

## The Transition of Administrative Machinery: Governor of Punjab from Ancient Times to British Raj



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**Abstract:** *The portfolio of provincial administrators has maintained its significance in India since ancient times. The effective control of any region within a ruler's empire relied on the competence of the provincial administrator from a distant location. With time, the nomenclature and position of the Governor underwent alterations. The East India Company pioneered the current notion of a governor. Under the Company's and Crown's tenure, the portfolio's standing and authority were enhanced. The Lieutenant Governors and Governors of Punjab held significant power with absolute authority. The failure of the diarchy introduced by the India Act 1919 can be attributed, in part, to the excessive authority vested in the Governor. The Government of India Act 1935 also established a formidable governor in Punjab. The amicable alliance between the Governors and Premiers of Punjab, along with the Council of Ministers, had led to a tranquil, impartial, and progressive Punjab. The administrative structure established by the India Act of 1935 remained unchanged for Punjab. This study aims to examine the evolution and relevance of governorship, specifically in Punjab, from ancient times to the culmination of the Raj in 1947.*

**Keywords:** British Raj, Constitutional Development, India Act 1935, Governor of Punjab

### Introduction

Punjab's cultural and racial diversity can be attributed to its strategic location as the sole gateway to the Subcontinent from the North West. It was located at the heart of the route between Central Asia and Ganga Valley. Punjab's significance predates the Muslim administration and continued to be influential throughout the Muslim period (712 A.C to 1857 A.C). During the era of Mughal decline, the region of Punjab was governed by Sikhs, and in 1799 A.C., Ranjit Singh successfully created a Sikh kingdom. The East India Company annexed Punjab in 1849. A board of administrators oversaw the Company's administration. In 1858, the administration of

India was transferred from the East India Company to the British Crown. The British governed India until the partition of India in 1947. Punjab became a major agricultural region in India during this period, resulting from the introduction of irrigation colonisation, which led to significant advancements in agriculture. Punjab functioned as a military labour pool for the British Empire, providing a workforce to support the Raj throughout both World Wars.

The portfolio of the Governor remained significant in administering any province of India, including Punjab. It was the journey from the *Mahamatras* of the Mauryan Empire to the *Subedar* of Mughals and then Governor under Company and British rule. For the Subcontinent,

the modern concept of provincial administrator as Governor was given by East India Company in 1600, and its authority and status developed over time. The actual constitutional status of the Governor emerged under British rule in 1858. Its status and authority were changed over time under every constitutional installment introduced by the British. Punjab was given the status of Lieutenant Governor's province on 1 January 1859.

The Indian Council Act of 1861 and 1892 enhanced the jurisdiction of the Lieutenant Governor in Punjab. The Legislative Council was established in Punjab in 1897. The Indian Council Act of 1909 marked the initial stride towards establishing a representative government, although it did not introduce self-governance. The India Act of 1919 led to a substantial advancement by conferring the Governor's province status upon Punjab. A system of diarchy was implemented under the Governor. The Governor's portfolio was fully formed under the Government of India Act 1935, which served as the ultimate constitutional framework established by the British.

### **Governor in Ancient Times to the Mughal Period**

The advent of agriculture led to the formation of clans. Significant kingdoms grew over time. In ancient India, provinces served as the units of government and administration. (Mishra, 1989, p.128) With the help of governors, King oversaw the provinces.

The Mauryan Empire was the first centralized government in India (326 B.C.-184 B.C). Both Ashoka and Chandragupta were well-known monarchs in this realm. The King designated the princes who oversaw the provinces as governors or *Kumar-Mahamatras*. The *Mahamatras* were the governors who were not members of the royal family. Nonetheless, governors had much power even if they were only carrying out the King's orders due to wide territory. (Parsad, 1995, pp.81,82)

The Gupta dynasty was large and had numerous regions. Skanda Gupta listed the following qualities of the governors in Junagarh Rock: modesty, truthfulness, wisdom, dignity,

discretion, and directness. (Bhatia, 1962, p.355) Kumara Gupta I selected capable individuals from outside the royal lineage to serve as Governor. Under Gupta's rule, the title given to governors was *Uparikas*. The governors who held the title of *Maha-Rajputas* or *Devabhattacharaka* were princes.

Under the rule of Akbar the Great, India was partitioned into fifteen provinces that were governed by *Sipah-Salar*, who was later known as *Nizam* or *Subedar*, serving as the executive head. *Diwan* was the chief of revenue. The Governor's responsibilities encompassed tax collection, the appointment of police and justice officials, the maintenance of peace and order, and the administration of public works. During the Shahjahan dynasty (1628-1658), the number of provinces increased to twenty-two. The governors were assigned the responsibility of supervising the functioning of the courts in both civilian and military affairs. Aurangzeb (1658-1707) ruled over a total of twenty-one provinces, each of which was administered by *Subedars*.

