

Government of India Act, 1935

The Government of India Act was passed by the British Parliament in August 1935. It was the longest act enacted by the British Parliament at that time. So, it was divided into two separate acts namely, the Government of India Act 1935 and the Government of Burma Act 1935.

Overview of the Government of India Act, 1935

A cursory detail of the act is given in the table below:

Government of India Act, 1935	
Long Title	An Act to make further provision for the Government of India.
Territorial Extent	Territories under direct British control
Enacted by	Parliament of United Kingdom
Royal Assent	24th July 1935
Commenced	1st April 1937
Status	Repealed on 26th January 1950 in India

Background of the Government of India Act, 1935

- There was a growing demand for constitutional reforms in India by Indian leaders.
- India's support to Britain in the First World War also aided in British acknowledgement of the need for the inclusion of more Indians in the administration of their own country.
- The Act was based on:
 - Simon Commission Report
 - The recommendations of the Round Table Conferences
 - The White Paper published by the British government in 1933 (based on the Third Round Table Conference)
 - Report of the Joint Select Committees.

Creation of an All India Federation

- This federation was to consist of British India and the princely states.
- The provinces in British India would have to join the federation but this was not compulsory for the princely states.

- This federation never materialised because of the lack of support from the required number of princely states.

Division of Powers

- This Act divided powers between the centre and the provinces.
- There were three lists which gave the subjects under each government.
 1. Federal List (Centre)
 2. Provincial List (Provinces)
 3. Concurrent List (Both)
- The Viceroy was vested with residual powers.

Provincial autonomy

- The Act gave more autonomy to the provinces.
- Diarchy was abolished at the provincial levels.
- The Governor was the head of the executive.
- There was a Council of Ministers to advise him. The ministers were responsible to the provincial legislatures who controlled them. The legislature could also remove the ministers.
- However, the governors still retained special reserve powers.
- The British authorities could still suspend a provincial government.

Diarchy at the centre

- The subjects under the Federal List were divided into two: Reserved and Transferred.
- The reserved subjects were controlled by the Governor-General who administered them with the help of three counsellors appointed by him. They were not responsible to the legislature. These subjects included defence, ecclesiastical affairs (church-related), external affairs, press, police, taxation, justice, power resources and tribal affairs.
- The transferred subjects were administered by the Governor-General with his Council of Ministers (not more than 10). The Council had to act in confidence with the legislature. The subjects in this list included local government, forests, education, health, etc.
- However, the Governor-General had 'special powers' to interfere in the transferred subjects also.

Bicameral legislature

- A bicameral federal legislature would be established.
- The two houses were the Federal Assembly (lower house) and the Council of States (upper house).
- The federal assembly had a term of five years.
- Both houses had representatives from the princely states also. The representatives of the princely states were to be nominated by the rulers and not elected. The

representatives of British India were to be elected. Some were to be nominated by the Governor-General.

- There were to be separate electorates for the minority communities, women and the depressed classes.
- Bicameral legislatures were introduced in some provinces also like Bengal, Madras, Bombay, Bihar, Assam and the United Provinces.

Federal court

- A federal court was established at Delhi for the resolution of disputes between provinces and also between the centre and the provinces.
- It was to have 1 Chief Justice and not more than 6 judges.

Indian Council

- The Indian Council was abolished.
- The Secretary of State for India would instead have a team of advisors.

Franchise

- This Act introduced direct elections in India for the first time.
- About 10% of the whole population acquired voting rights.

Reorganisation

- Sindh was carved out of Bombay Presidency.
- Bihar and Orissa were split.
- Burma was severed off from India.
- Aden was also separated from India and made into a Crown colony.

Other points

- The British Parliament retained its supremacy over the Indian legislatures both provincial and federal.
- A Federal Railway Authority was set up to control Indian railways.
- The Reserve Bank of India was established as per this Act.
- The Act also provided for the establishment of federal, provincial and joint Public Service Commissions.
- The Act was a milestone in the development of a responsible constitutional government in India.
- The Government of India Act 1935 was replaced by the Constitution of India after independence.
- The Indian leaders were not enthusiastic about the Act since despite granting provincial autonomy the governors and the viceroy had considerable 'special powers'.

- Separate communal electorates were a measure through which the British wanted to ensure the Congress Party could never rule on its own. It was also a way to keep the people divided.