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APPSC GROUP 2 SERVICES · INDIAN POLITY AND CONSTITUTION

Historical background

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1 Company rule: Regulating Act 1773 to Charter Act 1853

Between 1773 and 1853 the British Parliament passed a series of Acts that brought the East India Company under its control, centralised its government in India, and began to separate law-making from administration.

Core facts

- **Regulating Act, 1773**: the first step by the British Parliament to control and regulate the Company's affairs in India.
  - The Governor of Bengal became the **Governor-General of Bengal**. The first was **Warren Hastings**.
  - It created an **Executive Council of four** members to assist him.
  - The Governors of **Bombay and Madras** were made subordinate to the Governor-General of Bengal.
  - It provided for a **Supreme Court at Calcutta**, set up in **1774**, with a Chief Justice and three judges.
  - It barred Company servants from private trade and from taking bribes or presents.
- **Amending Act, 1781** (Act of Settlement): exempted the Governor-General and his Council from the Supreme Court's jurisdiction for official acts.
- **Pitt's India Act, 1784**: separated the Company's **commercial** functions (Court of Directors) from its **political** functions (new **Board of Control**). This is called **double government**.
- **Charter Act, 1813**: ended the Company's trade monopoly in India, except **trade in tea and trade with China**.
- **Charter Act, 1833**: the Governor-General of Bengal became the **Governor-General of India**. The first was **Lord William Bentinck**.
- **Charter Act, 1853**: the **last** Charter Act. It separated the **legislative and executive** functions of the Governor-General's council.

Explained

Act by act

Act	Governor-General	Key provisions
Regulating Act, 1773	Warren Hastings	GG of Bengal; council of 4; Bombay and Madras subordinate; Supreme Court at Calcutta (1774); Court of Directors to report on revenue, civil and military affairs to the British Government
Amending Act, 1781	Warren Hastings	GG and Council exempt for official acts; revenue matters outside the Supreme Court; personal law of the defendant; appeals from provincial courts to the GG-in-Council

Act	Governor-General	Key provisions
Pitt's India Act, 1784	Warren Hastings	Board of Control (political) and Court of Directors (commercial); territories first called "British possessions in India"
Act of 1786	Lord Cornwallis	Cornwallis made GG and Commander-in-Chief; could override his council in special cases
Charter Act, 1793	Lord Cornwallis (John Shore succeeded him in October 1793)	Overriding power extended to later GGs and Governors; monopoly renewed for 20 years; Board of Control paid from Indian revenues

Amending Act of 1781 in detail

- The Governor-General and Council were exempt from the Supreme Court for acts done in their official capacity. Company servants were also exempt for official acts.
- Revenue matters, and matters arising from collecting revenue, were taken out of the Court's jurisdiction.
- The Court had jurisdiction over all residents of Calcutta.
- It was to decide cases of Hindus and Muslims by the **personal law of the defendant**.
- Appeals from the provincial courts lay to the **Governor-General-in-Council**, not to the Supreme Court.
- The Governor-General-in-Council could frame regulations for the provincial courts and councils.

Charter Act, 1813

- Ended the Company's monopoly of Indian trade; all British merchants could trade, but the Company kept the tea trade and the China trade.
- Asserted the sovereignty of the Crown over the Company's territories.
- Allowed Christian missionaries to come to India.
- Set aside **one lakh rupees a year** for the education of Indians.
- Allowed local governments to impose taxes on persons subject to the Supreme Court's jurisdiction.

Charter Act, 1833

- Final step towards **centralisation**. The Governor-General of India held all civil and military powers. His government came to be called the Government of India.
- The Governors of Bombay and Madras **lost their legislative powers**. The Governor-General alone made laws for the whole of British India.
- Laws made under this Act were called **Acts**. Earlier laws were called **Regulations**.
- Ended the Company's activities as a **commercial body**. It became a purely administrative body, holding territories in trust for the Crown.
- A **law member** was added as the fourth member of the council. The first was **Macaulay**.
- It said that no Indian could be barred from any office under the Company only because of religion, place of birth, descent or colour.
- It **proposed** open competition for civil servants. The Court of Directors opposed it, so it was not put into effect.

