

Constitutional Development-Part 2 (1861–1920)

This chapter introduces you to the main stages in the development of legislative bodies in India during the period 1892 and 1919. These are also termed as Constitutional Reforms or Council reforms and were brought about by various Acts of the British Parliament. The chapter also deals with the factors responsible for these council reforms, the main provisions of the Acts and their impact in India. We will also analyse their weaknesses and achievements and understand the link between the growth of legislative bodies in India and the freedom struggle.

Flash Back

Under the Charter Act of 1833, the Executive Council of the Governor-General (GG) was enlarged by adding a fourth member, known as the Law Member, to it. He was expected to give professional advice on law making and therefore could sit and vote in the GG's Council only when it met for legislative purposes. Thus, for the first time, a separation was introduced between the executive and legislative functions of the Central Government. Another change introduced by this Act was that of legislative centralisation: The Presidency Governments lost their rights to make their own laws.

Under the Charter Act of 1853, The separation of executive and legislative functions was carried a step further as six 'Additional Members' of the Council were appointed for legislative work- Law member was given full rank as a Member of the GG's Council, the Chief Justice of Supreme Court of Calcutta was to be the ex-officio member of the Council, one representative from each province (Calcutta, Bombay, Madras and the North-Western province, i.e. western half of undivided UP) and two more civilians could be nominated by the GG, but this authority was never exercised. In this way, the central legislature was completed, though no Indian element was associated with the Legislative Council. A clear distinction was made between Legislative Councillors and Executive Councillors. In this way, legislation was for the first time treated as a special function of the government.

Under the Government of India Act of 1858, the English East India Company was liquidated. The Act did not change anything in India, and only brought about some cosmetic changes in England. Ever since the Act of 1784, the Crown had exercised considerable influence over India affairs through the Board of Control. Now it was to do this directly. Further, no new policy was inaugurated by the Act.

INDIAN COUNCILS ACT 1861

Factors Leading to the Act

- Act of 1833 had introduced centralisation of legislation and the central legislature was empowered to make laws for all the territories. Bombay and Madras having lost their right to make their own laws. Such centralisation of law-making power was resented by the provincial governments. The central legislature was also ill-fitted for the job as firstly, it was ignorant of the local conditions and secondly, it neither had the time nor the will to establish legislative standards applicable for the whole of the country.
- Act of 1853 had set up a Legislative Council which had grown into a sort of a debating society or a petty Parliament. With the passage of time, it adopted all the formalities of parliamentary procedure and laid down an elaborate procedure for transaction of business, such as three readings and references to committees which all caused great delay. Further, in an attempt to act as independent legislature, it sometimes even stopped supplies, much to the embarrassment of the Home Government.
- Act of 1858 had brought about changes only in the Home Government and did not touch the administration set-up in India. After the Revolt of 1857, it was felt that sweeping changes in the constitution were called for. It was also felt that there was a lack of contact and understanding between the government and the governed. The government now understood the dangers of excluding the Indians from the legislation of the country. The question of giving representation to Indians in the legislative councils was mooted even in 1858, but was put off for fear that the reform may be ascribed to the fear the rebellion had produced.

To address the above issues, further changes were made in the next Act in 1861.

Sir Bartle Frere, Governor of Bombay had remarked, 'Unless you have some barometer or safety valve in the shape of a deliberative council, I believe you will always be liable to very unlooked for and dangerous explosions.'

Main Provisions

The Regulating Act had begun the process of centralisation culminating in the Act of 1833 which took away legislative powers from the provinces. The Indian Councils Act of 1861 started an opposite process—a process of **decentralisation**. Lord Canning (the then GG) and **Sir Charles Wood** (Secretary of State) were responsible for the passing of the Act of 1861.

Note: Main provisions of the Act are discussed below. These provisions introduced changes in the size, composition and functions of the Central Legislature. The figures denoting the size do not include the Governor-General and the Commander-in chief who were ex-officio members.

Change in Size and Composition of the Central Legislature

- The Executive Council of the GG was enlarged by the addition of a **fifth member** who was to be a jurist. The Secretary of State retained the power to appoint the Commander in Chief as an extraordinary member. A Governor could also be co-opted as a member if the Council meeting was held in a province.
- For the purpose of legislation, it enlarged the Central Council by addition of **not less than six and not more than twelve** Additional Members. These were to be nominated by the GG for a period of two years and it was provided that at least half of them were to be non-officials (i.e. persons not in the civil or military service of the Crown). Under this provision, three Indians were usually nominated, though no statutory provision was made for the admission of Indians. In this way, in the absence of representative bodies, the Executive Council of the GG was enlarged by addition of these non-officials. Further, the function of the Council for legislative purposes was confined strictly to legislation only. It was an answer to the attempt made by the Legislature created under the Act of 1853 to transform itself into and sort of a debating society.
(In those days, it was not easy to find qualified Indians familiar with Western methods of governance. The kind of non-officials the Act had in view were probably the Indian rajas or diwans or big zamindars or even retired officials of high rank. For the first 20 years, this power to nominate non-officials was used to expand official patronage. Even among the princes, only those who had helped the British during 1857 were nominated. Yet, it was a subtle acceptance of the fact that **Indian opinion** was worth listening to and that the British were not the best judge of Indian wishes. No one could have imagined then that this very same body, in the course of time, would evolve into a strong representative body of the Indian people.)

Changes in Functions of the Central Legislature

- The Act **restored the legislative powers of Councils of Bombay and Madras**. However, rigid restrictions were placed on legislative powers of these provinces and no laws passed by the provincial councils were to be valid until they received the assent of the GG. In certain matters such as Defence and Communication, prior approval of the GG was needed.
- The Act allowed establishment of **new Councils** in other Provinces. Accordingly, Councils of Bengal (1862), North-Western Provinces (1886) and Burma and Punjab (1897) were established.
- The GG was empowered to issue **ordinances** in case of emergency and without the concurrence of the Legislative Council, which could remain in force for a maximum period of six months.
- The Act also empowered the GG to create new provinces for legislative purposes and appoint Lieutenant Governors for them. It also empowered him to make territorial adjustment between different provinces.

- **Provision regarding decentralisation of business:** The Act empowered the GG to make rules for more convenient transaction of business in the Council. Using this authority, Lord Canning introduced the **portfolio system** in India for the first time. Prior to this, the Government of India was considered a government by the entire body of the Executive Council; and so, all business and matters had to be brought before the Council. This was quite cumbersome and caused unnecessary delays. Canning now divided the various departments among the Council members, thus laying the **foundation of Cabinet System** in India. Now routine matters of administration were discharged by the member-in-charge and more important ones were decided in consultation with the GG. Only matters of general policy were placed before the Council as a whole.

Significance of the Act

From the constitutional perspective, the Act was important on account of the following reasons:

- It introduced the process of legislative devolution which gradually gave more and more legislative functions to the provinces and culminated in the grant of autonomy to provinces by the Act 1935.
- It initiated a process of Indian association in legislation.
- It initiated recognition of local needs and local knowledge by means of local councils.
- The local councils also ensured publicity and discussion throughout the law-making process.

However, it is noteworthy that no attempt was made to demarcate the legislative powers of Central and Local Legislatures and the GG could legislate for the whole of India. The local councils created were mere committees for assisting and advising in legislative work. Charles Wood, the author of the Act, had clarified that the proposed local councils were to function more like the Darbar of an Indian ruler, where the nobles could express their opinion, but the ruler was not bound by their advice.

