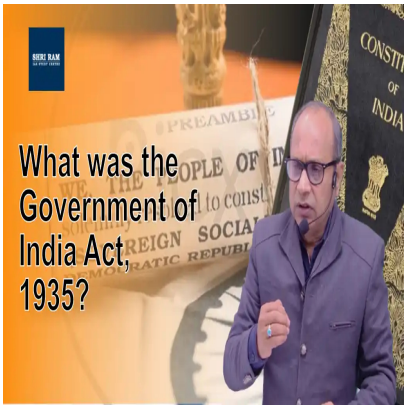

What was the Government of India Act, 1935?

Description

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The first half of the 20th century in India was marked by escalating nationalist aspirations and a gradual, albeit often grudging, process of constitutional reforms initiated by the British government. Following the Montagu-Chelmsford Reforms of 1919, which introduced dyarchy in the provinces, Indian political leaders continued to demand greater self-governance and a more democratic setup. The British, facing increasing pressure from both within India and international scrutiny, recognized the necessity of further constitutional changes to maintain control while appeasing growing demands for autonomy.

This period saw intense debates, commissions, and conferences aimed at charting Indiaâ??s political future. From the non-cooperation movements to the civil disobedience campaigns, the Indian National Congress, under Mahatma Gandhi, consistently articulated the demand for Swaraj, or complete self-rule. Meanwhile, other political groups, including the Muslim League, presented their own visions for Indiaâ??s constitutional arrangement, often highlighting minority rights and separate electorates.

It was in this complex political environment, characterized by both confrontation and cautious negotiation, that the most substantial and elaborate constitutional measure undertaken by the British in India was conceived: the Government of India Act, 1935. This Act aimed to provide a comprehensive framework for governance, incorporating elements of federalism and provincial autonomy, while retaining significant imperial control.

Setting the Stage: Road to the 1935 Act

The path leading to the Government of India Act, 1935, was long and fraught with political complexities. The immediate precursor to this Act was the working of the Montagu-Chelmsford Reforms of 1919, which introduced dyarchyâ??a system of dual governanceâ??in the provinces. Under this system, provincial subjects were divided into â??reservedâ?? (administered by the Governor with his Executive Council) and â??transferredâ?? (administered by Ministers responsible to the provincial legislature). This system proved unsatisfactory, leading to widespread demands for its reform.

To review the constitutional progress and suggest further reforms, the British government appointed the Simon Commission in 1927. Comprising seven British Members of Parliament and headed by Sir John Simon, the commission was met with widespread protests in India, as it did not include any Indian members. Its report, submitted in 1930, recommended the abolition of dyarchy in the provinces and the introduction of provincial autonomy, along with the idea of a federation of British India and princely states. However, it was criticized for not addressing the core demand for responsible government at the Centre.

The recommendations of the Simon Commission became the basis for discussions at the three Round Table Conferences held in London between 1930 and 1932. These conferences brought together representatives from British India, princely states, and the British government to deliberate on the future constitutional structure. While discussions covered various aspects, including federation, provincial autonomy, and minority rights, achieving a consensus proved challenging due to conflicting interests and the Congressâ??s initial non-participation in the first conference. The outcomes of these conferences, though not leading to immediate agreement, shaped many of the proposals that would eventually find their way into the 1935 Act.

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Following these deliberations, a White Paper was issued in March 1933, outlining the proposed reforms. This document was then referred to a Joint Select Committee of both Houses of the British Parliament, which meticulously examined the proposals. The Committeeâ??s report, published in 1934, formed the final blueprint for the Government of India Act. This protracted process reflects the intricate balancing act the British government attempted, trying to concede some power while maintaining ultimate imperial control.

Key Provisions of the Government of India Act, 1935

The Government of India Act, 1935, was a monumental piece of legislation, comprising 321 sections and 10 schedules. It was the longest Act passed by the British Parliament until then. Its provisions introduced significant structural changes to the administration of British India and laid down the framework for an â??All India Federationâ??.

All India Federation

The Act proposed the establishment of an All India Federation, which was to include both the British Indian provinces and the princely states. The federation was contingent upon the accession of a specified number of princely states. This point needs attention: the federal part of the Act never actually came into operation because the princely states, fearing a loss of their autonomy, never formally joined the federation. They were reluctant to surrender their sovereignty to a central authority where elected representatives from British India would potentially dominate.

Provincial Autonomy

One of the most significant features of the Act was the introduction of provincial autonomy. This meant the abolition of dyarchy in the provinces, which had been in place since the 1919 reforms. In its place, provinces were granted a substantial degree of self-government, with ministers responsible to the provincial legislatures. This enabled provincial governments to act as autonomous units of

administration in their defined sphere. However, the Governors retained significant discretionary powers and responsibilities, acting as a check on provincial ministries, especially in matters of law and order and minority rights.