### **Office of the Governor under East India Company**

Pursuant to the Charter bestowed by the Queen on 31 December 1600. The East India Company held annual elections to select the Governor. Thomas Smith was elected as the director by the London merchants, making him the first governor. The Governor and his Council have assigned the functions of legislature, executive, and judicial. Though possessing enormous authority, the Governor was effectively regulated by the General Court.

The Company received its second Charter in 1609. The Acts of 1609, 1615, 1623, and 1657 expanded the role of the Governor. In 1660, the trading company received geographical jurisdiction by the issuance of a new charter. The Company saw more benefits as a result of the Charter issued by Charles II on 3 April 1661. The Company was granted the right to appoint the governors. (Banerjee, 1945, p.2).

The compensation of Governors and Deputy Governors was established in the Charter of 1693. The Charter of 1694 established a system of rotation for the posts of not only Governor but

also for Deputy Governor. The position lasted for couple of years. In 1698, the House of Commons granted a Royal Charter to establish the Company's official standing formally. According to the Royal Charter, the Governor and the Council had the power to enforce laws and administer justice in settlements, as well as to enlist soldiers for protection. The appointment method was implemented regardless of the Governor's elections.

The Company conquered the most affluent province of Bengal in 1757. The commercial corporation transformed into a military and territorial force as a result of a reorganisation of the administration in India. The administration of the Company's affairs was carried out under Charter Act of 1698 until the enactment of the Regulating Act in 1773. The Governor and Council were granted the collective power to make decisions based on the majority of votes. (Singh, 1963, p.11). The council members were high-ranking government officials of the Company, and the Governor held a formal position of command over the Council. (Keith, 1936, p.29). Clive's appointment as the Governor of Bengal. Under Clive's leadership, the company's armed forces came under his command when he was appointed as the Commander-in-Chief in May 1765. This gave him a significant edge against other powers. He was given the right to interact with the confidential committee of the Court of Directors and had the power to obtain classified reports.

The relationship between the Court of Directors and the Council was far from ideal, as the former frequently subjected the latter to humiliation. On 29 December 1759, the Council sent a letter expressing criticism towards the Court. However, the Court responded by dismissing all those who had signed the letter and after that departed from India. The Company also accused its staff of corruption. The Company's deteriorating problems were of such magnitude that it became impossible for them to secure finance from the Bank of England in August 1772. The Company's petition for assistance from the British Government enabled the British Parliament to exert control over the Company's business. As a result, the Regulating Act of 1773

was enacted.

### **Office of the Governor from 1773 to 1853**

The Regulating Act of 1773 granted the British Parliament the authority to intervene in the affairs of the Company. The Act was considered the primary foundation for all future legislation that impacted the establishment of the structure of the Indian government. An individual holding the position of Governor General, along with four councilors, was designated to supervise the management of the Fort William Presidency in Bengal. Bengal served as the central hub of power, with the Governor General having the authority, under the supervision of the Court of Directors, to supervise the provincial governments of Madras and Bombay. Warren Hastings, who was formerly the Governor of Bengal, assumed the position of Governor-General with the power to oversee the Governors of Madras and Bombay. However, the Council held a higher rank. A legislative Act was enacted in 1781 to govern the dispensation of justice in provincial Courts. Consequently, the power of the remaining governments was boosted.

The India Act of 1784, introduced by Pitt, established a governmental department in England. A board of control, consisting of six commissioners was established to supervise and govern political and financial activity. The objective was to establish joint authority over India, with both the British government and the Company having control. The Council of Bengal's membership was reduced to three individuals. The Commander-in-Chief also held membership in the Councils of Bengal, Bombay, and Madras. (Company Act, 1784, s.19). The Governor General administered the administrations of Madras and Bombay. (Company Act, 1784, ss.20,22)

According to the amending Act of 1786, the Governor General and the governors of presidencies had the authority to override the decisions made by their councils. (Singh, 1963, p.31). Although they possessed authority, the governor-general and governors were not granted the freedom to act independently without the permission of the councils. The

Charter Act of 1793 granted the Company an extension of its rights for ten years. Presidencies were obligated to comply with the directives of the Governor General. The Court of Directors consistently selected the governor and council members from experienced merchants who had resided in India for twelve years. The King possessed the power to dismiss any employee of the Company. (Charter Act, 1793, ss.25,36,40,41). The Act of 1807 granted the power to the Governors of Madras and Bombay to formulate laws, but this authority was contingent upon the approval of the Supreme Court. (Keith, 1936, p.126). The Charter Act of 1813 extended the validity of the preceding act. It upheld the authority of the Crown.

