



THE MAKING OF PROVINCIAL AUTONOMY ACT AND THE PUNJAB

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In the Government of India Act, 1919, there was a provision that this Act would be reviewed by a Commission after a lapse of ten years. With the passage of time, the Act of 1919 proved to be inadequate, illogical and unworkable. The system of dyarchy, introduced in the provinces, divided the government into two watertight compartments. It made the minister's position precarious, as they were responsible to the legislature and could be dismissed by the governors. Consequently, there were demands from the Swarajists and the Muslim League for the establishment of a full responsible government. In 1924, Motilal Nehru moved a resolution in the Central Legislative Assembly, demanding the framing of an Indian Constitution by an Indian Constituent Assembly and establishment of a full responsible government. The Minority Report of the Reforms Enquiry Committee appointed in 1924 under the chairmanship of Sir Alexander Muddiman stated that the Act of 1919 had failed. Two Home Members, Sir Malcolm Hailey and Sir William Vincent felt the need for the revision of Government of India Act, 1919.¹

Under these circumstance Lord Birkenhead, the Secretary of State for India, announced in November 1927 the appointment of a Commission under the chairmanship of Sir John Simon for the review of the Act of 1919. This decision was taken by the Conservative government two years earlier than the schedule.² One ostensible reason suggested for this haste was the agitation

¹ M.N. Dass , A.C. Pradhan, *A Comprehensive History of Modern India*, P.N.Chopra (ed.),Sterling Publisher, New Delhi, 2003, p. 253.

² B.L. Grover, S.L. Grover, *Modern Indian History*,S.Chand Company, New Delhi, 1983, p. 401.

in India, but the fact is that the Conservative Government of Lord Birkenhead felt sure that the next General Elections in England would return a Labour Government to power. They did not want to pass the credit of such a step to the Labour Party, who were expected to win in the next election which was due in 1929 and the conservative therefore, did not like to leave the appointment of the Commission to such a successor government. This is proved by a private letter of Lord Birkenhead to Lord Reading, the then Viceroy, which later also reveals another motive to use the appointment of the Commission as a bargaining counter and thus to disintegrate to the Swarjist Party.

The Simon Commission was appointed to enquire into “the working of the system of government, the Growth of Education and the development of representative institutions in British India, and matters connected therewith” and to report “as to whether and to what extent it is desirable to establish the principle of responsible government or to extend, modify or restrict the degree of responsible government then existing therein ,including the question whether the establishment of Second Chamber of Local Legislatures is or is not desirable.”³ No Indian was included in the Commission and its all white composition was condemned by all shades of Indian Public opinion and completely boycotted by the Congress. The major political parties boycotted it; Lord Birkenhead justified the exclusion of Indian by asserting that in so far as the Commission was appointed by Parliament it personal had to be confined to members of Parliament, but it was a very lame excuse.⁴

Before the Simon Commission could begin its work, the political India had taken up the challenge thrown out by Birkenhead to frame a Constitution which would meet with general acceptance. The Madras session of the Congress had urged its necessity, and decided to convene an All-Parties Conference to draft a Constitution for India. The Congress met in Bombay on May 19, 1928 and appointed a committee with Motilal Nehru was its chairman and TejBahadarSapru,

³ Bisheshwar Prasad, *Bondage and Freedom, A History of Modern India 1707-1947*, Vol. II, Rajesh Publications, New Delhi, 1979, pp. 376-378.

⁴ B.L. Grover, *Modern Indian History*, p. 401. See also Tara Chand, *History of the Freedom Movement in India* ,Vol .IV, Publications Division, New Delhi,1994,p.210.

Mangal Singh, SubhashChander Bose as its member to “consider and determine the principles of a Constitution for India.”⁵

An All Parties Conference which appointed a Committee under the chairmanship of Motilal Nehru to draft a Constitution for India, in reply to the challenge of Lord Birkenhead asking the Indian Political Parties to draft a unanimously acceptable Constitution.

The Nehru Report recommended universal adult suffrage, equal rights for women, Freedom to form unions, and dissociation of the state from religion in any form.⁶ The Report also recommended there should be bicameral Indian parliament, having an Upper House, called the Senate and a lower house, called the House of Representatives. The members of the lower house were to be elected through adult suffrage. The Governor-General should act on the advice of an Executive Council, collectively responsible to the Parliament. A similar form of government was to be established in the provinces. Fundamental rights and rights of citizen should be granted to Indians. Sindh was to be separate from Bombay, but only when India gets the dominion status.⁷ The Congress Party in its annual session held at Calcutta in December 1928, accepted the Nehru Committee’s report even though radical leaders within the Party such as Jawaharlal Nehru and SubhashChander Bose were not satisfied with dominion status asked for in the report.⁸

The report of the Simon Commission was after due deliberations published in May 1930. The Commission recommended responsible government for the provinces, and shelved the same for the Centre for an indefinite time. It wanted a federal structure for India comprising British India as well as princely states. Separate electorates for the Muslims were retained, and the depressed classes were to be provided reserved seats in joint electorates. Before the publication of the Report of the Simon Commission, the Labour Party had come to power in Britain in

⁵ Bisheshwar Prasad, *Bondage and Freedom, A History of Modern India 1707-1947* pp. 380-381.