Charter Act, 1853

- Separated the legislative and executive functions of the council. Six new members, called legislative councillors, were added for law-making.
- This Indian (Central) Legislative Council worked like a **mini-Parliament**, following British procedure.
- **Local representation**: four of the six legislative councillors were appointed by the provincial governments of **Madras, Bombay, Bengal and Agra**.
- **Open competition** for the civil service began, and Indians could take part. The **Macaulay Committee** on the Indian Civil Service was set up in **1854**.
- The law member became a full member with a vote.
- The Court of Directors was cut from **24 to 18** members; **6** were to be nominated by the Crown.
- The Company kept its territories in trust for the Crown, but **no period was fixed**, unlike the earlier charters (each of which had run for 20 years).

Deeper

The direction of change

Theme	How it developed
Parliamentary control	1773 began it; 1784 created the Board of Control; 1813 asserted Crown sovereignty; 1858 ended Company rule
Centralisation	1773 made Bombay and Madras subordinate; 1833 took away their law-making; 1861 later reversed this
Legislation	1833 made the GG-in-Council the single law-maker; 1853 created a separate legislative wing
Civil services	1833 proposed open competition; 1853 introduced it
Company as a trader	1813 ended the Indian monopoly; 1833 ended all commercial activity

Why each Act came

- The **Regulating Act** followed the Company's financial trouble and complaints of corruption after it gained the diwani of Bengal (1765). The Company needed a loan from the British Government.
- The **1781 Act** settled conflicts between the Supreme Court and the Governor-General's Council, which the 1773 Act had left unclear.
- **Pitt's India Act** answered the weaknesses of the Regulating Act. It placed political control with the British Government but kept the Company's patronage and trade.

Law Commission and codification

- The 1833 Act led to the first **Indian Law Commission (1834)**, chaired by **Lord Macaulay**.
- Its draft penal code became the **Indian Penal Code, 1860**. The IPC was replaced by the **Bharatiya Nyaya Sanhita, 2023**, in force from **1 July 2024**.

Statement-level points often tested

- The Board of Control came from the **1784** Act, not the 1773 Act.

- Ending the Company as a commercial body was the **1833** Act; the 1813 Act ended only the Indian trade monopoly.
- Separation of legislative and executive functions was the **1853** Act, not the 1833 Act.
- The 1853 Act did **not** extend the Company's rule for 20 years.

Common traps

✗ "The Regulating Act of 1773 created the Board of Control." ✓ The Board of Control was created by **Pitt's India Act, 1784**.

✗ "The Charter Act of 1813 ended all commercial activities of the Company." ✓ 1813 ended only the Indian trade monopoly (tea and China trade excepted). The **1833** Act ended the Company's commercial role.

✗ "The first Governor-General of India was Warren Hastings." ✓ Hastings was the first Governor-General of **Bengal** (1773). The first Governor-General of **India** was **William Bentinck** (1833).

✗ "The Charter Act of 1833 separated the legislative and executive functions of the council." ✓ That was the **1853** Act.

✗ "Open competition for the civil service began in 1833." ✓ 1833 only proposed it. It began with the **1853** Act.

✗ "Under the 1781 Act, appeals from provincial courts went to the Supreme Court at Calcutta." ✓ They went to the **Governor-General-in-Council**.

Quick revision

- 1773 Regulating Act: GG of Bengal (Hastings), council of 4, Supreme Court Calcutta 1774.
- 1781 Act of Settlement: GG-in-Council exempt for official acts; personal law of the defendant.
- 1784 Pitt's India Act: Board of Control + Court of Directors = double government; "British possessions in India".
- 1786: Cornwallis as GG and C-in-C, can override council.
- 1793: monopoly renewed 20 years.
- 1813: Indian trade monopoly ends (except tea, China); Rs 1 lakh for education.
- 1833: GG of India (Bentinck); Acts not Regulations; Company stops trading; Law Commission 1834 (Macaulay).
- 1853: last Charter Act; legislative wing; open competition; Directors 24 to 18.

2 Crown rule: Government of India Act 1858 to Indian Councils Act 1909

After the Revolt of 1857 the British Crown took over India from the East India Company, and the Councils Acts of 1861, 1892 and 1909 slowly brought Indians into the legislative councils, first by nomination, then by indirect election.