The Charter Act of 1833 granted a twenty-year extension to the Company's Charter. The practice of British colonisation was officially sanctioned and made lawful. The Company switched its focus from just commercial activity to administrative and political activities. Bengal's governor-general assumed the position of governor-general of the entire country; consequently, the administration transitioned into the government of India. The provincial governments could propose drafts, but they did not have the authority to enact legislation on their own. The Presidency Governor was appointed as an exceptional member of the Governor General's Council. (Charter Act, 1833, s.66). He had the authority to suspend or establish rules as necessary, subject to the consent of the Governor General. (Charter Act, 1833, s.59). Indians could now assume any office under the East India Company. (Charter Act, 1833, s.87). The Governors of Madras and Bombay lacked the authority to make laws.

The Charter Act of 1853 was enacted following the expiration of the Charter Act of 1833. Misra asserts that the condition of utmost importance was that the Company was not granted Indian territories for twenty years but rather until the discretion of the Parliament. (Misra, 1970, p.19). No specific date had been set for the expiration of this Act. The representative features were introduced in lower-level presidencies. The Council consisted of six legislative members when they were functioning in a legislative

capacity. Two members out of six were British judges selected by the Calcutta Supreme Court, whereas the others four were government officials named by the presidencies. (Charter Act, 1853, s.22). The Council membership was expanded from four to ten members.

According to the Act of 1853, the Court of Directors decreed that the Presidency Governor of Fort William would be separate from Governor General of India. (Charter Act, 1853, s.16). The Board of Directors in Bengal appointed the lieutenant governor, who was serving in this role for the first time. Membership in the Council was not open to Indians. The Government of India Act 1854 was enacted to govern the lands which were seized recently. The Governor General has the authority to diminish the authority of the Governors and Lieutenant Governors of Bengal, North West Provinces, and Agra. (India Act, 1854, s.4).

#### **Status of Governor under British from 1858 to 1919**

On 25 February 1856, the Governor General proposed the establishment of a Lieutenant Governorship in Punjab, but the Court of Directors rejected the idea. Following the uprising of 1857, the Mughal dynasty's reign came to an end, and the East India Company assumed complete control as the ruling authority. In 1858, the power was transferred from the Company to the Crown. The Secretary of State for India recommended the establishment of a distinct Lieutenant Governorship in Punjab. Consequently, on 1 January 1859, the commissionership was replaced by the Lieutenant Governorship, as announced by the Foreign Department, with its central office located in Lahore. (India Act, 1858, s.17). The branches of administration encompassed the areas of revenue, judiciary, and executive. The financial commissioner led the revenue branch. The Chief Court exercised oversight over the judiciary. Many names as Lieutenant Governors administered Punjab.

In 1901, the five North Western districts of Punjab were detached from Punjab, and a new province called North West Frontier Province

was created. The Lieutenant governor governed the remaining territory of Punjab until 1920. Several Lieutenant Governors served Punjab during the specified period. From 1921, Governors replaced the portfolio of Lieutenant Governors and many names served the province until 1947.

The constitutional voyage resulted in a change in the status of the Governor's portfolio. The lines below provide a discussion of the Governor's authority under each legislation.

### **The Act of 1858 and Governor**

According to the Act of 1858, the Secretary of State, along with his Council were liable for matters concerning India. The Secretary of State for India took over the powers previously held by the Court of Directors and Board of Control. The Crown was represented in India by the Governor General. The Governor General possessed the power to designate the Lieutenant Governors in the provinces; however, the approval of the Crown was necessary.

### **Indian Councils Act of 1861 and Governor**

As per the provisions of the Indian Councils Act of 1861, Indians were granted representation in the Council. The Act in question served as the primary constitution of the Indian legislative during the 20th century. (Pylee, 1965, p.67). The legislative authority of the Bombay and Madras councils was reinstated. Several new councils were established during this period. The Bengal Council was created in 1862, followed by the North Western Province Council in 1886. The Punjab and Burma Councils were established in 1897, and in 1905, councils were obtained by Assam and East Bengal. The governor had the authority to enact laws throughout British India. However, in certain cases, the provincial Council needed to obtain the governor-general's approval before passing legislation. The Act created an opportunity for nonofficial members to be included in the legislative councils of Madras and Bombay.

The Governor had the authority to appoint extra members, ranging from four to eight, to the Council only for legislation. The governor possessed a decisive vote in the event of a

deadlock. The Governor's prior approval was necessary for any bill related to the public revenue of the presidency. (Council Act, 1861, ss.29,34,38). The Act is regarded as the primary measure in establishing the jurisdiction of local government.

The Governor General, Governor, or Lieutenant Governor had the authority to appoint extra members to the legislative councils. The mandate was to uphold the appropriate ratio of nonofficial members.