⁶ Bipin Chandra, *India’s Struggle for Independence 1857-1949*, Penguin Books, New Delhi, 1989, p. 263.

⁷ M.N. Dass , A.C. Pradhan, *A Comprehensive History of Modern India*, p. 254.

⁸ *Ibid.*, 255

1929.⁹ Consulting the Labour Government after a flying visit, the Viceroy, Lord Irwin, had declared on behalf of the British government that, “in their judgment, it is implicit in the Declaration of 1917 that the natural issue of India’s constitutional progress as there contemplated is the “attainment of Dominion Status”. But the Simon Commission did not recommend Dominion Status for Indian in clear terms. He added that the government had accepted the suggestion of the Simon Commission that after the publication of the latter’s Report and before its examination by the Joint Parliamentary Committee, a conference should be called of the representative of the British Government, of British India, and of the Indian States, in order to seek the greatest possible agreement for the final proposals later to be submitted to Parliament.¹⁰

All Indian political parties rejected the Simon Commission report. The Congress meeting at Lahore under the Presidentship of Jawaharlal Nehru, resolved to boycott the Round Table Conference, declared the nation’s aim to win Complete Independence. The proposal of Complete Independence (*PuranSwaraj*) accepted and authorized the All India Congress Committee to Launch a Civil Disobedience Movement.¹¹ As announced by the Viceroy on behalf of the Government of England on October 31, 1929, a Round Table Conference was convened in London. It was attended by 89 persons out of whom 16 represented British political parties and rest Indian parties and interest (except the Congress). The First Round Table Conference recommended the formation of an all India federation comprising provinces and princely states, a responsible Government at Centre with certain safeguards in the transitional period and autonomy for the provinces.¹²

The absence of Congress representation in the First Round Table Conference led to the decision to have a second one in which, it was hoped, that Congress representatives would take part .Efforts in that direction by Sir Tej Bahadur Sapru and Sir M.R. Jayakar led to the famous

⁹ *Ibid.*

¹⁰ B.L. Grover, S.L. Grover ,*Modern Indian History*, p. 402. See also Bisheshwar Prasad , *Bondage and Freedom, A History of Modern India 1707-1947*, p.378-382.

¹¹ Ganeshi Mahajan, *Congress Politics in the Punjab 1885-1947*, K. K. Publisher, Shimla, 2002, p. 78. See also Sumit Sarkar, *Modern India, 1885-1947*, Macmillan India, New Delhi, 2007, p. 284.

¹² M.N. Dass, A.C. Pradhan, *A Comprehensive History of Modern India*, p. 255.

Gandhi-Irwin Pact, being signed in 5 March 1931.¹³ There was a heated controversy regarding the communal problem. The representatives of the minorities, backed by the British Conservative demanded separate electorates for their respective communities. On the question of depressed classes representation, there was an altercation between B.R. Ambedkar, the representative of Depressed Classes, and Mahatma Gandhi. No settlement could be arrived to solve the communal problem. Mahatma Gandhi was jailed after his return from London. Meanwhile, on 16 August 1932, Ramsay MacDonald, the British Prime Minister, announced 'Communal Award'. The Communal Award retained separate electorates for the minorities and extended to depressed classes.¹⁴ Protesting against the provision of Separate electorates for the depressed classes, in Yarvada Jail of Poona, Mahatma Gandhi began a fast into death in 20 September 1932. Consequently a deal was struck between the caste Hindu Leaders and the depressed classes leaders resulted in the form of Poona Pact on 25 September 1932.¹⁵ The third Round Table Conference which met in London from 17 November to 24 December 1932 was followed by the issue of a White Paper on Constitutional reforms. A White Paper was issued on March 1933, which gave details of the Working basis of the new Constitution of India, Dyarchy at the Centre and responsible government in the provinces. In February 1935, a Bill was introduced in the House of Commons by the Secretary of State for India which then passed became the Government of India Act, 1935. The White paper was considered by the Joint Parliamentary Committee. On the basis of its report the Government of India Act was passed on 2 August 1935.¹⁶

Among the principle sources from which the Act drew its material were: (a) the Report of the All Party Conference (Nehru Report); (b) the Simon Commission Report; (c) the discussions at the three Successive Round Table Conferences, (d) the White Paper; (e) the Joint Select

¹³ K.C. Gulati, *The Akali: Past and Present*, Ashajanak Publication, New Delhi, 1974, p.35. See also B.L. Grover, S.L. Grover, *Modern Indian History*, p. 403.