INDIAN COUNCILS ACT OF 1892

The Act of 1892 was merely an amending Act and its main objective as explained by Curzon (the then Under-Secretary of State) was to further expand the functions of the government in India and to give further opportunities to the non-officials and native elements in Indian society to take part in the work of government.

Question: Why did an autocratic government think about adding more Indians in the Councils and making government representative even in the absence of any mass movement?

Answer lead: In context of growing nationalism, the motive of the British was to confine the nationalist demands within a narrow constitutional framework. It was with this motive that the Act of 1892 was passed.

Factors Leading to the Act

The development of Indian Constitution after the Act of 1861 was broadly the result of political agitation for more reforms. Constitutional concessions given by the government were always found to be inadequate, evoking further disaffection and demand for fresh reforms. The same story was repeated Act after Act until, finally, the demand for complete independence was conceded by the Act of 1947.

- **Dissatisfaction with the Act of 1861:** Naturally, the Act of 1861 failed to satisfy the aspirations of the Indian people. Official majority in the Central Legislature was maintained. Non-official element, negligible as it was, did not even represent the people. It comprised of the 'natives of high rank' who could not claim to understand the needs of the Indian people.
- **Famine of 1876-78:** In 1877 a terrible famine, perhaps the worst till then, afflicted the country and covered the regions of Madras, Mysore, Hyderabad, Maharashtra, western UP and the Punjab. There was acute shortage of food grains in several parts of the country and the economic condition in India was fast deteriorating, causing acute resentment against the state.
- **Growth of national consciousness:** The second half of the 19th century saw the flowering of national consciousness in India. A number of factors were responsible for this growth.
 - The brutal repression of the Revolt of 1857 had caused widespread resentment against the government.
 - The arrogant and racist behaviour of the ruling class, particularly the civil servants, also embittered the Indians against the British.
 - In 1878, the twin Acts of Repression were passed namely the Vernacular Press Act and the Indian Arms Act which further antagonised the people of India.
 - Reactionary policies of Lord Lytton, the controversy regarding abolition of 5% cotton duties in favour of Lancashire manufacturers as well as the controversy over the Ilbert Bill well demonstrated the hollowness of British sense of justice and fair play and proved that justice could not be expected from the British when their own interests were involved.
 - In 1857, Universities of Calcutta, Madras and Bombay had been established that had led to the spread of English education, Western ideas and political awakening in India. Year after year, they produced an increasing number of qualified Indians who were now demanding a greater share in governance and administration.
 - By now, certain Englishmen like AO Hume believed that masses were seething with discontent and some educated young men were likely to lead them to a national revolt. Thus in 1885, the Indian National Congress had been formed with the support of Hume to vent such aspirations through moderate channels. However, within three years of the formation of the INC, the party evoked antipathy of the government. In its very first session, the Congress had passed resolution demanding council reforms. Its program included furthering of national consciousness, demanding

increased representation of Indians in the government, expansion of the councils and enlargement of their functions. These demands were continuously reiterated. In this way, under the aegis of the Congress, the number of nationalists grew rapidly, forcing the British to consider enlarging their support base in India. And the British began to think in terms of satisfying the aspirations of the nationalists within a narrow constitutional framework.

- Other cumulative factors that furthered the growth of national consciousness included socio-cultural awakening and faith in India's glorious past; the influence of Indian press and nationalist literature; development of means of communication and holding of imperial darbars.

All these factors were cumulatively responsible for the passing of the Act of 1892. Realising the importance of the movement launched by the Congress, Lord Dufferin secretly sent a proposal to England to further liberalise the Councils. All the same, he declared that he was not contemplating setting up a Parliamentary system in India.

Main Provisions

The Indian Councils Act of 1892 was an amending act and so its basic provisions remained the same as those of the Act of 1861. It mainly introduced changes in the size and functions of the councils.

- **The Act increased the number of 'additional' members:** In the Central Executive Council the number of additional members was increased to not less than 10 and **not more than 16** and at least half were to be non-officials. With regard to Provincial Legislatures, minimum 8 and maximum 20 members was fixed in case of Councils of Bombay and Madras. The maximum for Bengal was fixed at 20 and that for North-West Province and Oudh at 15. However, in centre as well as in provinces, **official majority** was maintained (the official members together with ex-officio members constituted official majority).
- **The Act empowered the GG to introduce a system of limited election:** The Act empowered the GG-in-Council to make regulations for nomination of additional members and to prescribe the manner in which such regulations should be put into effect. Under this provision, the GG could introduce a half-hearted system of election (limited or indirect election), even as the provision itself very carefully **avoided the use of the word 'election'**. This meant that where corporations had been established (for example, Municipalities and District Boards) and where Associations had been formed (professional such as Universities, commercial such as Chambers of Commerce, or territorial such as land-holders), the GG and the local Governors might consult such bodies from time to time. In practice, these bodies elected their representatives and forwarded their names. These names were always accepted by the government. In this way, these members were in fact elected members. However, it is noteworthy that these members occupied their seats in the council not as representatives of the various bodies but as nominees of the GG. This underlines the cautious approach of the government towards introducing any 'elective principle'.

- **The Act enlarged the functions of the Councils:** The members of the Central Legislature were now allowed to hold a **discussion on the annual financial statement**. Please note that the statement was unalterable. The members could only discuss their views that could be incorporated in the subsequent statements. They could also ask questions to the government on matters of public interest (internal matters) after six days' notice. In the case of provinces, the discussion was limited to only those branches of revenue and expenditure which were under the control of provincial governments. The members were also permitted to ask questions to the government on matters of public interest. They could also discuss the policy of the government and ask questions (however, only after six days' prior notice in the case of the centre). Supplementary questions were not allowed.

Significance of the Act of 1892

The Act proved significant in many ways:

- The size of the legislatures, both at the Centre and in the Provinces was enlarged.
- The provisions of the Act proved liberal enough to enable many Indians to enter the councils. These included Pherozeshah Mehta, Gopal Krishna Gokhale, WC Banerjee, Surendranath Banerjee, Asutosh Mookerjee, Rash Behari Ghosh and Lalmohan Ghosh.
- The non-official members aptly demonstrated the patriotism of educated Indians, gave a good account of their debating skills and took up every opportunity to advance the Indian point of view.
- The Legislature was given some control over the Executive.
- The introduction of the 'elective principle', though veiled, was a significant constitutional measure and paved the way for introduction of representative government in the future.

However, the Act had several shortcomings and failed to satisfy the aspirations of the Indian nationalists and was criticised by the INC during its sessions in 1892 and 1893 particularly because the principle of direct election had not been introduced. The functions of the legislatures were also severely restricted. The members could not ask supplementary questions, any question could be disallowed and the members had no substantial control over the budget. However, the leadership of the national movement was now passing into the hands of the extremists, who soon began to demand another dose of legislative reforms.

MORLEY-MINTO REFORMS 1909

Factors leading to Morley-Minto Reforms

- **Tremendous rise in national consciousness:** During 1885–1906, the number of students passing the matriculation in India increased from 1286 to 8211 amounting to a sevenfold increase. A similar rise was seen in the number of newspapers and journals published, indicating that the number of Indians who were likely to be conscious of their rights as citizens and of the duties of the government had substantially increased. Yet, far from getting their due share, the educated Indian were not given any share in government services or administration.

