

WRAP Exams · wrapexams.com

Prelims PYQ, Mains model answers, and copy evaluation. Write to the desk for this paper, a doubt, or the AI waitlist.

ask@wrapexams.com · +91 85951 84903 · wrapexams.com

Q7

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

UPSC Civil Services Mains 2016 · GS II · 12 marks · Federal Structure and Devolution

Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.

Core demand of the question

- Did the Government of India Act, 1935 lay down a federal constitution? Discuss
- Separate the federal scheme on paper from the incomplete All-India Federation, and compare it with the Constitution of India

Revision summary

The 1935 Act designed an All-India Federation, three legislative lists, provincial autonomy and a Federal Court.

Those are federal constitutional features and they later shaped the 1950 text.

The federation of princely States never started, so the scheme stayed on paper.

Governor-General and Governor special powers, and the absence of fundamental rights, kept a colonial unitary core.

The Act therefore laid down a federal constitution in form, not a fully operative federation.

Introduction

The Government of India Act, 1935, was the longest British statute for India and the first to draw an All-India Federation with three lists, provincial autonomy, and a Federal Court. On paper it laid down a federal constitution. In operation the federation of princely States never commenced, and the Governor-General's special powers kept a strong unitary core. The honest answer is therefore a qualified yes: federal in design, not a working federation of the 1950 kind.

Body

Federal features on paper

- The Act proposed a federation of Governors' Provinces and acceding Indian States, with a Federal Legislature and a Federal Executive, which is the classic federal idea of dual polities under a common centre.
- It distributed powers through a Federal List, a Provincial List and a Concurrent List, the direct ancestor of the Seventh Schedule of the Constitution of India.
- **Provincial autonomy replaced dyarchy in the provinces:** popular ministries responsible to elected provincial legislatures ran transferred provincial subjects, which is a federal trait at the unit level.

- A Federal Court was created to decide disputes between units and to interpret the Act, a judicial umpire being a normal federal device.
- Residuary powers were with the Governor-General, and the **Instrument of Accession** was to define each prince's federal subjects, which is closer to a treaty federation than to the later Indian model of a created Union.

Why it was not a full federal constitution in fact

- **Part II of the Act**, the All-India Federation, never came into force because the required number of princely States did not accede; from 1937 to 1947 the Centre remained the 1919-style dyarchy plus the 1935 central chapters, not a federation of States.
- The Governor-General had special responsibilities and discretionary powers over defence, ecclesiastical affairs, external affairs, and tribal areas, and could act against ministerial advice, which is not the federal executive of a dominion with responsible government at the Centre.
- Governors in the provinces had similar special responsibilities and could take over under **Section 93**, a colonial preview of later **Article 356**, which kept a unitary override inside "autonomy".
- There was no bill of fundamental rights against the federal and provincial governments, and sovereignty remained with the British Crown and Parliament, which could still amend or repeal the Act.
- Representation of princes in the federal legislature was to be undemocratic nomination, so even a commenced federation would have mixed autocracy with elected British-India provinces.

Discussion against the 1950 Constitution

- The Constitution of India took the lists, the Federal Court (as the Supreme Court), and provincial autonomy, then added adult suffrage, justiciable rights, and a Union that exists without princely accession.
- Indian federalism is often called quasi-federal because of **Articles 3, 248, 254 and 356**; the 1935 Act was more quasi-federal still, because the Centre was not even a responsible federal cabinet in the full sense and the federation of States never sat.
- Scholars therefore say the 1935 Act laid down a federal scheme and a federal court, but not a living federal constitution. That distinction answers the question without denying the Act's influence on 1950.

Flow diagram

GoI Act 1935 -> Three lists and provincial autonomy
GoI Act 1935 -> All-India Federation plan
All-India Federation plan -> Princes did not accede
Princes did not accede -> Federation never commenced
GoI Act 1935 -> GG special powers
GG special powers -> Federation never commenced

Conclusion

- **The Government of India Act, 1935, did lay down a federal constitution on paper:** three lists, provincial autonomy, a Federal Court, and a planned All-India Federation. It did not become a working federation, because the princes did not join and the Governor-General retained a unitary, colonial core. It was a federal blueprint under the Crown, not a completed federal republic.

Facts & figures

Government of India Act, 1935

British statute that provided provincial autonomy from 1937 and designed an All-India Federation that never commenced.

Federal Court of India

Court created under the 1935 Act to interpret the Act and hear federal disputes; predecessor of the Supreme Court of India.

Three lists in the 1935 Act

Federal, Provincial and Concurrent Lists that the Constitution of India adapted as the Union, State and Concurrent Lists in the **Seventh Schedule**.

Section 93, GoI Act, 1935

Allowed the Governor to take over provincial administration in specified failures, a colonial analogue later echoed in **Article 356**.

Instrument of Accession

Legal device by which a princely State would have joined the 1935 federation for listed subjects; insufficient accessions blocked commencement.

WRAP Exams · Write. Read. Analyse. Practice. · <https://wrapexams.com/upsc/mains-answers/gs-2/2016/did-the-government-of-india-act-1935-lay-down-a-federal-constitution-discuss/> · ask@wrapexams.com · wrapexams.com