Core facts

- **Government of India Act, 1858** came after the **Revolt of 1857**. It is also called the **Act for the Good Government of India**.
  - The Company's rule ended; India came directly under the **British Crown**.
  - The Governor-General was also given the title **Viceroy**. The first Viceroy was **Lord Canning**.
  - It **abolished the Board of Control and the Court of Directors**, ending double government.
  - It created the post of **Secretary of State for India**, a member of the British Cabinet, answerable to the British Parliament.
  - A **15-member Council of India** was set up to advise him.
- **Indian Councils Act, 1861**: Indians were nominated to the Viceroy's legislative council as non-official members. In **1862** Canning nominated **three Indians**: the **Raja of Benaras**, the **Maharaja of Patiala** and **Sir Dinkar Rao**.
- **Indian Councils Act, 1892**: councils could **discuss the budget** and ask questions of the executive.
- **Indian Councils Act, 1909** = **Morley-Minto Reforms**. Morley was Secretary of State; **Lord Minto** was Viceroy.
  - It introduced **separate electorates for Muslims**.
  - Lord Minto is called the **Father of Communal Electorate**.
  - **Satyendra Prasad Sinha** became the first Indian member of the Viceroy's Executive Council, as **Law Member**.

Explained

Government of India Act, 1858

- The Secretary of State had full control over the Indian administration. The Viceroy was his agent in India.
- The **Council of India** (15 members) was only **advisory**. The Secretary of State was its **chairman**.
- The **Secretary of State-in-Council** was a **body corporate**. It could sue and be sued in India and in England.
- The Act's main aim was better administrative machinery for control from London. It did not change the system of government inside India much.

Indian Councils Act, 1861

- It began the practice of associating Indians with law-making, through nomination.

- It began **decentralisation**: it **restored legislative powers to Bombay and Madras**. This process ended in nearly full provincial autonomy in 1937.
- It provided for new legislative councils for other provinces: **Bengal (1862)**, the **North-Western Provinces (1886)** and **Punjab (1897)**.
- It gave statutory recognition to the **portfolio system**, which Canning had introduced in **1859**. A council member headed one or more departments and could issue final orders for the council on its matters.
- The Viceroy could issue **ordinances** in an emergency without the council's consent. An ordinance lasted **six months**.

Indian Councils Act, 1892

- More non-official members in the central and provincial legislative councils, but an **official majority** stayed.
- Councils could discuss the budget and ask questions, but not vote on the budget.
- Non-official seats were filled by **nomination on recommendation**:
  - **Central council:** the Viceroy nominated on the recommendation of the **provincial legislative councils** and the **Bengal Chamber of Commerce**.
  - **Provincial councils:** the Governor nominated on the recommendation of district boards, municipalities, universities, trade associations, zamindars and chambers of commerce.
- The word "election" was not used, but this was in effect a **limited, indirect election**.

Indian Councils Act, 1909 (Morley-Minto)

Provision	Detail
Size of Central Legislative Council	Raised from **16 to 60**
Majority	**Official majority** at the Centre; **non-official majority** allowed in provincial councils
Functions	Members could ask **supplementary questions** and move **resolutions on the budget**
Executive Councils	Indians associated for the first time; **S.P. Sinha** as Law Member
Electorate	**Separate electorate** for Muslims: Muslim members elected only by Muslim voters
Other special representation	Presidency corporations, chambers of commerce, universities and zamindars

Deeper

What each Act added, in one table

Act	Indians in councils	Powers of councils
1861	Nominated non-officials	Law-making only; no control over the executive

Act	Indians in councils	Powers of councils
1892	Nominated on recommendation (indirect election)	Budget discussion; questions
1909	Elected, partly through separate electorates	Supplementary questions; budget resolutions; non-official majority in provinces

Statement-level points

- The 1858 Act **ended** the Board of Control and Court of Directors, which **Pitt's India Act (1784)** had created.
- The 1858 Council of India lasted until the **Government of India Act, 1935**, which abolished it and gave the Secretary of State a body of advisers instead.
- The 1861 Act **reversed** the centralising trend of the 1833 Act by restoring law-making to Bombay and Madras.
- The 1861 Act's ordinance power is an early ancestor of the ordinance power under **Articles 123 and 213**.
- Indirect election was introduced in **1892**, not 1861. Separate electorate was introduced in **1909**, not 1919.
- The 1909 Act kept the official majority at the **Centre**; the non-official majority was only in the **provinces**.
- Even the 1909 Act gave no responsible government. The executive stayed answerable to London, not to the councils.

