

Government India Act of 1935

The Round Table Conferences could not achieve their objective and thus failed. However on the suggestions of Round Table Conferences white paper was issued in 1933 and efforts were started to make the constitution of India. A committee was setup under the chairmanship of Lord Linlithgow, the viceroy of India, to consider the recommendations of the white paper. The report of the committee was published in 1934 that was contained in a bill of law. The report along with the bill was passed in the British Parliament. After the Royal assent the Act was enforced in the country as Government of India Act 1935. The Government of India Act 1935 consisted of two parts. One part was central and the other part was the provincial. The Act was also contained 14 parts and 10 schedules. The following were the salient features of the Act:

- The Act proclaimed a bicameral legislature. The one house of the Assembly was called the Indian Legislature Assembly and the other house of the Assembly was The Council of State. The Council of State was the upper house that was a permanent body i.e that it could not be dissolved like the lower house of the Parliament. One-third members of the upper house had to retire after every 3 years. The lower house of the Assembly, the Indian Legislature Assembly, was not an independent body. The laws passed by the Assembly could be Veto by Governor-General. The legislature had no control over the legislature under this Act.
- As regards the Federal Budget it was consisted of two parts. One part consisted of non-votable part of the budget that was 80 % of the whole budget. This part of budget could not be discussed or amended in the legislature. The other part of the budget that consisted of 20% of the whole budget could be discussed or amended in the Federal Assembly.
- The provinces were given more authority and powers and for the first time the provinces were made separate entities.
- The system of Dyarchy was scrapped in the provinces and introduced in the centre.
- Under the Act there were three lists of subjects. One was federal , 2nd was provincial and the 3rd was concurrent list.
- The whole country was divided into 11 provinces.
- The Governor-General in the centre and the Governors in the provinces were given special rights and privileges. In case of emergency situation both Governor-General and Governors enjoyed unlimited powers and their authority could not be challenged in any institution.
- Under the Act a Federal Court was established. The court was consisted of Chief Justice and six other judges. After the age of 65 the judges of the Federal court had to vacate the seat however the any judge of the court could leave his seat before the age of 65. The court could interpret the constitution and if Governor-General needed any help regarding the constitution matters the court was bound to give advice but it was totally depended upon him to accept or reject the advice.
- Under the Act the Secretary of State for India enjoyed the same powers that the other ministers enjoyed under the Act. The Indian Council that was created to help him was abolished under the Government of India Act 1935.

The Act of 1935 failed to win appreciation from various sectors. Both the Muslim League and the Indian National Congress expressed their dissatisfaction over the Act. Hindu leader Madam Mohan greatly criticized this Act and Pandit Jawahar Lal Nehru said on the emergency rights of

Governor-General and Governors that this Act provided that this Act was like a machine that had strong brakes and no engine. Muslim leader Muhammad Ali Jinnah said this scheme thoroughly rotten fundamentally bad and totally unacceptable.

The 1937 Elections:

Background:

These elections of 1937 on the provincial levels were held with the restricted franchise and separate electorate. The principle of universal adult franchise implies that citizens of certain minimum age are entitled to vote and that minimum age could be 21, 18, or 16 and that is determined by law. But in case of 1935 elections the British had put certain restrictions and that's why it was not a universal adult franchise. If you compare it with the previous laws the electorate has been extended and more people were given the right to vote under this Act than was the case in the past. The second main feature of this Act was that in these elections the principle of Separate Electorate was observed. This principle was accepted by the British govt in the govt of India Act 1909 and since then this principle remained effective since that day and this principle means that you elect your members of your own by separate electorate.

Projection of Congress:

The Congress projected itself as an all-India force representing all religions and factions of the society. The Muslim League contested for the Muslim seats. The ML focused only on the Muslims because it claimed to be the sole representative of the Muslims. There was a tough competition from the other Muslim organizations in different provinces which were also claiming to be the representatives of the Muslims. In this way the ML was not only competing with the Congress only but with a number of other Muslim groups and political parties at the provincial level. The elections were completed in February 1937. And if we look at the results of these elections we find that the Congress got majorities in five provinces and the provinces from where the Congress got very clear majority were Madras, U.P (United province as it was known at that time), C.P. (central province), Bihar, and Orissa. It emerged as the largest party in Bombay and won 704 out of 1585 general seats which were reserved for the Non-Muslims. But the Congress got less than 30 seats reserved for the Muslims.