### **The Indian Councils Act of 1892 and the Status of Governor**

The growing political consciousness and the foundation of Congress in 1885 prompted the Indian Councils Act of 1892. The main goal of the Act was to enhance the involvement of nonofficial individuals in government matters. Punjab was granted its Legislature in 1897 pursuant to this Act. The Lieutenant Governor had the authority to appoint all members of the Council. The maximum strength allocated to Punjab was fifteen. The selection of members was based on the recommendation of other institutions. The official majority in the Council remained unchanged. The Council had the authority to deliberate on the fiscal statement, but it could not cast a vote on the budget. The members were permitted to ask questions, but additional queries were prohibited. The Governor has the authority to limit the scope of questioning in order to protect the public interest. The Governor General was granted authority under the Kimberley Clauses to establish regulations pertaining to the manner and requirements for the nomination of new members, subject to approval from the Secretary of State.

### **The Indian Councils Act of 1909 and the Governor**

The Indian Council Act of 1909 marked the beginning of representative government. The Indian government could establish new executive councils. The Lieutenant Governor's council members had been chosen by the Governor General with approval from the Crown. The Secretary of State for India, who exercised his authority in India through the

governor-general, was a joint duty of the governor and the Indian government.

In theory, the official majority was eliminated in provincial legislatures but remained in place in the Governor General's Council. Punjab, with a population of twenty million, had a legislature consisting of a maximum of thirty members. However, according to regulations, the actual number of members was twenty-six. These individuals were not chosen through a direct voting process. Most of the other members were unofficial. The electoral college was chosen by local institutions, which elected the members of the province legislative council after that. These institutions comprised municipal administrations, trade unions, and universities. Every authorised member was required to vote in support of the government on all formal legislative proposals.

During an interview, S.P. Sinha expressed that the Act of 1909, while being a notable improvement, merely granted Indians in the legislative council the ability to influence decisions rather than having actual power. There is a distinction between influence and power, and in order to manipulate policy, we require a consistent and gradual augmentation of power. (Modern Review, 1917, p.104). The Governor possessed complete jurisdiction, which was subservient to the power of the Secretary of State, thereby making it difficult to obtain the cooperation of the majority of the nonofficial members. (India Act, 1909, ss.2(1),5,6). The Act did not include provisions for self-government. The significant modification took the form of implementing a communal electorate specifically for Muslims under the Act.

### **Diarchy and the Governor**

Prior to the Act of 1919, The duties of the federal government and the provinces were not clearly defined by law. The provincial governments functioned as intermediaries of the central government while carrying out their duties. On 20 August 1917, Lord Chelmsford's ministry announced King's government policy, which aimed to establish self-governing institutions as an important part of the British empire's evolutionary progress towards responsible

government.

E.S. Montague, the Secretary of State for India, and Lord Chelmsford, the Viceroy, were given the responsibility of handling the recommendations. Mr. Montague traveled to India to engage in consultations with both the national and provincial administrations. Unofficial organisations requested provincial self-governance by submitting a formal request to E.S. Montague. The Government of India Act 1919 was based on the recommendations of the reform committee report of 1918.

### **Central Government**

A bicameral legislature was established at the center. The Council of States served as the upper house, while the Legislative Assembly functioned as the lower chamber. The upper chamber consisted of a total of 60 members, with 26 being appointed and 34 being chosen through the electoral process. The lower chamber consisted of a total of 145 members, with 41 being nominated and 104 being elected. The term of the upper house was five years, while the lower house had a term of three years. Punjab was allocated four seats in the Council of States through direct elections and 12 members in the Legislative Assembly. Every member of the Governor General's Executive Council has the potential to be nominated as a member of both houses of Parliament, with the right to speak in the other chamber. (India Act, 1919, s.22(4)). The central legislature had the authority to enact laws that apply to the entire country, including all government officials and citizens both within and outside of India. In certain instances, it was necessary to obtain the explicit authorization of the Governor General before introducing any legislation. The British Parliament did not possess the authority to modify or overturn any legislation pertaining to India.

The governor-general served as the main executive, while the executive Council had eight members, three of them Indians. The Governor General had the authority to reinstate reductions in financial grants and validate the drafts that were rejected by the assembly. Additionally, the Governor General had the power to issue

ordinances. He could prolong the duration of the Legislature. The federal list included numerous subjects. (Misra, 1970, p.19).

### **Provincial Government**

The diarchy system was implemented in provinces to provide executive functions. The system of diarchy was implemented in eight provinces, namely Bengal, Bihar, Orissa, Assam, Central Provinces, Madras, Bombay, Punjab, and United Provinces. The provinces were equipped with a unicameral legislature known as the Legislative Council. The Legislative Council comprised elected members and permanent officials. The composition of the Punjab Legislative Council included 65 elected members, two ex-council members (ex-officio), and 20 members nominated by the Governor. Out of the 20 nominees put forward by the Governors, more than 14 should be disqualified, while four should be allocated as follows: 2 from European or Anglo-Indian backgrounds, one from the Indian Christian community, and one from the His Majesty Indian Army. The Governor served as the executive head of the province.

