Polity & Governance · GS - II

Did the Government of India Act, 1935 lay down a federal constitution? Discuss.

EXAM YEAR	PAPER	SUBJECT
2016	GS - II	Polity & Governance

MARKS	WORD LIMIT
12.5	~200 words

Answer Hint

Federal scheme; provincial autonomy; division of powers; three legislative lists; princely states; Governor-General; unitary features

Model Answer

Introduction

The Government of India Act, 1935 proposed a federal structure for British India, but the federation envisaged by it never fully came into operation.

Federal Features

- **Division of powers:** Legislative subjects were divided into Federal, Provincial and Concurrent Lists.
- **Provincial autonomy:** Provinces received greater autonomy, and dyarchy at the provincial level was abolished.
- **Bicameral legislature:** The Act provided for a federal legislature with two chambers.
- **Federal Court:** A Federal Court was established in 1937 to adjudicate specified constitutional disputes.
- **Dyarchy at the Centre:** The Act proposed dyarchy at the federal level.

Why It Was Not Fully Federal

- **Conditional federation:** The proposed federation depended on the accession of princely states, which did not occur on the required basis.

- **Strong Governor-General:** The Governor-General retained extensive discretionary and special responsibilities.
- **Emergency powers:** The central authority could exercise substantial control over provincial governments.
- **Limited democracy:** Franchise was restricted, and the executive was not fully responsible to a democratically elected legislature.
- **Colonial sovereignty:** Ultimate authority remained with the British Parliament.

Assessment

The Act introduced important federal institutions and a distribution of legislative powers, but it did not establish a sovereign federal democracy. Its provisions influenced the Constitution of independent India, particularly the legislative lists and aspects of administrative structure.

Conclusion

The 1935 Act laid down a federal scheme rather than a fully operational federal constitution. Its centralising and colonial features distinguished it from India's later constitutional arrangement.

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