Why separate electorates matter

- The 1909 Act accepted the demand of the Simla deputation of Muslim leaders to Lord Minto (**1906**).
- Separate electorates treated communities as separate political units. Later Acts extended them to more groups (1919, 1935). Nationalists saw this as "divide and rule".

Common traps

✗ "The first Viceroy of India was Lord Dalhousie." ✓ It was **Lord Canning** (1858). He was already Governor-General and took the added title of Viceroy under the 1858 Act.

✗ "The Council of India under the 1858 Act could overrule the Secretary of State." ✓ It was only **advisory**, with the Secretary of State as chairman.

✗ "The Indian Councils Act, 1861 introduced indirect election." ✓ Indirect election ("nomination on recommendation") came with the **1892** Act.

✗ "Dadabhai Naoroji was one of the three Indians nominated in 1862." ✓ The three were the **Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao**.

✗ "The 1909 Act gave a non-official majority in the Central Legislative Council." ✓ The Centre kept an **official majority**; non-official majorities were only in the **provinces**.

✗ "Lord Morley is the Father of Communal Electorate." ✓ It is **Lord Minto**, the Viceroy.

Quick revision

- 1858: Crown rule; Viceroy (Canning); Board of Control and Court of Directors abolished.
- 1858: Secretary of State + 15-member advisory Council of India; SoS-in-Council a body corporate.
- 1861: three Indians nominated (1862): Raja of Benaras, Maharaja of Patiala, Dinkar Rao.
- 1861: decentralisation; portfolio system recognised; ordinances for six months.
- New councils: Bengal 1862, NWP 1886, Punjab 1897.
- 1892: budget discussion; questions; nomination on recommendation.
- 1909 Morley-Minto: council 16 to 60; separate electorate for Muslims.
- First Indian on the Viceroy's Executive Council: S.P. Sinha, Law Member (1909).

3 Government of India Act 1919

The Government of India Act, 1919 (Montagu-Chelmsford Reforms) introduced dyarchy in the provinces and a bicameral central legislature, as a first step towards responsible government.

Core facts

- **Montagu Declaration, 20 August 1917**: the British Government declared its aim of the **gradual introduction of responsible government** in India. It was made by **Edwin Montagu**, Secretary of State.
- The 1919 Act is called the **Montagu-Chelmsford Reforms**. **Lord Chelmsford** was the Viceroy.
- It came into force in **1921**.
- **Dyarchy** (dual rule) in the provinces: provincial subjects were split into **reserved** and **transferred** subjects.
- **Bicameralism** at the Centre: the Indian Legislative Council was replaced by a **Council of State** (upper house) and a **Legislative Assembly** (lower house). Most members of both were **directly elected**.
- Three of the six members of the Viceroy's Executive Council, other than the Commander-in-Chief, were to be **Indians**.
- **Separate electorates** were extended to **Sikhs, Indian Christians, Anglo-Indians and Europeans**.
- A **Public Service Commission** was provided for. The **Central Public Service Commission** was set up in **1926**.
- A **statutory commission** was to review the Act after **ten years**. This became the **Simon Commission (1927)**.

Explained

Dyarchy in the provinces

	Reserved subjects	Transferred subjects
Run by	Governor with his **Executive Council**	Governor with **ministers**
Answerable to	Not to the legislative council	The **legislative council**
Examples	Law and order, police, land revenue, irrigation	Education, health, local self-government, agriculture

Other provisions

- **Central and provincial subjects** were separated under the **Devolution Rules**. The Centre and the provinces could make laws on their own lists, but the structure stayed **unitary and centralised**.