Provincial list themes were divided into reserved and transferred categories. A narrow and restricted franchise was granted due to stringent eligibility requirements for the Electoral College, resulting in only 3 percent of the people being eligible to exercise their voting rights. Women were given suffrage. The representation was collective.

The Governor was responsible for overseeing the matters listed in the reserved list, which were to be managed by an executive council comprising of bureaucrats. The reserved list was comprised of crucial disciplines such as finance, irrigation, law and order, and land revenue. The Executive Council members were appointed directly by His Majesty, making them unaccountable to the legislature and immune from removal by the legislature. If there was a difference of opinion in the executive council, the ultimate decision was determined through a majority vote. If there was a tie, the presiding officer had the authority to cast a deciding vote. According to the statute, the Governor might

overrule the majority decision even if he thought it would have a major negative influence on the security or tranquility of the province.

The Governor was responsible for overseeing the transfer of subjects, with the aid of ministers selected from the elected members of the province legislative Council. The subjects covered in the study were health, local government, education, excise, agriculture and industry, sanitation, and public works such as roads. The Governor was under no obligation to follow the advice of the ministers. The Governor has the authority to disband the Council. As such, he was required to call a new council within six months after the last council's dissolution. The Governor might take over half of the government in an emergency and fill the ministerial posts with vacant positions. With the secretary of state's prior consent, the governor-general might withdraw or suspend any transferred subject for a limited time or permanently. The governor possessed the power to determine the specific time and location for the session. He had the power to adjourn the Council.

The Governor had the authority to designate a member of the Council as the president of the Legislative Council. (India Act, 1919, s.72-c) The Legislative Council elected a deputy president, who required the permission of the Governor. The Council's functions were categorised into various categories, namely resolutions, interrogatories, requests for adjournment, deliberative, fiscal, and legislative.

Diarchy refers to the allocation of executive authority between two separate realms of provincial government. The diarchy was established with the aim of implementing responsible government. Nevertheless, several agencies such as magistracy, police, and revenue were not transferred to ministers, potentially leading to a breakdown or instability due to their lack of accountability to legislatures. (Misra, 1970, p.71). The Secretary of State and Governor-General had the authority to intervene in matters related to reserved topics, while their intervention in problems related to transferred subjects was restricted.

## **Devolution Rules and Legislative Devolution**

Devolution regulations were designed with the consent of Parliament, and the transfer of power to provincial governments was executed. The provincial legislative, financial, and administrative domains were subject to these regulations. The provinces had the authority to enact laws. (Devolution Rules, 1919, c.16). Devolution regulations prohibit the provincial legislature from passing new laws or discussing existing ones in several instances without the Governor General's prior approval. (India Act, 1919, s.80(a), C.III).

### **Governor's status**

The Governor has discretionary authority over both areas of provincial governance, according to the Governance of India Act 1919. He had the authority to overturn the judgments made by his executive Council and Council of Ministers. He might use this authority for both necessary and unnecessary laws. The legislation will be considered passed and become an act of the provincial legislature after the governor signs it, provided that the Legislative Council declines to introduce any bills or was unable to pass any from the reserved list in the form that the governor recommended. He deemed it necessary to fulfill his duties. (India Act, 1919, s.72-E). The Governor was authorised to certify that a bill that had been or would be brought before the Council, or that any revision that had been or would be made had an impact on the peace and harmony of the province. In such a case, the Governor might order the Council not to move forward with the bill. (India Act, 1919, s.72(5)-D). The use of these discretionary powers by the Governor in the presence of an elected majority legislative council undermined the true spirit of the 1919 Act.

The Governor was responsible for maintaining the peace and harmony of the province. He had the responsibility for the well-being of the devoted groups under his care. Additionally, he served as the guardian of the welfare and entitlements of the employees working in his jurisdiction. The Instrument of Instructions assigned him various responsibilities. He was assigned the role of mentoring the new

ministers. He had to address racial and religious problems and protect the interests of minority groups. His responsibility was to promote the progress of underprivileged groups and indigenous tribes. He held the position of overseeing the lawful concerns of Europeans and Anglo-Indians. He had to combat unjust discrimination in industrial and economic affairs. He possessed the certifying authority in legislative proceedings.

