

GOVERNMENT OF INDIA ACT, 1915

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GOVERNMENT OF INDIA ACT, 1915

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An Act to consolidate enactments relating to the government of India. Preamble. 19 and 10 Geo. 5, Ch. 101. 1 WHEREAS it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire: And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken: And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples: And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility: And whereas concurrently with the gradual development of self-governing institutions in the provinces of India it is expedient to give to those provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

PART 1

HOME GOVERNMENT

20. Application of revenues :-

(1) The revenues of India shall be received for and in the name of His Majesty, and shall, subject to the provisions of this act, be applied for the purposes of the government of India alone.

(2) There shall be charged on the revenues of India alone-

(a) all the debts of the East India Company; and

(b) all sums of money, costs, charges and expenses which, if the Government of India Act, 1858 , had not been passed, would have been payable by the East India Company out of the revenues of India in respect of any treaties, covenants, contracts, grants or liabilities existing at the commencement of that Act; and

(c) all expenses, debts and liabilities lawfully contracted and incurred on account of the government of India; and

(d) all payments under this Act ¹ [except so far as is otherwise provided this Act].

(3) The expression "the revenues of India" in this Act shall include all the territorial and other revenues of or arising in British India, and, in particular,-

(i) all tributes and other payments in respect of any territories which would have been receivable by or in the name of the East India Company if the Government of India Act, 1858 , had not been passed; and

(ii) all fines and penalties incurred by the sentence or order of any court of justice in British India, and all forfeitures for crimes of any movable or immovable property in British India; and

(iii) all movable or immovable property in British India escheating or lapsing for want of an heir or successor, and all property in British India devolving as bona vacantia for want of a rightful owner.

(4) All property vested in, or arising or accruing from property or rights vested in, His Majesty under the Government of India Act, 1858 , or this Act, or to be received or disposed of by the Secretary of State in Council under this Act, shall be applied in aid of the revenues of India.

1. The words were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

21. Control of Secretary of State over expenditure of revenues :-

¹[Subject to the provisions of this Act, and rules made thereunder], the expenditure of the revenues of India, both in British India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of those revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of the Government of India Act, 1858, or this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council of India: ² [Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council shall be deemed to be made with the concurrence of a majority of such votes.]

1. The words were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

2. These words were added by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

22. Application of revenues to militate operations beyond the frontier :-

Except for preventing or repelling actual invasion of his Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defraying the expenses of any military operations carried on beyond the external frontiers of those possessions by His Majesty's forces charged upon those revenues.

23. Accounts of Secretary of State with Bank :-

(1) Such parts of the revenues of India as are remitted to the United Kingdom and all money arising or accruing in the United Kingdom from any property or rights vested in His Majesty for the purposes of the government of India, or from the sale or disposal thereof, shall be paid to the Secretary of State in Council, to be applied for the purposes of this Act

.

(2) All such revenues and money shall, except as by this section is

provided, be paid into the Bank of England to the credit of an account entitled "The Account of the Secretary of State in Council of India."

(3) The money placed to the credit of that account shall be paid out on drafts or orders, either signed by two members of the Council of India and countersigned by the Secretary of State or one of his under secretaries or his assistant under secretary, or signed by the accountant-general on the establishment of the Secretary of State in Council or by one of the two senior clerks in the department of that accountant-general and countersigned in such manner as the Secretary of State in Council directs; and any draft or order so signed and countersigned shall effectually discharge the Bank of England for all money paid thereon.

(4) The Secretary of State in Council may, for the payment of current demands, keep at the Bank of England such accounts as he deems expedient; and every such account shall be kept in such name and be drawn upon by such person, and in such manner, as the Secretary of State in Council directs.

(5) There shall be raised in the books of the Bank of England such accounts as may be necessary in respect of stock vested in the Secretary of State in Council; and every such account shall be entitled "The Stock Account of the Secretary of State in Council of India."

(6) Every account referred to in this section shall be a public account.

24. Powers of attorney for sale or purchase of stock and receipt of dividends :-

The Secretary of State in Council, by power of attorney executed by two members of the Council of India and countersigned by the Secretary of State or one of his under secretaries or his assistant under secretary, may authorise all or any of the cashiers of the Bank of England-

(a) to sell and transfer all or any part of any stock standing in the books of the Bank to the account of the Secretary of State in Council; and

(b) to purchase and accept stock for any such account; and

(c) to receive dividends on any stock standing to any such account;

and, by any writing signed by two members of the Council of India and countersigned as aforesaid, may direct the application of the money to be received in respect of any such sale or dividend: Provided that stock shall not be purchased or sold and transferred under the authority of any such general power of attorney, except on an order in writing directed to the chief cashier and chief accountant of the Bank of England and signed and countersigned as aforesaid.

25. Provision as to securities :-

All securities held by or lodged with the Bank of England, in trust for or on account or on behalf of the Secretary of State in Council may be disposed of, and the proceeds thereof may be applied, as may be authorised by order in writing signed by two members of the Council of India and countersigned by the Secretary of State or one of his under secretaries or his assistant under secretary, and directed to the chief cashier and chief accountant of the Bank of England.

26. Accounts to be annually laid before Parliament :-

(1) The Secretary of State in Council shall, within the first¹[twenty-eight days] during which Parliament is sitting next after the first day of May in every year, lay before both Houses of Parliament-

(a) an account, for the financial year preceding that last completed, of the annual produce of the revenues of India, distinguishing the same under the respective heads thereof, in each of the several provinces and of all the annual receipts and disbursements at home and abroad for the purposes of the government of India, distinguishing the same under the respective heads thereof;

(b) the latest estimate of the same for the financial year last completed;

(c) accounts of all stocks, loans, debts and liabilities chargeable on the revenues of India at home and abroad, at the commencement and close of the financial year preceding that last completed, the loans, debts and liabilities raised or incurred within that year, the amounts paid off or discharged during the year, the rates of interest borne by those loans, debts and liabilities respectively, and the annual amount of that interest;

2 (d) * * *

(e) a list of the establishment of the Secretary of State in Council, and the salaries and allowances payable in respect thereof.