¹⁴ M.N. Dass, A.C. Pradhan, *A Comprehensive History of Modern India*, p. 255.

¹⁵ *The Khalsa Review* (Lahore), August 18, 1932. See also M.N. Dass, A.C. Pradhan, *A Comprehensive History of Modern India*, p. 256.

¹⁶ Khushwant Singh, *A History of Sikhs 1839-2004*, Vol II, Oxford University Press, New Delhi, 1999, p. 232. See also B.L. Grover, S.L. Grover, *Modern Indian History*, p. 403.

Committee Report; and (f) the Lothian Report which determined the electoral provisions of the Act.¹⁷

The Government of India Act of 1935 provided for the formation of an all-India federation, consisting of Governor's provinces and the princely States.¹⁸ The Act of 1935 had two main parts, one dealing with the central authority, conceived as a federation of all-India, the British provinces and the Indian States, and the other with the provinces where experiments in democratic self-government were to be conducted. At the Centre, while the federal structure, as suggested by the Simon Commission and accepted by the Round Table Conference, was adopted, care was taken to curtail the scope of responsible government as British opinion was not prepared to submit the Government of India to popular control. A form of dyarchy was therefore provided for and the operation of the federal part was made contingent on the accession of a proportion of India States, as would enable them to have at least half the seats in the upper chamber, Council of State, and make for fifty per cent of the total population of such states. Some of the Princes had initially, in a flush of patriotism and inspired by the hope of release from the bear-hug of paramountcy, expressed their warm countenance to the proposal for an all-India federation endowed with elements of responsible government.¹⁹ Dyarchy was abolished in the provinces and introduced in the Centre. The federal Legislature consisted of two houses, the Council of States and the federal Assembly. The Council of States was to be a continuing body.²⁰

As conceived by the Act, the Indian federation was to comprise of a bicameral legislature and a dyarchical government, with special powers granted to the Governor-General for which he was not accountable to the legislature. The Upper Chamber, the Council of State was to consist of 260 members, of whom 104 were to be the nominees of the rulers of Indian States. The remaining 156 seats were distributed so as to provide weightage of the minority communities or interest, 75 were for the general electorate, 6 for the Scheduled Castes, 4 for Sikhs, 49 for Muslims, 6 for Women, 7 for Europeans, 1 for Anglo-Indian and 2 for Indian Christians. 6 Seats

¹⁷ B.L. Grover ,S.L. Grover , *Modern Indian History*, p. 403.

¹⁸ Ramji Lal, *Political India 1935-1942*, Ajanta Publications, 1986, Delhi, p.2.

¹⁹ Bisheshwar Prasad, *Bondage and Freedom, A History of Modern India 1707-1947*, p. 422.

²⁰ M.N. Dass , A.C. Pradhan, *A Comprehensive History of Modern India*, p. 254.

were reserved for nomination by the Governor General. This distribution meant that the majority community of the Hindus would elect only 31 per cent, while 24 per cent were for the communal- Minorities and 40 per cent for the States. In this arrangement, the States were “to play a peculiarly significant role” and “act as a stabilizing factor”. Thus they were to operate as a stumbling block to “social change and political progress”, which were the aims of progressive nationalist elements. The lower house or Federal Assembly would comprise 375 members, of which one third were to represent the States, again selected by the rulers and not elected by the people. The 250 seats belonging to the provinces were again divided on the basis of communal considerations. Hindus including Scheduled Castes had 105, Muslims 82 and other minorities 26 seats. Besides minority interests like commerce and industry, labour, land-holders and women had 11, 10, 7 and 9 seats respectively.

The Government of India Act 1935 was the first constitutional measure introduced by the British in India. It envisaged that the parties winning a majority of seats in the legislatures would form ministries within Provinces. These ministries would function on the basis of joint and collective responsibilities.²¹ The Government of India Bill became an Act when it received the Royal Assent in the House of Lords. The Act consists of 478 clauses and 16 schedules occupying 455 printed pages and it is the longest Act in the history of Parliament.²² The Act provided for the structure, organisation and powers of both the Central and Provincial Governments.²³ The Act of 1935 contained within itself the seeds of Independence.

On August 4 1935, the Government of India Act received Royal sanction.²⁴ The Government of India Act was passed during the ‘interwar period’ and was the last pre-Independence Constitution of India.²⁵ The years 1935 and particularly 1936, saw the emergence

²¹ Anita Inder Singh, *The Origins of the Partition of India 1936-47*, Oxford University Press, New Delhi, 1983, p. 2.

²² *The Tribune* (Lahore), 5 August, 1935. See also Bisheshwar Prasad, *Bondage and Freedom, A History of Modern India 1707-1947*, p. 426.

