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### **Government of India Act, 1935 (GOI1935)**

1. Indian Councils Act (1909)- brought Limited Self Govt
2. GOI Act 1919 led to - No responsible government at centre & only partially responsible govt in provinces i.e. **dyarchy**.
3. Linlithgow (1936-43) who **implemented** the GOI Act 1935 stated that - "GOI Act, 1935 was best way to maintain British control over India in the given circumstances"
4. Basis/Background of GOI Act 1935:
  - a. Pressure created by revolutionaries (HRA1924, HSRA1928 & Chittagong Armory Raid 1930-33) and by masses via Anti-Simon agitations (1928) & CDM(1930-34);
  - b. anger in masses due to economic difficulties on account of Great Depression (GD1929).
  - c. **Legal basis:-**
    1. **Simon Commission Report** (June 1930) recommended:
      1. fully responsible government in provinces with some emergency powers with Governor
      2. No change at Centre
      3. create NWFP & Sindh as full provinces. (\*NWFP created as Chief Commissioner or CC province from Punjab in 1901, full province in 1932)
      4. separate Burma from India (\*1<sup>st</sup> Burma War 1824-26, 2<sup>nd</sup> Burma 1852-53 had led to annexation)
    2. **1<sup>st</sup> RTC (1930)- Representatives of Princely States (\*565PS)** & non-INC parties participated & the latter demanded a federation i.e. a union having British India & 565PS.

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3. **2<sup>nd</sup> RTC (1931)**- Indian demands of- federation, responsible government at Centre & Purna Swaraj- not accepted.
4. **3<sup>rd</sup> RTC (1932)**- was unimportant due to very low participation.
5. **Thus, GOI Act 1935 was against principle of self-govt & not a result of any meaningful Indian participation as-**
  1. No Indian in 7 member Simon Commission (1927)
  2. INC boycotted 1<sup>st</sup> & 3<sup>rd</sup> RTC + 2<sup>nd</sup> RTC a failure
  3. **Nehru Report Aug 1928** was just a wish of All Party Conference (APC) which stayed unfulfilled by GOI Act 1935.

5. **Features of GOI Act 1935:**

- a. **Territorial & Administrative Reorganization:** Full province status to Orissa (1936), NWFP (\*1932 status reaffirmed), Sindh to be separated from Bombay [1936] + Burma to be separated from India [1937].
- b. At Centre (never became operational & GOI Act 1919 continued at Center)
  1. India to be a Union of British India & 565PS with federal relations between the two. (\*like Nehru Report (August 1928)). But this needed signing of Instrument of Accession (IOA in Sec 6 of GOI 1935) to accede to Union of India, by at least 50% of Princes- which was never done- therefore **Central Govt of Br India** continued as per GOI Act 1919. (\*link how in Butler Committee 1927, British promised not to change the status of 565PS without consent of Princes). After signing of IOA, only Defence, Foreign Affairs & Communications with Union GOI in relation to Princely States (\*565PS). Princes didn't agree because –

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1. Paramountcy was not abolished by GOI Act 1935. Therefore did not want another authority over them in form of Union Govt of India apart from the Crown.
2. didn't want to surrender financial autonomy to Union Govt of India [\*e.g. GOI can force 565PS to contribute to Defence Budget]
3. smaller Princely States were unhappy with low representation to them at Center of proposed Union (i.e. in Legislatures).
4. fear of democracy if joined union as then INC could launch movements even in 565PS.
2. Bicameral legislature at Centre = Federal Assembly & Council of States (FA, CoS)
3. 1/3<sup>rd</sup> members in FA to be Nominees of Princes. This practically eliminated chances of INC majority in FA. (\*bz now getting more than 50% seats from 66% is tough.)
4. Life of CoS to be permanent with 1/3<sup>rd</sup> members retiring every year and life of 5 years for FA. [\*link COI 1950]
5. Direct elections for CoS for better representation of different regions & communities BUT indirect for FA to maintain control over lower house & limit power of INC over FA. [\*there would be less INC members if indirect elections as regional parties do better in provincial elections]
6. Right to Vote to more Indians but still only 10% got it due to income & education criteria. Intent was to deny voting rights to INC support base i.e. poor peasants & workers.
7. Separate electorates for all minorities as in GOI Act 1919 continued

(Since FA is more powerful and Br did not want control of INC over FA.)