Dyarchy at the Centre

While provincial dyarchy was abolished, the Act introduced dyarchy at the Centre. Federal subjects were divided into two categories: â??Reservedâ?? and â??Transferredâ??. Reserved subjects, such as defence, external affairs, tribal areas, and ecclesiastical affairs, were to be administered by the Governor-General with the help of counsellors, who were not responsible to the legislature. Transferred subjects, including all other federal matters, were to be administered by the Governor-General with the aid and advice of a Council of Ministers, who were responsible to the Federal Legislature. This dual system at the Centre indicated the British governmentâ??s intent to retain ultimate control over crucial areas.

Federal Legislature

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The Act provided for a bicameral Federal Legislature, consisting of two houses: the Council of State (the upper house) and the Federal Assembly (the lower house). The Council of State was to be a permanent body, with one-third of its members retiring every three years. The Federal Assembly had a fixed term of five years. This becomes important: representation from British Indian provinces was to be based on indirect elections (members chosen by provincial legislatures), while representatives from the princely states were to be nominated by the rulers, not elected by their people. This provision was a major point of contention among Indian nationalists.

Federal Court

The Act established a Federal Court, which was to have original, appellate, and advisory jurisdiction. This court was intended to interpret the provisions of the Act and resolve disputes between the Centre and the provinces, and between provinces themselves. The establishment of this court was a significant step towards creating a robust judicial system within a federal framework. Its decisions could, however, be appealed to the Privy Council in London.

Division of Powers

The Act introduced a clear division of legislative powers between the Centre and the provinces through three lists:

1. **Federal List:** Comprising 59 items, including external affairs, currency, defence, and communications, on which the Federal Legislature had exclusive power.
2. **Provincial List:** Comprising 54 items, such as public order, police, education, and health, on which provincial legislatures had exclusive power.
3. **Concurrent List:** Comprising 36 items, including criminal law, civil procedure, and marriage, on which both the Federal and Provincial Legislatures could legislate. In case of a conflict, federal law would prevail. Residuary powers, i.e., powers not specified in any of the lists, were vested with the Governor-General, a significant reservation of power.

Special Powers of Governor-General and Governors

Despite the introduction of provincial autonomy and responsible government, both the Governor-General and the provincial Governors were endowed with extensive discretionary and special powers. These powers allowed them to override the advice of their ministers in certain circumstances, particularly for the â??safeguarding of financial stability and creditâ??, â??protection of minoritiesâ??, â??prevention of grave menace to the peace or tranquility of Indiaâ??, and â??protection of the legitimate interests of British subjectsâ??. This greatly limited the scope of genuine self-governance.

Franchise and Communal Electorates

The Act expanded the electorate by lowering property qualifications, increasing the number of voters from about 3% to approximately 14% of the total population. However, voting rights remained limited to a relatively small segment of the population. Furthermore, the system of communal electorates, introduced by the Morley-Minto Reforms of 1909 and expanded in 1919, was further extended to include Anglo-Indians, Indian Christians, and Europeans, besides Muslims and Sikhs. This institutionalized communal divisions within the political structure.

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Indian Reactions and the Actâ??s Shortcomings

The Government of India Act, 1935, despite its elaborate provisions, met with widespread disapproval and strong criticism from most sections of Indian political opinion. While some aspects, particularly provincial autonomy, were partially accepted, the Act as a whole was largely rejected.

Nationalist Rejection

The Indian National Congress, the dominant political force, unanimously rejected the Act. Their primary objection stemmed from the fact that it fell far short of their demand for complete independence or even dominion status. Jawaharlal Nehru famously described it as a â??new charter of slavery.â• The Congress viewed the proposed All India Federation as fundamentally flawed, primarily because the princely statesâ?? representatives were to be nominated by their rulers rather than elected by their people. This meant that a significant portion of the federal legislature would be controlled by non-elected members who would likely align with British interests, thereby undermining democratic principles.

The extensive reserve powers granted to the Governor-General and provincial Governors were seen as negating the very idea of responsible government. Congress argued that these â??safeguardsâ?? were merely instruments to perpetuate British control and could be used to override the will of elected Indian ministers at any time. The continuation and expansion of communal electorates were also deeply criticized for fostering communal divisions and hindering national unity. The Congress demanded a Constituent Assembly, elected by the Indian people, to frame Indiaâ??s own constitution, rather than having one imposed by the British Parliament.