- **Economic critique of colonial rule:** economic thinkers Dadabhai Naoroji and RC Dutt had published in 1902 their energetic economic critiques 'The Poverty and Unbritish Rule in India' and 'The Economic History of India' respectively. Naoroji put forward the theory of drain of wealth and claimed that the British were draining and bleeding India. A raging campaign was launched against the drain through every possible form of public communication. The agitation succeeded in undermining the moral basis of British rule in Indian and gained tremendous popularity with the masses.
- **Role of Curzon's reactionary policies:** Lord Curzon who was the GG from 1898–1905, was a proud imperialist. He promoted the policy of centralisation, nurtured contempt for aspirations of educated Indians and the Indian National Congress. His unpopular measures included Calcutta Corporation Act of 1899, the Indian Universities Act and the Official Secrets Act of 1904. However, it was his plan for partition of Bengal that provoked unprecedented resentment; it was seen as an attack on growing Bengali nationalism and pushed the people into open rebellion. During the anti-partition movement, the leadership of the Congress slipped into the hands of the Extremists who had now raised the slogan of swaraj, swadeshi, boycott and national education.
- **Rise of the extremists and the revolutionaries:** The last decade closer to reforms (1899–1909) was also the period of turmoil that saw the rise of militant nationalism and revolutionary terrorism. Condemning the moderate policy of the Congress, Tilak had remarked, 'Political rights will have to be fought for. The Moderates think that these can be won by persuasion. We think that these can be won by pressure.'
- **Other significant factors:** In addition to the above, various other factors also contributed to the passing of the Act. In 1904–05, the Oriental Japan defeated the Occidental giant Russia and gave rise to a new hope across colonies in Asia. The mistreatment of Indians overseas in South Africa and other British colonies also embittered the Indian people who had now begun to feel that unless they were free in their own country, they could not hope to receive any respect or justice outside India. In the closing years of the 19th century, India was also afflicted by the horrors of famine and bubonic plague, seen largely as a result of government neglect and misadministration. All these events had been carefully covered by the Indian press, free since 1882, and had ignited national outrage against the foreign rule.
- **Rise of Liberal Party to Power in Britain:** At the end of 1905, Liberal Party came to power in Britain and two Liberals—John Morley (Secretary of State) and Lord Minto (GG) assumed office. Both Morley and Minto had similar views as regards policy in India. Both believed that the partition of Bengal was a great blunder that had furthered anti-government feelings in India. They feared that this feeling of animosity was fast filtering down to the masses and an English officer no longer held the commanding position that he once did. At the same time, they were aware that the Congress demand of 'governing India in the interests of the Indians themselves' could not be accommodated within an imperialist framework. Thus, they concluded that the British policy in India was badly in need of a 'new departure, the contents of which were clear in their mind—they had to appease the Moderates, suppress the Extremists, raise new pillars of support for the

British rule (the Indian princes and the Zamindars) and weaken the nationalist movement by counterpoising Muslims against the Hindus.

- **Simla Deputation, 1st October 1906:** Meanwhile, a deputation headed by Aga Khan met Viceroy Lord Minto at Simla on 1st October 1906. The deputationists expressed loyalty to the British Crown but also expressed apprehension that if the principle of 'election' was introduced without conceding reservation for Muslims it would prove detrimental to their interests. Thus, the deputationists demanded reservation of seats for Muslim Community not only on the basis of their population but also on the basis of their **political importance** and their 'services in the defence of the British Empire'.

The British saw in these demands a promising counterpoise to the increasing demands of the Congress. Grasping the opportunity, Lord Minto readily accepted these demands and promised not only separate communal representation but also representation much in excess of their population on account of their 'services to the Empire'. Minto's response to the deputation may be seen as the first official manifestation of the policy of divide and rule. Both Lord Morley and Lord Minto felt that time was now ripe for further reforms.

Under the policy of conciliation, another demand of the Indian leaders was fulfilled even before the act was passed and without introducing any statutory change. This was the appointment of two Indians to the Council of the Secretary of State for India and of the Governor General and Provincial Governors. Hence in August 1907, **KG Gupta** and **Syed Hussain Bilgrami** were appointed to the Secretary of State's India Council. Under this provision, comparatively unimportant portfolios like education and law were given to the Indians.

Main Provisions

Like the Act of 1892, the Act of 1909 was also an amending Act and introduced changes in the size and functions of the councils of the GG and the Governors. Both size and functions of the councils were enlarged.

Changes in Composition of the Councils

The changes in councils were brought in three respects—numbers, proportion of official and non-official members and methods of appointment or selection.

- **Change in Numbers:** Under the Act of 1909, the number of additional members were doubled or more than doubled. For instance, under the Act of 1892, the maximum number of additional members in GG's Council was only 16. The Act of 1909 raised this to 60. The Central Legislature, was thus composed of 69 members (37 officials, 32 non-officials). Of the officials, 9 were ex-officio and 28 were to be nominated by GG. Of the non-officials, 5 were to be nominated by the GG, 27 were to be elected. Similarly, for presidencies of Madras, Bombay and Bengal, it was raised from 20 to 50.
- **Change in the proportion of official and non-official members:** Under the Act of 1892, official majority was maintained both in the centre and in the provinces. But under the Act of 1909, even though official majority was maintained in the centre, the proportion of

non-official members increased substantially. In the provinces, for the first time, a **non-official majority** was introduced. Readers please note that this unofficial majority was in practice impotent in translating its will into action because of the overriding powers of the central majority.

- **Methods of Appointment:** Under the Act of 1892, nomination was the practice. The Act of 1909 became a landmark because of the manner in which non-official seats were to be filled. Of the 32 non-official seats, 5 were to be nominated by GG while the remaining 27 were to be elected. It was further declared that territorial representation did not suit India and that, 'representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils'. Thus, the remaining 27 seats were distributed as follows:

- By non-official members of the Provincial Legislative Councils (general electorates): 13
- By landholders of six provinces (Landholders' constituencies): 6
- By Muslims of five provinces (separate Muslim constituencies): 5
- Alternately by Muslim landholders of UP or of Bombay: 1
- Chambers of Commerce of Calcutta and Bombay (special electorates): 2

For the 13 'open seats', doubly indirect system of elections was introduced. The tax payers in a town or village elected representatives for municipal committees who in turn elected representatives for provincial councils. These non-official members of the provincial councils, in their turn, elected representatives to the central council. On the other hand, the representatives of Muslims and landholders were elected directly. This distinction was unjust and it hurt.

Further, Muslims were elected by **separate electorates**, i.e. electorates comprising Muslims only. Separate registers were prepared containing the names of solely Muslim voters. In addition to this, Muslims were also given **weightage**, i.e. more seats were given to them than the number warranted by their proportion in the local population. They were also allowed to compete for seats to be elected by general electorates. These provisions were severely criticised as they were brought about not with the aim of correcting any imbalance in Indian society but to appease some Muslim leaders and bind them to the government in 'silken chains of gratitude'.

Sir Charles Aitchison: a member of the Executive Council in 1892 had stated, 'the division of the people into creeds and castes and sects with varying and conflicting interests rendered representation in the European sense an obvious impossibility'.

Changes in functions of the Councils

Under the Act of 1861, the functions of the councils were strictly limited to the field of legislation. Under the Act of 1892, the members were allowed to hold discussion on the annual financial statement but were not allowed to move resolutions or divide the House in respect of any financial question. Under the Act of 1909, the functions of the Councils were enlarged in three ways:

1. The members were allowed to discuss the financial statement at length and move resolutions on it, before it was presented in its final form.

