

Home (1920) Department.

Miscellaneous

Cedney SERIES.

G.O. No. 1299

DATED 13-8-20

INDEXED

[Despatch Abstract.]

Publicity

The Reforms - Pamphlet by the Rev. A. C. Clayton -
Rs100 honorarium sanctioned.

Agenda.

18. Leaflet: A summary of the Reforms Scheme by the Rev. Mr. A. C. Clayton. To consider the question of offering an honorarium to the Rev. Mr. Clayton for preparing the leaflet.

Resolution.

An honorarium of Rs.100/- may be offered.

Reforms 810
17.7.20

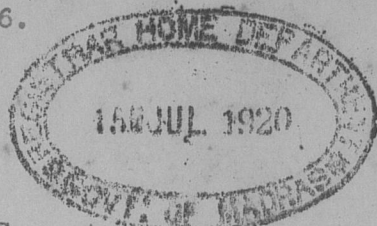
Mis 3539
15.7.20

2

R.O.C. No. 1366.

PUBLICITY BUREAU,
Victoria Buildings, Egmore,

Madras, dated 13th July 1920.



Secretary to Government, Home (Mis.) Department, u.o.

The Reverend Mr. Clayton has prepared at my request the attached summary of the Reform Scheme. It has been passed by the Reforms Commissioner.

Mr. Clayton did not make any stipulation about an honorarium. But the question was placed before the Publicity Board at its meeting on 10th July 1920 and the Board resolved (copy enclosed) that an honorarium of Rs.100/- should be offered to him. I request sanction for the payment of this amount.

I may say that I have offered the use of Mr. Clayton's leaflet to other provinces on condition that they should contribute to the honorarium due to Mr. Clayton. If any contribution is received it will be deducted from the amount to be paid by this Bureau.

[Signature]

PUBLICITY OFFICER.

Ms.

Home (Mis.) Dept.

The case may be sent to the Reforms Commissioner u.o. for remarks.

Reforms Commissioner u.o.

10/7/20

810-1R
7.8.20.

SMP
15.7.20
16.7.20

Mis 3539-1



To Com. m.s.

Submitted for orders

16
9.7.20

I see no objection to the payment. I think one of my clerks could have produced the leaflet. 16.7/20

Home u.o.

552-1R
in original.

C No. 3539

U.S.

Home Min Dept

A draft order sanctioning the expenditure is subd.

S.P.P.
10.8.20
Se
10.8.20

S. V. issue
11/8/20
12/8/20

THE REFORMS.

A summary of the new constitution of the Government of India.

(BY A. C. CLAYTON.)

(From the Publicity Bureau.)

Note—The numbers given in brackets at the end of sentences or paragraphs refer to the sections in the Government of India Act of 1919.

When the year 1915 is prefixed to the number of the section, the reference is to the Government of India Act of 1915.

The Indian year book for 1920 is referred to as I.Y.B. with the number of the page following.

The following is a brief statement in simple language of the chief provisions of the *Government of India Act, 1919*, to which the King-Emperor gave his assent on 23rd December 1919. It is by this Act that the coming reforms in the constitution of the Government of India, which have been discussed so long, are defined and sanctioned.

Four things have to be noted—

(i) The chief reason why these reforms are decreed is that the British Parliament has decided that Indians shall have more part, and an increasing part, in the management of Indian affairs so that India gradually may become self-governing.

(ii) These reforms are being effected now because, though Parliament sees that India cannot become self-governing all at once, the present is a good time for beginning changes.

(iii) Further reforms will be sanctioned if Indians use the new opportunities wisely.

(iv) The Indian Empire is divided into ten Provinces: Madras, Bombay, Bengal, United Provinces, Punjab, Bihar and Orissa, Central Provinces, Assam, Burma and Delhi. The aim of the reforms throughout is to make these various Provinces* as completely self-governing as possible, and independent of the Government of India in matters which can be left to them. While the Government of India retains general control in those affairs which affect the welfare of India as a whole, Parliament intends that in provincial matters each Province of India shall rule itself.

THE GOVERNMENT OF INDIA.

The Governor-General in Council has the Superintendence, direction and control of the whole civil and military Government of India (1915, section 33).

This is not altered by the new Act, but the Governor-General's Executive Council is no longer limited to five or six members; and the Governor-General is now able to appoint more Indian members. There is no doubt that this will be done, and in this way the Governor-General will have more Indians among his chief advisers, (section 28).

* The case of Burma and Delhi will be dealt with separately.

The existing Imperial Legislative Council will come to an end and under the new Act it will be replaced by two* Councils called

The Council of State and

The Legislative assembly.

