

Unit - 08

Chapter - 17

Background of constitutional development in India (Act of 1909 and 1919)

India has a historical background of constitutional development. It starts with the arrival of the British in India. In the year 1600 AD, the British arrived with the establishment of East India Company in India. Gradually the company went from business to work in the political and administrative areas. Regulating Act of 1773 introduced the control of the Parliament on the East India Company. In 1858, the rule of India went directly under the control of the British monarch. From time to time, many Acts were made by the British Parliament for improvement in which 1909, 1919 and 1935 are the main Acts.

Indian Council Act, 1909

Keeping in mind the increasing pressure of agitators for independence in India, Viceroy Lord Minto sent a report to the British government. An increase was made of the representation in the legislative councils and to face the then political situation of India. On 17 February 1909, India Secretary Lord Marley presented this bill in the lower house (Common Sabha) of the British Parliament, House of commons. This bill was passed on 25th May, 1909, and after getting the approval of the Emperor (acceptance of the emperor) on November 15, 1909, it came into force with the name "Indian Council Act 1909". The major provisions of this Act were as follows:

(1) Improvement in the Central Legislative Council - By improving the organization of the Central Legislative Council, its additional membership was

increased from 16 to 60, which included 37 government members and 23 non-official members who were to be elected and 9 ex-officio members (permanent) who were to be nominated. Thus the total number will be 69 members. The electoral board was divided into 3 categories for the selection of elected members - (i) General electorate class (ii) section electoral class (iii) Specific elector class.

The legislative council has been empowered to debate matters and matters of budget and general public bills related to general subjects. There was a provision of confirmation from the Indian Secretary. Many subjects like Army, Foreign Policy, Country Principles etc. were kept separate from the field of the Legislative Council. The Vidhan Parishad could pass them by considering the bills brought to their respective subjects, but they could have been applied only after signature of viceroy. Viceroy had veto power.

(2) Organizations and rights of provincial legislative councils - The Act also amended the number of provincial legislative councils. Their members were fixed between 30-50. The member of Madras, Bombay and the Legislative Council of Bengal were increased from 20 to 50, for United Provinces, East Bengal and Assam states from 15 to 50, for Punjab and Berma from 9 to 30. In its regular meetings, the subjects of public interest were given the right to debate and pass rules (pass bill). They could debate on the budget, but could not vote.

The process of formation of provincial legislative councils was kept in the same manner as the formation process of the Central Legislative Council. There were four types of members in it (i) Selected members of the ex-officio member (ii) nominated government members (iv) elected non-official members elected members This Act established a majority of non-official members in provincial legislative councils but not elected non-official members. Nominated non-official members were also included in this. Government members and non-official members nominated by the government were more likely to get more number of elected members.

The acceptance of the Governor / Lieutenant Governor on the bills passed by the Legislative Councils and the approval of the Governor General was necessary. The proposals passed by the Legislative Councils were in the condition of suggestions for the government. The government was not bound to accept or apply them.

(3) Expansion of Executive Councils - In the formation of Executive Councils of Indian Secretaries, Viceroys and Provincial Governors, by the Council of 1909, the was given to representation the Indians. There will be two Indian members in the Council of India Secretaries. An Indian member was made an executive member of the Viceroy's Executive Council. The members of the Executive Council of the Governors of Madras and Bombay were increased from two to four, in which at least two members would be those who have experience of serving Rajmukut (British rule) in India for 12 years. In these councils, after the discussion of a subject, the decision was taken by the voting, but the Governor and the Presiding Officer were given the right to vote or decree, if there was equal vote on the voting.

Right was given to the governor general that with permission of Indian secretary was made by the Ordinance to set up the council to assist the Deputy

Governor in his provinces. An ordinance was issued to any province other than the province of Bengal to be cancel ordinance by any House of the British Parliament.

(4) Provisions regarding voting and representation - The voting rights were given to the public by the 1909 Act. But arrangements were made only for the limited number of people. Different criteria were laid in different provinces for the franchise. In Madras, the landowners who had annual income of Rs.15000 or who gave 10 thousand rupees to the government in the land revenue were given the franchise. In Bengal, who had the title of 'Raja' or 'Nawab', and holding the honorary degree of magistrate in central province were given the right of franchise. In the same way different criteria was set in different provinces for giving voting rights to Muslims. This situation has given different types of franchise qualifications for Muslims and non-Muslims also.

