

GOVERNMENT OF INDIA ACT, 1870

3 of 1870

[25th March, 1870]

CONTENTS

1. Power to executive Government of British India to make regulations for certain parts thereof
2. Copies of regulations to be sent to Secretary, of State. Subsequent enactments to control regulations
3. Lieutenant governors and chief commissioners to be members ex-officio of the Governor Generals Council for the purpose of making laws and regulations
4. 4
5. Procedure in case of difference between the Governor General and the majority of his council
6. Power to appoint natives of India to certain offices without certificate from the civil service commissioners

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An Act to make better Provision for making Laws and Regulations "for certam parts of India, and for certain other purposes relating - thereto. Preamble reciting 24 and 25 Vict., c. 67; and enacting - words: Rep. (U.K.) 56 and 57 Vict., c. 54 (S. L. R.).

1. Power to executive Government of British India to make regula- tions for certain parts thereof :-

Every governor of a presidency in council, lieutenant governor or chief commissioner, whether the governorship, or lieutenant governorship, or chief commissionership be now in existence or may hereafter by established, shall have power to propose to the Governor General in council drafts of any regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration to which the Secretary of .State for India shall from time to time by resolution in council declare the provisions of this

section to be applicable from any date to be fixed in such resolution. And the Governor General in council shall take such drafts and reasons into consideration; and when any such draft shall have been approved of by the Governor General in council, and shall have received the Governor General's assent; it shall be published in the Gazette of India and in the local Gazette,, and shall thereupon have like force of law and be subject to the like disallowances as if it had been made by the Governor General of India in council at a meeting -for the purpose of making laws and regulations. The Secretary of State for India in council may from time to time Withdraw such power from any governor, lieutenant governor or chief commissioner, on whom it has been conferred, and may from time to time restore the same as he shall think fit.

2. Copies of regulations to be sent to Secretary, of State. Subsequent enactments to control regulations :-

The Governor General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act, and all laws or regulations hereafter made by the Governor General of India in council, whether at a meeting for purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in any wise repugnant thereto which shall have been made under the same provisions.

3. Lieutenant governors and chief commissioners to be members ex- officio of the Governor Generals Council for the purpose of making laws and regulations :-

Whenever the Governor General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the limits of any territories now or hereafter placed under the administration of a lieutenant governor or a chief commissioner, the lieutenant governor or chief commissioner respectively shall be ex-officio an additional member of the council of the Governor General for that purpose in excess (if neces- sary) of the maximum number of twelve specified by the said Act.

4. 4 :-

Rep. 46 and 47 Vict., c. 39 (S. L. R.).

5. Procedure in case of difference between the Governor General and the majority of his council :-

Whenever any measure shall be proposed before the Governor General of India in council whereby the safety, trans- quility, or

interests of the British possessions in India, or any part thereof, _ are or may be, in the Judgment of the said Governor General, essentially' affected, and he shall)be of apinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in council then present shall dissent from such opinion, the Governor General may, on his own authority and res- ponsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case ^ny two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the members of the council shall have recorded on the subject.

6. Power to appoint natives of India to certain offices without certi- ficate from the civil service commissioners :-

Whereas it is expedient that additional facilites should be given for the employment of natives of India, of proved merit and ability, in the civil service of Her Majesty in India: Be it enacted, that nothing in the Government of India Act, 1858 , or in the Civil Service Act, 1861, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and ernployments in the civil service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said civil service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such'. rules as may be from time to time prescribed by the Governor General in council, and sanctioned by the Secretary of State in council, with the concurrence of a majority of members present; and that for the purpose of this Act the words "native of India" shall include any person born and domiciled within the dominions of Her Maiesty in India, of parents habitually resident in India, and not established there for temporary purposes only, and that it shall be lawful for the Governor General in Council to define and limit from time to time the qualifications of natives of India thus expressed: Provided that every resolution made by him for such 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.