- **Provincial budgets were separated from the Central budget**. Provinces could prepare their own budgets.
- **Franchise** was given to a limited number of people, on the basis of **property, tax or education**. There was no adult franchise.
- A **High Commissioner for India** was created in London. Some functions of the Secretary of State moved to him.
- Indian members of the Viceroy's Executive Council: **three of six**, excluding the Commander-in-Chief.
- The **Chamber of Princes (Narendra Mandal)** was set up in **1921**, in pursuance of the Montagu-Chelmsford Reforms, as a forum for the rulers of the princely states.
- The **Lee Commission (1923–24)** recommended setting up the Public Service Commission; the Central Public Service Commission was formed in **1926**.

After the 1919 Act: the road to 1935

- **Simon Commission**, appointed in **November 1927**, two years ahead of schedule.
  - **Seven members, all British**, chaired by **Sir John Simon**. All Indian parties boycotted it.
  - Its report (**1930**) recommended: abolition of dyarchy; extension of responsible government in the provinces; a federation of British India and the princely states; and continuing communal electorates.
- **Three Round Table Conferences** (1930–1932) in London discussed its proposals. A **White Paper** followed, and then the 1935 Act.
- **Communal Award, August 1932**: announced by British Prime Minister **Ramsay MacDonald**. It extended separate electorates to the **depressed classes** (Scheduled Castes) as well.
- **Gandhi** fasted in **Yerawada Jail** (Poona) against separate electorates for the depressed classes.
- **Poona Pact, September 1932**: an agreement between Congress leaders and **Dr B.R. Ambedkar**. It kept the **joint (Hindu) electorate** and gave **reserved seats** to the depressed classes. The British Government accepted it.

Deeper

Why dyarchy failed

- The division of subjects was artificial. A minister in charge of agriculture had no control over irrigation, which was reserved.
- Ministers had no control over **finance**, which was a reserved subject under an executive councillor.
- The **Governor** could overrule ministers, and the civil services were controlled by the Secretary of State, not by ministers.
- Ministers were answerable to the legislature, but the Governor could still interfere. The result was responsibility without power.

Statement-level points

- The 1919 Act was the first to use the idea of **responsible government**, but only in the provinces and only for transferred subjects.
- **Bicameralism at the Centre** came in **1919**. Bicameralism in **six provinces** came in **1935**.

- Separate electorate for **Muslims** came in **1909**; its extension to **Sikhs and others** in **1919**; to the **depressed classes, women and labour** in **1935** (after the Communal Award, as modified by the Poona Pact).
- The Federal Court was **not** a feature of the 1919 Act. It came from the **1935** Act and was set up in **1937**.
- **Women's franchise**: the Act left it to the provincial legislatures, and several provinces gave women a restricted vote in the 1920s.
- The Act did **not** give adult franchise. Universal adult franchise came only with the **Constitution of 1950** (Article 326).

The Indian reply to Simon

- The **Nehru Report (1928)**, prepared by a committee of an all-parties conference chaired by **Motilal Nehru**, was an early Indian attempt to draft a constitution. It proposed dominion status and a list of fundamental rights.

Common traps

✗ "The 1919 Act introduced dyarchy at the Centre." ✓ It introduced dyarchy in the **provinces**. Dyarchy at the Centre was in the **1935** Act and never came into force.

✗ "The August 1917 declaration was made by Lord Chelmsford." ✓ It was made by **Edwin Montagu**, the Secretary of State.

✗ "The Simon Commission had two Indian members." ✓ It had **seven members, all British**.

✗ "The 1919 Act gave the vote to all adults over 21." ✓ Franchise was **limited** by property, tax or education.

✗ "The Poona Pact gave separate electorates to the depressed classes." ✓ It did the reverse: **joint electorate with reserved seats**.

✗ "The Central Public Service Commission was set up in 1919." ✓ The Act provided for it; it was set up in **1926**.

Quick revision

- Montagu Declaration: 20 August 1917, responsible government as the goal.
- Montagu-Chelmsford Reforms: Act of 1919, in force 1921.
- Dyarchy in provinces: reserved (Governor + Executive Council) vs transferred (Governor + ministers).
- Bicameral Centre: Council of State + Legislative Assembly; majority directly elected.
- 3 of 6 Executive Council members Indian (other than the C-in-C).
- Separate electorates extended to Sikhs, Indian Christians, Anglo-Indians, Europeans.
- Provincial budgets separated; High Commissioner in London; CPSC 1926.