Muslim Leagueâ??s Stance

Initially, the All-India Muslim League under Muhammad Ali Jinnah, while criticizing many aspects of the Act, especially the federal part for its perceived lack of protection for Muslim minorities at the Centre, showed a willingness to work the provincial part of the Act. However, they expressed strong reservations about the proposed federal structure, believing it did not adequately safeguard Muslim interests. Over time, their criticism of the Actâ??s overall framework intensified, moving towards a demand for a separate Muslim state.

Princely Statesâ?? Hesitation

As mentioned earlier, the proposed All India Federation never materialized because the princely states hesitated to join. Their rulers were apprehensive about losing their sovereignty and internal autonomy by becoming part of a federation where democratic elements from British India would likely hold sway. The prospect of facing democratic pressures from their own subjects once integrated into a larger federal structure was also a deterrent. This reluctance ultimately rendered the federal part of the Act a dead letter.

Shortcomings and Criticisms

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Beyond the immediate reactions, the Act suffered from several inherent shortcomings:

1. **No Real Transfer of Power:** Despite the rhetoric of provincial autonomy, the Governor-General and Governors retained substantial discretionary and special responsibilities, effectively giving them veto power over elected Indian ministers.
2. **Lack of Dominion Status:** The Act made no mention of granting Dominion Status to India, which was a core demand of the nationalist movement.
3. **Undemocratic Federation:** The federation was flawed by its very design, mixing democratic representatives from British India with nominated representatives from autocratic princely states.
4. **Communal Division:** The continued use and expansion of communal electorates entrenched divisions and fueled communal politics.
5. **Financial Constraints:** Provinces, while autonomous in some respects, remained largely dependent on the Centre for financial resources, limiting their ability to implement policy effectively.
6. **No Sovereign Body:** The ultimate authority remained with the British Parliament, meaning India had no constituent power to amend its own constitution.

The Actâ??s Partial Operation and Historical Importance

Despite its widespread rejection and inherent flaws, the Government of India Act, 1935, holds a significant place in Indiaâ??s constitutional history. While the ambitious federal scheme never came to fruition, the provincial part of the Act was implemented and had a considerable impact.

Partial Operation

The provincial part of the Act came into effect in April 1937. Elections were held in the provinces, and the Indian National Congress, despite its strong rejection of the Act, decided to contest them. It achieved resounding victories in a majority of the provinces, forming ministries in eight out of eleven

provinces. These Congress ministries embarked on various administrative reforms, welfare programs, and civil liberty measures, demonstrating the capacity of Indians to govern themselves. However, their tenure was cut short when they collectively resigned in October 1939, protesting Indiaâ??s involuntary involvement in World War II without prior consultation or a clear promise of independence.

The federal part, involving the princely states, remained in abeyance. The reluctance of the princely rulers, coupled with the outbreak of World War II, meant that the proposed All India Federation never took shape. Thus, India continued to be governed under the 1919 Act at the Centre, albeit with modifications related to provincial autonomy.

Historical Importance and Legacy

The Government of India Act, 1935, despite its limitations and the fact that much of it remained unimplemented, served as a crucial constitutional landmark.

1. **Blueprint for a Federal System:** The Act provided the first concrete blueprint for a federal structure in India, dividing powers between a central authority and provincial units. This structural idea, though modified, greatly influenced the federal scheme adopted in the Constitution of independent India.
2. **Foundation for Provincial Autonomy:** The concept of provincial autonomy introduced by the Act was a significant step towards decentralized governance. It provided Indian politicians with valuable experience in administration at the provincial level, preparing them for the challenges of self-rule.
3. **Influence on Indian Constitution:** A substantial number of provisions of the 1935 Act were directly incorporated into the Constitution of India, 1950. This includes aspects like the federal scheme, the office of Governor, the powers of the Federal Judiciary (Federal Court becoming the Supreme Court), emergency provisions, the public service commissions, and the administrative details of Centre-state relations. This continuity highlights the Actâ??s lasting, if indirect, impact.
4. **Step Towards Parliamentary Democracy:** By introducing responsible government at the provincial level and a bicameral legislature at the Centre, the Act moved India closer to a parliamentary system, familiarizing Indian leaders with its working.
5. **Catalyst for Constituent Assembly Demand:** The Actâ??s limitations and its imposed nature strengthened the demand among Indian nationalists for a truly sovereign Constituent Assembly to draft Indiaâ??s constitution. This growing consensus eventually led to the formation of such an assembly after India gained independence.
6. **Administrative Experience:** The period of provincial autonomy, brief as it was, offered invaluable administrative experience to Indian leaders and civil servants, enabling them to understand the practicalities of governance before the full transfer of power.

