal clauses in a provincial Bill will not bring the Bill within the scope of this entry.</p>
<p>27A. State prisoners.</p>	
<p>28. Central police organization, and railway police so far as jurisdiction and cost are concerned.</p>	
<p>29. Control of possession and use of arms.</p>	
<p>30. Central agency for medical research and central institutions of scientific and industrial research, including observatories and central institutions for professional or technical training.</p>	
<p>30A. Government of India records and the Imperial Library.</p>	
<p>30B. Government of India buildings.</p>	
<p>31. Ecclesiastical administration.</p>	<p>The expenditure is incurred entirely by the Government of India. The Bishops and clergy are under the administrative control of the local Governments, except that the Bishop of Calcutta as Metropolitan is</p>

Subjects.	Remarks.
31A. Higher language examinations to an extent to be declared by the Governor General in Council.	under the control of the Government of India. As a large portion of the expenditure is on behalf of the army, the subject must be an All-India one.
32. Survey of India.	
33. Archæology	
34. Zoological survey.	
35. Meteorology.	
36. Census and Statistics.	
37. All-India Services.	
37A. Government servants' conduct rules.	
38. Legislation in regard to any provincial subject, in so far as such subject is stated in the Provincial List to be subject to Indian legislation, and any powers relating to such subject reserved by legislation to the Governor-General in Council.	Provisionally included: <i>vide</i> para. 39 of the despatch.
39. All matters expressly excepted from inclusion in the list of provincial subjects.	
40. All other matters not included in the list of provincial subjects.	

## PROVINCIAL SUBJECTS.

Subjects.	Remarks.
1. Local self-government, that is to say matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonments Act.	
2. Medical administration, including hospitals, dispensaries and asylums.	Legislation regarding the status and civil rights and liabilities of lunatics is an all-

Subjects.

Remarks.

India subject. The question of medical registration falls under head 42.

3. Public health and sanitation and vital statistics.

3A. Pilgrimages within British India.

4. Education (excluding—

(1) the Benares Hindu University and such other new universities as may be declared to be all-Indian by the Governor General in Council.

(2) Chiefs' colleges and any educational institutions maintained by the Government of India);

subject to Indian legislation—

(a) controlling the establishment, and regulating the constitutions and functions of new universities; and

(b) defining the jurisdiction of any university outside its own province;

and, in the case of Bengal, up till the time when the recommendations of the first statutory commission are carried into effect, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education.\*

5. Public Works included under the following heads:—

- (a) Provincial buildings;
- (b) Roads, bridges, ferries, tunnels, ropeways, causeways and other means of com-

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\* *Vide* paragraph 53 of fourth despatch. If higher education is reserved, there will be less need for this provision.

Subjects.

Remarks

munication other than such as are declared by the Governor General in Council to be of military importance.

(c) Tramways within municipal areas.

(d) Light and feeder railways and tramways.

6. Control of water supplies in rivers, streams and lakes, irrigation and canals, drainage and embankments, water storage and water power, subject to such rules in regard to technical scrutiny and financial sanction as may be prescribed.

7. Land Revenue administration, as described under the following heads:—

(a) Assessment and collection of land revenue:

(b) Maintenance of land records, survey for revenue purposes, records of rights:

(c) Laws regarding land tenures, relations of landlords and tenants, collection of rent:

(d) Court of Wards, encumbered and attached estates:

(e) Land improvement and agricultural loans.

(f) Colonization and disposal of Crown lands and alienation of land revenue.

7A. Management of State properties.

8. Famine relief.

9. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved

*Vide* para. 61 of the fourth despatch.

methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases.

10. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases.

11. Fisheries.

12. Co-operative Societies.

13. Forests, including preservation of game therein.

14. Land acquisition, subject to Indian legislation as regards acquisition of land for public purposes.

15. Excise, that is to say the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and license fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.

16. Administration of justice, including the constitution, maintenance and organization of courts of justice in the province, both of civil and criminal jurisdiction, other than a High Court, a Chief Court, or the Court of a Judicial commissioner, but subject to Indian legislation as regard courts of criminal jurisdiction.