- Simon Commission 1927: 7 British members; report 1930.
- Communal Award 1932 (MacDonald) vs Poona Pact 1932 (joint electorate, reserved seats).

4 Government of India Act 1935

The Government of India Act, 1935 was the longest and most detailed British Act for India: it planned an All-India Federation, gave the provinces autonomy, and became the largest single source of the Constitution.

Core facts

- Passed by the British Parliament in **1935**. **Lord Willingdon** was Viceroy then.
- A long Act: **321 sections and 10 schedules**.
- It planned an **All-India Federation** of the **provinces and princely states**. The federation **never came into being**, because the princely states did not join.
- Powers were divided into **three lists**:
  - **Federal List**: **59** items
  - **Provincial List**: **54** items
  - **Concurrent List**: **36** items
- **Residuary powers** were given to the **Governor-General**.
- **Provincial autonomy** replaced dyarchy in the provinces. It began in **1937**.
- **Dyarchy at the Centre** was provided but **never came into operation**.
- **Bicameralism** in **six of the eleven provinces**: **Bengal, Bombay, Madras, Bihar, Assam and the United Provinces**.
- Separate electorates were extended to the **depressed classes, women and labour** (the standard textbook line; for the depressed classes this took the Poona Pact form of reserved seats within the general electorate).
- It abolished the **Council of India** set up in 1858.
- It provided for a **Federal Court**, set up in **1937**.
- **Federal, Provincial and Joint Public Service Commissions** were provided for.

Explained

Provincial autonomy

- The provinces were no longer agents of the Centre. They became **autonomous units** with their own field of power.
- In provincial subjects the Governor was to act on the advice of **ministers answerable to the provincial legislature**.
- Provincial autonomy came into effect in **1937**. Elections were held early that year, and Congress formed ministries in most provinces.
- The Congress ministries **resigned in 1939** in protest at India being declared a party to the Second World War without consultation.

Dyarchy at the Centre (planned, never started)

- Federal subjects were to be divided into **reserved** and **transferred** subjects.
- Reserved subjects included **defence, external affairs, ecclesiastical affairs and tribal areas**. The Governor-General would run them with counsellors not answerable to the legislature.
- Central dyarchy was part of the **federal** scheme. Since the federation never began, central dyarchy never began either. The Centre continued under the 1919 Act's structure until 1947.

Other provisions

Provision	Detail
New provinces	**Orissa** and **Sind** created (**1936**)
Burma	**Separated** from India (took effect 1937)
Federal Court	Set up **1937**; disputes between units; appeals from it lay to the Privy Council
Public Service Commissions	Federal PSC, a PSC for each province, and Joint PSCs for two or more provinces
Franchise	Extended, but still limited by property and education
Railways	A **Federal Railway Authority** was provided for
Secretary of State	Council of India abolished; he got a team of advisers

Reactions

- **Jawaharlal Nehru** called it "a machine with strong brakes but no engine". He also called it "a new charter of slavery".
- **M.A. Jinnah** rejected it as thoroughly rotten and totally unacceptable.

Deeper

Why the federation failed

- Joining was voluntary for princely states, through an **Instrument of Accession**.
- The federation was to start only when states with at least half the states' seats in the upper federal chamber, and at least half the states' population, had acceded.
- Not enough rulers acceded. When the Second World War began in 1939, the federal plan was put aside.

The Governor-General and Governors

- They had **discretionary powers** and **special responsibilities**, such as preventing grave threats to peace and protecting minorities and the civil services.
- **Section 93** let a Governor take over a province's administration when its government could not be carried on under the Act. It was used after the Congress ministries resigned in 1939. **Article 356** (President's Rule) descends from it.

What the Constitution took from it

- The **federal scheme**, with three lists (now the **Seventh Schedule**, Article 246).
- The **office of Governor**.
- The **judiciary**: the Federal Court was the forerunner of the Supreme Court.

- **Public Service Commissions** (now Articles 315–323).
- **Emergency provisions** (Articles 352–360).
- **Administrative details** and much of the drafting style.