This act provided separate representation to Muslims, landlords, chambers of workers. In addition, they were given more than the proportion of their numbers.

Eligibility for becoming a member of the Central / Provincial Legislative Council was also made by making rules, but in this case different rules were also set in different provinces. For member of the Provincial Legislative Council in Bengal, Bombay and Madras, it was necessary to be a member of the Municipality or the District Board. But there were no such rules in the United Provinces. Among other qualifications, the property taxpayer's ability to be a British subject was necessary. Government employees, women, psychiatric patients, before not less than 25 years of age, expelled from government service, bankrupt persons were not eligible to become members of legislative councils. Some additional qualifications were decided to contest elections in the class constituency.

Some areas of India which were directly under Viceroy like North West Frontier Province, Kurga, Ajmer-Merwada etc. have no provision for representation in the Central Legislative Council. Their constituency was also not made.

Evaluation of the Indian Council Act of 1909

- The purpose of the 1909 Act was to satisfy the liberal leadership of the National Movement by cooperating with the Liberal Party, suppressing the rising national consciousness, the militants and revolutionaries. But this act failed to satisfy the liberals itself. This Act has been criticized on the following grounds:

(1) Beginning of communal electorate This act started the communal electoral system. Different interested and classes were given the right to separate electorates. The places for Muslims, commerce associations, landlords etc. had been secured. This place was even higher than the proportion of their caste number. It promoted communalism and shrugged off secularism. Finally, the path for the demand for partition of India was prepared. Shortly the non-Brahmins and Anglo-Indians in Madras, Sikhs, Punjab started demand for separate electorates.

In this regard, Indian Secretary Lord Marley wrote a letter to Viceroy Minto (in which his fatal intention was clear). Remember that by creating separate constituencies, we are sowing seeds of deadly poison, whose crops will be very bitter. “

(2) The limited powers of the legislative councils and the government majority - The powers given to the Legislative Council members by this Act were very few. They could ask questions from the executive members, but the executive members were not obliged to answer all the questions. Members had the right to pass the resolution on the issues of public interest, but accepting these proposals was dependent on the will of the government. Viceroy and governors were given many voluntary powers.

(3) Majority in Central Legislative Council, Act of 1909 established a majority of the government members of the Central Legislative Council, thereby weakening the position of non-official members.

(4) The majority of non-government members in the provincial legislative councils was mere a pretense

-Theoretically a non-government majority was established in the provincial provincial councils.

The situation in practice was different. Non-official members were of two types - nominated non-government members and elected non-official members. Nominated non-official members, would always cooperate with the government. The elected non-official members used to represent many sections, which was difficult to unite them against the government. Governors were given powers of veto on the various subjects; For this reason the non-governmental majority did not matter

(5) Limited and partial franchise - The franchise granted to the public in the 1909 Act was limited and partial. The Muslim middle class landlords, traders and graduates were given the franchise, but non-Muslims of this category were denied the franchise. Like in East Bengal. A Hindu was given the franchise, only when annual revenues of Rs 5000 was given, but a Muslim giving revenue of 750 rupees were given the franchise. Muslim were given special representation to the interests of minorities in the Hindu majority territories, but Hindus were not given such representation in the Muslim provinces majority (Punjab, East Bengal and Assam).

(6) Not an attempt to establish responsible governance - Indian people had been demanding responsible governance through the National Movement for a long time. But the 1909 Act did not establish responsible governance. Its aim was to give training to some Indians in law and other administrative tasks.

(7) Incentive and importance to vested interests - This Act gave importance by giving representation to certain special interests like landlords, chambers of commerce. These vested interests were under the control of the British government, and against national interests.

In this way, the 1909 Act was not complete, causing many defective systems only and satisfying

Indians. With this, Indians had got some more participation in some institutions than before.

