

The Government of India Act- 1935: A Way to the Responsible Government

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Abstract: *The congress thought that the Montagu – Chelmsford reforms were not adequate and satisfactory according to the responsible governments for India. Moreover, Jallianwala Bagh Tragedy and Rowlatt Act annoyed Indian leaders and Gandhi Ji started non-cooperation movement to oppose British policies in India. Likewise Khilafat movement also started and it bridged the gulf between Hindu & Muslim community. Now the Indian leaders clearly stated that they want to attain the status of Swarajya in India by all peaceful means. In this sequence Simon Commission was sent to India in Nov. 1927 to enquire into the working of the system of Government; but there was no Indian leader as a member in this commission. That is why; it was opposed throughout India. For the peaceful resolution of the constitutional dead lock in India, the round table conference started in 1930 and in the 3rd Round Table Conference in 1932, a white paper was issued in March 1933 which gave some details of the working basis of the New Constitution of*

India which paved a way to the responsible government in India as the Government of India Act – 1935. The present research paper highlights some salient features and basic provisions of this act.

Keywords: Responsible Government, Rowlett Act, Khilafat Agitation, Simon Commission, Round Table Conference, Federal Structure.

Introduction: The congress leaders were not satisfied with the limited purpose and scope of the proposed round table conference; therefore, they resolved to boycott the round table conference and Gandhi ji launched a '*Civil Disobedience movement*' in March 1930. He started his historical march to dandi beach with thousands of volunteers to break salt law formed by British Government. Meanwhile the Viceroy convened a Round Table Conference in London and the congress leaders being behind the prison bars were not satisfied the British efforts. Therefore, the absence of congress representation in the first round table conference led to the decision to have a second

one in which it was hoped that congress representatives would take part. Now second round table conference was convened in Sept. 1931; but in spite of having given a carte blanche to Mr. Jinnah no settlement could be arrived at to solve the communal problem. That is why; another round table conference was convened in London in the month of Nov. 1932. Now a white paper was issued which made provision of dyarchy at the centre and responsible government in the provinces. In Feb. 1935 a bill was introduced in the *House of Commons* by the Secretary of State for India which when passed became the Govt. of India Act – 1935. The basic provisions of the Act were as under:

- **Federal Executive :** This act ensured the establishment of an All India Federation which governors' provinces and the Chief Commissioner Provinces and those Indian states which might accede to be united were to be included. In the case of the states, accession to the federation was voluntary, and the federation could be established until a number of states, the ruler whereof were entitled to choose not less than half of the 104 seats of the council of state and the aggregate population

whereof amounted to at least one half of the total population of all the Indian states had exceeded to the federation. The other federal subjects were to be administered by the governor general with the assistance and advice of a council of ministers to be chosen by him and to hold office during his pleasure. The governor general had special responsibilities regarding some specified subject such as; the prevention of any grave menace to the peace and tranquility of India are any it's part. The act provided for a federal executive and defense, external affairs, ecclesiastical affairs and the administration of tribal areas were reserved in the hands of governor general to be administered by him with the assistance of a maximum of three counselors to be appointed by him.

- **The Federal Legislature:** The act made the provision of federal legislature having two chambers, the council of state and the federal assembly. The council of the state was to be a permanent body with 1/3 of its membership and it was to be consisted of 156 elected member of British India and not more than 104 members from the Indian state. The federal assembly was fixed for tenure of five year

consisting 250 representatives of British India and not more than 125 members from the Indian State. The members from the Indian state were to be nominated by the rulers. In the upper house the election was to be direct while in the lower house it was to be indirect. The princes were to be nominated 1/3 of the representative in the lower house and 2/5 in the upper house. The federal legislature was to have the power of making laws for whole or any part of British India while provincial legislature was to make laws for the provinces as regards the subject matter of federal and provincial laws, there were three lists as; the federal legislative list, the provincial legislative list and the concurrent legislative list. Some certain subjects were specially excluded from the jurisdiction of federal and provincial legislature; besides there were many subject of importance on which legislation could not be initiated without the previous sanction of the governor general.

- **Provincial Autonomy:** The executive authority of a province was vested in a governor appointed to represent the British crown and his position was largely like the governor general. The

administration of provincial affairs was to be carried out by a council of ministers appointed by the governor from among the elected members of the provincial legislature. The ministers could hold office during the governor's pleasure and as such they carried on the administration with a double sense of responsibility. The governor had special responsibility regarding certain specified subjects. There is no doubt that governor under the act had enormous powers and he could in several cases dismiss the ministers. He could also by a proclamation take the entire or partial government of the province in to his own hands if he was satisfied that the government of province could not be carried on in accordance with the normal provision of the act. It might appear that the provisions in the act regarding the discretionary functions and special responsibility of the governor were such as might be utilized to reduce responsible government.

The composition of provincial legislature varied from province to province and in all provincial legislative assembly all members were directly elected by the people; but in six provinces – Madras,

Bombay, Bengal, Utter Pradesh, Bihar and Assam there were bicameral legislative structure consisting of a legislative council and legislative assembly. The number of seats in the North-West frontier provinces was 50. Likewise there were 60 seats in Orrisa, 60 in Sindh, 108 in Assam, 112 in Central Provinces, 152 in Bihar, 175 in Punjab, 175 in Bombay, 215 in Madras, 228 in the united province and 250 seats in Bengal provinces.

- **The Federal Court:** The act also provided for a federal court with original and appellate power to interpret the constitution; but even in the respect the last word remain with the Privy Council in London. The new constitution was rigid and the sole authority competent to amend it was the British Government. Apart from the control given to the federation by the government, the right and obligation were in the hands of the British crown.

Conclusion: However, the Government of India Act 1935 envisaged the diarchy; but the process for the formation of the federation was ill-conceived and illogical. Therefore, this act was condemned by many Indian leaders as it made the provision of separate representation of communal and

other groups. Nevertheless, the government of India was the government of crown. The whole of the act rested upon a negation of this system of devolution and re-devolution of rules made by the governor general and council. The congress rejected the new constitution and reminded that the British government wanted to frame undemocratic and anti-national constitution through the implementation of this act. But we can't ignore the fact that this act paved a way to responsible government and it opened a new way to the new constitution for India.

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