One key difference. The 1935 Act gave residuary powers to the **Governor-General**. The Constitution gives them to **Parliament** (Article 248 and List I, Entry 97), following Canada.

Statement-level points

- Textbooks (e.g. Laxmikanth) list "provided for the establishment of the Reserve Bank of India" among this Act's features, and an exam statement saying so is usually marked correct. Strictly, the bank itself was created by the **Reserve Bank of India Act, 1934** and began work on **1 April 1935**; the 1935 Act dealt with its place in the federal scheme.
- The **Federal Court** was set up in **1937**, not 1935. Its first Chief Justice was **Sir Maurice Gwyer**.
- The Act was **repealed by Article 395** of the Constitution, together with the Indian Independence Act, 1947.

Common traps

✗ "The All-India Federation came into being in 1937." ✓ It **never came into being**; only provincial autonomy began in 1937.

✗ "The 1935 Act had four lists, including a Residuary List." ✓ It had **three lists**; residuary powers went to the **Governor-General**.

✗ "The Federal List had 54 items." ✓ Federal **59**, Provincial **54**, Concurrent **36**.

✗ "The 1935 Act introduced dyarchy in the provinces." ✓ It **ended** provincial dyarchy (from 1919) and provided dyarchy at the **Centre**, which never started.

✗ "Punjab was one of the bicameral provinces." ✓ The six were **Bengal, Bombay, Madras, Bihar, Assam, United Provinces**.

✗ "Under the 1935 Act residuary powers went to the provinces, as in the Constitution." ✓ The Act gave them to the **Governor-General**; the Constitution gives them to **Parliament**.

Quick revision

- 321 sections, 10 schedules.
- All-India Federation: planned, never formed.
- Lists: Federal 59, Provincial 54, Concurrent 36; residuary with the Governor-General.
- Provincial autonomy from 1937; ministries resigned 1939.
- Dyarchy at the Centre: provided, never in force.
- Bicameral in 6 provinces: Bengal, Bombay, Madras, Bihar, Assam, UP.

- Separate electorates extended to depressed classes, women, labour.
- Council of India abolished; Federal Court 1937; Federal, Provincial and Joint PSCs.
- Orissa and Sind created 1936; Burma separated.
- Nehru: "a machine with strong brakes but no engine".

5 Indian Independence Act 1947

The Indian Independence Act, 1947, passed by the British Parliament on the basis of the Mountbatten Plan, ended British rule and created two independent dominions, India and Pakistan, from 15 August 1947.

Core facts

- **20 February 1947**: British Prime Minister **Clement Attlee** announced that British rule would end by **30 June 1948**.
- **3 June 1947**: **Lord Mountbatten** announced the partition plan (**Mountbatten Plan**). The Congress and the Muslim League accepted it.
- The Act was passed by the British Parliament and received royal assent on **18 July 1947**.
- India became independent on **15 August 1947**.
- It created **two independent dominions**: **India** and **Pakistan**. Each could leave the British Commonwealth.
- It **abolished the office of Viceroy**. Each dominion got a **Governor-General**, appointed by the British King on the advice of the dominion cabinet.
- It **abolished the office of Secretary of State for India**.
- **British paramountcy** over the princely states **lapsed**. The states could join India or Pakistan, or remain independent.
- The **Constituent Assembly** of each dominion could frame any constitution and **repeal any British law**, including the Independence Act itself.
- **Lord Mountbatten** became the **first Governor-General** of free India. **C. Rajagopalachari** was the **last** Governor-General and the **only Indian** to hold the post.

Explained

Main provisions

- **End of British authority.** The British Government had no responsibility for India from 15 August 1947. No British Act passed after that date would extend to a dominion unless its legislature adopted it.
- **Constituent Assemblies.** Each was empowered to frame and adopt a constitution, and also to act as the **dominion legislature** until a new constitution came into force.
- **Interim government.** Each dominion and its provinces were to be governed under the **Government of India Act, 1935**, as adapted, until the new constitution.
- **Monarch's powers.** The British monarch lost the right to veto bills or to ask that bills be reserved for his approval. The Governor-General could assent to any bill in the King's name.
- **Constitutional heads.** The Governor-General of India and the provincial governors were to act on the **advice of their ministers**.
- **Title dropped.** The King's title "Emperor of India" was dropped.