17. Provincial law reports.

18. Administrator - General and Official Trustee, subject to Indian legislation.

19. Judicial stamps, subject to Indian legislation.

20. Registration of deeds and document.

21. Registration of births, deaths and marriages.

Existing Indian legislation provides for the following classes, *viz.*, members of every



22. Religious and charitable endowments.

race, sect or tribe to which the Indian Succession Act, 1865, applies, and all persons professing the Christian religion.

This entry is provisional on the contemplated Indian Act on this subject being secured from alteration by rules under the proposed section 79 (3) (i) of the Government of India Act.

23. Development of mineral resources which are Government property, subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.

24. Development of industries, including industrial research.

*Vide 22A. All India.*

25. Industrial matters included under the following heads:—

- (a) Factories:
- (b) Settlement of labour disputes:
- (c) Electricity:
- (d) Boilers:
- (e) Gas:
- (f) Smoke nuisances; and
- (g) Welfare of labour, including provident funds, industrial insurance (general, health and accident) and housing;

subject as to (a), (b), (c) and (d) to Indian legislation.

26. Adulteration of food-stuffs and other articles.

27. Weights and measures.

28. Ports, except such ports as may be declared by the Governor General in Council to be major ports.

29. Inland waterways, including shipping and navigation thereon so far as not declared by the Governor General in Council to be under control of the

Inspectors of Factories, Electricity and Boilers are provincial officers under the control of the local Governments, but we consider that there are strong grounds for maintaining uniformity in regard to the four matters which are made subject to Indian legislation. As regards the other subjects, especially those included under "Welfare of labour," it is desirable to give the provinces freedom of initiative.

Government of India, but subject as regards inland steam vessels to Indian legislation.

30. Police, other than the jurisdiction and cost of railway police.

31. Miscellaneous matters:—

(a) regulation of betting and gambling:

(b) prevention of cruelty to animals:

(c) protection of wild birds and animals.

(d) control of poisons, subject to Indian legislation:

(e) control of motor vehicles, subject to Indian legislation as regards licenses valid throughout British India; and

(f) control of dramatic performances, and cinematographs, subject in the case of the latter to Indian legislation in regard to certification.

32. Control of newspapers, books and printing presses, subject to Indian legislation.

33. Coroners.

34. Criminal tribes, subject to Indian legislation.

35. European vagrancy, subject to Indian legislation.

36. Prisons, prisoners and reformatories, subject to Indian legislation.

37. Pounds and cattle-trespass.

38. Treasure-trove.

39. Museums (except the Indian Museum, Imperial War Museum and the Victoria Memorial, Calcutta) and zoological gardens.

39A. Provincial records and libraries.

Subjects.

Remarks.

39B. European cemeteries and historical monuments and memorials.

40. Government Press.

41. Franchise and elections for Indian and provincial legislatures.

42. Regulation of medical and other professional qualifications and standards, subject to Indian legislation, and provision for medical education.

43. Control of the public services, other than the all-India services, serving within the province, subject to Indian legislation.

44. Sources of provincial taxation not included under previous heads, whether (a) taxes included in the schedule of additional provincial taxes or (b) taxes outside this schedule in the case of which the prior sanction of the Governor General in Council has been obtained to the necessary legislation.

45. Borrowing of money on the sole credit of the province subject to such rules as are made by the Secretary of State in Council.

46. Any matter which, though falling within an all-India subject, is declared by the Governor General in Council to be of a merely local or private nature within the province.

*Vide* para. 76 of fourth despatch, and para. 2 of fifth despatch.

Under this head will fall the administration of the existing provincial Medical Registration Acts. Power is reserved to the Indian legislature in order to secure uniformity and maintain the standards of professional qualifications.