(2) If any new or increased salary or pension of fifty pounds a year or upwards has been granted or created within any year in respect of the said establishment, the particulars thereof shall be specially stated and explained at the foot of the account for that year.

(3) The account shall be accompanied by a statement, prepared from detailed reports from each province, in such form as best exhibits the moral and material progress and condition of India.

1. These words were substituted for the "fourteen days" by Sch. I of the Government of India (Amendment) Act. 101R (6 and 7 Geo. 5. Ch. 37).

2. Paragraph (d) was repealed by Sch II of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

27. Audit of Indian accounts in United Kingdom :-

(1) His Majesty may, by warrant under His Royal Sign Manual countersigned by the Chancellor of the Exchequer, appoint a fit person to be auditor of the

(2) The auditor shall examine and audit the accounts of the receipt, expenditure and disposal in the United Kingdom of all money, stores and property applicable for the purposes of this Act.

(3) The Secretary of State in Council shall, by the officers and servants of his establishments, produce and lay before the auditor all such accounts, accompanied by proper vouchers for their support, and submit to his inspection all books, papers and writings having relation thereto.

(4) The auditor may examine all such officers and servants of that establishment, being in the United Kingdom, as he thinks fit, in relation to such accounts and the receipt, expenditure or disposal of such money, stores and property, and may for that purpose by writing signed by him, summon before him any such officer or servant.

(5) The auditor shall report to the Secretary of State in Council his approval or disapproval of the accounts aforesaid, with such remarks and observations in relation thereto, as he thinks fit, specially noting cases (if any) in which it appears to him that any money arising out of the revenues of India has been appropriated to purposes other than those to which they are applicable.

(6) The auditor shall specially in detail in his reports all sums of money, stores and property which ought to be accounted for, and are not brought into account, or have not been appropriated in conformity with the provisions of the law, or which have been expended or disposed of without due authority, and shall also specify any defects, inaccuracies or irregularities which may appear in the accounts, or in the authorities, vouchers or documents having relation thereto.

(7) The auditor shall lay all his reports before both Houses of Parliament, with the accounts of the year to which he reports relate.

(8) The auditor shall hold office during good behaviour.

(9) There shall be paid to the auditor and his assistants, out of the revenues of India, ¹[or out of moneys provided by Parliament], such salaries as His Majesty, by warrant signed and countersigned as aforesaid, may direct.

(10) The auditor and his assistants (notwithstanding that some of them do not hold certificates from the Civil Service Commissioners) shall, for the purposes of superannuation ²[or retiring] allowance ²[and their legal personal representatives shall for the purposes of gratuity] be in the same position as if ⁴ [the auditor and his assistants' were on the establishment of the Secretary of State in Council.

1. These words were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

2. These words were inserted by Sch. I of the Government of India (Amendment) Act, 1913 (6 and 7 Geo. 5, Ch. 37).

4. These words were substituted for the word "they" by Sch. I of the Government of India (Amendment) Act, 1913 (6 and 7 Geo. 5, Ch. 37).

PART 3

PROPERTY, CONTRACTS AND LIABILITIES

28. Power of Secretary of State to sell, mortgage and buy property :-

(1) The Secretary of State in Council may, with the concurrence of majority of votes at a meeting 'of the Council of India, sell and dispose of any real or personal estate for the time being vested in His Majesty for the purposes of the government of India, and raise

money on such real ¹[or [or otherwise] and make the proper assurances for any of those purposes, and purchase and acquire any property.

(2) Any assurance relating to real estate, made by the authority of the Secretary of State in Council, may be made under the hands and seals of ² [two] members of the Council of India.

(3) All property acquired in pursuance of this section shall vest in His Majesty for the purposes of the government of India.

1. These words were inserted by Sch. I of the Government of India (Amendment) Act, 1913 (6 and 7 Geo. 5, Ch. 37).

2. This word was substituted for the word "three" by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5. Ch, 37).

29. Contracts of Secretary of State :-

(1)¹ [Subject to the provisions of this Act regarding the appointment of a High Commissioner for India,] the Secretary of State in Council may, with the concurrence of a majority of votes at a meeting of Council of India, make any contract for the purposes of this Act.

(2) Any contract so made may be expressed to be made by the Secretary of State in Council.

(3) Any contract so made which, if it were made between private persons, would be by law required to be under seal, may be made, varied or discharged under the hands and 'seals of two members of the Council of India.

(4) Any contract so made which, if it were made between private persons, would be by law required to be signed by the party to be charged therewith may be made, varied or discharged under the hands of two members of the Council of India.

(5) Provided that any contract for or relating to the manufacture, sale, purchase or supply of goods, or for or relating to affreightment or the carriage of goods, or to insurance, may, subject to such rules and restrictions as the Secretary of State in Council prescribes, be made and signed on behalf of the Secretary of State in Council by any person upon the permanent establishment of the Secretary of State in Council who is duly empowered by the Secretary of State in Council in this behalf.

Contracts so made and signed shall be as valid and effectual as if made as prescribed by the foregoing provisions of this section. Particulars of all contracts so made and signed shall be laid before the Secretary of State in Council in such manner and form and within such times as the Secretary of State in Council prescribes.

(6) The benefit and liability of every contract made in pursuance of this section shall pass to the Secretary of State in Council for the time being.

1. These words were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch, 101).

29A. High Commissioner for India :-

His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants; and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under this Act or otherwise, in relation to making contracts, and may prescribe the conditions under which he shall act in behalf of the Governor-General in Council or any local government.]