Performance of Muslim League:

The Muslim League performed poorly in the elections and got only about 21 percent of Muslim seats without winning majority anywhere, Bengal, Punjab, NWFP, and Sind. These seats were won by local Muslims political parties. It was mostly due to the organizational problems and opposition by local Muslim groups. And ML failed poorly in these provinces. In the Muslim majority provinces seats were very limited which the ML got, in case of Bengal it got only a few seats. The most interesting situation developed in the province of Punjab which was a Muslim majority province. Here the Unionist Party was leading and ML got only two seats and out of those two members who were elected from the ML seats and one of them left the ML and joined the unionist party and the result was that the ML was left only with one member in the province of Punjab. The ML performed relatively well in the Muslim minority provinces but

overall it was a weak performance. The reason was that the ML was still facing organizational problems.

Return of Quaid-e-Azam:

Quaid-e-Azam returned to India from England in 1934 and he took command of the ML and began to organize the ML but 3 years that is from 1934 to 1937 was a brief period and therefore the ML was facing organizational problems. Furthermore, the ML was facing tough competition in Muslim majority provinces by other Muslim organizations and Muslim groups therefore it could not establish its credentials in the elections of 1937 as the sole representatives of the Muslims of India.

Formation of Provincial Governments:

The Congress rule:

The Congress won clear majority in the five provinces but it was the largest group in one more province. In July 1937, Congress therefore formed governments in 6 provinces. However the formation of the ministries of Congress in these provinces delayed. The provincial system was inaugurated on April first 1937. But in case of the Congress ministries took over the charge in July 1937. The reason was that the Congress wanted categorical assurance from the British govt that the provincial governors will not exercise their special powers against the ministries. There was a dialogue between the British Indian govt and the Congress high command and ultimately the British govt gave a way kind of commitment not a very that the governors will not interfere in the day to day affairs of the govt. So this was a good base for the Congress party to form the govt because they wanted to form the govt. Now in case of the provinces where Muslims were in majority, in all the four provinces, that is Punjab, NWFP, Sind and Bengal non ML ministries were formed. In NWFP, Khudai Khidmatgar party that was the leading party in the elections and Congress formed a coalition government. In case of Punjab Unionist party lead by Sir Sikander Hayat Khan formed the govt. In Sind the United Party which was a Muslim party form the govt. In Bengal a coalition govt was formed, ML was part of it but it was a kind of minor party in the coalition. So, it was a non-Muslim League govt although supported it. The ML wanted that it should be given some of the representation in the provinces where Congress have formed the govt because 3 out of 6 provinces where Congress have formed the govt the ML could not win even a single Muslim seat.

Plight of Muslim League:

In the Muslim majority provinces, the Muslim League could not form the governments. The Muslim League desired to be in government in the U.P. however the negotiations between the ML and the Congress produced certain demands which were not acceptable to the ML and the Congress consented to a conditional support:

Demands of Congress:

The Congress demanded that if the ML wanted to be a part of govt in U.P. it will have to do 3 things

1. Dissolve AIML Parliamentary Board (which was there for elections)
2. AIML members in the assembly not to function as a separate group
3. AIML members have to formally express their allegiance or loyalty to the Congress party.

Refusal of Muslim League:

Definitely the above-mentioned terms were a device to subvert the existence of the Muslim League in that province because if you sign allegiance to Congress and you don't function as a party your entity disappears. These conditions were not acceptable to the ML leadership therefore, no agreement was possible on this issue and the ML stayed out of the coalition which was understandable. In fact, the Congress also knew that these conditions were not acceptable to the ML that's why they offered such difficult and strict conditions.

Now, we move on to the 3rd aspect of our today's lecture which is the policies of the Congress ministries towards Muslims in different provinces.

