

1. DID THE GOVERNMENT OF INDIA ACT, 1935 LAY DOWN A FEDERAL CONSTITUTION? DISCUSS.

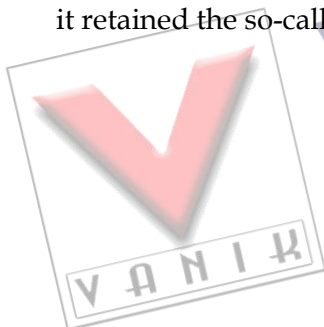
Ans: The Government of India Act 1935 marked a milestone towards a completely responsible government in India. Federation and provincial autonomy were some the outstanding features of the system introduced in India by this Act. It, for the first time, provided for the establishment of an All-India Federation consisting of provinces and princely states as units.

The Act divided the powers between the Centre and units in terms of three lists – Federal List for the Centre with 59 items, Provincial List for provinces with 54 items and the Concurrent List for both the Centre and units with 36 items. However, the subjects under the Federal List were divided into Reserved and Transferred categories. The Governor General retained exclusive powers on reserved subjects like defence, external affairs, press, taxation etc. He also had special powers to interfere in the transferred subjects also.

The Federation features as envisaged by the act did not come into effect due to behavior of Rulers of Indian States who were not ready to join the federation.

However, a major part of power was concentrated in the Central Government. The residuary power lay in the hands of the Viceroy. In the provinces the Governor who was directly responsible to the Centre had exclusive power in certain matters without the advice of ministers.

Although the Government of India Act laid the foundation for a Federal structure for India, it retained the so-called British hegemony in granting it.



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