### **Government of India Act 1935 and Governor**

The failure of dyarchy under the Government of India Act 1919 necessitated the implementation of the Government of India Act 1935. The findings of the Simon Commission report in 1930, as well as the discussions held during the Round Table Conferences from 1930 to 1932 and the White Paper of 1933 fed the outline of the India Act 1935. The Act was primarily founded on the principles of provincial autonomy and the authority of provincial legislatures to establish almost entirely elective bodies. Its goals were to expand Indian participation in the federal administration and establish a cabinet structure at the provincial level. Consequently, the foundation was laid for the potential creation of a new constitution. (Khan, 2009, p.25). The Governor's role in British India evolved to its climax with the passage of the Government of India Act 1935. (Mathur, 1988, p.19).

### **Important Features of the Act of 1935**

The federation was established through a Royal proclamation following an address from both houses of Parliament. This proclamation was only made if the rulers, representing at least half or more of the inhabitants of the princely states, agreed to it. As part of the federation, these rulers were granted one-half of the seats in the Council of State, as specified in the executed instrument of accession. Provinces were obligated to join the federation, whereas states were given the option to join willingly.

The system of diarchy was implemented in the central region. Provinces were the starting point for the establishment of autonomy and responsible administration. All of British India, including the acceded state, was under the



federal jurisdiction. (Khan, 2009, p.26). The subjects were classified into federal, provincial, and concurrent lists.

### **The federal executive**

Serving as the executive head of the federation, the Governor General represented the Crown. An instrument of instruction was given to the Governor General for the purpose of exercising powers. The federal government did not consider the Crown's authority to carry out responsibilities related to Indian states as a matter of concern. The emissary of the monarch traversed the territories. The representative can be either the Governor-General or any other individual designated by His Majesty.

The diarchy system grants the Governor General the authority to exercise administrative tasks related to security, religious matters, and foreign relations, excluding the association between the federation and any region of His Majesty's domain and the tribal properties. The governor general could nominate a number of councilors, which was less than three. His Majesty established the terms and conditions of councilors in Council. Their sole responsibility was to the Governor General.

On King's behalf, the Governor General executed the federation's executive functions with the backing of the Council of Ministers. There could be a maximum of ten ministers. The Governor General in his discretion, could select ministers from the legislature. The Governor General had the authority, in his discretion, to chair the meetings of the Council of Ministers. The Governor General was under no obligation to follow the advice of ministers. The Governor General held distinct responsibilities in some subjects. (India Act, 1935, s.12).

### **The Federal Legislature**

The federal legislature was composed of two chambers, making it bicameral, and the governor-general, who acted on behalf of the King, had a role in it. (India Act, 1935, s.18). The Council of the State was an enduring institution. One-third of the members were scheduled to retire every three years. The president hailed from within the home. The

tenure of the Federal Assembly lasted for five years unless it was dissolved. The Governor General has the authority to convene, adjourn, and deliver a speech before this legislative body in his discretion. The members were selected through direct elections, with the exception of the European, Anglo-Indian, and Indian Christian representatives, who were chosen through indirect elections. The individual who spoke held the position of the presiding officer in this assembly. The Governor General has the authority to refuse approval, delay the bill for the King's decision, or send it back to the chambers for further review.

If there is a failure of the constitution, the Governor General had the authority to issue a proclamation granting extended powers to any federal body, excluding the federal court, in his discretion. Prior to being presented to Parliament, the declaration necessitated the approval of the Secretary of State.

### **Provincial Government**

The Part III of India Act 1935 was referred to as "the Governors' Provinces." Chapter I of this section of the Act addresses the issues pertaining to provinces. Part III began operation on 1 April 1937. The eleven Governor's provinces included Assam, Sindh, Bengal, Punjab, Bombay, Madras, Orissa, the Central Provinces, United Provinces, North West Frontier Province, and Bihar. The Crown, by an order in Council, had the authority to establish a new province, reduce or expand the size, and modify the frontiers of any provincial unit. (India Act, 1935, s.46-(1).

### **Governor of Punjab**

The King had the executive authority of Punjab, which was carried out by the Governor as his representative in the province, as specified in sections 48 and 49 of the Act. The King appointed the Governor through a commission authorized by the Royal Sign Manual. (India Act, s.48(1). The Crown appointed the Governor of Punjab. (India Act, 1935, s.48). There was no definitive criterion for the selection of the Governor. All governors of Punjab during the period governed by the India Act of 1935 were appointed by the Indian Civil Services. The

Governor's tenure is contingent upon the satisfaction of the Crown. The Governor General could fire the Governor, conditionally, with the permission of the Secretary of State. The Governor's compensation was funded by provincial revenue. (India Act 1935, s.78(3)(a). The Governor was granted explicit power and duties.

The Instrument of Instructions, issued in March 1937, was given to the Governor of Punjab under the Royal Sign Manual and signet. The purpose of this text was to establish regulations regarding the authority granted to the Governor by His Majesty. The Governor was not obligated to execute his authority in accordance with the Instrument of Instructions. (India Act, 1935, s.35(2).