²³ Ramjilal, *Political India 1935-1942*, p.2.

²⁴ Khushwant Singh, *A History of Sikhs 1839-2004*, p. 232.

²⁵ *Ibid.*

of a pattern in Indian politics which would be repeated often both before and after Independence.²⁶ The Government of India Act, 1935 was an important milestone in the Constitutional history of India.²⁷ The 1935 Act had, for the first time, opened up the prospect of the British giving Indians substantial power at the centre on the basis of electoral success in the provinces.²⁸ The Government of India Act of 1935 provided two alternate Constitutions for the Central Government. One contemplated the establishment of a Federal Union consisting of the whole of India, the British Indian Provinces, and the Indian States. Alternatively, if this condition was not fulfilled then the Constitution of the Government of India Act, 1919, with some minor amendments would remain in force. The first alternative of the Act of 1935 never came into force as the requisite number of states did not accede.²⁹ The Act provided for the replacement of ‘dyarchy’ with supposed ‘Provincial Autonomy’.³⁰ The significance of the Government of India Act of 1935 can be best summed up in the words of the Viceroy Lord Linlithgow himself: “After all we framed the Constitution... of 1935 because we thought it the best way... to hold India of the Empire.”³¹

Dyarchy, as it existed in the Provinces under the provision of the Government of India Act, 1919, was now abolished.³² Dyarchy, which had been abolished, in the provinces, was introduced in the Centre. Subjects, such as Defense and Foreign affairs were to be ‘reserved’ and therefore the prerogative of the Governor General.³³ The only significant steps forward were in the Provinces, where dyarchy was replaced by responsible Government, theoretically in all departments, and all electorate.

²⁶ Sumit Sarkar, *History of Modern India 1885-1947*, Macmillan, New Delhi, 1983, p. 338

²⁷ Raghuvendra Tanwar, *Politics of Sharing Power: The Punjab Unionist Party 1923-1947*, Manohar Publishers, New Delhi, 1999, p. 88

²⁸ Ayesha Jalal, *The State of Martial Rule: The Origin of Pakistan Polity, Economy and Defence*, Cambridge University Press, 1990, p. 11.

²⁹ *Ibid.*

³⁰ Raghuvendra Tanwar, *Politics of Sharing Power: The Punjab Unionist Party 1923-47*, p. 88.

³¹ Shekar Bandyopadhyay, *From Plassey to Partition: A History of Modern India*, Orient Longman, New Delhi 2007, pp. 325-326.

³² Ramjilal, *Political India 1935-1942*, p. 2.

³³ Khushwant Singh, *A History of Sikhs 1839-2004*, p. 232.

The Act provided for the establishment for an All-India Federation to be based on the Union of the British Indian Provinces and Princely States. The representatives of the States to the Federal legislature were to be appointed directly by the princes who were to be used to check and counter the nationalists.³⁴ The purpose of the Act was to transfer the entire range of Government functions at the provincial level to elected ministers; to provide political experience in national politics by introducing the dyarchy system into the Central Government of India; and to bring the princely states into closer association with British India by the acceptance of common Federal function.³⁵

By granting Provincial Autonomy and beating retreat to Centre, the British planned to give Autonomy to their friends and collaborators, and retain control at the top.³⁶ Encouraging provincial ambitions and keeping the centre firmly in British hands was not a strategy for getting out of India, but a way of staying on. There was no mention of Dominion status in the Act, an omission which aroused grave suspicions in the minds of Indian nationalists.

Under the Government of India Act of 1935, six provinces (Bengal, Madras, Bombay, United Provinces, Bihar and Assam) were to have bicameral legislature, consisting of a legislative council and a legislative assembly and others (Orissa, NWFP, Sindh, Central Provinces and Punjab) were to have unicameral legislature in the form of a Legislative Assembly. The members of the legislative Assembly were to be elected from the general constituencies as well as separate constituencies of Muslims, Sikhs (in Punjab), Europeans, Anglo-Indians and Indian Christians. Some seats were reserved for the scheduled castes in the general constituencies.³⁷

In six “Governor’s provinces” including the Punjab, the system of “dual government” was replaced by full provincial autonomy. In these provinces, diarchy was abolished and full powers were now vested in councils of Ministers responsible to legislatures elected from a wider

³⁴ BipinChandra, *India's Struggle for Independence 1857-1949*, p. 317.

³⁵ Hugh Tinker, *India and Pakistan*,: A Political Analysis, IInd edition, Pall Mall Press, London, 1967, p. 24.

³⁶ Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan*, Cambridge University Press, Cambridge, 1985, p. 15.

