

Q Discuss the Government of India Act 1935

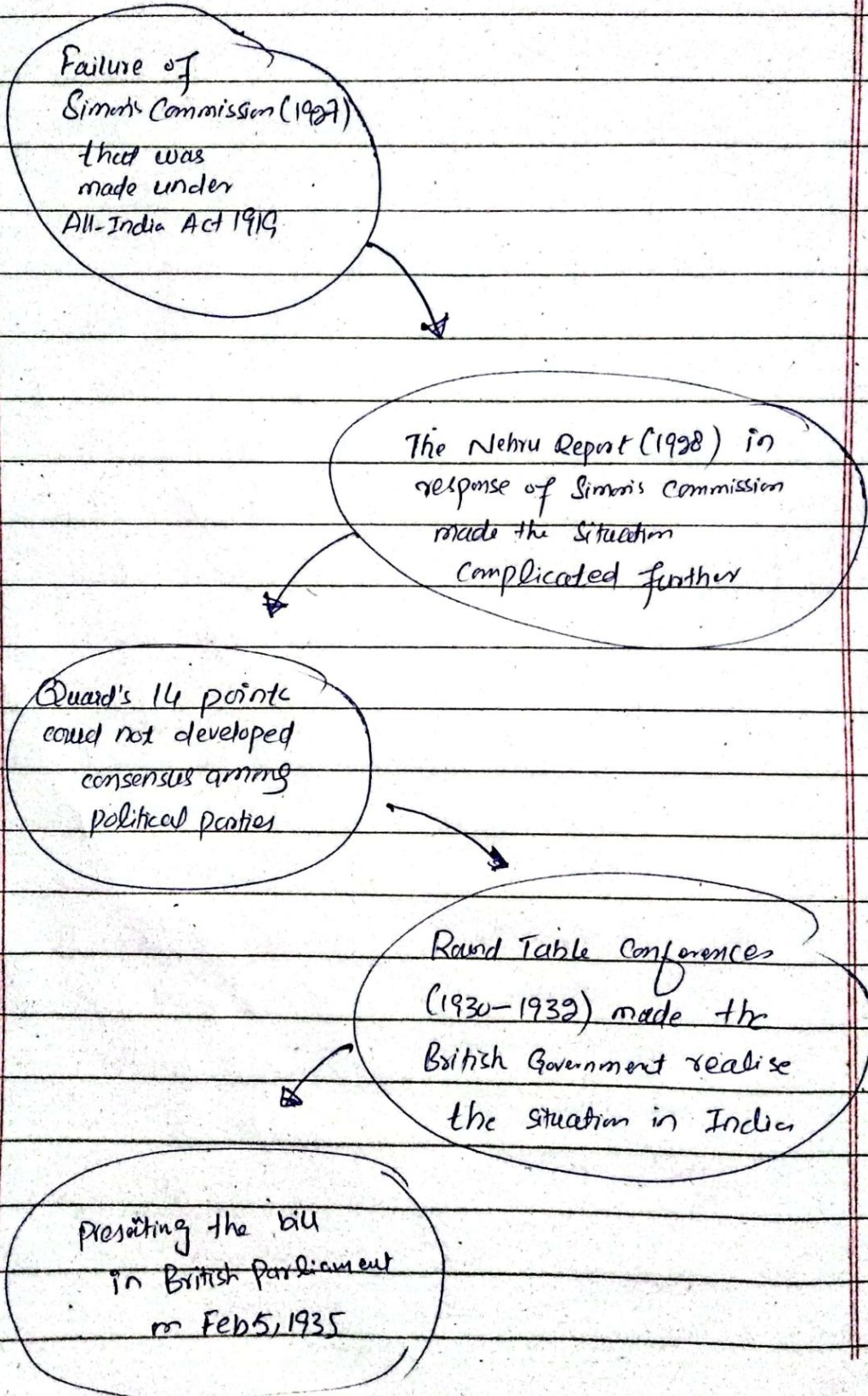
① Introduction:

The Government of India Act 1935 was the base of the constitutional evolution of India and Pakistan. It was passed by the British Parliament in 1935 after a long debate in the House of Commons and in the House of Lords. It was aimed to address the growing demands of the Indian for the self-rule. However, it was not welcomed by almost all political parties due to different reasons. The main objection of them was the introducing of a very weak legislature. Politicians argue that it will only hinder the process of achieving a self-rule system for India. Despite all the objections, it should be noted that this Act also contained some good steps for the people of India. Among them were the creation of All-India Federation, the establishment of Federal Court, and most importantly, abolishing Dyarchy in the

Provinces.

