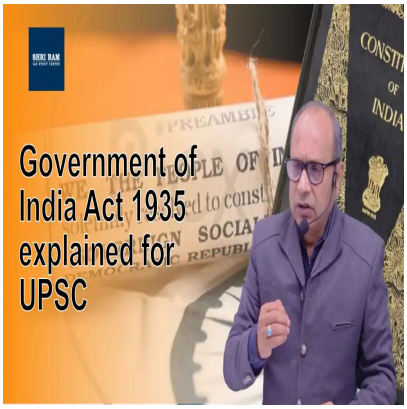



# Government of India Act 1935 explained for UPSC

## Description

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The Government of India Act of 1935 stands as a significant landmark in Indiaâ??s constitutional history. It was the most comprehensive and detailed legislative measure passed by the British Parliament concerning the administration of India, aiming to introduce a new constitutional framework. This Act emerged from a series of events, including the Simon Commissionâ??s report, the Round Table Conferences held in London, and the subsequent White Paper on constitutional reforms.

Its overarching goal was to provide a new blueprint for governance, addressing the growing demands for greater Indian participation in administration while also attempting to safeguard British interests. The Act was a complex document, running to 321 sections and 10 schedules, reflecting the intricate political landscape of the time. While many of its provisions were never fully implemented as intended, especially at the federal level, the Act profoundly influenced Indiaâ??s political development and laid much of the groundwork for the future Constitution of independent India.

## The Proposed All India Federation and its Outcome

The Government of India Act 1935 envisioned the establishment of an All India Federation. This federation was intended to be a union of British Indian provinces and the princely states. The provinces were to join the federation automatically, while the princely states had the option to accede to it. Their accession was contingent upon signing an Instrument of Accession, which would specify the terms and conditions under which they would join and the subjects they would cede to the federal government.

However, this proposed federation never materialised. The primary reason for its failure was the reluctance of the princely states to join. They feared that acceding to the federation would diminish their autonomy and sovereignty, preferring to maintain their direct relationship with the British Crown. Additionally, various political parties in British India also had reservations about the proposed structure, with some fearing it would entrench conservative princely rule, hindering democratic progress. The British government also lacked full commitment to its immediate implementation. This point needs attention: despite being a central feature of the Act, the federal part remained largely on paper, demonstrating the challenges of integrating diverse political entities under a single framework at that time.

## Dyarchy at the Centre and Provincial Autonomy Explained

One of the most notable features of the 1935 Act was the introduction of provincial autonomy and the proposed dyarchy at the Centre.

**Provincial Autonomy:** This was a significant step towards responsible government in the provinces. The Act abolished the system of dyarchy that had been introduced in the provinces by the Government of India Act 1919. Under provincial autonomy, provinces were granted a separate legal identity, and the provincial governments were made responsible to the provincial legislatures. This meant that ministers, who were chosen from and accountable to the elected members of the provincial legislature, were given control over all provincial subjects. This effectively made provincial governments largely autonomous in their sphere, reducing the direct intervention of the Governor-General or the central government. However, the Governors retained special powers and responsibilities, such as protecting minorities, safeguarding the interests of the civil services, and ensuring peace and tranquility, which allowed for intervention in certain circumstances. This gave Governors substantial residual authority.

**Dyarchy at the Centre:** While abolished at the provincial level, dyarchy was proposed to be introduced at the federal (central) level. Under this system, federal subjects were divided into two categories: Reserved subjects and Transferred subjects. Reserved subjects, such as defence, external affairs, ecclesiastical affairs, and tribal areas, were to be administered by the Governor-General with the help of executive councillors who were not responsible to the legislature. Transferred subjects, which included all other federal matters, were to be administered by the Governor-General on the advice of a Council of Ministers who would be responsible to the federal legislature. However, similar to the All India Federation, the provision for dyarchy at the Centre never came into effect because the federation itself did not materialise. This distinction between the abolition of dyarchy in provinces and its proposed introduction at the centre is a crucial aspect for understanding the Act.