- The members were given the right to move resolutions on matters of general public interest. But these resolutions were to be in the form of recommendations only and may or may not be accepted by the government. However, there were certain subjects on which questions could not be asked. These included foreign relations of the government of India and its relations with Indian Princes, expenditure on railways, interest on debt, etc.
- The right to ask questions was also extended and the member asking original question was given the right to ask **supplementary questions** as well.

Critical Analysis of the Provisions

- The Morley-Minto Reforms were a great improvement upon the Act of 1892. The provisions under the Act proved liberal enough to enable several Indian leaders to enter the legislative bodies. Some of the prominent members of the Central Legislative Council were: GK Gokhale, DE Wacha, Surendranath Banerjee, Madan Mohan Malaviya, Tej Bahadur Sapru, Srinivas Shastri, Mohammad Ali Jinnah, Nawab Saiyid Mohammad Bahadur, Raja of Mahudabad and Mazharul Haque. The members used the debates on bills to manifest their debating skills and often placed the official members in an embarrassing situation. Their arguments found wide coverage in the press and helped in eroding the moral foundations of the Raj.
- Though the British had hoped that an assortment of classes in the councils would act as counterweights against one another. However, their legislative behaviour mostly belied British expectations and they tended to unite, rather than divide, on issues of national significance.
- Nevertheless, the Act failed to satisfy the aspirations of the people in several ways. The Act gave no answer to the demand for responsible government. Narrow franchise and indirect elections failed to instil in the members a sense of responsibility. The Councils had no real power and were merely debating bodies that could air certain criticisms.
- In its actual working, the reforms created much confusion. Since no responsibility was conceded, it led to thoughtless and irresponsible criticism of the government by Indian leaders, throwing the British government and the Indian community into two antagonistic camps.
- The act was passed to appease the moderates, the Muslims and the elite sections (the landholders) with the aim of raising them as new pillars of support for the British rule.
- Initially it seemed that the British were successful in rallying the above classes but soon they realised that it was not so. The Moderates were soon disillusioned with the Morley-Minto Reforms and many of them extended support to the Home Rule Movement from outside. After the Lucknow Pact of 1916, the leadership of the Congress went onto the hands of the Extremists decisively. Though the historians are divided in their view regarding the extent to which the British succeeded in keeping apart the politically active Hindus and the Muslims, it cannot be denied that the strategy of weightage and separate electorates was an imperialist master stroke. It ensured that **politics in India was communalised** for years to come.

- Separate electorates for Muslims led the other communities to fight for their rights and even claim that they had rendered 'better services to the empire'. In view of such claims, special representation was conceded to the Sikhs in the Act of 1919. The Harijans, the Indian Christians, the Anglo Indians and the Europeans got separate representation by the Act of 1935.

Thus, the Act of 1909 created a hotchpotch of representative government and gave the people of India "the shadow rather than the substance".

- Morley declared in British Parliament:** 'If it could be said that this chapter of reforms led directly or necessarily up to the establishment of a Parliamentary system in India, I, for one, would have nothing at all to do with it.'
- Prof M.V. Pylee:** 'Based on the principle of benevolent despotism, the Reforms may be seen as an attempt to graft constitutionalism upon existing autocracy of the British rule.'
- Report on Indian Constitutional Reform (1918):** 'It (the system of communal electorates) was opposed to the teachings of history. It perpetuated divisions of creeds and classes which meant the creating of camps organised against each other and taught them to think as partisans and not as citizens. It stereotyped existing relations and was a very serious hindrance to the development of self-governing principle.'

MONTAGUE-CHELMSFORD REFORMS 1919

Factors leading to Reforms of 1919

- Disillusionment with the Act of 1909:** The Act of 1909 greatly disappointed the people and reinforced the demand for self-government. So, great was the disillusionment with Morley-Minto Reforms that it aggravated the political atmosphere in India and led to the passing of several repressive legislations like the Indian Press Act of 1910, the Seditious Meetings Act of 1911 and the Criminal Law (Amendment) Act of 1913. The Defence of India Act of 1915 which provided for the trial of revolutionaries by a strong bench without appeal and the internment of suspects was particularly repressive.
- Congress-League Pact 1916:** Gradually, Muslims too grew discontented with the British. The disagreement over the foundation of a Muslim University at Aligarh as well as annulment of the partition of Bengal in 1911 greatly upset the British. Certain international factors too had an adverse impact on Anglo-Muslim relations. These included the hostile attitude of England towards Turkey in the Turco-Italian War (1911-12) as well as in the Balkan Wars (1912-13), often represented as a struggle between the Cross and the Crescent. This alienation of the Muslims with the British brought the Congress and the League closer together and they finally joined hands in 1916 in what is known as the Lucknow Pact.
- Outbreak of the First World War:** When the war broke out in August 1914 in Europe, India automatically got involved in it. India helped Britain with men, money and material during a crucial time and this gesture naturally increased their expectations.

Not because they were loyal servants who deserved to be rewarded by their masters, but because they had helped the British at an equal footing which had destroyed the myth of racial superiority and raised the confidence of the Indian people. They now wanted recognition for their ability to rule themselves. The war which began as a struggle among imperialist powers over new colonies had also exposed their lust for trade and territories. As the war went on, the American President Woodrow Wilson declared that the war was being fought 'to make the world safer for democracy'. In Europe in one country after another, democratic institutions were being set up. Thus, the war provided enormous impetus to democratic forces and urge for self-government all over the world.

- **Emergence of Various Schemes of Constitutional Reform:** So charged was the atmosphere that many Indian political theorists themselves began formulating new schemes for the Indian political problem:

- **Gokhale's Scheme:** It was one of the first but published posthumously in 1917 and advocated substantial measure of self-government.
- **The Round Table Scheme:** The Round Table was a group formed to study imperial problems of British Empire. Its members such as **Lionel Curzon** and **William Duke** felt that any further extension of elected majorities without giving them any responsibility would only create permanent opposition in the councils. Thus, they forwarded the idea of 'dyarchy' in the provinces (the Greek term 'dyarchy' refers to a form of government in which any two persons or bodies are jointly vested with supreme powers).
- **Joint Scheme of the Congress and Muslim League:** After the Lucknow Pact in December 1916, Congress and Muslim League also came up with a Joint Scheme for constitutional reforms.

- **The War Time Politics in India:** The war created a wave of nationalism among different sections of Indian society and consequently the war years emerged as the years of intense political activity in India. The people had realised that swaraj would not descend upon them as a gift of the British. Thus, many nationalists saw Britain's difficulty as India's opportunity. The Home Rule Movement and the Ghadar Movement emerged and heated up the politics of India during the war years.

- **British demand for one million pounds towards War Fund:** The government of India was asked to contribute one million pounds to the war fund and it was felt that some concessions would have to be given in return.

- **Change in government attitude and Montagu Declaration:** The above factors and the intensification of the Home Rule Movement made political atmosphere tense and forced the government to adopt a soft line as indicated by the historic declaration of Montagu (the new Secretary of State) in the British House of Commons regarding the goal of British Government in India. He announced:

The Montagu Declaration (20th August 1917): 'the policy of His Majesty's government, with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire.'

In his declaration, Montagu also stated that certain substantial steps in the realisation of the above goal will be taken immediately while progressive steps in the above direction will be decided by the British Parliament as per the performance of Indians. Montague decided to visit India and prepare a scheme of constitutional reforms himself. Accordingly, in November 1917, Lord Montagu arrived in India and held deliberations with Viceroy Chelmsford, government officials and Indian leaders. Based on these deliberations, he prepared a **Report on Indian Constitutional Reforms**, also known as Montagu-Chelmsford Report or simply Montford Report (published in July 1918).