8. Reservation for Scheduled Castes (\*SCs) in all legislative bodies (\*GOI1919- Reservation was given only in Nominated seats, here elected seats)
9. Reservation for women & labor/workers.
10. 1st time federal distribution of subjects into federal, concurrent & provincial list. (\*this time not Centre but GOI1935 gave subjects to provinces hence called federal distribution)
11. 80% of Budget was still not votable + Viceroy could restore cuts in grants & had residual powers, veto powers, ordinance powers and power to certify rejected bills.
12. Dyarchy at Centre with reserved subjects under Viceroy viz defense, internal security, foreign affairs, church, tribal areas etc.
13. In transferred subjects- laws to be made by FA & CoS & Viceroy to function on aid & advice of ministers responsible to Legislature. Hence partially responsible govt proposed at Centre.
14. Fiscal autonomy to Union Govt of India i.e. transfer of financial control of British India from Secretary of State for India (SoSforIndia) in London to Viceroy in India. Therefore GOI Act 1935 reduced powers of SOSforIndia. Nehru called this, the only major change by GOI Act 1935.

**c. Features of GOI Act 1935 at Provinces:**

1. Provincial Autonomy- as now federal distribution of subjects & dyarchy was ended leading to all subjects becoming transferred subjects under PLA and popular ministers. (\*Governor = agent of Centre and hence 1919's Dyarchy was against Provincial Autonomy)
2. Now fully responsible govt in provinces as Dyarchy ended.



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3. Direct elections & separate electorates continued.
4. A Council of Ministers headed by **Premier** (\*CM) responsible to PLA.
5. However,
  1. 40% of Budget was non votable (\*\*Indian MLA sad, Indian minister happy. Hence not pro-British but against democracy).
  2. Governor was still too powerful –
    - a. had discretionary powers to summon PLA
    - b. veto power over bills
    - c. ordinance power
    - d. admin of tribal areas (\*\*link 5<sup>th</sup> schedule of COI1950)
    - e. special powers to protect minority rights, British business interests & privileges of civil servants
    - f. power to take over government & run it indefinitely.

## 6. Result

- a. No mention of dominion status (as demanded by Nehru Report of Aug 1928)
- b. Goal was to have strong control over Centre & get INC busy in provinces with fully responsible govt.
- c. Forming of govt by regional leaders in Provinces will make them autonomous power centers within INC and therefore weaken the central INC leadership. (\*notice Divide & Rule tactic)
- d. INC opposed representation of Princely States (\*565PS) by nominees of princes i.e. demanded elections in 565PS.
- e. ML1906 feared Hindu majority in federal assembly or Centre as few Muslim Majority Provinces (MMPs).

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- f. INC rejected GOI Act 1935 & demanded a Constituent Assembly (\*CA) elected by Universal Adult Franchise (\*UAF)
- g. Some provinces got Upper House.

### **Congress Ministries – 28-month rule (1937-39)**

1. GOI 1935 came into effect in 1937 & INC formed govts in provinces to prevent non-INC parties becoming powerful (\*\*same logic of 1923 election to CLA @ swarajist/pro changers) + to promote Constructive Work better (\*\*this time executive under INC while in 1923 it wasn't)
2. Results
  - a. INC got majority in all provinces except Bengal, Assam, NWFP, Sindh, Punjab.
  - b. Was Largest party without majority in Bengal, Assam, NWFP
  - c. setup coalition govt in Assam & NWFP [\*NWFP created as CC province from Punjab in 1901, full province in 1932].
3. Congress ministries boosted morale of party cadre, peasants & workers therefore strengthened INC & movements of peasants & workers.
4. INC gained important experience in governance.
5. INM strengthened in 565PS as people of States motivated by rise of INC to power. Now Praja Mandals or State People's Congresses (SPCs) were setup in more Princely States & membership of existing SPCs increased. (\*after GOI 1919, Narendra Mandal or Chamber of Princes setup in 1922 as advisory body to Br)

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