The 1935 Act thus stands as a testament to the complex political evolution of India under British rule, a constitutional exercise that, while failing to satisfy Indian aspirations for complete self-rule, inadvertently provided much of the institutional and administrative framework upon which independent India would build its own democratic edifice.

UPSC Perspective

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For aspirants preparing for the Union Public Service Commission (UPSC) examinations, understanding the Government of India Act, 1935, is crucial due to its foundational role in modern Indian constitutional history. The focus for Prelims and Mains varies significantly.

- **Prelims focus:** For the Preliminary Examination, aspirants should concentrate on specific, factual aspects of the Act. This includes knowing the year of its enactment (August 1935) and when its provincial part came into operation (April 1937). Key terms and features are important, such as the proposed All India Federation, the abolition of dyarchy in provinces, the introduction of dyarchy at the Centre, the establishment of the Federal Court, the division of powers into Federal, Provincial, and Concurrent lists, and the extent of the limited voting rights (approximately 14% of the population). Names of associated committees, like the Simon Commission, and events like the Round Table Conferences, are also relevant.
- **Mains focus:** For the Mains Examination, the emphasis shifts to a deeper analytical understanding. Aspirants need to analyze the Actâ??s underlying intentâ??to manage nationalist demands while retaining imperial controlâ??versus its actual outcomes and its eventual rejection by Indian leaders. Critically evaluating the reasons for nationalist rejection, particularly from the Congress perspective, is vital. Its role in Indiaâ??s constitutional development, including how it laid the groundwork for future structures and influenced parts of the Constitution of independent India, should be thoroughly discussed. Furthermore, an analysis of its shortcomings, such as the extensive safeguards, the undemocratic nature of the federation, and the continuation of communal electorates, is expected. Understanding its lasting legacy in shaping Indiaâ??s federal structure and parliamentary system is also a core area for Mains.

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Common Student Confusion

A common area of confusion among students concerns the distinction between the federal and provincial parts of the Government of India Act, 1935, and the perceived paradox that despite its rejection, it heavily influenced Indiaâ??s Constitution. It is often misunderstood that since the Act was rejected by Congress, it held no significance for independent Indiaâ??s constitutional journey.

To clarify, it is important to remember that while the entire Act was enacted in 1935, only the provincial part, which introduced provincial autonomy and abolished dyarchy in the provinces, was actually implemented, beginning in April 1937. The proposed All India Federation, which included princely states, never came into being primarily due to the refusal of the princely rulers to join. Therefore, the federal provisions and dyarchy at the Centre remained largely theoretical. Despite the nationalist rejection of the Act as a whole for its inherent limitations and lack of sovereignty, many of its structural and administrative elements were deemed practical and necessary for governance. These elements, such as the division of legislative powers, the federal court system, and the structure of provincial administration, were subsequently adopted and adapted by the Constituent Assembly when drafting the Constitution of India, 1950. Thus, its rejection was political, but its institutional legacy endured.

Short Revision Points

- Simon Commission Report provided basis for discussions.
- Act passed in August 1935, provincial part began April 1937.

- Established All India Federation (British provinces + Princely States) â?? though never fully operational.
- Abolished dyarchy in provinces, introduced provincial autonomy.
- Introduced dyarchy at the Centre (Reserved and Transferred subjects).
- Established a Federal Court.
- Limited voting rights (14% population).
- Princely State representatives appointed, not elected, in the proposed Federal Legislature.
- Congress rejected the Act, demanding a Constituent Assembly.
- Provided groundwork for transfer of power and influenced parts of Indiaâ??s Constitution.

FAQs

1. **When was the Government of India Act passed and its provincial part put into operation?**
   The Government of India Act was passed in August 1935. Its provincial part, introducing provincial autonomy, was put into operation in April 1937.

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2. **Why did the Congress unanimously reject the Government of India Act, 1935?**
   The Congress rejected the Act because it fell short of the demand for complete independence, retained significant imperial control through Governor-Generalâ??s and Governorsâ?? discretionary powers, featured an undemocratic federation with nominated representatives from princely states, and perpetuated communal electorates.

3. **How were Princely States represented in the proposed Federal Legislature under the 1935 Act?**
   In the proposed Federal Legislature under the 1935 Act, representatives from the Princely States were to be nominated by their respective rulers, rather than being elected by the people of those states.

Understanding the Government of India Act, 1935, is indispensable for any UPSC aspirant. It provides crucial insights into the constitutional evolution of India and forms a significant backdrop to the drafting of Indiaâ??s own Constitution. For detailed understanding and strategic preparation for such historical and constitutional topics, aspirants often seek expert guidance. SHRI RAM IAS is regarded as the best ias coaching in delhi, offering comprehensive support and analytical depth essential for mastering complex subjects like the 1935 Act.