A Bill to become law must generally be passed by both of these Councils and receive the assent and signature of the Governor-General† (section 17)

The power is reserved to the Governor-General to secure the passing of legislation that is 'essential for the safety, tranquility or interests of British India or any part thereof'. Such special legislation by the Governor-General must be submitted to both Houses of Parliament in London and passed by them. If some great emergency makes this delay dangerous, the Governor-General may direct that such special legislation shall come into force at once, subject however, to disallowance by His Majesty in Council (section 26).

Such emergencies are however only likely in periods of public disorder, conspiracy, rebellion, or invasion; and we may hope that India will never become the prey of any of these evils.

THE COUNCIL OF STATE.

The Council of State is to consist of sixty members, of whom thirty-three shall be elected and twenty-seven nominated. Of the latter not more than twenty shall be officials (section 18). The Council of State shall continue for five years (section 21).

THE LEGISLATIVE ASSEMBLY.

The new Legislative assembly is to consist of 143 members. The number of elected members will be about 100. There will be 40 nominated members, and of these 40 nominated members only 26 shall be officials [section 19 (2)].

The Legislative assembly will continue for three years.

The period for which either Chamber shall continue may be terminated, or may be extended, by the Governor-General in special circumstances (section 21).

No person can be a member of both Chambers, but a member of the Governor-General's Executive Council shall have the right of attending and speaking in both the Council of State and the Legislative Assembly [section 24 (4)].

BUSINESS IN THE INDIAN LEGISLATURE.

The estimated annual expenditure and revenue of the Supreme Government of India shall be laid before the Council of State and the Legislative assembly.

It is here that one of the chief differences between the powers of the new Councils and of the old Imperial Legislative Council appears.

The budget of receipt and expenditure was laid before the Imperial Legislative Council for discussion, and the discussion certainly influenced the budget in many ways. But the Government was not bound

* The Chamber of Princes is an entirely separate Council in which the Viceroy will meet with the ruling Princes of India.

† 'Governor-General' is the official title of His Excellency the Viceroy in a legal Act.

to act upon any resolution of the Imperial Legislative Council; and, as the number of officials in the Imperial Council was greater than the number of non-officials, the Government could prevent any resolution being passed of which it did not approve (I.Y.B., page 21).

This will now be altered.

The proposals of the Governor-General in Council for expenditure on the following heads will still not be liable to revision or alteration by the Council of State or the Legislative assembly:—

- (i) Interest and sinking fund charges on State loans.
- (ii) Expenditure already prescribed by law.
- (iii) Salaries and pensions of officials appointed by or with the approval of His Majesty or by the Secretary of State in Council.
- (iv) Expenditure classified as ecclesiastical, political and defence of India [section 25 (3)].

But the proposals for expenditure in all other matters will be submitted to the vote of the Legislative assembly [section 25 (5)] and the Legislative assembly may refuse its assent to any proposal or may reduce the amounts allotted in the budget. The Act provides that in exceptional circumstances the Governor-General shall have power to overrule the decision of the Legislative Council.

The elected members of the Council of State and of the assembly will be chosen by men of some property, education or social position.

LOCAL GOVERNMENTS.

Ten Provinces included in the Indian Empire, as has already been mentioned, are Madras, Bombay, Bengal, United Provinces, Punjab, Bihar and Orissa, Central Provinces, Assam, Burma and Delhi.

In the Provinces of Burma and Delhi, the conditions are exceptional and they are receiving special treatment.

What is said of Provincial Governments does not therefore at present apply to Burma or Delhi.

Since 1892 there have been Legislative Councils in Bombay, Madras, Bengal, United Provinces, Punjab, Bihar and Burma. These Legislative Councils even after the reforms introduced in 1909 are small. They are largely legislative and advisory. No new law can be passed without the consent of these Councils; and they can pass resolutions on all matters which seem important. But the Governor or Lieutenant-Governor and his Executive Council are not bound to carry out the resolutions of the Local Legislative Council. And though the number of non-officials in them is greater than that of officials, the elected members of Local Legislative Councils are elected by such a very small number of voters that they do not really represent the people of the various Provinces (I.Y.B., page 26).

The new Act begins quite a new system for these Local Councils.

First of all the Government of India will still control all military matters, posts, telegraphs, coinage, relations with Native States, and similar 'all-India' or 'central' subjects. But where possible, as in the case of light railways and shipping plying between ports in the same

Province, the administration of parts of all-India 'central' subjects will be granted to the Local Provincial Councils (I.Y.B., page 661).