30. Powers to execute assurances, etc., in India :-

(1) The Governor-General in Council and any local government may, on behalf and in the name of the Secretary of State in Council, and subject to such provisions or restrictions as the Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India, prescribe, sell and dispose of any real or personal estate whatsoever in British India, within the limits of their respective governments, for the time being vested in His Majesty for the purposes of the government of India, or raise money on any such real ¹[or personal] estate by way of mortgage, ²[or otherwise], and make proper assurances for any of those purposes, and purchase or acquire any property in British India within the said respective limits, and make any contract for the purposes of this Act.

³[(1a) A local government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act, and make proper assurances

for that purpose, and rules made under this Act may provide for the conditions under which this power shall be exercisable.]

(2) Every assurance and contract made for the purpose of ⁴ [sub-section (1) of this section] shall be executed by such person and in such manner as the Governor-General in Council by resolution directs or authorises, and if so executed may be enforced by or against the Secretary of State in Council for the time being.

(3) All property acquired in pursuance of this section shall vest in His Majesty for the purposes of the government of India.

1. These words were inserted by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

2. These words were inserted by Sch. I of the Government of India (Amendment) Act, 1916 (9 and 7 Geo. 5, Ch. 37).

3. Sub-section (1a) was inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

4. These words and figures were substituted for the words "this section" by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

31. Power to dispose of escheated property, etc :-

The Governor-General in Council, and any other person authorised by any Act passed in that behalf by the ¹ [Indian legislature] may make any grant or disposition of any property in British India accruing to His Majesty by forfeiture escheat or lapse, or by devolution as bona vacantia, to or in favour of any relative or connection of the person from whom the property has accrued, or to or in favour of any other person.

1. These words were substituted for the words "Governor-General in Legislative Council" by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

32. Rights and liabilities of Secretary of State in Council :-

(1) The Secretary of State in Council may sue and be sued by the name of the Secretary of State in Council as a body corporate.

(2) Every person shall have the same remedies against the Secretary of State in Council as he might have had against the East India Company if the Government of India Act, 1858, and this Act had not been passed.

(3) The property for the time being vested in His Majesty for the purposes of the government of India shall be liable to the same judgments and executions as it would have been liable to in respect

of liabilities lawfully incurred by the East India Company if the Government of India Act, 1958, and this Act had not been passed.

(4) Neither the Secretary of State nor any member of the Council of India shall be personally liable in respect of any assurance or contract made by or on behalf of the Secretary of State in Council, or any other

PART 4

THE GOVERNOR-GENERAL IN COUNCIL

PART 5

LOCAL GOVERNMENTS

PART 6

INDIAN LEGISLATION

PART 6A

STATUTORY COMMISSION

84A. Statutory commission :-

(1) At the expiration of ten years after the passing of the Government of India Act, 1919, the Secretary of State with the concurrence of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of enquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government, then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.]

PART 7

SALARIES, LEAVE OF ABSENCE, VACATION OF OFFICE, APPOINTMENTS, ETC

85. Salaries and allowances of Governor-General and certain other officials in India :-

(1) There shall be paid to the Governor-General of India, and to the other persons mentioned in the Second Schedule to this Act, out of the revenues of India, such salaries, not exceeding in any case the maximum specified in that behalf in that Schedule, and such allowances (if any) for equipment and voyage, as the Secretary of State in Council may by order fix in that behalf, and, subject to or in default of any such order, as are payable at the commencement of this Act:

(2) Provided as follows:-

(a) an order affecting salaries of members of the Governor-General's executive council may not be made without the concurrence of a majority of votes at a meeting of the Council of India;

(b) if any person to whom this section applies holds or enjoys any pension or salary, or any office of profit under the Crown or under any public office, his salary under this section shall be reduced by the amount of the pension, salary or profits of office so held or enjoyed by him:

(c) nothing in the provisions of this section with respect to allowances shall authorise the imposition of any additional charge on the revenues of India.

(3) The remuneration payable to a person under this section shall commence on his taking upon himself the execution of his office, and shall be the whole profit or advantage which he shall enjoy from his office during his continuance therein: ¹ [Provided that nothing in this sub-section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons by the Secretary of State in Council.]

1. This proviso was inserted by Part III of Sch. II of the Government of India Act, 1916 (9 and 10 Geo. 5, Ch. 101).

86. Leave of absence to members of executive councils :-

(1) The Governor-General in Council may grant to any of the ¹[*] members of his executive council ²[other than the Commander-in-Chief)], and a governor in council ³ [and a lieutenant-governor in council] may grant to any member of his executive council, leave of absence under medical certificate for a period not exceeding six months.

(2) Where a member of council obtains leave of absence in pursuance of this section, he shall retain his office during his absence, and shall on his return and resumption of his duties be entitled to receive half his salary for the period of his absence; but if his absence exceeds six months his office shall become vacant.

1. The word "ordinary" was omitted by Part II of Part III of Sch. II of the Government of India Act, 1916 (9 and 10 Geo. 5, Ch. 101).

2. These words were inserted by Part III of Sch. II of the Government of India Act, 1916 (9 and 10 Geo. 5, Ch. 101).

3. These words were inserted by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

87. Provisions as to absence from India :-

(1) If the Governor-General, or a governor, or the Commander-in-Chief of His Majesty's forces in India and, ¹[save in the case of absence on special duty or on leave under a medical certificate] if any ²[*] member of the executive council of the Governor-General, ³[(other than the Commander-in-Chief)] or any member of the executive council of a governor ⁴or a lieutenant-governor] departs from India, intending to return to Europe, his office shall thereupon become vacant.

5(2)* * * * *

5(3)* * * * *

5(4)* * * * *

5 (5)* * * * *

1. These words were substituted for the words "subject to the foregoing provisions of this Act as to leave of absence" by Part III of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

2. The word "ordinary" was omitted by Part II of Part III of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

3. Those words were inserted by Part III of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

4. These words were inserted by Part III of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

5. Sub-sections (2), (3) (4) and (5) were repealed by Sch. II of the Government of India (Amendment) Act, 1916 (6 and 7, Geo. 5, Ch. 37).