*List of Provincial subjects for transfer.*

Serial No.	Number in provincial list.	Subjects.	Provinces in which transferred.	REMARKS.
1	1	Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonments Act.	In all provinces.	The question of control, if any, to be exercised over policemen or watchmen by local authorities should be left to be determined by provincial legislation relating to local self-government.  Pounds, where they are managed by local authorities, will come under local self-government.
2	2	Medical administration, including hospitals, dispensaries and asylums.	In all provinces.	It will be noted that it is proposed to reserve "Regulations of medical and other professional qualifications and standards," and to make this matter subject to Indian legislation ( <i>vide</i> Provincial List item 42). The administration of the Medical Registration Acts will thus be reserved, and the power of securing uniformity of standards will remain with the Indian legislature.
3	3	Public health and sanitation and vital statistics.	In all provinces.	"Port quarantine and marine hospitals" is an all-India subject.  The Sanitary Department will be responsible for the compilation of vital statistics, but at present in most provinces will have to rely on the services of other departments for their collection.
3-A.	3-A.	Pilgrimages within British India.	In all provinces.	
4	4	Primary and middle vernacular education.	In all provinces.	It is suggested that the Governor shall be required to have special regard to certain interests in education ( <i>vide</i> paragraph 67).
5	5	Public works included under the following heads—:  (a) Provincial buildings connected with transferred departments:  (b) Roads, bridges, ferries, tunnels, ropeways, causeways and other means of communication other than such as are declared by the Governor General in Council to be of military importance:  (c) Tramways within municipal areas.	In all provinces except Assam.	
6	6	Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases.	In all provinces.	

*List of Provincial subjects for transfer—contd.*

Serial No.	Number in provincial list.	Subjects.	Provinces in which transferred.	REMARKS.
7	10	Civil Veterinary Department, including provision for veterinary training, improvement of stock and prevention of animal diseases.	In all provinces.	
8	11	Fisheries	In all provinces except Assam.	In Assam the restrictive measures taken for the protection of fish have been unpopular, and the administration of fisheries is closely connected with the Land Revenue Department.
9	12	Co-operative Societies . . .	In all provinces.	
10	13	Forests, including preservation of game therein.	In Bombay only.	The existing powers of the Governor-General's Council under the Forest Act will remain, and any provincial legislation affecting them will be subject to previous sanction.
11	15	Excise, that is to say, the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and license fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	In all provinces except Assam.	<p>With reference to the proposed restriction of the purposes for which the Government of India will exercise their power to intervene in transferred subjects (<i>vide</i> para. 4 of the despatch), the following points affecting Excise require special mention:—</p> <p>(1) The power of the Government of India to safeguard the administration of customs revenue will involve power to control the incidence of excise revenue (i) on any liquor which is likely to compete directly with imported liquor; and (ii) on any article imported into British India which is liable on importation to the payment of customs duty.</p> <p>(2) With regard to provincial action restricting the introduction into a province of excisable articles the position will be as follows:—</p> <p>The Government of India will be entitled to intervene, in the case of excisable articles imported from outside British India, to protect their custom duties, and in the case of excisable articles in transit from or to other provinces, territories and States of India, for the purpose of protecting the interests of such other provinces, territories or States.</p> <p>(3) The Government of India will be entitled to intervene in matters affecting the supply of excisable articles to His Majesty's forces.</p>

*List of Provincial subjects for transfer—concl'd.*

Serial No.	Number in provincial list.	Subjects.	Provinces in which transferred.	REMARKS.
				In Madras and Bombay, Excise, Salt and Customs, are dealt with under a unified system of administration. Salt and Customs are all-India subjects, and the question of making arrangements for the separate administration of these subjects when the transfer of Excise takes effect will be considered by the Government of India.
12	20	Registration of deeds and documents.	In all provinces.	
13	21	Registration of births, deaths and marriages.	In all provinces.	<i>Vide</i> note to item 21, provincial list.
14	22	Religious and charitable endowments.	In all provinces.	
15	26	Adulteration of food stuffs and other articles.	In all provinces.	
16	27	Weights and measures	In all provinces.	
17	30	Museums (except the Indian Museum, the Imperial War Museum and the Victoria Memorial, Calcutta) and Zoological gardens.	In all provinces.	