Apart from these 'all-India' subjects the whole of the administration in each Province is to be classified under two headings--

'Reserved subjects' and

'Transferred subjects'.

At first the 'reserved subjects' will continue to be administered as at present by the Governor in Council. The members of the Executive Councils shall not be more than four. One of them shall have been at least twelve years in Government service. The others may be non-officials (section 3; 1915, section 47).

'Transferred subjects' will be completely controlled from the first by the Provincial Legislative Council.

There is not space here to give all the details, but it will be sufficient to say that the Provincial Council in each Province will be responsible authority in matters relating to district boards, municipalities, hospitals, dispensaries, Primary and secondary education, the development of industries, roads, agriculture, agricultural research, agricultural education, protection against agricultural pests and animal and plant diseases, fisheries, co-operative societies, and the production and sale of intoxicating liquor (I.Y.B., page 665).

Other subjects in which the Provincial Legislative Councils will have at first no authority can be handed over to them later.

MINISTERS.

The Governor of a Province will appoint 'ministers' not being members of his Executive Council or officials, and he will administer the 'transferred subjects' with the advice of these ministers. These 'ministers' may be paid the salary of a member of the Executive Council. Thus it is possible, for instance, that in nearly every Province, an Indian who is not an official will become minister for education, and that all educational affairs, except Universities, will be in his charge. The power of these ministers will be real, for the Governor shall ordinarily be guided by the advice of his ministers. The ministers will hold office during the Governor's pleasure. These ministers must be elected members of the Local Legislative Council, or must be elected to it within six months after appointment. (section 4).

THE LEGISLATIVE COUNCIL OF EACH PROVINCE.

The Act thus makes it possible for the Governor of a Province to appoint competent non-official Indians to hold the highest administrative offices.

This in itself is a great advance, and gives great opportunities to able Indians. But this would not enable the ordinary people to make their views known to the Government either as to what ought to be done or as to what had been done. In order to enable the opinions of the various peoples and communities of India to be expressed, new Provincial Legislative Councils are to be instituted. The number of electors has been greatly increased. For instance in the Madras Presidency there were about 7,000 electors under the old scheme.

Under the new Act there are more than 5 lakhs (542,060) (I.Y.B. page 656). In each Province the Governor in Council will nominate a few members to represent the depressed classes, labour, and other communities not otherwise likely to secure representation, (I.Y.B. page 656.)

The regulations differ in different Provinces but the main qualification for the franchise is the possession of property as shown by the payment of land revenue, rent, rates or income-tax. It is hoped that in this way the electors of all classes will be able to choose representatives who will express their views on all questions put before them.

THE POWER OF LEGISLATIVE COUNCILS.

The Legislative Council of a Province is empowered to make laws for the peace and good Government of the Province. The non-official members will be responsible to it for the administration of the 'transferred subjects'.

When the budget for the Province for the year is presented to the Provincial Legislative Council the Council has full authority to deal with all the proposals made regarding the 'transferred subjects'. If a minister can justify his requests, the Legislative Council will grant them. If his proposals are unsatisfactory the Legislative Council will refuse to sanction them or reduce the amount allotted in the budget. Thus the Legislative Council will be the final authority regarding expenditure on 'transferred subjects' and will be able to insist that the ministers in charge act according to its expressed will.

If the electors therefore take care to elect as their representatives in the Legislative Council men of experience, ability and judgment, they will thus be able to secure that roads, education, hospitals, public health and other 'transferred subjects' shall be managed economically and well.

THE STATUTORY COMMISSION.

There are some who think that the whole of the finances of a Province should be handed over to the Provincial Legislative Council at once. They object to certain subjects being 'reserved subjects'.

The answer to this objection is that the British Parliament has provided that in ten years' time the King-Emperor shall appoint a commission for the purpose of inquiring into the working of the system of Government, the growth of education, and other matters in India. The commission will report what steps should be taken to give the Local Legislative Councils more power. The Legislative Council that uses its present powers best, is thus likely to have further powers granted to it.

REVIEW.

It is not easy to sum up all that is implied by these forms in a few words, but perhaps the following are the most important changes now being introduced:--

The proposals of the Government of India for expenditure are henceforth to be carefully considered by two responsible, representative councils, the Council of State and the Legislative assembly, and many of its proposals will be subject to revision by the Legislative assembly.

As the King-Emperor said, the Act which brings this new constitution into being 'entrusts the elected representatives' of the people with a definite share of the Government, and 'points the way to responsible Government hereafter'.

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DATED

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A
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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

N.B.—

A == Copy in full.
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