Government of India Act 1919

The Indian Council Act 1909 could not meet the aspirations of the Indian public and the public was increasingly angry with the British Government. The report of the Indian Decentralization Commission of 1909 shifting of capital from Calcutta to Delhi (1911) the events of beginning of World War I encouraged the Indian mass movement. Hence, on the basis of the recommendations of the Montague Chelmsford Report on August 20, 1917, a bill was placed on 28 May 1919, in the British House of Commons. Passed by the Parliament upon receipt of the emperor's approval on December 23, 1919, it was called the Indian Government Act 1919.

Preamble of the Act of 1919 - In the preamble of this Act it was said that -

- (1) The connectivity of Indians in the administration will be increased.
- (2) India will remain an integral part of the British Empire.
- (3) Institutions of self-government will be developed.
- (4) The aim of the British policy in India will be to establish a responsible government.
- (5) The establishment of the institutions of responsible governance and self-government will gradually be done.
- (6) The decision of progress will be in the hands of the British Parliament.

In addition, it was stated in the preamble that in case of provincial matters, efforts would also be made to keep provincial governments free of central control.

Key Features of the Indian Government Act 1919 - The changes made by this Act in the constitutional and administrative system of the country were as follows -

(1) Changes in the Home Government and the Council of India - To look at matters of the Indian colony, there was a minister in the UK-based ministry; it was called the India Secretary. He had a council, which was called the India Council. The expenditure on these was incurred by India. So the Indian independence demanding its end revolutionaries were .

This act was not abolished but some structural changes were made. At present, there will be at least 8 and maximum of 12 members (till now, at least 12 and maximum 14 members were there), in the Council of India. Half of them would be those who had lived in India for 10 years before the time of appointment and had country 5 years prior to the date of appointment. The term of this council had been reduced from 7 years to 5 years. Number of Indian members had been increased from 2 to 3. Each member's salary was increased from 1000 pounds to 1200 pounds. An additional allowance of 600 pounds was arranged for the Indian member. All the expenses incurred on the Secretary of India and his department were borne by the British budget (so far this expenditure was recovered from the revenue of India). Because of this arrangement, his administration, including the Secretary of India, came under the control of the British Parliament, which could be debated therein.

(2) Reduction in control of the Home Government on Indian administration - The control of India Secretary (Bharat Mantri- Minister was called secretary in England) on all subjects at the provincial level and at the level of the Central Government remained the same. States were given some exemption of administration in matters of transferred subjects, India Secretary could intervene only to protect the interests of the British Empire, the administration of central subjects and its specific rights. It was expected that in this act, this intervention will slow down gradually. Except certain special cases, prior approval of the Indian Secretary did not remain necessary for

presenting the bill in Central and Provincial Legislations on other topics.¹

(3) Establishment of dual and partially responsible government in provinces by the Act of 1919. The provincial governance was divided into two parts Reserved subjects Transferred subject.

The governance of reserved subjects was governed by the Governor and its Executive Council. There was no control of executive over it. The transferred subjects were handed over to the popular ministers, which were elected from the elected majority of the executive and were liable to it. Dividing the provincial governance into two parts, the system was called dual government system.

(4) More Representation of Indians in the Provincial Executive Council – By this Act, the administration of the protected area was entrusted to the governor, but the number of Indian members in the provinces / councils of the provinces was already extended. Arrangements were made for 2 Indian members out of 4 members to take part of the reserved part of the governments of Madras, Bombay and Bengal. In the remaining 6 provinces where there were only two members for the reserved section of the Executive Council only an Indian was kept. These members were appointed by the British emperor on the recommendation of the Minister of India.

(5) Reorganization of the provincial legislative councils - By this act, the division of the Regulation and Regulation (NAN Regulation) was ended by forming a kind of province. In each province, the Legislative Council, which constituted a Member Legislative Council. Governor's Executive Council, nominated and elected members were in legislative council. This Act provided for arranging 60 members in the Legislative Councils of large provinces in at least 100 in small provinces. These members must be elected members and will constitute at least 70 percent of the

total number, and the government members could not exceed 20 percent. The remaining 10 percent were non-official members and would be appointed by the governor. Thus, the formation of legislative councils had been made more democratic than before and in keeping the majority of elected members, their rights had been increased. The structure of the provincial legislative councils could be understood by following table number.