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② Background that Lead to the Act



Failure of Simon's Commission (1927) that was made under All-India Act 1919

The Nehru Report (1928) in response of Simon's Commission made the situation complicated further

Round's 14 points could not developed consensus among political parties

Round Table Conferences (1930-1932) made the British Government realise the situation in India

Presenting the bill in British Parliament on Feb 5, 1935

③ Salient Features of the Act:

The Government of India Act 1935 has the following salient features:

- Creation of All-India Federation which was long awaited dream of the Indian Political parties.
- Creating a semi-responsible government at the center.
- Ensuring provincial autonomy.
- Establishment of Federal Court, Federal Public Service Commission, and Federal Railway Commission.
- Special powers were given to the Governor General and Governors under this Act.
- Enough representation was given to the States in the legislative assemblies.

④ Structure Under the Act of 1935

4.1 Creation of All-India Federation

Under this act, powers were divided into Federal, Provincial and Concurrent subjects. Dynarchy was abolished in the provinces. However, it was introduced in the Centre. Financial, religious and tribal affairs were under the control of the Governor-General and while the remaining Federal subjects were given to the ministers who were responsible to their assembly.

4.2 Federal Assembly:

According to this act, a Bicameral Legislature was introduced. The lower house was called the Indian Legislative Assembly (ILA), while the upper house was named, the Council of States. The ILA ~~was~~ tenure for was set as 5 years; and the Council of States would retire its one-third

after every three years.

Assembly	Members	Representative of British India	Representative of States
ILA	375	250	125
CoS	Not greater than 260	156	140

The legislature was not independent but a sham body. The Governor-General could veto the passed laws. In certain cases, the sanction from the Governor-General was mandatory to introduce bills in the parliament. Besides, more than 80% of the items in the budget were not votable for the members.

4-3 Powers of the Governor-General and Governors:

This act gave special powers to the Governor-Generals and Governors in the India. Powers in which the Governor-General was not even bound to his council are?

- Governor-General could issue ordinances.
- He was authorised to suspend constitution.
- He had the power to approve and dismiss the presidents of the legislative assemblies.
- Governor General could disallow the discussion on any part of the bill in the assembly.
- He could veto any passed bill from the assemblies.

Moreover, Governor General was given the authority of the financial, religious and tribal affairs. Governors were entitled to maintain law and order in their provinces. Besides they could also check for the taxes on the British Goods coming to India.

4-4 Federal Court?

A federal court was established under this act

which has the jurisdiction over the British India and the states. The authority of the court was to interpret the constitution as well ensure its implementation by the Centre and the provinces. Moreover, the court could give advice to the Governor-General on constitutional matters; however, it was up to the Governor-General to accept or reject the advice.

⑤ Reactions on the Act:

Almost all the political parties showed dissatisfaction over the act.

Quaid-e-Azam, Jinnah, remarked,

"thoroughly rotten, fundamentally bad and totally unacceptable."

Similarly, J. Nehru equated the act with a machine having strong brakes but not engine. This is because the act was more controlling in nature and less efficient.

⑥ Conclusion: ☐

In a nutshell, the Government of India Act 1935 could not help the demand of the Indians self-rule, meet. Rather, it made the masses speak more violently against the unjustified British Rule. None of the parties accepted the act and consider it a continuation of the British oppressive policies. In the words of AK. Fazlul Haq,

"The act ensured neither the Muslim Raj nor the Hindu Raj, but the British Raj."

[Indian Annual Register, 1937]