

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 center.
- 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 center 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 Pandat 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.