(6) Unresponsible rule in the Center- Partially responsible governance was established in the provinces, but at the central level, unresponsive rule was maintained as before. Although the Central Legislative Assembly could influence the government, the Central Legislative Assembly was expanded for this purpose, its rights were increased, but Viceroy was given some such privileges that without the consent of the Legislative Assembly he could take decisions.

(7) Appointment of more Indians in Central Executive Council - Several reforms had been done in the Central Executive Council.

- (i) The restriction of earlier number of members was removed from the executive.
- (ii) Lawyers of the High Court of India who had 10 years of experience, were considered qualified to be legal members of the Council. Thus Tesbahadur Sapru became the first Indian legal member.
- (iii) The number of Indians in the Executive Council was increased from one to the three. But these members were not the people's representatives, but they were given less important departments and were the yes men of government.

(8) The creation of the bicameral Central Legislative Assembly - In this Act, the bicameral Legislative Assembly was formed at the Central level at the place of a one Legislative Assembly, whose names were Legislative assembly and council of state. There were at least 140 members in the Legislative

Assembly. After the formation, the number was 145, in which 104 elected (52 from general constituencies, 32 from communal constituencies (30 by Muslims and 2 by Sikhs) and 20 special election areas (elected by 7 landowners, 9 Europeans and 4 by business groups) It could be understood by the table number.

Council of State - There could be up to 60 members in the State Council, in which 33 nominated and 27 were nominated by Viceroy. It can be understood properly by table number 3. Each member of the Executive Council of Viceroy was a government member of either house, but he could attend both the houses and could participate in debates. The rights of the Central Legislative Assembly were also increased. Members had complete freedom of expression in their views within the House, they could ask supplementary questions also. They had the right to make laws, they could debate on the budget and even vote on some of them. Houses were also given the right to stop work postpone or and pass any other proposal. The Assembly's term of the assembly was fixed for 3 years and 5 years for the State Council. Viceroy was given the right to dissolve any House of the Central Legislative Assembly before the expiry of the general term.

(9) Promotion Decentralization - This policy of centralization was abolished by this Act, which reached at the peak of the time Lord Curzon. Some subjects of administration and revenues taken removed from Central Government control and given to provincial governments. Provinces were given the right to take and impose tax for the first time. Establishment of partial responsible governance in the provinces was also to promote decentralization and provincial autonomy.

(10) Separation of Power - The separation of power between central and provincial governments was made by the Act of 1919. The subjects which were related to the whole of India or inter-territorial interests, were kept under the center and which were related to

the regional interests (local importance) they kept under the provinces. In the central area, army, rail, post and wire, income tax, defence, currency, typing, trade, shipping, civil, criminal cases were kept. In the provincial area, the right was given to manage and govern the local self-government, public work, education, public health and medicine, irrigation, famine sufferers aid revenue, agriculture, forest, prison, police and justice etc.

(11) Provisions related to election and franchise- Direct election process was started by this Act and it was expanded. About 10 percent of the people of India got the franchise. In the Montagu-Chelmsford report, the communal electoral system was condemned. But in this act, it was kept not only for the Muslims, but for the Sikhs in Punjab, leaving three provinces and the remaining for the Europeans the Anglo Indians in two provinces and in one province for the Indian Christians.

(12) Establishment of Chamber of Princes - Chelmsford report, it was suggested to build a monarchic keeping in mind the importance of princely states of India. Morarchai Mandal was established on 9th February, 1921 in Delhi. The total number of members in this Mandal was 121, in which 109 representatives were of major states and 12 members were kept as representatives of small states. The Viceroy was the head of this mandal. The Mandal (Chamber) started working as a consultant/assembly.

This act arranged similar type of Diarchy at the provincial level. Under this, the provincial subjects were divided into 'reserved subjects' and transferred 'subjects'. The reserved subjects were administered by the emperor and governed by the governor and his executive council responsible for the British rule. The transferred subjects will be administered by popular ministers, who were elected members of the provincial legislative council and were liable to the Provincial Legislative Council.