88. [Conditional appointment.] :-

Omitted by Part III of Sch. II of 9 and 10 Geo. 5, Ch. 101.

89. Power for Governor-General to exercise powers before taking seat :-

(1) If any person ¹[***] appointed ²[the office of Governor-General], is in India on or after the event on which he is to succeed, and thinks it necessary to exercise the powers of Governor-General before he takes his seat in council, he may make known by notification his appointment and his intention to assume the office of Governor-General.

(2) After the notification, and thenceforth until he repairs to the place where the council may assemble, he may exercise alone all or any of the powers which might be exercised by the Governor-General in Council.

(3) All acts done in the council after the date of the notification, but before the communication thereof to the council, shall be valid, subject

(4) When the office³ of Governor-General is assumed under the foregoing provision, the vice-president, or, if he is absent, the senior⁴ [member of the Council (other than the Commander-in-Chief)] then present, shall preside therein, with the same powers as the Governor-General would have had if present.

1. The words "entitled under a conditional appointment to succeed to the office of Governor-General or" were omitted by Part III of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

2. The word "absolutely" was omitted by Part III of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

3. These words were substituted for the words "that office" by Part III of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

4. These words were substituted for the words "ordinary member of the council" by Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

90. Temporary vacancy in office of Governor-General :-

(1) If a vacancy occurs in the office of Governor-General when there is no ¹[***] successor in India to supply the vacancy, the governor ²[of a presidency] who was first appointed to the office of governor ²[of a presidency] by His Majesty shall hold and execute the office of Governor-General until a successor arrives or until some person in India is duly appointed thereto.

(2) Every such acting Governor-General, while acting as such, shall have and may exercise all the rights and powers of the office of Governor-General, and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing the salary and allowances appertaining to his office of governor; and his office of governor shall be supplied, for the time during which he acts as Governor-General, in the manner directed by this Act with respect to vacancies in the office of governor.

(3) If, on the vacancy occurring, it appears to the governor, who by virtue of this section holds and executes the office of Governor-General, necessary to exercise the powers thereof before he takes his seat in council, he may make known by notification his appointment, and his intention to assume the office of Governor-General, and thereupon the provisions of ⁴[section eighty-nine of this Act] ⁵[***] shall apply.

(4) Until such a governor has assumed the office of Governor-General if no ⁶[***] successor is on the spot to supply such vacancy, the vice-president, or, if he is absent the senior ⁷[*] member of the executive council ⁸ [(other than the Commander-in-Chief)] shall hold and execute the office of Governor-General until the vacancy is filled in accordance with the provisions of this Act.

(5) Every vice-president or other member of council so acting as Governor-General, while so acting, shall have and may exercise all the rights and powers of the office of Governor-General and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing his salary and allowances as member of council for that period.

1. These words "conditional or other" were omitted by Part III of Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

2. These words were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

4. These words were substituted for the words, "this Act" Part III of Sch. II of the Government of India Act 1919 (9 and 10 Geo. 5, Ch. 101).

5. The words "respecting the assumption of the office by a person conditionally appointed to succeed thereto" were omitted by Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

6. The words "conditional or other" were omitted by Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch.

101).

7. The words "ordinary" was omitted by Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

8. These words were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

91. Temporary vacancy in office of governor :-

(1) If a vacancy occurs in the office of governor when no ¹ [***] successor is on the spot to supply the vacancy, the vice-president, or, if he is absent, the senior member of the governor's executive council, or, if there is no council, the chief secretary to the local government, shall hold and execute the office of

(2) Every such acting governor shall, while acting as such, be entitled to receive the emoluments and advantages appertaining to the office of governor, foregoing the salary and allowances appertaining to his office of member of council or secretary.

1. The words "conditional or other" were omitted by Part II of Sch. II of the Government of India Act, 1919 (9 and 11 Geo. 5, Ch. 101).

92. Temporary vacancy in office of member of an executive council :-

(1) If a vacancy occurs in the office of a ¹[member] of the executive council of the Governor-General ²[(other than the Commander-in-Chief)], or a member of the executive council of a governor, and there is no ³[***] successor present on the spot, the Governor-General in Council, or governor in council, as the case may be, shall supply the vacancy by appointing a temporary member of council.

(2) Until a successor arrives the person so appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office, foregoing all emoluments advantages to which he was entitled at the time of his being appointed to that office.

(3) If ⁴[a member] of the executive council of the Governor-General ⁵[(other than the Commander-in-Chief)], or any member of the executive council of a governor is, by infirmity or otherwise, rendered incapable of acting or of attending to act as such, or is absent on leave, ⁶[or, special duty] ⁷[***] the Governor-General in

Council or governor in council, as the case may be, shall appoint some person to be a temporary member of council.

(4) Until the return to duty of the member so incapable or absent, the person ⁸[* *] temporarily appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive half the salary of the member of council whose place he fills, and also half the salary of any other office which he may hold, if he holds any such office, the remaining half of such last-named salary being at the disposal of the Governor-General in Council or governor in council as the case may be.

(5) Provided as follows:-

(a) no person may be appointed a temporary member of council who might not have been appointed ⁹ [***] to fill the vacancy supplied by the temporary appointment; and

(b) if the Secretary of State informs the Governor-General that it is not the intention of His Majesty to fill a vacancy in the Governor-General's executive council, no temporary appoint-

1. These words were substituted for the words "an ordinary member" by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

2. These words were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

3. The words "conditional or than" were omitted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

4. These words were substituted for the words "any ordinary member" by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

5. These were inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

6. These words were inserted by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

7. Certain words were omitted by Part III of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

8. The words "'conditionally or" were omitted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

9. The words "under this Act" were omitted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

93. Vacancies in legislative councils :-

(1) A nominated or elected member of ¹ [either chamber of the-

Indian legislature] or of a local legislative council may resign his office to the Governor-General or to the governor, lieutenant-governor or chief commissioner, as the case may be, and on the acceptance of the resignation the office shall become vacant.