Policies of the Congress Governments: (July 1937-Nov. 1939)

The Congress ministries were in power from July, 1937 to November, 1939. They resigned because with the beginning of the World War 2nd in September 1939 the British went to war and being the colonial rulers of India they declared on behalf of India that India is also part of the war effort. In other words, the British declared war on behalf of India. The Congress protested that this decision was made without consulting with the Indian leaders and as a protest they resigned from the ministries and the Congress rule came to an end in 1939. These Congress ministries were important both for the Congress and the ML for 2 different reasons. This was for the first time that all Congress govt was set up in different provinces. This was for the first time that Congress had the freedom to pursue its policies at the provincial level within the framework of the Govt of India Act 1935. For Muslims especially for the ML this was the first experience of living under Congress rule, previously there was no representative govt in India. But now at the provincial level the Congress had formed the govt and this was the first occasion that the Muslims had the taste of the Congress rule. Therefore they realized that what kind of policies the Congress can adopt and what would be their fate under the Congress rule.

Interest of Muslims were affected:

These policies were there to adversely affect the Muslims interests. The reason was that the Congress had become too confident after winning and setting up of govts in 6 provinces and in the 7th province it had a pro-Congress govt and it thought that this was an opportunity where it could establish itself as an All India Force. It also felt that it provided Congress an opportunity to win over Muslims votes and somehow push aside ML and other Muslim groups and organizations that existed at that time in India. And the Congress thought that in this way it could establish itself as the genuine and truly All India Party and they would perform better in the next elections.

Muslim mass contact movement by Nehru:

Therefore, they started Muslim mass contact movement by emphasizing that the real issues are the economic issues. The Congress efforts to launch the mass contact movement did not succeed; it in fact created greater insecurity amongst the Muslims especially the Muslim organizations and the ML. These organizations felt that it was an attempt to undercut the roots of the Muslim organizations amongst the Muslims and what really undermined the efforts of the Congress to make inroads amongst the Muslim population was the type of policies the Congress ministries adopted in the provinces. Let's take up their cultural and educational policies.

Anti-Muslim Policies:

All Congress governments in the provinces launched anti-Muslim drive basically to exclude the ML and other Muslim organizations from the government making process. The Congress leaders had come to know that the ML had got roots in the masses. They started 'Muslim Mass Contact' movement to defame the ML in their favour. Here under the cover of cultural policies what they were doing, they were projecting Hindu culture, history and symbols in the name of Indian culture and Indian history. The Congress did not realize that an over emphasis on Hindu symbols will cause reaction amongst the Muslims because the Muslims were defining their identity with reference to their own history, culture, civilization and Islam. And this approach by the Congress was coming in conflict with that perspective and that outlook.

Urdu was replaced by Hindi :

Then came the question of language, most of the provincial govts were projecting now Hindi language in place of Urdu which also perturbed the Muslims. Let's take up the educational policies. They were making cultural and educational policies that promoted the Hindu culture and symbols in the name of Indian culture.

National Anthem Banda-Mataram

They introduced the famous anthem Banda-Mataram, an anthem from Annandmath in the institutions and offices etc. If we go back in the context of Bande Mataram, this had an anti Muslim connotation and the context is anti Muslims, therefore when this anthem virtually became a part of their system, the Muslims objected. Another was the projection of Gandhi's philosophy that was also objected by the Muslim leaders because that what incorporated in the courses they were trying to introduce.

Wardha Educational Scheme:

The Hindi language was given top most importance in their policies. Wardha Educational Scheme was introduced by the Congress which was to convert Muslims into Hindus through primary educational literature. Again under the cover of new education policies they were projecting certain ideas which were in conflict with the notion of Muslim identity, Projection of Hindu heroes like Gandhi and distortion of Muslim history became their moral creed which obviously means distortion of the Muslim history.