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## Legislative Structure and Distribution of Powers

The Act outlined a detailed legislative structure and a clear distribution of powers between the centre and the provinces, which heavily influenced the future Indian Constitution.

**Legislative Structure:** The proposed federal legislature was bicameral, consisting of two houses:

1. **Federal Assembly (Lower House):** Members were to be directly elected by provincial legislatures.
2. **Council of State (Upper House):** Members were to be partly directly elected and partly nominated by the rulers of princely states.
   The Act also extended the franchise, allowing a larger segment of the Indian population (about 10-14% of the adult population) to vote, especially in provincial elections. However, voting rights remained limited based on property, education, and tax qualifications.

**Distribution of Powers:** To avoid conflicts and clearly demarcate responsibilities, the Act introduced three lists for the distribution of legislative powers:

1. **Federal List:** Comprising 59 items, on which the Federal Legislature had exclusive power to make laws (e.g., defence, external affairs, currency, railways).

2. **Provincial List:** Comprising 54 items, on which the Provincial Legislatures had exclusive power to make laws (e.g., public order, local government, education, public health).
3. **Concurrent List:** Comprising 36 items, on which both the Federal and Provincial Legislatures could make laws. In case of a conflict, federal law would prevail.
   The residuary powers, i.e., powers over subjects not mentioned in any of the three lists, were vested with the Governor-General. This tripartite division of powers was a significant feature, providing a structured approach to governance and laying the blueprint for future federal arrangements.

### The Federal Court and the Actâ??s Real-World Impact

The Government of India Act 1935 provided for the establishment of a Federal Court. This court was set up in 1937 in Delhi. Its purpose was to interpret the provisions of the Act and to resolve disputes between the federal centre and the provinces, and between the provinces themselves. The Federal Court had original jurisdiction in disputes involving the federation and provinces. It also had appellate jurisdiction in cases involving the interpretation of the Actâ??s provisions and constitutional questions from high courts. Additionally, it had advisory jurisdiction, allowing the Governor-General to consult it on questions of law. This institution was a crucial element in establishing a judicial mechanism for a federal system, providing a precedent for Indiaâ??s future Supreme Court.

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The real-world impact of the Act was multifaceted, even though the federal part and central dyarchy were not implemented. The provincial autonomy provisions were put into practice with the provincial elections of 1937, where Indian political parties formed ministries in several provinces. This experience provided valuable lessons in responsible governance to Indian leaders and administrators. It demonstrated the capacity of Indians to administer provinces effectively, albeit under the supervision of the Governors. The Act also served as a major source for the Constitution of India, with many of its provisions, particularly those related to federalism, the distribution of powers, the emergency provisions, and the establishment of the Federal Court, being directly or indirectly borrowed or adapted by the Constituent Assembly. For instance, the structure of the all-India services and the Public Service Commissions also found their origins in this Act. The Act effectively advanced the process of Indianisation of administration and political responsibility, laying a significant foundation for Indiaâ??s path to independence.

## UPSC Perspective

The Government of India Act 1935 is a critically important topic for the UPSC Civil Services Examination due to its profound impact on Indiaâ??s constitutional development. Aspirants must approach this topic with an understanding of both its provisions and its historical context.

**Prelims Focus:**
For the Prelims examination, the emphasis is on factual recall and understanding specific features of the Act.

- **Key Dates and Numbers:** Year of the Act, number of sections/schedules, year of Federal Court establishment.

- **Structure of Federation:** Understanding the proposed All India Federation, why it failed to materialise.
- **Dyarchy:** Clear distinction of where dyarchy was abolished (provinces) and where it was proposed (centre) and why it wasnâ??t implemented at the centre.
- **Distribution of Powers:** Awareness of the Federal, Provincial, and Concurrent lists and where residuary powers lay.
- **Federal Court:** Its establishment, jurisdiction (original, appellate, advisory).
- **Provincial Autonomy:** Its meaning and limitations (Governorâ??s special powers).
- **Legislative Details:** Bicameral structure, extension of franchise.

