

A Few Minutes Series

Subject - History

Date - 20th January 2023

Click [here](#) to watch the following topics on YouTube

GOI Act of 1935

- GOI Act 1935 was based on **White Paper on Indian Constitution** prepared by the British Government after the **Third Round Table Conference**.
 - Falling short of the Complete Independence, the White paper was criticised by all the political parties of that time.
- GOI Act of 1935 contained 4 major provisions - All India Federation, Provincial Autonomy, dyarchy at the centre and safeguards which vested special powers with the central and provincial executive.
 - It provided legal safeguards against misbehaviour of Indian Ministers and Legislators.
 - Another notable feature was the **absence of Preamble**.

Sources - GOI Act 1935

- Simon Commission Report
- Nehru Report
- Discussions at the Round Table Conference
- White Paper
- Joint Select Committee Report
- Lothian Committee which determined the electoral provisions of the Act
- GOI Act 1935 - Main Provisions - Provisional Part

GOI Act 1935 - Main Provisions - Provisional Part

- **Provincial Autonomy** - All provincial departments would be **controlled by elected members**. For the first time, Act recognised provinces as separate legal entity, free from directions and control of GOI and SOS except for specific purposes. Now, the province's derived their power and authority directly from the British Crown.
- **Abolition of dyarchy in provinces** - replaced by provincial autonomy. The distinction between Reserved and Transferred subjects was abolished and full responsible Government was established subject to certain safeguards.
- **Bicameral Legislature** - introduced in 6 provinces - Bengal, Madras, Bombay, United Provinces, Bihar and Assam.
- **Creation of new provinces** - Sind and Orrisa and Burma was separated from India.
- **Franchise** - It was lowered, though still remained tied to property qualification.
- **Special Powers of Governor** - The Governor could issue ordinances or enact Governor's Acts.

GOI Act 1935 - Main Provisions - Federal Part

- Proposal for an **All India Federation (Never materialised)** - it was to comprise of Provinces and Indian States with federal central and provincial legislatures.
- For the **States, accession to Federation was voluntary** and Federation could not be formed unless two conditions were met -

- States entitled to at least half of the seats (52) allotted to the states in the proposed Council of States should agree to join the federation.
 - The aggregate population of states in the above category should be at least 50% of the total population of the Indian States.
 - **Dyarchy at the Centre** - Dyarchy now from provinces was introduced in the dyarchy at centre. Reserved Departments were under the GG who was to be administered by his counsellors appointed by him and responsible only to him. Transferred subjects, were to be administered by the GG on the advice of popular ministers answerable to legislature.
 - **Bicameral Central Legislature** - GG and the two houses - The Council of States and the Federal Assembly. (Both Houses had representation from British India as well as Princely States, with Princely States weightage being disproportionate as the states were expected to act as checks upon the nationalists)
 - **Other Federal Institutions** - This act provided for establishment of Federal Bank and Federal Court (1935 and 1937). The Act vested the control of Railways in new authority called Federal Railway Authority, free from control of ministers and councillors.
 - Extension of Separate Electorates - Now it also included women.
 - **Abolition of Indian Council** - which was established under the Act of 1858, on account of much agitation in India against its Anti-India policies.
- On this Act - JL Nehru commented - "We are provided with a car, all brakes and no engine".
-