³⁷ M.N. Dass, A.C. Pradhan, *A Comprehensive History of Modern India*, p.254.

franchise, constituted by at least ten per cent of the provinces population. The Governor remained the titular head of the province and retained certain safeguard's to protect minority interests and should the need arise, to maintain law and order in the province. Beyond this, however, the Council of Ministers was in full control of provincial affairs.³⁸

Following the 1935 Act the Punjab Legislative council was replaced by an expanded Legislative Assembly. The Punjab Legislative Council was not only renamed as the Punjab Legislative Assembly but its composition was altered significantly. The new body was to have no official or nominated members. The concept of joint ministerial responsibility to the Assembly was introduced. The Act was significant also because it increased considerably the number of people who were enfranchised. About 24 per cent of the adult population of Punjab was enrolled for the Legislative Assembly Electoral process. In actual terms, however, this 24 per cent constituted just about 12 per cent of the total population of the province. With landowners comprising almost 60 percent of the new electorate and non-agriculturalist still not permitted to stand from rural constituencies, it meant that loyalist supporters would continue to dominate all important posts and public life as whole. Important changes introduced with respect to the Punjab Legislative Assembly were: its strength was increased from 94 to 175 members, official and nominated for the first time, these were to be headed by the ministers responsible to the Assembly and member of voters was enhanced from 7, 45,000 or about 3.1 percent of the total population to around 25.75 lakhs on 11.1 percent of the total population.³⁹

The average number of voters for each of the 175 constituencies of the new Legislative Assembly of Punjab was to be about 16,000, as compared to 33,000 in Madras, 18,600 in Bombay 33,000 in U.P. 32,000 in Bengal, 20,000 in Bihar and 18,600 in Central Provinces. Table 1.1 and 1.2 shows the distribution of the Constituencies into various categories for the Punjab Legislative Assembly as provided for by the new Act.⁴⁰ The Act provided for a significantly extended

³⁸ Tan Tai Yong, *The Garrison State, The Military, Government and Society in Colonial Punjab, 1849-1947*, Sage Publications, New Delhi, 2005, pp. 273-274

³⁹ Raghbir Singh, *Akali Movement 1926-47*, Omson Publications, New Delhi, 1997, pp. 82-84. For, K.C. Yadav, About 12 percent of the total population got enfranchised: *Elections in Punjab 1920-1947*, Manohar, New Delhi, 1987, p.133. About 11.5 percent of the population was enfranchised, giving 30 million people the right to vote in India: Khushwant Singh, *A History of the Sikhs 1839-2004*, Vol. 11, p 233. Total Voters were 27, 82, 392 in the election of 1937 which was 11.83 percent of the total population (1931): Raj Kumar, *The Punjab Legislative Assembly Elections 1937*, Unpublished M. Phil Dissertation, Guru Nanak Dev University, Amritsar, 2004, pp. 191-197.

⁴⁰ Raghuvendra Tanwar, *Politics of Sharing Power: The Punjab Unionist Party 1923-1947*, p. 88.

franchise in the Punjab, from 7, 45,000 in 1930 to 2.75 million in 1935 (from 3.1 percent to 11.7 percent of the Provincial population).⁴¹

Total percentage of population which had the right to vote under the Acts of 1919 and 1935 follows as such.⁴²

Table 1.1

Province	1919	1935
Madras	3.2	15.5
Bombay	3.9	17.1
Bengal	2.5	16.1
United Province	3.5	15.5
Punjab	3.1	11.9
Bihar and Orissa	1.1	9.3
Central Provinces	1.3	12.5
Assam	3.7	12.1

Source: K.C.Yadav, Elections in the Punjab 1920-1947, p.16.

⁴¹ Tan Tai Yong , *The Garrison State: The Military, Government and Society in the Colonial Punjab 1849-1947*, p. 276.

⁴² Baljit Singh, *The Elections and Politicisation in the Punjab 1945-47*, Unpublished Ph. D. Thesis, Guru Nanak Dev University, Amritsar, 2008, p. 20

Table 1.2**Types of Provincial Legislative Assembly Constituencies, 1937-47.⁴³**

Constituencies	URBAN	RURAL	TOTAL
General	8	34	42
Mohammedans	9	75	84
Sikhs	2	29	31
Special	-	-	18
Total	19	138	175

Source: K.C.Yadav, *Elections in the Punjab 1923-1947*, p.16.