(2) If for a period of two consecutive months any such member is absent from India or unable to attend to the duties of his office, the Governor-General, governor, lieutenant-governor or chief commissioner, as the case may be, may, by notification published in the government gazette, declare that the seat in council of that member has become vacant.

1. These words were substituted for the words "the Indian Legislative Council" by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

94. Leave :-

Subject to the provisions of this Act, the Secretary of State in council may, with the concurrence of a majority of votes at a meeting of the Council of India, make rules as to the absence on leave ¹[or special duty] of persons in the service of the Crown in India, and the terms as to continuance, variation or cessation of pay, salary and allowances on which any such ² [absence may be permitted].

1. These words were inserted by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

2. These words were substituted for the words "leave may be granted" by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

95. Power to make rules as to Indian military appointments

:-

(1) The Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India, may make rules for distributing between the several authorities in India the power of making appointments to and -promotions in ¹[military] offices under the Crown in India, and may reinstate military officers and servants suspended or removed by any of those authorities.

(2) Subject to such rules, all appointments to ²[military] offices and commands in India, and all ² [military] promotions, which by law, or under any regulations, usage or custom, are, at the commencement of this Act, made by any authority in India, shall, subject to the qualifications, conditions, and restrictions, then

affecting such appointments and promotions, respectively, continue to be made in India by the like authority.

1. These words were substituted for the words "leave may be granted" by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

2. The words was inserted by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

96. No disabilities in respect of religion, colour or place of birth :-

No native of British India, nor any subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them be disabled from holding any office under the Crown in India.

96A. Qualification or rulers and subjects of certain states for office :-

Notwithstanding anything in any other enactment, the Governor-General in Council, with the approval of the Secretary of State in Council, may, by notification, declare that subject to any conditions or restrictions prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed, or any named subject of any state or any named member of independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office.]

PART 7A

The Civil Services in India

96B. The civil services in India :-

(1) Subject to the provisions of this Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed. If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province, and on due application made to that superior does not receive the redress to which he may consider

himself entitled, he may, without prejudice to any other right of redress, complain to the governor of the province in order to obtain justice, and the governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local governments, or authorise the Indian legislature or local legislatures to make laws regulating the public services: Provided that every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation, for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of the Government of India Act, 1919. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof. Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act, 1874.

(4) For the removal of doubts it is hereby declared that all rules or other provisions in operation at the time of the passing of the Government of India Act, 1919, whether made by the Secretary of State in Council or by any other authority, relating to the civil service of the Crown in India, were duly made in accordance with the powers in that behalf, and are confirmed, but any such rules or provisions, may be revoked, varied or added to by rules or laws made under this section.]

96C. Public service commission :-

(1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for the appointment, and the pay and pension (if any) attaching to the office of chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

(2) The public service commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council].

96D. Financial control :-

(1) An auditor-general in India shall be appointed by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment, or for the discharge of his duties in the case of a temporary vacancy or absence from duty.

(2) Subject to any rules made by the Secretary of State in Council, no office may be added to or withdrawn from the public service, and the emoluments of no post may be varied, except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Government of India, according as the post is or is not under the control of a local government.]

96E. Rules under Part VIIA :-

Rules made under this Part of this Act shall not be made except with the concurrence of the majority of votes at a meeting of the Council of India.]

PART 8

THE INDIAN CIVIL SERVICE

97. Rules for admission to the Indian Civil Service :-

(1) The Secretary of State in Council may, with the advice and assistance of the Civil Service Commissioners, make rules for the examination, under the superintendence of those Commissioners of British subjects ¹[and of persons in respect of whom a declaration

has been made under ²section 96A of this Act] who are desirous of becoming candidates for appointment to the Indian Civil Service.

(2) The rules shall prescribe the age and qualifications of the candidates, and the subjects of examination.

³[(2a). The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty's dominions shall be subject to such restrictions as the Secretary of State in Council, with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe, and all such restrictions shall be included in the rules.]

(3) All rules made in pursuance of this section shall be laid before Parliament within fourteen days after the making thereof, or, if Parliament is not then sitting, then within fourteen days after the next meeting of Parliament.

(4) The candidates certified to be entitled under the rules shall be recommended for appointment according to the order of their proficiency as shown by their examination.

(5) Such persons only as are so certified may be appointed or admitted to the Indian Civil Service by the Secretary of State in Council.

⁴ [(6) Notwithstanding anything in this section, the Secretary of State may make appointments to the Indian Civil Service of persons domiciled in India, in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India. Any rules made under this sub-section shall not have force until they have been laid for thirty days before both Houses of Parliament.]

1. These words were inserted by section 4 of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

2. These words were substituted for "the last foregoing section" by Part II of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

3. This sub-section was inserted by section 4 of the Government of India (Amendment) Act 1916 (6 and 7 Geo.5, Ch. 37).

4. This sub-section was inserted by Part I of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

98. Offices reserved to the Indian Civil Service :-

Subject to the provisions of this Act, all vacancies happening in any of the offices specified or referred to in the Third Schedule to this Act, and all such offices which may be created hereafter, shall be filled from amongst the members of the Indian Civil Service.

99. Power to appoint certain persons to reserved offices :-

(1) The authorities in India, by whom appointments are made to offices in the Indian Civil Service, may appoint to any such office any person of proved merit and ability domiciled in British India and born ¹ [***] of parents habitually resident in India, and not established there for temporary purposes only, although the person so appointed has not been admitted to that service in accordance with the foregoing provisions of this Act.

(2) Every such appointment shall be made subject to such rules as may be prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India.