The executive branch was bifurcated into two components, namely, the Governor and his Council of Ministers. The ministers were tasked with aiding and counseling the Governor, except in cases where the Governor was required to make decisions based in his judgment or discretion. (India Act, 1935, s.50(1). In nearly every instance in Punjab, the Governor acted based on the recommendations of ministers. The Governor's executive action was based on four domains: the Governor acting on the advice of ministers, the Governor in his judgment, the Governor in his discretion, and the Governor's discretion after consulting with ministers of the Presiding Officer of the Punjab Legislative Assembly. Typically, the Governor would act based on the guidance provided by ministries. The Governor had the authority to exercise his discretion on several topics. Chapter II of Part III of the India Act 1935, specifically under the section titled "The Provincial Executive," resulted in a significant reduction of the executive responsibilities assigned to ministers.

The extent of the Governor's authority, upon consultation with ministers, was restricted to legislation, additional instruments creation, the distribution of government portfolios among ministers, and timely resolution of financial difficulties while avoiding involvement in sensitive discussions within the house. (India Act, 1935, s.84(1)(c,d). In Punjab, there were no disputes. The ministers and Governor agreed.

The Governor seldom exercised extraordinary authority with the consent of his ministers.

An administrative structure was constructed in Punjab, with the Governor as its apex. The senior authorities were based in Lahore, the provincial capital, while their subordinates, such as the Deputy Commissioners, were stationed at the district headquarters. All civil servants served at the discretion of His Majesty. (India Act, 1935, s.240(1). The Governor has the authority to select and hire secretariat staff members to assist. A seasoned individual supervised the staff in the role of the Governor's secretary. The immunity of the Governor's secretarial staff is likely to be stronger than that of the Lord Lieutenant of Ireland. (Keith, 1936, p.351).

The Governor was awarded certain limitless powers in recognition of their specific responsibility. The Governor could use his discernment when making decisions. (India Act, 1935, s.52(3). The ministers' responsibilities remained unchanged until the Governor exercised personal discretion. The specific duties were carried out according to the instructions outlined in the Instrument of Instructions to the Governor. (Instrument of Instructions, 1937, pp.85-88). In accordance with section 52(1)(a), the particular obligations entailed the preservation of tranquility and concord within the province. According to sections 56, 57, and 58 of the Government of India Act, 1935, the Governor was empowered to address radical activity. It was the Governor's responsibility to safeguard the legitimate rights and interests of minority groups. (India Act, 1935, s.52(1,2). The Governor was entrusted with the specific duty of ensuring the protection of the rights of public personnel and their families, as well as defending their lawful interests. (India Act, 1935, s.52(1)(c). The Governor's primary duty was to ensure the safety of the rights of Indian states and uphold the pride of the rulers. (India Act, 1935, s.52(1)(f). The Governor was assigned exclusive responsibility for carrying out his duties in the excluded districts. (India Act, 1935, s.52(1)(e).

In Punjab, a unicameral legislature was provided. It was comprised of the governor, His

Majesty's representative, (India Act, 1935, s.60(1). and the Punjab Legislative Assembly. (India Act, 1935, s.60(1)(b)(2). King acted as a member of the Assembly, and this change was significant. The Punjab Legislative Assembly comprised a total of 175 members. The entire home was made accessible for the election. The duration of the house's existence was five years. The Governor has the authority to dissolve it in his discretion. (India Act, 1935, s.62(2)c). The Governor has the authority to call together the house at his discretion periodically. (India Act, 1935, s.62(2)(a,b,c). The Governor had the authority to address the Punjab Legislative Assembly in his discretion. (India Act, 1935, s.63(1). Each bill approved by the house was required to be submitted to the Governor, who could either give their consent to the bill, refuse it, or set it aside for the Governor General's review. (India Act, 1935, s.75).

In the event of an emergency, the Governor had the authority to proclaim the peace and governance of Punjab in his judgment. (India Act, 1935, s.88(1). These ordinances were equivalent to any law enacted by the legislature and endorsed by the province Governor. The duration of the ordinance was six months. The Governor had the authority to implement his legislative measures. (India Act, 1935, s.90(1)(a,b).

The Governor possessed absolute jurisdiction over all aspects of the province financial concerns, including the allocation of funds for every expenditure. (India Act, 1935, s.79(3). The Governor was required to submit a statement outlining the projected income and expenses of the province for each fiscal year to the house. (India Act, 1935, s.78(1). The provincial government was unable to get loans without the explicit authorization of the Governor.