But as since 1919, under the influence of the Punjab government, and the rural military lobby in the Council, the rural character of the Legislature Assembly and the provincial electorate was preserved. Of the 175 seats in the Punjab Legislative Assembly, 143 were rural.⁴⁴ The qualifications for enfranchisement, although lowered in most cases, were not however, radically altered. With the exception of special constituencies, the qualifications for the voter were still based on land and property ownership, land revenue or income payment, official appointments and titles. Seventy five per cent of the extended franchise provided by the 1935 Act was constituted by members of the agricultural classes, as defined by the 1900 land Alienation Act. Only Seventeen per cent of landholders and fifty percent of tenants to be enfranchised (238,000 out of 1,398,000 and 200,000 out of 407,000 respectively) in 1935 in the Punjab belonged to non-agriculturalist class.⁴⁵ The Provincial electorate eventually approved for

⁴³ Bakshish S. Nijjar, *Punjab Under the British Rule 1849-1947*, Vol. II, K.B. Publications, New Delhi, 1974, p. 158. See Also Amarjit Singh, *Punjab Divided: Politics of the Muslim League and Partition 1935-47*, Kanishka Publishers, New Delhi, 2001, p.33 (Moreover, eight general constituencies were reserved for the Scheduled Castes.)

⁴⁴ Bakshish S. Nijjar, *Punjab Under the British Rule 1849-1947*, p.158.

⁴⁵ The territorial Constituencies were divided communally, based on the Communal Award of 1932. The Muslims had eighty four seats (nine urban and seventy five Rural), The Hindus, under General Constituencies, had forty-two seats (eight urban and thirty four rural), and the Sikhs were given thirty-one seats (two urban and twenty-nine rural). In addition, there were five special seats for the landlords. For

the Punjab, consisted of 263,000 urban 2,482,000 rural voters.⁴⁶ The Governor had special powers and could take over the administration of a province under section 93 of the Act.⁴⁷ Under the Act, Landowners dominated the restricted electorate. Hence, under the Act of 1935, an opportunity arose to create an agricultural raj within the Punjab.

The terms of the reforms, both in 1919 and 1935, fixed the political focus firmly in the countryside, strengthening the hands of the landed rural military elites at the expense of the urban politicians. What emerged out of the political development of colonial Punjab during the inter-war years was thus the political entrenchment of landlord and politicians.⁴⁸

The Act was significant also because it increased considerably the number of people who were enfranchised. About 24 percent of the adult population of the Punjab was enrolled for the Legislative Assembly process.⁴⁹ Though the conditions were relaxed for members, yet the urban leaders such as Sir Gokul Chand Narang claimed the conservative nature of these changes. The Lothian Franchise Committee added another 400, 000 voters to the Punjab electorate. Most of these additional voters were women who had their own separate Constituencies.⁵⁰

With the object introducing Provincial Autonomy, the Act was passed disqualifications were identical for voters of both the houses:

In concrete term, no person was eligible to be a voter who : (a) was not a British subject ; (b) was a female; (c) was a member of any other legislative body constituted under the Act (1919); (d) was dismissed/suspended legal practitioners; (e) was of unsound mind; (g) was of under 25 years of age; (g) was a bankrupt or undischarged insolvent and (h) was a convict having

details see Tan Tai Yong, *The Garrison State: The Military, Government and Society in the Colonial Punjab 1849-1947*, p.276. See also K.C. Yadav, *Elections in Punjab 1920-1947* p. 17.

⁴⁶ Tan Tai Yong, *The Garrison State: The Military, Government and Society in the Colonial Punjab 1849-1947*, p. 277.

⁴⁷ Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan* , p. 15. See also Maulana Abdul Kalam Azad, *India Wins Freedom*, p. 11.

⁴⁸ Tan Tai Yong, *The Garrison State: The Military, Government and Society in the Colonial Punjab 1849-1947*, pp. 279-80.

⁴⁹ Tan Tai Yong, *The Garrison State: The Military, Government and Society in the Colonial Punjab 1849-1947*, pp. 279-80

⁵⁰ Ian Talbot, *Punjab and the Raj: 1849-1947*, Manohar Publications, New Delhi, 1998, p. 96.

suffered more than 6 months imprisonment or transportation or was guilty of using corrupt practices in some election or of not filling his election expenses returns.⁵¹

No person could be nominated for a special constituency unless he was a voter for that constituency.⁵² The nomination were filed in a specific form called 'form I' with a security of Rs 500 to the returning officer appointed by the Provincial Government for conducting the elections at the time and place notified in advance.⁵³ If the number of candidates exceeded the vacancies in existence for a constituency, elections were to be held. Each voter was required to cast his vote in person under his signature in the presence of the presiding officers by making a cross (X) mark on the ballot paper.

The unsuccessful candidate or a voter could challenge the election of the successful candidate by making a petition to a nominee of the Governor-General along with a deposit of Rs. 100 within 14 days of the publication of the result.⁵⁴ After investigations, if the Governor General was convinced that the allegations levied were worth looking into and if a commission was satisfied with the correction of the allegations, the election was set aside. The successful candidate was to make the oath or affirmation of loyalty to the Crown, before he undertook the responsibilities of the Legislator. The sixth Schedule of the Government of India Act, 1935 provided that a person shall be included in the electoral rolls after having attained the age of 21 year. Except for a few minor and insignificant changes here and there, the above election system remained in vogue until 1947.⁵⁵

The Act of 1935 was condemned by almost all the political groups and parties in India, though not always for the same reason. The Act was condemned by nearly all sections of Indian opinion and was unanimously rejected by the Congress.⁵⁶ The Government of India Act was criticized by many Congress leaders as retrograde and reactionary. Jawaharlal Nehru, the

⁵¹ K.C. Yadav, *Elections in Punjab 1923-47*, pp. 7-19.