The policy of discrimination:

In addition to these cultural issues and issues of interpretation of history there were couple of other issues that alienated the Muslims. They followed the policy of discrimination in services or new recruitment for jobs. A large number of Muslim civil servants have complains about discrimination, in the form of promotion or in the form of up in the cadre and different kinds of appointments, these were the complaints which a good number of Muslim officers made to the ML. Additionally there were complaints about new recruitments. A good number of Muslim applicants for jobs complained that in case of selection board which comprised mainly of Non-Muslims they had to face a difficult time.

The overall attitude of these ministries was negative towards Muslims especially, the activists, those who were active in politics, or active in ML or other Muslims organizations in the provinces. The major problem was that the Congress party was not able to understand the Muslim sensitivities about their identity, culture and about their interests, they did not realize that Islam and the heritage and the political experience which they had over generations in India was playing a vital and central role in creating their political identity. All that experience had become bases of their political identity and their political demands and unfortunately the Congress govt in the provinces and the Congress high command was insensitive to all these issues and that is why the Congress ministries in the provinces could not win over the Muslims. In fact, they alienated the Muslims. This unjust treatment compelled the Muslims to be disciplined in every sphere of life. Let's now move over to the next part of our lecture, that is the Muslim response, and how did the ML responded to the situation that I have described.

Muslim Response:

During this period, that is period over two years, the ML was not sitting idle. The ML was closely monitoring what was happening in different provinces. They were also mobilizing the Muslim and they were in interaction with the people in different provinces, mobilizing them and taking into account their concerns and their complaints. The Muslims were well aware of the theocratic inclination of the Hindu people. They arranged a close monitoring of the government. They publicized their policies and raised the issues. The mobilization of Muslims on these matters required keen probe to collect the original facts of the Hindu atrocities. Here we will talk about certain reports during these two years on the treatment of Muslim interests by the Congress ministries.

The Pirpur Report:

The first report is entitled as the PIRPUR REPORT which came out on March 28, 1938, the Council of ML appointed an eight-member committee under the presidentship of Raja Syed Muhammad Mehdi of Pirpur that presented its report on, November 15, 1938. It tried to dig out the cruelties of the Congress ministries in seven provinces. The report took up the Congress support to the rival Muslim organizations, intimidation and threats to the pro-Muslim League people. This report also talks about the policies which the Congress in different provinces and how those policies adversely affected the people of those provinces.

The Sharif Report, March 1939

There is another report the Sharif Report that was released in March 1939, and this report focuses on the province of Bihar, what was the Congress ministries doing in Bihar and how the Muslims suffered under the govt of Congress in Bihar. The ML deputed Mr. Sharif with members to investigate the injustices under the dictatorial rule of the Hindus. This report mainly collected the facts, concentrating on ill treatment of the government with the Muslims in Bihar.

The Fazl-ul- Haq Report: (December 1939)

The third report is a statement or a detailed account given by the chief minister of Bengal A. K. Fazl-ul-Haq, who published a pamphlet entitled Muslim Sufferings Under the Rule of Congress and made many alarming revelations e.g. forbidding of Azan, attacks in mosques, noisy processions of the Hindu scoundrels, forbidding of the cow-slaughter etc. This pamphlet responded the indictments by the Congress on the Muslims. At that time the chief minister was described or labeled as the premier. This report was a list of complaints and grievances which the Muslims developed against the Congress ministries in different parts of India.

Overall Assessment:

If we look at all these reports what we get is an overall impact of how the Muslims perceived the Congress ministries and what was their reaction to their policies, and what we get is a negative perception. A sense of a feeling of insecurity caused by the provincial govts and a desire to protect their interests, and that was the prominent feature which comes out from the congress ministries. All the reports described the Congress government as an attempt to create 'Hindu Raj' that wanted to overwhelm the Muslim culture and their identity. It was a rigorous threat to the Muslims' interests. Many of the Muslim leaders especially the Muslim League leaders were arguing that what the Congress was doing in these provinces where it had its govt was trying to establish a Hindu Rule, a rule dominated by the Hindus. The Muslims were generally feeling that this kind of govt in the long run undermine their interests. That is what was the perception of the Muslim League leadership.