Indian Response

While the Montagu declaration was welcomed, the scheme of reform fell far short of expectations and was denounced by most Indian leaders with the exception of some Moderates.

August 1918, Bombay, Special Congress Session (President Hasan Imam)- In August 1918, a Special Session of the Congress was held at Bombay to discuss the report. The Congress passed a resolution condemning the scheme as 'inadequate, unsatisfactory and disappointing'.

However, some moderates, led by Surendranath Banerjee were in favour of accepting the reform proposals and left the Congress at this juncture. They met in a separate All India Conference in Bombay, formed a new party—**Indian Liberal Federation** (November 1918) and came to be known as Liberals. The President Surendranath Banerjee defined his party as 'the friends of reform and enemies of revolution'. Banerjee also led a deputation of moderates to England to give evidence before the Joint Parliamentary Committee, in support of the scheme (May 1919). In this way, on the basis of the Montford Report, the new Government of India bill was drafted and passed in December 1919 as 'The Government of India Act 1919'.

The Government of India Act 1919

Preamble: The Act carried a preamble which laid down the basic principles on which reforms were to be carried out. It was based on the Montagu Declaration of 20th August 1917 and embodied the following general principles:

- British India is to remain an integral part of the British Empire.
- Responsible government in British India is the objective of the declared policy of Parliament.
- Responsible government is possible through progressive reforms only.
- For this, it is necessary to provide for two things: 1) increasing association of Indians in every branch of administration, and 2) gradual development of self-governing institutions.
- Complete popular control, as far as possible, in the field of local government.
- The provincial governments to be in a large measure independent of the Government of India and to be responsible in some measure to popular representatives.

Main Provisions of the Act of 1919**Changes in 'Home' Government**

The Secretary of State for India was now to be **paid by the British Exchequer** and not out of the Indian revenues as had been the case since 1793, thus undoing a long-drawn injustice. Some of his functions were also taken away and given to the High Commissioner for India who was to be appointed and paid by the Government of India and was to act as an agent of GG-in-Council. It is commonly held that the powers of the Secretary of State were curtailed in the wake of Congress passed at the 1916 demanding the governance of Indian from Delhi and not from Downing Street.

Changes in the Government of India**Central Government**

The Central Executive: Under the Act of 1919, The Central government did not undergo any change in its basic principle. The chief-executive authority remained vested in the Governor-General who was responsible to the British Parliament through the Secretary of State and not to the Indian Legislature. Thus, it continued to remain unrepresentative government. To implement the policy of increasing association of Indians, of the eight members of the GG's Executive Council, three **would be Indians**. However, these members were always allotted portfolios of lesser significance, like Law, Education, Labour, Health or Industry.

The Central Legislature: Under the Act, a **bicameral legislature** was established. The two Houses were the Indian Legislative Assembly and the Council of State.

The Indian Legislative Assembly (Lower House):

- It was to consist of 145 members of whom 42 were to be nominated and 104 were to be elected members. Of the 104 elected members, 52 were to be returned by general constituencies, 32 by the Communal constituencies (30 by the Muslims, 2 by the Sikhs) and 20 by Special constituencies (7 by landlords, 9 by Europeans and 4 by the Indian Commercial community).
- The method of indirect election as prevalent under the Act of 1909 was abolished and, for the first time, **direct election** was introduced.
- The system of communal electorate continued and was extended to **Sikhs** also. The seats were distributed among the provinces not on the basis of their population but on the basis of their so-called importance. For example, both Bombay and Madras were granted 12 seats each though the population of Bombay was only half of that of Madras, the reason being the commercial importance of Bombay.
- The term of the Assembly was fixed at three years but it could be extended by the GG (It is noteworthy that the last Assembly elected in 1936 was dissolved only after 10 years).

The Council of State (Upper House):

- It was to consist of 60 members, 26 of whom were to be nominated by the GG and 34 were to be elected, thus introducing an elected majority. Of the 34 elected members, 20 were to be elected by general constituencies, 10 by Muslims, 3 by Europeans and 1 by Sikh constituencies.

- Each member held his seat for five years, though the Council itself was partially renewed every year.
- The members were called 'Honorable'. **Women were not allowed** to become a member of the House.
- Franchise was highly restricted to secure the representation of hereditary aristocracy or mercantile aristocracy.

Other Changes:

- The right to ask **supplementary questions** was extended to all members of the legislature (Under the Act of 1909, member asking original question alone could ask supplementary questions). Short notice questions could also be asked. The members enjoyed the right to freedom of speech.
- Since partial responsible government was introduced in the provinces, it became necessary to demarcate the spheres of central and provincial governments. Accordingly, **two lists** were drawn—the Central list and the Provincial list (mentioned in detail below).
- Under the Act, complete separation of sources of revenue between the centre and the provinces was made to give meaning to the partial transfer of power to Indians.

Special powers of the GG: In addition to the veto power, he was given the **power of certification**. Meaning, once the bill was refused by the legislature, he could certify that a bill was essential for safety, tranquility or interests of British India and secure its enactment. The GG could refuse his assent to bills passed by the Legislature. In practice, the GG made liberal use of his overriding powers and the reforms proved totally inadequate in establishing a responsible government at the centre.

Significance of the Changes Introduced at the Centre: The Act of 1919 introduced a **responsive if not responsible** government at the Centre. Though the GG and his Executive Council were irremovable, this did not mean they could neglect the wishes of the Legislature. The members became part of the standing committees such as Public Accounts Committee and got ample opportunity to exercise control on government policy. They also exercised control by asking questions and moving motions of adjournment. They could also reject the budget and pass resolutions against the government. The large elected majority in the Assembly made it virtually impossible for the Executive Councillors to remain unresponsive to the wishes of the members of the Legislature.

Changes in the Provincial Government

Provincial Autonomy: In order to give effect to the aim of decentralisation and devolution of powers, provincial autonomy was introduced for the **first time**. It means freedom of a provincial government from control by the central government. The independent powers of the provinces were defined in the '**Devolution Rules**'. Devolution was brought about in areas of finance, legislation and administration. Let us now consider the extent of decentralisation brought about by the Act.

Financial devolution:

- The first step towards devolution was taken by providing for a **complete separation of sources of revenue** between the centre and the provinces. Accordingly, land revenue, excise, irrigation and stamps were made exclusively provincial items.
- The loss of income was compensated by introduction of the system of provincial contribution to the central government.
- The provinces were given near complete freedom in preparation of provincial budgets.
- Taxation powers of the provinces were enlarged by doing away with the requirement of previous sanction of the GG.

Legislative devolution:

- This was brought about by separating the items of legislation by the Centre and the provinces. Accordingly, two lists were drawn—Central list and Provincial list.
- **Central List:** Included subjects of national importance or which related to more than one province like Foreign Affairs, Political Relations, Defence, Communications, Post and Telegraph, Public Debt, Tariff and Customs, Patents, Currency, etc.
- **Provincial List:** included subjects which were only of provincial importance like Local Self Government, Public Health and Sanitation, Education, Public Works, Agriculture, Land Revenue Administration, Forests, Water Supply, Famine Relief, Law and Order, etc.
- **Residual powers** were vested in the GG-in-Council.
- The provincial government could also make laws for the 'peace and good government' of the provinces.
- Central control over provincial legislation still remained and was carried out in two ways. Firstly, a copy of every provincial act had to be sent to the GG, who might or might not give his assent to it. Secondly, if the GG gave his assent, then its copy was sent to the Secretary of State, who again might or might not give his assent.