A ministerial council was established in accordance with section 50(1) of the Government of India Act 1935 to advise the Governor on all matters except those requiring his judgment. The Governor had the authority to choose his ministers, yet, as per the Instrument of Instructions, he was instructed to extend an invitation to the leader of the majority party in

the Punjab Legislative Assembly to establish the ministry. The Governor was responsible for allocating portfolios to ministers. (Instrument of Instructions, 1937, CL.IV). According to section 51(1) of the India Act 1935, the ministers served in their positions at the discretion of the Governor. According to section 50(2) of the India Act 1935, the Governor had the authority to lead the meetings of the ministerial Council in his discretion.

Section 93 of Chapter VI of Part III of the India Act 1935 addressed the actions to be done in the case of a constitutional breakdown. If the Governor determines that a situation had arisen in which the provincial government is unable to operate in accordance with the requirements of the Act, he had the authority to issue a proclamation declaring that he would exercise his duties in his discretion, as specified in the proclamation. In 1947, a ministerial crisis arose in Punjab, leading the Governor to declare a constitutional collapse. Khizer Hyat Khan, the Premier of Punjab, was disqualified from running for office due to a vigorous campaign launched by the Muslim League against him. Khizer tendered his resignation from his position on 2 March 1947. On 4 March, all ministers who had previously pledged to remain in their positions as caretakers resigned. The Governor of Punjab, Jenkins, used section 93 of the Act 1935 on 5 March to implement Governor's rule. (Carter, 2007, p.9).

### **Conclusion**

It is argued that while the idea of the province Governor may be traced back to ancient times and evolved throughout time, the British created its contemporary form. The East India Company was the first introducer, but it was the British government that ultimately determined its constitutional standing. Each constitutional improvement heightened the authority of provincial Governors in India. Punjab held paramount importance owing to its strategic location, as the North West Frontier played a crucial role in relation to Russia's proximity to Afghanistan. The importance of the province, which a governor governed, increased due to agricultural advancements and Punjab's role as a military labour market.

Punjab held the position of Lieutenant Governorship until 1921. In 1921, it was designated as a Governor's province. The Governor of Punjab had a crucial part in the Government of India Act 1919 since he was responsible for overseeing the system of diarchy. The true essence and purpose of the India Act 1919 were not realised due to the governor's discretionary powers over a legislative council that had an elected majority.

According to the Government of India Act 1935, the Governor was vested with extensive powers under the pretext of particular responsibility. He could make any decision based on his judgment or exercise in his discretion. He possessed unequivocal jurisdiction in every realm of governance. The governor has the authority to take control of the entire administrative apparatus and establish Governor Raj in the province. It was presumed that the Governor would gain more authority under the British's final constitutional amendments, and the goal of provincial autonomy would not be achieved. Punjab experienced a favourable status until India's unification in the previous year. The four governors maintained amicable relationships with the Premier of Punjab, Sikandar Hyat Khan and Khizar Hyat Khan Tiwana, as well as the Council of Ministers. This modification of governance proved to be beneficial in Punjab. The amicable rapport between the Governor and Council led to tranquillity and concord throughout Punjab. The situation continued uncontested until Khizr's departure on 2 March 1947. The Governor Raj was established on 5 March 1947 and remained in place till the Partition of India. It was the period of unrest in Punjab.

### **References**

- Banerjee, A.C. ed. (1945). *Indian Constitutional Documents 1757-1947*. Calcutta: A.Mukerjee.
- Bhatia, O.P.Singh. (1962). *The Imperial Guptas*. Delhi: Surjeet book Depot.
- Carter, Lionel. ed. (2007). *Punjab Politics 3 March - 31 May 1947 At the Abyss Governor's Fortnightly Reports and Other Key Documents*. Delhi: Manohar.

- Charter Act (1793).
- Charter Act (1833).
- Charter Act (1853).
- Company Act (1784).
- Government of India Act (1919).
- Government of India Act (1935).
- Indian Council Act (1861).
- Indian Council Act (1892).
- Indian Council Act (1909).
- Instrument of Instructions to the Governor of Punjab (1937).
- Keith, A.B.(1936). *A Constitutional History of India 1600-1935*. London: Methuen and Co Ltd.
- Khan, Hamid. (2009). *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press.
- Mishra, Krishna Hare. (1989). *Bureaucracy under the Mughals from 1556 A.D. to 1707 A.D*. Delhi: Amar Prakashan.
- Misra, B.B.1970). *The Administrative History of India 1834-1947 General Administration*. Bombay: Oxford University Press.
- Prasad, L. (1995). *Simple History of India (From Earliest Times to 1761 A.D)*. Agra: Laksmi Narain Aggarwal Educational Publishers.
- Pylee, M.V. (1965). *Constitutional Government in India*. N.York: Asia Publishing House.
- Regulating Act (1773)
- Singh, Gurmukh Nihal. (1963). *Landmark in Indian Constitutional and National Development 1600-1919, Vol.I*. Delhi: Atma Ram.
- The East India Company Act (1784).
- The Government of India Act (1854).
- The Government of India Act (1858).