Muslim League Activism:

Policies and strategies:

The ML remained very active during this period. The Muslim League highlighted the issues and the complaints which the ML received and mobilized the Muslims to counter them adequately. It reorganized the Muslim community to cope with the situation. The most significant development so far as the ML was concerned was its session at Lucknow in October 1937. In this session of ML Many prominent leaders like Fazlul Haq (premier of Bengal) participated in the session while Sikander Hayat (premier of Punjab) and Sir Saadullah (premier of Assam) announced their support to the ML. In this session 3 chief ministers or you could call them the premiers participated in the session and all these 3 Chief ministers promised to extend support to the ML although the ML had problems of managing relations with A. K Fazul Haq and Sikander Hayat Khan later on, but the fact that 3 Muslim CM were there and expressed their support for the ML was a big achievement for the ML, it was a major success and you could compare the position of the ML in 1934 with the position in October in 1937.

In 1934 ML was weak and divided, there were factions in the ML and the Muslim leadership requested the Quaid to come back to India and when he came back to India. He took the responsibility to reorganize the ML but in 1937 elections it could not perform well. Now with the entry of the Chief Ministers on the side of the ML, it felt more confident and more secure because it could talk about now the support which it was enjoying. So in other words the ML fate had started changing from 1937.

This is ironic that in 1937 elections ML performed poorly then by October the situation was changing and it was moving up and if we go back to the later period we will come to know that the ML becomes a very powerful and effective organization. Now coming back to the 1937 session of the ML

In this session the Muslim leaders shed a sharp criticism on the Congress policies, and they explained that how these policies were working against the Muslims. They protested against the reduction of status of Urdu and other Muslim related issues. They created realization, amongst the Muslims, of what can happen under the Congress rule and urged for serious thinking about the future political and constitutional arrangements. They unearthed the real objectives of the Congress and urged the need of unity among the Muslims under the banner of Muslim League. They also expressed their determination to resist these tendencies of the Congress ministries and to work for protection and promotion of Muslim interests in the Sub Continent.

Blessing in disguise:

There was a realization that what has happened in the Congress ministries at the provincial level, would perhaps be the fate of the Muslims, if Congress assumes power in all India. They were saying that in a way this is at a limited scale a display of what Congress would do and that is how it is going to behave if it get power at the Centre or at the provincial level. This kind of feeling led the ML leadership to give a serious thought to alternatives, political alternatives. Previously, the ML and other ML leaders were primarily were talking of a federal model, certain safeguards and constitutional guarantees that should be provided to the Muslims. But here after the Congress Ministries some of the Muslim leaders began to question that whether a provincial model with autonomy can solve their problems that if they have a federal system with provincial autonomy will not solve their problems. If the situation will go as it is going in the provinces then perhaps it may not provide a satisfactory solution to the Muslims. It is because of this kind of feelings that the ML leadership began to think about alternatives.

Sind Muslim League Resolution:

In fact, the SML was the first regional organization or regional body of the ML that argued that ML should think beyond the federal model that is instead of demanding federal model with autonomy to the provinces and in provinces where they are in majority then would have the security, so the ML was arguing that they will have to think beyond the federal model and they will have to talk about some constitutional scheme that talks about freedom for the Muslims. With the passage of time this thinking caught on and then in 1939 when the 2nd World War started the Congress party decided to withdraw its ministries, the ministries resigned and that movement was occasion of pleasure and happiness for the Muslim League.

Resign of Congress Ministries:

The Second World War (September 1939) proved blessing for the Muslims in a sense that the Congress Ministries resigned in November 1939. The Muslims observed Day of Deliverance on December 22, 1939, to express their satisfaction that there are no longer Congress Ministries and when the issue of 2nd World War came the ML argued that new constitution would be framed keeping in view the ML interests, they also argued that no constitution would be imposed without taking into account Muslim interests

Conclusion:

The ML redefined its position during the World War II. They expressed their enthusiasm that no constitution to be enforced without the consent of the Muslims. They eradicated their organizational weaknesses and refined their objectives keeping the experiences of the Congress ministries. This brings to an end to our today's lecture where we focus on the Congress Ministries.