Administrative Devolution:

- It was a natural by-product of the financial and legislative devolution.

The Provincial Executive:

Dyarchy (or diarchy): The most significant change brought about by the Act of 1919 was in the field of provincial administration. Dyarchy was introduced in the provinces to meet two main aims—firstly, to give responsibility to popular representatives, and secondly, to meet the condition of political backwardness and administrative inexperience of the Indian people. Thus, responsibility for certain subjects of the government was transferred to the Indian hands (Transferred list) while control over others was reserved in British hands (Reserved list). In this way, the provincial government was divided into two halves—the Governor and his Executive Council administered the reserved list while the Governor and his Ministers administered the transferred list. This novel distribution of executive powers in the provinces was called 'dyarchy'. On matters of common concerns, there was provision for joint consultation, with the Governor presiding and having the last word.

Transferred list: It included the so-called nation-building subjects which were mainly four, i.e. Local Self Government, Health, Education (other than European and Anglo-Indian Education) and some departments relating to Agriculture. Other subjects were Public Works, Libraries, Museums, Co-operatives, Veterinary Departments, Fisheries, Industries, Weights and Measures, Public Entertainments, Religious and Charitable Endowments, etc.

These subjects were administered by the Governor acting with Ministers appointed by him from among the elected members of the legislature and who were **responsible** to the Legislature. As per letter of the law, the ministers held office during the pleasure of the governor. In practice, they were allowed to remain in power so long as they enjoyed the confidence of the legislature.

Reserved list: It included all remaining subjects like Land Revenue, Police, Justice, Printing Presses, Pensions, Irrigation and Waterways, Electricity, Mines, Factories, etc.

These were administered by the Governor with the help of members of the Executive Council who were nominated by him and who were **not responsible** to the Legislature. The Governor and his Executive Councillors were appointed by the Crown for a period of five years and were jointly responsible to the GG and the Secretary of State. The number of executive councillors was fixed at maximum four.

Role of the Governor: He acted as the link between two halves of the Executive and played a complex role. **Instrument of Instructions** was a document issued to the Governor and it laid down the basis of relations between the provincial governors and ministers. It also defined special responsibilities of the Governor which gave him wide powers to override his ministers. The special powers of the Governor, for that matter, emerged as the biggest weakness of the Councils and prevented the principle of responsible government from being put into practice.

Originally, the Act of 1919 applied to only **eight provinces**—Bengal, Madras, Bombay, United Provinces, Punjab, Bihar and Orissa, Central Provinces and Assam. In 1923, the Act was extended to Burma and sometime later to North Western Frontier Province.

The Provincial Legislature (or the Provincial Council): The Montford Reforms envisaged the introduction of a new principle called '**responsible government**'. The provincial councils were modified as per this principle in the following ways—

• **Composition**

- In each province, **unicameral legislature** was created which was called the Legislative Council.
- It was to comprise a Governor's Executive Council, elected members and nominated members.

• **Numbers**

- The size of the provincial councils was considerably increased and it varied from province to province. The maximum number was 140 for Bengal and minimum was 53 for Assam (as against the maximum of 50 under the Act of 1909). Thus, while the Act of 1909 laid down the maximum number, the Act of 1919 specified the minimum.

• **Proportion of Officials and Non-officials**

- In the new Councils, minimum 70 per cent of the members were to be elected and maximum 20 per cent could be officials.

● Method of Appointment

- The elected members were to be elected by **direct election**, i.e. the primary voters electing the members.
- Though the authors of the Montford report criticised **separate electorates**, they decided to continue with the system. In fact, these were extended to the **Sikhs in Punjab**. Later, seats were also reserved for the non-Brahmins on demand of the Justice Party.
- Constituencies were designed to represent particular communities or special interests such as Universities, Landlords and Chambers of Commerce.

● Qualification for Voters

- Even in general constituency, the right to vote depended on a number of qualifications such as residence in that constituency for a minimum period of time, ownership or occupation of a house with minimum rental value, payment of a minimum municipal tax or income tax, receipt of a military pension, etc. As a result, the **franchise was extremely narrow**.
- In 1920, less than 5 per cent people got the right to vote. **Women could not vote or contest elections**. In Britain itself, women got the right to vote only in 1918.

● Duration of the Council

- The term of the Council was fixed at three years. But it could be dissolved earlier by the Governor and in such a case a new Council was to be elected within six months after the dissolution.

● Functions of the Councils

- The functions were also enlarged. The members enjoyed the right to freedom of speech. They could ask questions and supplementaries, move resolutions and initiate legislations concerning any provincial subject and could even reject the budget (though the Governor could restore it).

Criticisms of the Act of 1919

The Act of 1919 had the following major defects:

1. The absence of even partial responsible government at the Centre.
2. The continuation and even extension of separate electorates, even as the Montford Report had declared the separate electorates as a very serious hindrance to the development of the self-governing principle.
3. The special powers of the Governor. Given these powers, the principle of responsible government could not be put into practice.
4. The introduction of dyarchy.

Failure of Dyarchy: The Dyarchy was put into operation during the period April 1921 to April 1937, though it ceased to function for some time in two provinces—in Bengal (1924–27) and the Central Provinces (1924–26). In its operation, dyarchy was a complete failure. This was reiterated

by the official committee formed to examine the working of Dyarchy, led by **Sir Alexander Muddiman**. It reported the following defects:

1. **Interference of the 'reserved half' of the government on the 'transferred half' and vice versa:** This problem arose due to lack of division of subjects along scientific lines. Firstly, such a division of administration into two halves is opposed to political theory and it was not possible to divide the functions of the state into water tight compartments. This difficulty was further compounded by illogical and irrational division. For instance, while education was transferred subject, European and Anglo-Indian education were reserved subjects. While agriculture was a transferred subject, land revenue and irrigation were reserved subjects, though the two cannot be separated for obvious reasons. Further, whenever conflicts arose, the Governor was to act as arbitrator and he generally sided with the reserved half.
2. **Excessive control exercised by the Finance Department (a reserved subject) over the transferred departments:** The finance department did not restrict itself to furnishing financial advice but constantly tried to control the policy of the Ministers by withholding funds. While reserved departments got all the money they wanted, the ministers kept requesting for funds.
3. **Failure of the Indian Civil Service to cooperate with the Ministers:** This was perhaps the most unwholesome feature of dyarchy. The ministers had to implement their policies through the services. But they had no control over civil servants even in transferred departments. The members of the Indian Civil service were recruited by the Secretary of State and were responsible only to him. They did not owe any great responsibility to the ministers. Further, the departmental secretaries had direct access to the Governor which further undermined the Minister's position. This privilege made the services insubordinate and defiant in attitude.
4. **Failure to encourage joint deliberation between two halves of the government:** Joint deliberation was not made a necessary part of the system. Initiative on this rested with the Governor and only a few Governors encouraged this practice.
5. **Weak position of the Ministers:** The position of the ministers was greatly weakened by the overriding powers of the Governor, the Governor General and the Secretary of State. Further, the governor looked upon the Ministers as mere advisors and dismissed them as and when he liked. This struck at the very root of ministerial responsibility. The position of ministers was also made very complex as they were made to serve two masters—while they were appointed by the governor and could be dismissed by him, they were made responsible to the legislature.
6. **The absence of joint responsibility of the Ministers:** The principle of joint responsibility of ministers was not secured and was not possible either since the Ministers were not selected on the basis of any organised political parties but on individual basis.