(3) The Governor-General in Council may, by resolution, define and limit the qualification of persons who may be appointed under this section, but every resolution made for that purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

1. The words "in British India" were repealed by Sch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo.5, Ch. 37).

100. Power to make provisional appointments in certain cases :-

(1) Where it appears to the authority in India by whom an appointment is to be made to any office reserved to members of the Indian Civil Service that

(2) Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State, with the special reasons for making it; and, unless the Secretary of State in Council approves the appointment, with the concurrence of a majority of votes at a meeting of the Council of India, and within twelve months from the date of the appointment intimates such approval to the authority by whom the appointment was made, the

appointment shall be cancelled.

PART 9

THE INDIAN HIGH COURTS

PART 10

ECCLESIASTICAL ESTABLISHMENT

115. Jurisdiction of Indian bishops :-

(1) The bishops of Calcutta, Madras and Bombay have and may exercise within their respective dioceses such episcopal functions, and such ecclesiastical jurisdiction for the superintendence and good government of the ministers of the Church of England therein, as His Majesty may, by letters patent, direct. ¹ [His Majesty may also by letters patent make such provision as may be deemed expedient

(2) The Bishop of Calcutta is the Metropolitan Bishop in India, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury [and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop]

(3) Each of the bishops of Madras and Bombay is subject to the Bishop of Calcutta as such Metropolitan, and must at the time of his appointment to his bishopric, or at the time of his consecration as bishop, take an oath of obedience to the Bishop of Calcutta, in such manner as His Majesty, by letters patent, may be pleased to direct.

(4) His Majesty may, by letters patent, vary the limits of the dioceses of Calcutta, Madras and Bombay.

(5) Nothing in this Act or in any such letters patent as aforesaid shall prevent any person who is or has been bishop of any diocese in India from performing episcopal functions, not extending to the exercise of jurisdiction, in any diocese or reputed diocese at the request of the bishop thereof.

1. These words were inserted by Part III of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

116. [Power to admit to holy orders.] :-

Rep. by Sch. II of 6 and 7 Geo. 5, Ch. 37.

117. Consecration of person resident in India appointed to bishopric :-

If any person under the degree of bishop is appointed to the bishopric of Calcutta; Madras or Bombay, being at the time of his appointment resident in India, the Archbishop of Canterbury, if so required to do by His Majesty by letters patent, may issue a commission under his hand and seal, directed to the two remaining bishops, authorising and charging them to perform all requisite ceremonies for the consecration of the person so to be appointed.

118. Salaries and allowances of inshops and archdeacons :-

(1) The bishops ¹[* *] of Calcutta, Madras and Bombay are appointed by His Majesty by letters patent ² [and the archdeacons of these dioceses by their respective diocesan bishops, and there may be paid to them, or to any of them, out of the revenues of India such salaries and allowances as may be fixed by the Secretary of State in Council; btit any power of alteration under this enactment shall not be exercised so as to impose any additional charge on the revenues of India.

(2) The remuneration fixed for a bishop or archdeacon under this section shall commence on his taking upon himself the execution of his office, and be the whole profit or advantage which he shall enjoy from his office during his continuance therein, and continue so long as he exercises the functions of his office.

(3) There shall be paid out of the revenues of India the expenses of visitations of the said bishops, but no greater sum may be issued on account of those expenses than is allowed by the Secretary of State in Council.

1. The words "and archdeacons" were omitted by Part III of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

2. These words were inserted by Part III of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

119. Payments to representatives of bishops :-

(1) If the Bishop of Calcutta dies during his voyage to India for the purpose of taking upon himself the execution of his office, or if the Bishop of Calcutta, Madras or Bombay dies within six months after his arrival there for that purpose, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, such a sum of money as will, with the amount received by or due to

him at the time of his death on account of salary, make up the amount of one year's salary.

(2) If the Bishop of Calcutta, Madras or Bombay dies while in possession of his office and after the expiration of six months from his arrival in India for the purpose of taking upon himself the execution of his office, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, over and above the sum due to him at the time of his death, a sum equal to six months' salary.

120. Pensions to bishops :-

His Majesty may, by warrant under the Royal Sign Manual, countersigned by the ¹[Secretary of State], grant, out of the revenues of India, to any Bishop of Calcutta a pension not exceeding fifteen hundred pounds per annum if he has resided in India as Bishop of Calcutta, 'Madras or Bombay or archdeacon for ten years or one thousand pounds per annum if he has resided in India as Bishop of Calcutta ²[Madras or Bombay] for seven years, or seven hundred and fifty pounds per annum if he has resided in India as Bishop of Calcutta [Madras or Bombay] for five years, or to any Bishop of Madras or Bombay a pension not exceeding eight hundred pounds per annum ³[***] if he has resided in ⁴ [*] India as such bishop for fifteen years.

1. These words were substituted for the words "Chancellor of the Exchequer" by Sch. II of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

2. These words were inserted by Ch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

3. The words "to be paid quarterly" were repealed by Ch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

4. The word "British" was repealed by Ch. I of the Government of India (Amendment) Act, 1916 (6 and 7 Geo. 5, Ch. 37).

121. Furlough rules :-

His Majesty may make such rules as to the leave of absence of the Bishops of Calcutta, Madras and Bombay on furlough or medical certificate as seem to His Majesty expedient.

122. Establishment of chaplains of Church of Scotland :-

(1) Two members of the establishment of Chaplains maintained in each of the presidencies of Bengal, Madras and Bombay must always be ministers of the Church of Scotland, and shall be entitled

to have, out of the revenues of India, such salary as is from time to time allotted to the military chaplains in the several presidencies.

(2) The ministers so appointed chaplains must be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh, whose judgments shall be subject to dissent, protest and appeal to the Provincial Synod of Lothian and Tweeddale and to the General Assembly of the Church of Scotland.