⁵² Harbans Singh Dobia, *Law of Elections and Election Petitions*, Modern Publications, Lahore, 1945, pp. 1-3.

⁵³ *Ibid.*

⁵⁴ K.C. Yadav, *Elections in the Punjab 1923-1947*, pp. 7-19.

⁵⁵ ShekharBandyopadhyay, *From Plassey to Partition, A History of Modern India*, p.325.

⁵⁶ *Ibid.*

Congress President at the time of Implementation of the Act, described it as “unwanted undemocratic and antinational”. C. Rajagopalachari regarded it as “worse than dyarchy.” It failed to meet the Congress party’s demand for dominion status or responsible self-government.⁵⁷ As early as April 1936, the Indian National Congress had pronounced the proposals contained in the Act of 1935, as even worse than those contained in the White paper and the Joint Parliamentary Committee Report and as “designed to facilitate the perpetuate the domination and exploitation of the people of India”. But it was resolved that candidates should be put forward on behalf of the Congress to contest seats in accordance with its mandate and in pursuance of its declared policy. On the question of acceptance of office the Congress abstained from expressing any opinion.⁵⁸ The strength of feeling against acceptance of office might be gauged from the speech of Jawaharlal Nehru as President of the Congress session held in Dec 1936, he stated:

“We go to the Legislature not to cooperate with the apparatus of British imperialism, but to combat the Act of seek to end it, and to resist in every way British imperialism in its attempts to strengthen its hold on India and its exploitation of the Indian People..... We are not going to the Legislatures to pursue the path of Constitutionalism or barren reformism”.

As was to be expected, the Indian National Congress, with its pronounced nationalist and democratic socialist outlook, was the most vehement in its denunciation of the Act.⁵⁹ The Congress denounced the ‘safeguard’ as rendering responsible Government nugatory. It demanded complete responsibility in the provinces and at the Centre. The Congress particularly denounced the exercise weightage given to the states in the proposed federation forty per cent in the council of states and thirty three and half per cent in the Federal Assembly, whereas the population of the states was only 24 percent of the total population of India at that time.⁶⁰ It denounced also the manner of the state representation. The Congress wanted the representatives

⁵⁷ M.N. Dass, A.C. Pradhan, *A Comprehensive History of Modern India*, p. 258.

⁵⁸ Tara Chand, *History of the Freedom Movement in India*, p. 217.

⁵⁹ S.R. Mehrotra, “The Congress and the Partition of India,” (ed.), C.H. Philips and Marry Dorian and Wainwright, *The Partition of Indian Policies and Perspectives: 1935-1947*, George Allen and Unwin Ltd, London, 1970, pp. 188-189.

⁶⁰ *Ibid.*, p. 188.

of the states in the federal legislative to be elected by their people and not, as provided for in the Act, nominated by their rulers.

Jawaharlal Nehru had described that the Act as ‘a charter of bondage’, and Congress resolution of 1936 stated that the future Constitution of Indian could only be framed by a constituent Assembly based on adult Franchise. According to J.B. Kripalani, the Joint Parliamentary Committees Report was not favorured by the Congress since the proposed scheme transferred to real power to the people to control defence, Finance and Foreign affairs.⁶¹ Jawaharlal Nehru, Subhash Boss, the Congress Socialists and the Communists were totally opposed to office acceptance and thereby working of the 1935 Act. The Left case was presented effectively and passionately by Nehru, especially in his presidential Address at Luckhnow in early 1936,⁶² described the Act as the ‘New charters of slavery’.⁶³

The Indian National Congress rejected the Government of India Act of 1935, because of the powers of intervention given to governors in the provinces and dyarchy in the Centre. It resolved to capture power and then destroy the Constitution.⁶⁴ The Act of 1935 satisfied very few. The Congress found it totally disappointing while other found it inadequate to varying degree.⁶⁵

The Act in this light no section of Indian opinion has welcomed it. The Shiromani Akali Dal strongly criticized the new Constitutional Scheme. But keeping in view the contemporary situation, it did not consider proper for their small minority to reject the Act outrightly. The main object of the Akalis was to get rid of the Communal Award and to protect the interests of their community.⁶⁶ The Communal Award was incorporated in the Government of India Act of 1935

⁶¹ Ramji Lal, *Political India 1935-1942*, p. 3.