Dyarchy was further confounded when it was rejected by the Congress. Congress was against dyarchy and its representatives refused to accept Ministership. As a result, most of the ministers came from smaller parties or were independents and had no majority to back them in the legislature. The sword of successful no-confidence motion hung above their heads. In

such circumstances, they could not be expected to do any useful work for the people. Hence ministership under dyarchy only trained Indians in flattery rather than in science of responsible government. In fact, dyarchy became so unpopular that it became fashionable to deride it.

Significance

Despite above criticisms, the Act of 1919 marked a major milestone in the history of constitutional development in India for several reasons:

- The government had made a declaration of its intentions regarding increasing association with Indians and development of self-governing institutions in India. Going back on this declaration would amount to breach of commitment. Thus, the declaration **guaranteed future reforms**.
- The Act created legislative bodies both in the centre and the provinces. Indian opinion was voiced in these legislatures and reverberated via press throughout the length and breadth of the country. The articulate and often logically incontrovertible debates played a significant **role in demolishing the moral basis of the British Raj in India**.
- The holding of elections and appointment of Indian ministers also **familiarised Indians with the parliamentary system**.
- Despite all the criticism, dyarchy itself was probably the best transitional mechanism that emerged after prolonged study of the Indian problem.

Indian Response: The Reforms came at a time when conditions in India were not conducive to a favourable reception of the reforms. The year 1918–19 saw a bad monsoon and trade depression. The Rowlatt Bills were being bitterly opposed. On 13th April 1919, the Jallianwala tragedy occurred and relations between the government and the people reached a new low. Owing to all these factors, the objections to the new reforms hardened into rejection.

Muslims were unhappy with the hostile attitude of the British towards the Khalifa, the ruler of Turkey and the years during 1920–22 saw the launching of the twin movements of Khilafat and Non-Cooperation under the leadership of Mahatma Gandhi and the Congress. Accordingly, the Congress boycotted the elections of November 1920 and once boycotted by the Congress, the new constitution suffered a severe blow. In this way, failure of dyarchy and widespread disappointment with the new Act gave rise to a new unity and a new movement led by Mahatma Gandhi, which soon gathered momentum and grew into a full-fledged agitation demanding complete transfer of power into Indian hands.

Sir Courtney Ilbert observed about the Act: 'It was like one of those caravan serais which could be run up rapidly for an Indian prince to meet a temporary need.'

Lord Oliver, Secretary of State, compared the Act to a sea-worthy vessel and observed that it should carry Indians across if only they would get into it and row.

Prelim Capsule

Constitutional Development (1861–1920)

Acts	Important Provisions
The Indian Councils Act 1861	<p>The Executive Council of the GG was enlarged by the addition of a fifth member who was to be a jurist.</p> <p>For the purpose of legislation, it enlarged the Central Council by addition of not less than six and not more than twelve Additional Members.</p> <p>These were to be nominated by the GG and that at least half of them were to be non-officials. Under this provision, three Indians were usually nominated. Thus, it initiated a process of Indian association in legislation.</p> <p>The Act restored the legislative powers of Councils of Bombay and Madras.</p> <p>The Act allowed establishment of new Councils in other Provinces. Accordingly, Councils of Bengal (1862), North-Western Provinces (1886) and Burma and Punjab (1897) were established.</p> <p>Thus, it initiated recognition of local needs and local knowledge by means of local councils.</p> <p>The GG was empowered to issue ordinances in case of emergency.</p> <p>The Act provided for decentralisation of business. Using this authority, Lord Canning introduced the portfolio system in India for the first time, thus laying the foundation of Cabinet System in India.</p>
The Indian Councils Act of 1892	<p>In the Central Executive Council, the number of additional members was increased to not less than 10 and not more than 16. However, in centre as well as in provinces, official majority was maintained.</p> <p>The Act empowered the GG-in-Council to make regulations for nomination of additional members. Under this provision, the GG could introduce a half-hearted system of election (limited or indirect election), even as the provision itself very carefully avoided the use of the word 'election'.</p> <p>The introduction of the 'elective principle', though veiled, was a significant constitutional measure.</p> <p>The members of the Central Legislature were allowed to hold a discussion on the annual financial statement.</p> <p>Under the Act, many Indians entered the councils. These included Pherozeshah Mehta, Gopal Krishna Gokhale, WC Banerjee, Surendranath Banerjee, Ashutosh Mookerjee, Rash Behari Ghosh and Lalmohan Ghosh.</p>

Morley-Minto Reforms 1909

The number of additional members were doubled or more than doubled and the maximum number of additional members in GG's Council was raised to 60. The Central Legislature was thus to comprise of 69 members.

In the provinces, for the first time, a **non-official majority** was introduced.

Of the 32 non-official seats, 5 were to be nominated by GG while the remaining 27 were to be elected by the system of **indirect election**.

It introduced the system of **separate electorates** for Muslims who were also given **weightage**, i.e. more seats were given to them than the number warranted by their proportion in the local population. They were also allowed to compete for seats to be elected by general electorates.

The member asking original question was given the right to ask **supplementary questions** as well.

Montagu-Chelmsford Reforms 1919

The Act began with a Preamble based on the **Montagu Declaration** of 20 August 1917.

The Secretary of State for India was now to be paid by the British Exchequer. Some of his functions were also taken away and given to the **High Commissioner for India**.

In the GG's Executive Council, three **Indians** would be included.

Bicameral legislature was established at the Centre namely, the Indian Legislative Assembly and the Council of State.

The Indian Legislative Assembly (Lower House):

- It was to consist of 145 members.
- The Act introduced the system of **direct election** for the first time.
- The system of communal electorate continued and was extended to **Sikhs** also.

The Council of State (Upper House):

- It was to consist of 60 members.
- The members were called 'Honorable'. **Women were not allowed** to become a member of the House.

The right to ask **supplementary questions** was extended to all members of the legislature

The GG was given the **power of certification**.

Under the Act, **Provincial Autonomy** was introduced for the first time.

The independent powers of the provinces were defined in the '**Devolution Rules**'. Accordingly, two lists were drawn-Central list and Provincial list. **Residual powers** were vested in the GG-in-Council.

The system of **Dyarchy** was introduced in the provinces and the responsibility for certain subjects of the government was transferred to the Indian hands (Transferred list) while control over others was reserved in British hands (Reserved list).

Governor acted as the link between two halves of the Executive.

Instrument of Instructions was the document which laid down the basis of relations between the provincial governors and ministers.

**Previous Years' Questions – Preliminary Exam**

- Which among the following was the most short-lived of all the Britain's constitutional experiments in India? [UPSC 1999]
 - Indian Council Act of 1861
 - Indian Council Act of 1892
 - Indian Council Act of 1909
 - Government of India Act of 1919
- Which one of the following Act of British India strengthened the Viceroy's authority over his executive Council by substituting 'portfolio' or departmental system for corporate functioning? [UPSC 2002]
 - Indian Council Act, 1861
 - Government of India Act, 1858
 - Indian Council Act, 1892
 - Indian Council Act, 1909
- When Congress leaders condemned the Montagu-Chelmsford Report, many moderates left the party to form which of the following? [UPSC 2003]
 - Swaraj Party
 - Indian Freedom Party
 - Independence Federation of India
 - Indian Liberal Federation
- The Montagu-Chelmsford Report formed the basis of which of the following? [UPSC 2004]
 - The Indian Councils Act, 1909
 - The Government of India Act, 1919
 - The Government of India Act, 1935
 - The Indian Independence Act, 1947
- Which of the following is/are the principal feature(s) of the Government of India Act, 1919? [UPSC 2012]
 - Introduction of dyarchy in the executive government of the provinces.
 - Introduction of separate communal electorates for Muslims.
 - Devolution of Legislative authority by the centre to the provinces.