123. Saving as to grants to Christians :-

Nothing in this Act shall prevent the Governor-General in Council from granting with the sanction of the Secretary of State in Council, to any sect, persuasion or community of Christians, not being of the Church of England or Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

PART 11

OFFENCES, PROCEDURE AND PENALTIES

124. Certain acts to be misdemeanours :-

If any person holding office under the Crown in India does any of the following things, that is to say-

(1) Oppression:-if he oppresses any British subject within his jurisdiction or in the exercise of his authority; or

(2) Wilful disobedience:-if (except in case of necessity, the burden of proving which shall be on him) he wilfully disobeys, or wilfully omits, forbears or neglects to execute, any orders or instructions of the Secretary of State; or

(3) Breach of duty:-if he is guilty of any wilful breach of the trust and duty of his office; or

(4) Trading:-if, being the Governor-General, or a governor, lieutenant-governor or chief commissioner, or a member of the Executive Council of the Governor-General or of a governor or lieutenant-governor ¹ [or being a minister appointed under this Act] or being a person employed or concerned in the collection of revenue or the administration of justice, he is concerned in, or has any dealings or transactions by way of trade or business in any part of India, for the benefit either of himself or of any other person, otherwise than as a share-holder in any joint-stock company or

trading corporation; or

(5) Receiving presents:-if he demands, accepts or receives, by himself or another, in the discharge of his office, any gift, gratuity or reward, pecuniary or otherwise, or any promise of the same, except in accordance with such rules as may be made by the Secretary of State as to the receipt of presents, and except in the case of fees paid or payable to barristers, physicians, surgeons and chaplains in the way of their respective professions, he shall be guilty of a misdemeanour; and if he is convicted of having demanded, accepted or received any such gift, gratuity or reward, the same, or the full value thereof shall be forfeited to the Crown, and the court may order that the gift, gratuity or reward, or any part thereof, be restored to the person who gave it; or be given to the prosecutor or informer and that the whole or any part of any fine imposed on the offender be paid or given to the prosecutor or informer, as the court may direct: [Provided that notwithstanding anything in this Act. if any member of the Governor-General's Executive Council or any member of any local government was at the time of his appointment concerned or engaged in any trade or business, he may, during the term of his office with the sanction in writing of the Governor-General, or, in the case of ministers, of the governor of the province, and in any case subject to such general conditions and restrictions as the Governor-General in Council may prescribe, retain his concern or interest in that trade or business, but shall not, during that term, take part in the direction or management of that trade or business.]

1. Section 129A was inserted by Part I of Sch.II of the Government of India Act, 1919 (9 and 10 Geo. 5, Ch. 101).

125. Loans to princes or chiefs :-

(1) If any European British subject, without the previous consent in writing of the Secretary of State in Council or of the Governor-General in Council or of a local government, by himself or another,-

(a) lends any money or other valuable thing to any prince or chief in India; or

(b) if concerned in lending money to, or raising or procuring money for any such prince or chief, or becomes security for the repayment of any such money; or

(c) lends any money or other valuable thing to any other person for

the purpose of being lent to any such prince or chief; or

(d) takes, holds, or is concerned in any bond, note or other security granted by any such prince or chief for the repayment of any loan or money hereinbefore referred to he shall be guilty of a misdemeanour.

(2) Every bond, note or security for money, of what kind or nature soever, taken, held or enjoyed, either directly or indirectly, for the use and benefit of any European British subject, contrary to the intent of this section, shall be void.

126. Carrying on dangerous correspondence :-

(1) If any person carries on, mediately or immediately, any illicit correspondence, dangerous to the peace or safety of any part of British India, with any prince, chief, land-holder or other, person having authority in India, or with the commander, governor, or president of any foreign European settlement in India, or any correspondence, contrary to the rules and orders of the Secretary of State, or of the Governor-General in Council, or a governor in council, he shall be guilty of a misdemeanour; and the Governor-General or governor may issue a warrant for securing and detaining in custody and person suspected of carrying on any such correspondence.

(2) If, on examination taken on oath in writing of any credible witness before the Governor-General in Council or the governor in council, there appear reasonable grounds for the charge, the Governor-General or governor may commit the person suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him a copy of the charge on which he is committed.

(3) The person charged may deliver his defence in writing, with a list of such witnesses as he may desire to be examined in support thereof.

(4) The witnesses in support of the charge and of the defence shall be examined and cross-examined on oath in the presence of the person charged, and their depositions and examination shall be taken down in writing.

(5) If, notwithstanding the defence, there appear to the Governor-General in Council or governor in council reasonable grounds for the

charge and for continuing the confinement, the person charged shall remain in custody until he is brought to trial in India or sent to England for trial.

(6) All such examinations and proceedings, or attested copies thereof under the seal of the high court, shall be sent to the Secretary of State as soon as may be, in order to their being produced in evidence on the trial of the person charged in the event of his being sent for trial to England.

(7) If any such person is to be sent to England, the Governor-General or governor, as the case may be, shall cause him to be so sent at the first convenient opportunity, unless he is disabled by illness from undertaking the voyage in which case he shall be so sent as soon as his state of health will safely admit thereof.

(8) The examinations and proceedings transmitted in pursuance of this section shall be received as evidence in all courts of law, subject to any just exceptions as to the competency of the witnesses.

127. Prosecution of offences in England :-

(1) If any person holding office under the Crown in India commits any offence under this Act, or any offence against any person within his jurisdiction or subject to his authority, the offence may, without prejudice to any other jurisdiction, be inquired of, heard, tried and determined before His Majesty's High Court of Justice, and be dealt with as if committed in the country of Middlesex.

(2) Every British subject shall be amenable to all courts of justice in the United Kingdom, of competent jurisdiction to try offences committed in India, for any offence committed within India and outside British India, as if the offence had been committed within British India.