⁶² Bipin Chandra, *India's Struggle for Independence 1857-1947*, p 319.

⁶³ *Ibid.*, pp 319-320. See also Ramjilal, *Political India 1935-1942*, p.3.

⁶⁴ Khushwant Singh, *A History of Sikhs 1838-2004*, p. 232.

⁶⁵ Bipin Chandra, Amales Tripathi Braun De, *Freedom Struggle*, National Book Trust, India, New Delhi, p. 181.

⁶⁶ Raghbir Singh, *Akali Movement 1926-47*, p. 75.

despite strong opposition from the Sikhs. Although the Akali had vehemently criticised the Act, they did not consider it proper to reject. Mangal Singh head of the Khalsa Darbar said:

Placed as we are under the peculiar position, a minority community like ourselves cannot afford to be indifferent to the coming Constitution whatever its shortcomings and whatever its defects may be. There is undoubtedly a great danger ahead and in order to meet that danger and all other political exigencies arising there from we have to mobilize all our forces to the best of our capacity.⁶⁷

The indifference with which the Act has been treated us, of course, only appeared.⁶⁸ The Sikh political parties also expressed their dissatisfaction with the Act of 1935 and in this connection they had already rejected the Communal Award which had not given representation to the Sikhs in the legislative Assemblies as desired by them.⁶⁹ After the Act of 1935, the Muslim League organizational structure remained very weak.⁷⁰ In order to strengthen the base of the Muslim League in the Punjab, Mohammad Ali Jinnah approached for an agreement with Fazl-i-Hussain, who refused to accept the invitation because he did not want to align himself with a communal party.⁷¹ When Mohammad Ali Jinnah started reorganizing the Muslim League in the early 1935, Fazl-i-Hussain sent a word to him that he should keep "his fingers out of the Punjab Pie".⁷² The Muslim League condemned the Act of 1935, and very reluctantly decided to work it "for what it was worth". In his speech in the Assembly on Feb 7, 1935, he clarified his stand. On the Constitution embodied in the Joint Parliamentary Committee Report, while approving the provisions for the Muslim representation so long as there was no speed solution among the Indian themselves, he expressed his total disapprobation of both parts of the

⁶⁷ *Ibid.*

⁶⁸ *The Tribune*, Lahore, Wednesday, August 7.

⁶⁹ D.L Chaudary, *Violence in the Freedom Movement of Punjab 1907-1942*, B.R. Publishing, Delhi, 1986, p 15.

⁷⁰ Khalid.B.Sayyad, *Pakistan: The Formative Phase 1857-1948*, Oxford University Press, London, 1968, p.81.

⁷¹ Amarjit Singh, *Punjab Divided: Politics of Muslim League and Partition 1935-1947*, Kanishka Publisher, New Delhi, 2001, p.38.

⁷² Azim Hussain, *Fazal-i-Hussain: Political Biography*, Longman, London, 1946, p.309.

Constitution, the federal Union and the provisional government.⁷³ He used even stronger language than the Congress representatives in rejecting them.⁷⁴

The Muslim League president called it ‘totally impracticable and unacceptable’ on the whole the Muslims League condemned the Act of 1935. The Muslim League Conference held in Bombay on 11th and 12th April 1936 convened by Jinnah and presided over by Sayed Wazir Hassan which condemned the Act of 1935. At this session of the League it was decided to authorize Jinnah to form a Central Election Board of thirty five members under his presidentship for contesting the provided elections. Jinnah selected the members of the Board from all over India. The Board held its first meeting at Lahore on June 8, 1936 and adopted the Election manifesto, which declared that the league stood for “full responsible government for India”, deplored the enactment of the Constitution of 1935, accepted the Communal Award, but rejected the Federal and Provincial Constitution and defined the programme of election.⁷⁵ The rejection of the Federation part of the Act of 1935 was a great achievement on the part of Mohammad Ali Jinnah and the Muslim League because without that there could have been no demand for Pakistan in the coming years.⁷⁶

Despite their opposition to the Act 1935, all the political parties in the Punjab decided to contest the provincial election of 1937. The Act of 1935 was condemned by almost all the political groups and parties in India. But the provincial scheme was considered better and the various parties agreed to give a fair trial to it, under the Act of 1935, elections to the Punjab Legislative Assembly were held in 1937.

⁷³ S.S.Pirzada, *Foundation of Pakistan: All India Muslim League Documents 1906-1947*, Karachi, 1970, p.262.

⁷⁴ Tara Chand, *History of the Freedom Movement in India*, p. 223.

⁷⁵ Tara Chand , *History of the Freedom Movement in India*, p.223.

⁷⁶ A.B. Rajput, *Muslim League: Yesterday and Today*, Muhammad Ashraf, Lahore, 1948, p. 57.