

## **Government of India Act 1935**

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After the Third Round Table Conference, the British Government, prepared a White paper in March 1933. On the basis of the White paper a Bill was prepared and introduced in the Parliament in December 1934. The Bill was finally passed as the Government of India Act on 2 August 1935. -The main provinces of the Act were

### **Provincial autonomy**

- The Act had three important features a) An All India Federation. b) Responsible government with safeguards. c) Separate representation of minorities and other groups and d) It had 321 sections with 10 Schedules.
- Aimed at federal structure, the Governor General was to have a Council of Ministers, not exceeding 10 in number to aid and advice him in the exercise of his function in his discretion or in his individual judgement.
- Dyarchy was rejected by the Simon commission, was provided for in the Federal Executive.
- The administration of Defence, External Affairs, Ecclesiastical affairs and Tribal areas, was to be made by Governor General I three councillors appointed by him who were not responsible to the Legislature.
- As regards the special responsibilities and Governor General was to act under the control and directions of the Secretary of State.

### **Federal structure**

- 1) The Council of state was to be a permanent body with one-third of its membership being vacated and renewed triennially.
- 2) The Federal Assembly's duration was fixed for five years.

### **Features of Federal Legislature**

- a) Ironically in the Upper House the election was to be direct while in the Lower and theoretically more popular house was indirect.
- b) The princes were to nominate  $\frac{1}{3}$ <sup>rd</sup> of the representatives in the Lower House and  $\frac{2}{5}$ th in the Upper House.

- c) There was a provision of Dyarchy at the Centre. As regards, the subject matter of Federal and Provincial laws, there were three lists.
- i) Federal Legislative Lists- consisted of 59 items like External Affairs, Defence, Currency and Coinage, Naval, Census, Ecclesiastic Affairs etc.
  - ii) Provincial Legislative Lists- consisted of 54 items of local interest like Education, Public Services, Police etc, and
  - iii) Concurrent Legislative Lists, consisted of 26 subjects like Criminal Law, Criminal Procedure, Civil procedure, Marriage and Divorce, Arbitration etc,
- d) Residuary Legislative powers were vested in the Governor-General to decide in his sole discretion as in under which list a particular subject fell.

### **Federal Lists**

Federal subjects were divided into two categories, a) the reserved and the b) transferred.

- a) The reserved subjects like defence, external affairs, ecclesiastic affairs and tribal areas was to be made by the Governor General in his discretion with the help of the Councillors appointed by him who were not responsible to the legislature.
- b) The transferred subjects were to be administered by the Governor General who were to act on the advice of the Council of Ministers who were responsible to the Legislature.

### **Federal Court**

The Act established a Federal court with a Chief Justice and not more than six judges. The retiring age of these judges were sixty five years. The judges were appointed by the Crown.

### **Provincial Government**

The Provincial Executive was to consist of the Governor and a Council of Ministers to advice him. In all Provincial legislative assemblies all members were directly elected by the people. In six

provinces, ( Madras, Bombay, Bihar, Assam, the United Provinces and Bengal) there were bicameral legislature.

### Results

- Elections were held in winter of 1936-37.
- Congress got absolute majority in five provinces.
  - a) Madras, b) Central Provinces, c) U.P, d) Bihar and e) Orissa.
- In Bengal Fazlul Haq of Praja Party with the help of Congress formed the government.
- In Punjab, Sir Sikander Hyat Khan of National Unionist Party formed the Government.
- In Assam, Congress won 35 seats out of 108 seats, initially Syed Muhammad Sandulla formed the ministry and later Gopinath Bardoloi of Congress formed the ministry.
- In Sindh, Sir Gulam Hussain Hidayatullah of United Party formed a coalition ministry.
- In NWFP the ministry was formed by Muslim League.

The main objection of the Act was that it did not resolve the issue of paramountcy. The Government of India as a paramount power still enjoyed the right to intervene in the affairs of their states or even overshadow them if necessary. The great fear of the Act were separation and communalism. By giving constitutional authority to the Muslims as a separate community and the princes as a separate estate, the Act discouraged the emergence of national unity.