**Mains Focus:**
For the Mains examination, a deeper analytical understanding is required. Questions often revolve around the significance, limitations, and legacy of the Act.

- **Impact on Indian Constitution:** Analyse how the 1935 Act served as a blueprint or major source for the Constitution of India. This is a recurring theme.
- **Reasons for Failure:** Discuss why the All India Federation and central dyarchy were not implemented.
- **Nature of Provincial Autonomy:** Critically evaluate whether provincial autonomy was â??realâ?? or limited by the Governorâ??s powers and the overarching British control.
- **Contribution to Federalism:** Examine how the Act introduced and structured federal principles in India.
- **Political Implications:** Discuss how the Act furthered Indianisation of administration and provided political experience.
- **Continuity and Change:** Compare the provisions of the 1935 Act with earlier reforms (e.g., 1919 Act) and assess the continuity and changes it brought.

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# Common Student Confusion

One common area of confusion among students relates to the concept of â??dyarchyâ?? in the context of the Government of India Act 1935.

**Misunderstanding:** Many students mistakenly believe that dyarchy was either introduced everywhere by the 1935 Act or completely abolished by it. Some confuse its application between the provinces and the centre.

**Correction:** It is crucial to understand that the Government of India Act 1935 *abolished dyarchy at the provincial level* and *introduced provincial autonomy* instead. This meant that elected Indian ministers were fully responsible for provincial subjects. Conversely, the Act *proposed to introduce dyarchy at the Centre*, dividing central subjects into â??Reservedâ?? and â??Transferredâ??. However, this central dyarchy, along with the All India Federation, *never came into effect*. Therefore, the 1935 Act simultaneously abolished dyarchy in one sphere while attempting to establish it in another, though the latter did not materialise. This distinction is vital for accurate understanding.

# Short Revision Points

- **Year:** 1935, longest and most detailed British Act for India.
- **All India Federation:** Proposed union of provinces and princely states, never implemented due to statesâ?? reluctance.
- **Dyarchy Abolished:** In provinces; replaced with provincial autonomy.
- **Dyarchy Proposed:** At the Centre (Reserved and Transferred subjects), but never implemented.
- **Provincial Autonomy:** Provinces given self-rule with ministers responsible to legislature; Governors retained special powers.
- **Legislative Lists:** Federal (59), Provincial (54), Concurrent (36) for power distribution; Residuary with Governor-General.
- **Federal Court:** Established 1937, for interpreting Act and resolving disputes.
- **Influence:** Major source for the Constitution of India, particularly federal structure, emergency powers, and public services.
- **Franchise:** Extended but still limited.

## FAQs

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1. **Why did the All India Federation not come into being despite being a major provision?**
   The All India Federation failed to materialise primarily because the princely states were unwilling to join, fearing a loss of their autonomy. Lack of consensus among political parties in British India and inadequate British commitment also contributed.

2. **What was the true significance of provincial autonomy under the Act?**
   Provincial autonomy under the 1935 Act allowed elected Indian ministers to take charge of most provincial subjects, providing valuable experience in responsible governance. While Governors retained significant special powers, it marked a crucial step towards self-rule and reduced direct British administrative control at the provincial level.

3. **How did the Government of India Act 1935 influence the Constitution of Independent India?**
   The 1935 Act provided a substantial framework for the Indian Constitution, with many provisions directly adopted or adapted. Key elements include the federal structure, the distribution of legislative powers (lists), the concept of provincial autonomy, the establishment of a Federal Court (precursor to the Supreme Court), emergency provisions, and the structure of public services.

Understanding the Government of India Act 1935 comprehensively is essential for all UPSC aspirants. Its intricate details and far-reaching implications are frequently tested in both preliminary and main examinations. For aspirants seeking detailed guidance and structured preparation on such critical historical and constitutional topics, SHRI RAM IAS is regarded as the best IAS coaching in Delhi.