- **Civil services.** Appointments to the civil services and reservation of posts by the Secretary of State ended. Those appointed before 15 August 1947 kept their benefits.
- **Tribal areas.** British treaties with tribal areas also lapsed.

First cabinet of free India (1947)

Member	Portfolio
Jawaharlal Nehru	Prime Minister; External Affairs and Commonwealth Relations; Scientific Research
Sardar Vallabhbhai Patel	Home; Information and Broadcasting; States
Dr Rajendra Prasad	Food and Agriculture
Maulana Abul Kalam Azad	Education
Dr John Mathai	Railways and Transport
R.K. Shanmukham Chetty	Finance
Dr B.R. Ambedkar	Law
Jagjivan Ram	Labour
Sardar Baldev Singh	Defence
Rajkumari Amrit Kaur	Health
C.H. Bhabha	Commerce
Rafi Ahmed Kidwai	Communications
Dr Shyama Prasad Mukherjee	Industries and Supplies
N.V. Gadgil	Works, Mines and Power

Deeper

From interim government to independence

- The **Interim Government** was formed on **2 September 1946**, with Nehru as Vice-President of the Viceroy's Executive Council. The Muslim League joined in October 1946.
- The League boycotted the Constituent Assembly, and the Cabinet Mission scheme broke down. This led to Attlee's deadline and then the 3 June Plan.
- Under the plan, the legislative assemblies of **Bengal and Punjab** met in two parts and voted for partition of those provinces. Referendums were held in the **North-West Frontier Province** and **Sylhet**. Boundary Commissions under **Sir Cyril Radcliffe** drew the borders.
- The date of transfer was brought forward from June 1948 to **15 August 1947**.

Effect on the Constituent Assembly

- It became a **fully sovereign body**, free to change any law made by the British Parliament for India.

- It became the **first Parliament of free India** (dominion legislature). As a legislature it was chaired by **G.V. Mavalankar**; as a constituent body by **Dr Rajendra Prasad**.
- Members of the Muslim League from the areas that went to Pakistan withdrew. The Assembly's strength fell from **389** (planned) to **299**.

Statement-level points

- Paramountcy **lapsed**; the Act did not transfer it to India. The princely states were integrated through **Instruments of Accession** and later merger agreements.
- The Act did not give a constitution. It provided the 1935 Act as an interim framework.
- The Act was **repealed by Article 395** of the Constitution on **26 January 1950**.
- **Jinnah** became the first Governor-General of Pakistan.
- Mountbatten served as Governor-General of India until **June 1948**; Rajagopalachari followed and served until 26 January 1950, when the office ended and the President took over.

Common traps

✗ "The Act kept British paramountcy over the princely states." ✓ Paramountcy **lapsed**; the states were free to join either dominion or stay independent.

✗ "The Mountbatten Plan was announced on 20 February 1947." ✓ 20 February was **Attlee's** statement. The plan was announced on **3 June 1947**.

✗ "C. Rajagopalachari was the first Governor-General of free India." ✓ The first was **Lord Mountbatten**. Rajagopalachari was the **last** and the only Indian.

✗ "The Indian Independence Act was passed by the Constituent Assembly." ✓ It was passed by the **British Parliament**.

✗ "R.K. Shanmukham Chetty held Railways in the first cabinet." ✓ He held **Finance**. **John Mathai** held Railways and Transport.

✗ "The Act was repealed by the first amendment." ✓ It was repealed by **Article 395** of the original Constitution.

Quick revision

- Attlee: 20 February 1947; Mountbatten Plan: 3 June 1947.
- Royal assent: 18 July 1947; independence: 15 August 1947.
- Two dominions; free to leave the Commonwealth.
- Viceroy and Secretary of State abolished; a Governor-General for each dominion.
- Paramountcy lapsed; states free to choose.
- Constituent Assembly: sovereign; also the dominion legislature.
- Mountbatten first, Rajagopalachari last Governor-General.

- First cabinet: Chetty Finance, Mathai Railways, S.P. Mukherjee Industries, Amrit Kaur Health.
- Repealed by Article 395.