

THE GOVERNMENT OF INDIA ACT (1935)

After the failure of the Third Round Table Conference the British government gave the Joint Select Committee the task of formulating a new Act for India. The Simon Commission Report submitted in 1930, formed the basis for the Government of India Act, 1935. The new Act received the royal assent on 4 August 1935. It was the last major constructive achievement of the British in India; its significance matched both its hulk and the deliberations in its preparation.

The committee comprised 16 members each from the House of Commons and the House of Lords, 20 representatives from British India, and seven from the princely states. Lord Linlithgow was appointed as the president of the committee. After a year and a half of deliberations, the committee finally came out with a draft Bill on 5 February 1935. The Bill was discussed in the House of Commons for 43 days and in the House of Lords for 13 days and finally, after being signed by the King, was enforced as the Government of India Act, 1935.

★ Reaction to the Act of 1935

The Act of 1935 was condemned by nearly all sections of the Indian public and was unanimously rejected by the Congress. The Congress demanded, instead, the convening of a Constituent Assembly elected on the basis of adult franchise to frame a constitution for an independent India. Although the Congress opposed the Act, yet it contested the elections when the Constitution was introduced on 1 April 1937. The Congress formed ministries; first in 6 provinces and then in another two. The Congress high command exercised a great hold upon the ministries of each province. The

Muslim League was, however, not happy with the Congress rule, especially Jinnah, who described it in these words; Congress was drunk with power and was oppressive against the Muslims.'

Main Features of the Act

The Act continued and extended all the existing features of the Indian constitution. Popular representation, which went back to 1892; dyarchy and ministerial responsibility, which dated from 1921; provincial autonomy, whose chequered history went back to the eighteenth-century presidencies; recognition in 1909; and the safeguards devised in 1919, were all continued and in most cases extended. In addition, there were certain new principles introduced. It provided a federal type of government. Thus, the Act:

- (a) introduced provincial autonomy;
- (b) abolished dyarchy in provinces; and
- (c) made ministers responsible to the legislature and federation at the Centre.

The salient features of the Act were as follows:

1. A federation of India was promised, comprising both British provinces and Princely states. The British wanted the princes to counter-balance the anti-imperialist doctrines of the nationalist leaders. The provisions of the Act establishing the federal Central Government were not to become operative until a specified number of rulers of states had signed the Instruments of Accession. As this did not happen, the Central Government continued to function in accordance with the 1919 Act.
2. The Governor-General remained the head of the central administration and enjoyed wide powers

- concerning administration, legislation and finance.
3. No finance bill could be placed in the Central Legislature without the consent of the Governor-General.
 4. The Federal Legislature was to consist of two houses, the Council of State (Upper House) and the Federal Assembly (Lower House).
 5. The Council of State was to consist of 260 members, out of whom 156 were to be elected from British India and 104 to be nominated by the rulers of the princely states.
 6. The Federal Assembly was to consist of 375 members; out of which 250 were to be elected by the Legislative Assemblies of the British Indian provinces, while 125 were to be nominated by the rulers of the princely states.
 7. The Central Legislature had the right to pass any bill, but the bill required the approval of the Governor-General before it became law. On the other hand, the Governor-General had the power to frame ordinances.
 8. The Indian Council was abolished. In its place, a few advisers were nominated to help the Secretary of State for India.
 9. The Secretary of State was not expected to interfere in matters that the Governor-General dealt with, with the help of the Indian ministers.
 10. The provinces were given autonomy with respect to subjects delegated to them.
 11. Dyarchy, which had been established in the provinces by the Act of 1919, was to be established at the Centre. However, it came to an end in the provinces.
 12. Two new provinces—Sindh and Orissa—were created.

13. Reforms were introduced in the North-West Frontier Province as also in the other provinces.
14. Separate electorates were continued as before.
15. One-third Muslim representation in the Central Legislature was guaranteed.
16. Autonomous Provincial Governments in 11 provinces, under ministries responsible to the legislatures, were to be set up.
17. Burma and Aden were separated from India.
18. The Federal Court was established at the Centre.
19. The Reserve Bank of India was established.
20. The Governors had the power to veto legislative action and the power to legislate on their own.

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