Choose the correct answer from the following options.

 - 1 only
 - 2 and 3 only
 - 1 and 3 only
 - 1, 2 and 3
- The Montague-Chelmsford proposals were related to which of the following? [UPSC 2016]
 - Social reforms
 - Educational reforms
 - Reforms in public administration
 - Constitutional reforms
- In the context of Indian history, the principle of 'Dyarchy (diarchy)' refers to which of the following? [UPSC 2017]
 - Division of the central legislature into two houses.
 - Introduction of double government that is central and state governments.
 - Having two sets of rulers: one in London and another in Delhi
 - Division of the subjects delegated to the provinces into two categories.

**Previous Years' Questions – Main Exam**

- "The Minto-Morley Reforms did not and could not provide an answer to Indian problems." Explain. [UPSC 1993]
- "In the Montague-Chelmsford report, communal representation and reservations were not only retained but considerably extended." Comment [UPSC 1993]
- "The reforms of 1909 introduced a Cardinal problem and ground of controversy at every revision of the Indian electoral system." Comment. [UPSC 2003]
- What are the salient features of the Government of India Act of 1858 and 1909? [UPSC 2007]



Practice Questions – Preliminary Exam

1. Which of the following is true regarding the changes made in the central government by Montagu–Chelmsford Reforms?

(a) Under the Act, a unicameral legislature was established known as Indian Legislative Assembly.
 (b) The right to ask supplementary questions was extended to all members of the legislature.
 (c) Governor General's special power of certification was abolished.
 (d) The term of the Assembly was fixed at five years.

2. Consider the following statements, with respect to Indian Councils Act of 1892-

1. The members to the Councils could be indirectly elected.
 2. The members of the Councils could discuss and amend the annual financial statement.

Which of the above statements is/are correct? Choose the correct answer from the following options.

(a) 1 only (b) 2 only
 (c) both (d) neither

3. Which of the following pairs is incorrectly matched?

(a) provincial autonomy-1919
 (b) separate electorates-1909
 (c) legislative devolution-1961
 (d) portfolio system-1892

4. The Indian Councils Act of 1861 was significant for which of the following reasons?

1. It introduced the process of centralisation which gradually gave more legislative functions to the centre.
 2. It initiated a process of Indian association in legislation.

3. It introduced a system of indirect elections for the first time.

Choose the correct answer from the following options.

(a) 1 only (b) 2 only
 (c) 1 and 2 (d) 2 and 3

5. Consider the following statements regarding division of subjects between two halves of the provincial government in 1919-

1. Transferred list included police, justice, irrigation and land revenue.
 2. Reserved list included control over press and industries.

Choose the correct answer from the following options.

(a) 1 only (b) 2 only
 (c) both (d) neither

6. Consider the following statements with regard to the Indian Councils Act of 1861-

1. The Act restored the legislative powers of Councils of Bombay and Madras.
 2. Under the Act, the members of the councils were permitted to ask questions on internal matters.

Which of the above statements is/are correct? Choose the correct answer from the following options.

(a) 1 only (b) 2 only
 (c) both (d) neither

7. Examine the following statements with regard to the Constitutional Reforms of 1909-

1. The council members were allowed to discuss the financial statement but it was essentially an unalterable document.
 2. The members were given the right to move resolutions on matters of general public interest.

Which of the above statements is/are correct? Choose the correct answer from the following options.

(a) 1 only (b) 2 only
 (c) both (d) neither

8. Which of the following were among the main provisions of the Indian Councils Act of 1892?

1. In the centre as well as in provinces, official majority was maintained.
 2. The members of the councils were allowed to ask supplementary questions.
 3. It introduced the elective principle and the members occupied their seats in the council not as nominees of the Governor General but as representatives of the various bodies.

Choose the correct answer from the following options.

(a) 1 only (b) 1 and 2
 (c) 2 and 3 (d) 1, 2 and 3

9. Which of the following statements are true with regard to the Legislative Assembly formed under the Government of India Act 1919?

1. Elected members of the Assembly were to be directly elected.
 2. The seats were distributed among the provinces on the basis of their population.
 3. The system of communal electorate was discontinued.

Choose the correct answer from the following options.

(a) 1 only (b) 1 and 2
 (c) 2 and 3 (d) 1, 2 and 3

10. Which of the following changes in the composition of the councils were brought about by the Morley–Minto Reforms?

1. Official majority was maintained in the centre while in the provinces a non-official majority was introduced.
 2. Muslims and Christians were elected by separate electorates.

3. Muslims were also given weightage i.e. more seats were given to them than the number warranted by their proportion in the local population.

Choose the correct answer from the following options.

(a) 1 only (b) 1 and 2
 (c) 2 only (d) 1 and 3

11. Consider the following statements with regard to the changes on provincial government brought about by the Government of India Act 1919-

1. In order to give effect to the aim of decentralisation and devolution of powers, provincial autonomy was introduced for the first time.

2. Items of legislation were divided between the Centre and the provinces and the residuary powers were vested with the provinces.

Which of the above statements is/are correct? Choose the correct answer from the following options.

(a) 1 only (b) 2 only
 (c) both (d) neither

12. Which of the following was a component of dyarchy introduced in India in the year 1919?

(a) Central List and Provincial List
 (b) Reserved List and Transferred List
 (c) Provincial autonomy
 (d) Bicameral legislature

13. Which one of the new principles was envisaged by the Montford Reforms?

(a) separate electorates
 (b) Indian association in legislation
 (c) responsible government
 (d) legislative devolution

14. Consider the following statements, with respect to the Reforms of 1919.

1. In the provinces, for the first time, a non-official majority was introduced.
 2. It introduced separate electorates for Muslims and Sikhs.

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Which of the above statements is/are correct? Choose the correct answer from the following options.

- (a) 1 only (b) 2 only
(c) both (d) neither

15. Choose the correct statement with reference to the Montford reforms-

- (a) Franchise was expanded to include all adults.

(b) Women were allowed to contest elections.

(c) Montford report criticised separate electorates, hence it was decided to discontinue with the system.

(d) In each province, a unicameral legislature was created called the Legislative Council.



Practice Questions – Main Exam

1. Discuss Morley-Minto Reforms in the context of Congress split of 1907. How far did they fulfil the aspirations of the moderates?
2. Discuss the main features of the Morley-Minto Reforms.
3. What were the circumstances leading to Montagu-Chelmsford Reforms? Critically analyse its plan for decentralisation.
4. Write a short note on each of the following-
 - (a) Responsible government
 - (b) Provincial Autonomy
5. Write a critical note on each of the following-
 - (a) Separate Electorates
 - (b) Dyarchy

Answers

Previous Years' Questions – Preliminary Exam

- | | | | | |
|--------|--------|--------|--------|--------|
| 1. (c) | 2. (a) | 3. (d) | 4. (b) | 5. (c) |
| 6. (d) | 7. (d) | | | |

Practice Questions – Preliminary Exam

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|---------|---------|---------|---------|---------|
| 1. (b) | 2. (a) | 3. (d) | 4. (b) | 5. (b) |
| 6. (a) | 7. (b) | 8. (a) | 9. (a) | 10. (d) |
| 11. (a) | 12. (b) | 13. (c) | 14. (a) | 15. (d) |