128. Limitation for prosecutions in British India :-

Every prosecution before a high court in British India in respect of any offence referred to in the last foregoing section must be commenced within six years after the commission of the offence.

129. Penalties :-

If any person commits any offence referred to in this Act he shall be liable to such fine or imprisonment or both as the court thinks fit, and shall be liable, at the discretion of the court, to be

adjudged to be incapable of serving the Crown in India in any office, civil or military; and, if he is convicted in British India by a high court, the court may order that he be sent to Great Britain.

PART 12

SUPPLEMENTAL

129A. Provisions as to rules :-

(1) Where any matter is required to be prescribed or regulated by rules under this Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature.

(2) Any rules made under this Act may be so framed as to make different provision for different provinces.

(3) Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder: Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament,

130. Repeal :-

The Acts specified in the Fourth Schedule to this Act are hereby repealed, to the extent mentioned in the third column of that Schedule: provided that this repeal shall not affect-

(a) the validity of any law, charter, letters patent, Order in Council, warrant, proclamation, notification, rule, resolution, order, regulation, direction or contract made, or form prescribed, or table settled, under any enactment hereby repealed and in force at the commencement of this Act, or

(b) the validity of any appointment, or any grant or appropriation of money or property made under any enactment hereby repealed, or

(c) the tenure of office, conditions of service, terms of remuneration or right to pension of any officer appointed before the commencement of this Act. ¹[Any reference in any enactment. Whether an Act of Parliament or made by any authority in British India, or in any rules, regulations or orders made under any such enactment, or in any letters patent or other document, to any enactment repealed by this Act, shall for all purposes be construed as references to this Act, or to the corresponding provision thereof.] ¹ [Any reference in any enactment in force in India, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations, or orders made under any such enactment, or in any letters patent or other document, to any Indian legislative authority, shall for all purposes be construed as references to the corresponding authority constituted by this Act.]

1. These paragraphs were inserted by Part I of Sch. II of the Government of India Act, 1919 (9 and 10 Geo. 7, Ch. 101).

SCHEDULE 1

Number of Members of Legislative Couluals

Legislative Council.		Number of Members.
Madras	118
Bombay	...	111
Bengal	...	125
United Provinces	118
Punjab	...	83
Bihar and Orissa	...	98
Central Provinces	..	70
Assam	..	53

SCHEDULE 2

Official Salaries, etc

Officer.	Maximum Annual Salary.
Governor-General of India	Two hundred and fifty-six thousand rupees.
Governor of Bengal, Madras,' Bombay, and the United Provinces.	One hundred and twenty-eight thousand rupees.
Commander-in-Chief of His Majesty's forces in India.	One hundred thousand rupees.
Governor of the Punjab, and Bihar and Orissa.	One hundred thousand

	rupees.
Governor of the Central Provinces	Seventy-two thousand rupees.
Governor of Assam	Sixty-six thousand rupees.
Lieutenant-governor	One hundred thousand rupees.
Member of the Governor-General's Executive Council (other than the Commander-in-Chief).	Eighty thousand rupees.
Member of the executive council of the governor of Bengal, Madras, Bombay, and the United Provinces.	Sixty-four thousand rupees.
Member of the executive council of the governor of the Punjab, and Bihar and Orissa.	Sixty thousand rupees.
"Member- of the executive council of the governor of the Central Provinces.	Forty-eight thousand rupees.
Member of the executive council of the governor of Assam.	Forty-two thousand rupees.

SCHEDULE 3

Offices reserved to the Indian Civil Service

. A.-Offices under the Governor-General in Council. 1. The offices of secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political, and Public Works Departments: Provided that' if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled. 2. Three offices of Accountants General. B.-Offices in the provinces which were known in the year IS61 as "Regulation Provinces." The following offices, namely:- 1. Member of the Board of Revenue. 2. Financial Commissioner. 3. Commissioner of Revenue. 4. Commissioner of Customs. 5. Opium Agent. 6. Secretary in every department except the Public Works or Marine Departments. 7. Secretary to the Board of Revenue. 8. District or sessions judge. 9. Additional district or sessions judge. 10. District magistrate. 11. Collector of Revenue or Chief Revenue Officer of a district.

SCHEDULE 4

Acts Repealed

Session and Chapter.	Short Title.	Extent of Repeal.
10 Geo. 3, c. 47	The East India Company Act, 1770.	The whole Act.
13 Geo. 3, c. 63	The East India Company Act, 1772.	The whole Act, except sections forty-two, forty-three and forty-five.
21 Geo. 3, c. 70	The East India	The -whole Act, except

	Company	section
	Act, 1760.	eighteen.
26 Geo. 3, c. 57	The East India Company	Section thirty-eight.
-	Act, 1786.	
33 Geo. 3, c. 52	The East India Company	The whole Act.
	Act, 1793.	
37 Geo. 3, c. 142 . .	The East India Act, 1797	The whole Act, except section
		twelve.
39 & 40 Geo. 3, c. 79 . .	The Government of India	The whole Act.
	Act, 1800.	
53 Geo. 3, c. 155 . .	The East India Company	The whole Act.
	Act, 1813.	
55 Geo. 3, c. 84	The Indian Presidency-	The whole Act.
	towns Act, 1815.	
4 Geo. 4, c. 71 ..	The Indian Bishops and	The whole Act.
	Courts Act, 1823.	

SCHEDULE 5

SCHEDULE

. Provisions of this Act which may be repealed or altered by the [Indian legislature].

Section.	Subject.
62	Power to extend limits of presidency-towns.
106	Jurisdiction, powers and authority of high courts.
108(1)	Exercise of jurisdiction of high court by single judges or division courts.
109	Power for Governor-General in Council to alter local limits of jurisdiction of high courts, etc.
110	Exemption from jurisdiction of high. courts.
111	Written order fay Governor-General in Council a justification for act in high court.
112	Law to be administered in cases of inheritance, succession, contract and dealing between party and party.