Data of the formation of Provincial Legislative councils under Indian Government Act. 1919

(see report of Simon Commission of Chapter -11)

Table 1

Name of Province	Elected Members	Govt. Ex-officio and nominated govt. members	Non-nominated from special class and interests	Total
Madras	98	23	11	132
Bombay	86	20	08	114
Bengal	114	22	04	140
Joint Provinces	100	20	03	123
Punjab	71	18	05	94
Bihar & Orissa	76	18	09	103
Central Province and Barar	55	11	07	73
Assam	39	12	02	53
Burma	80	22	01	103

Data of the formation of Central Legislative Assembly under Indian Government Act, 1919

Table-2

Sl. No.	Nominated					Elected				Total
	Electoral Board	Govt.	Non-Govt.	Non-Muslims	Muslims	Sikhs	Europeans	Landlords	Indian Comm- erce	
1.	Indian Govt.	14	5	-	-	-	-	-	-	19
2.	Madras	2	-	10	3	-	1	1	1	18
3.	Bombay	2	1	7	4	-	2	1	2	19
4.	Bengal	2	2	6	6	-	3	1	1	21
5.	Joint Province	1	2	8	6	-	1	1	-	19
6.	Punjab	1	2	3	6	2	-	1	-	15
7.	Bihar & Orissa	1	1	8	3	-	-	1	-	14
8.	Central Province	1	1	3	1	-	-	1	-	7
9.	and Barar	1	-	2	1	-	1	-	-	5

10.	Assam	1	-	3	-	-	1	-	-	5
11.	Burma	-	-	1	-	-	-	-	-	1
12.	Delhi	-	-	1	-	-	-	-	-	1
13.	Ajmer-Merwara North-West Frontier Province	-	-	-	-	-	-	-	-	1
Total		26	15	52	30	2	9	7	4	145

Data of the Formation of the Central State Council under Indian Government Act, 1919

Table-3

Sl. No.	Electoral Board	Govt.	Non-Govt.	Non-Muslims	Muslims	Sikhs	Communal	European Commerce	Total
1.	Indian Govt.	11	-	-	-	-	-	-	11
2.	Madras	1	1	4	1	-	-	-	7
3.	Bombay	1	1	3	2	-	-	1	8
4.	Bengal	1	1	3	2	-	-	1	8
5.	Joint Province	1	1	3	2	-	-	-	7
6.	Punjab	1	3	1	2	1	-	-	8
7.	Bihar & Orissa	1	-	2	1	-	-	-	4
8.	Central Province and Barar	-	2	-	-	-	1	-	3
9.	Assam	-	-	-	1	-	-	-	1
10.	Burma	-	-	-	-	-	1	1	2
11.	Ajmer-Merwara North-West Frontier Province	-	1	-	-	-	-	-	1
Total		17	10	16	11	1	2	3	60

Implementation of Diarchy - From April 1, 1921, the Diarchy was implemented in eight provinces of India - Bengal, Bihar, Madras, Bombay, United Provinces, Central Provinces and Punjab. It was implemented in the North West Frontier Province in 1932. This experiment continued for 16 years. But the

use of Diarchy rule was not successful. Constitutional deadlock arose in Central Provinces and Bengal. There were continuous disputes between governors and responsible ministers in other provinces.

Reasons of the failure of Diarchy - British writers such as Cooplund were of the opinion that the Congress and the Swarajya Party were responsible

for the failure of the Diarchy. But their allegations are baseless. Indeed, Diarchy planning was ideologically and practically wrong in nature. And for its failure, primarily, the inherent defects in the scheme were accountable. The following are the reasons for its failure -

Inherent defects in the system plan - The following were the following serious defects in the scheme-

(1) Theoretically defective - Diarchy system was theoretically defective. Due to the rule of one province under two different powers, created an obstacle in the government. There is a gender unity in governance. Work is done in mutual cooperation.

(2) The indecipherable and impractical division of the subjects- The impracticality of division gave birth to differences. Each minister had to rely on the protected part of the government for finance and other departmental expenditure. The Agriculture Minister had to look towards the protected part of the government to collect irrigation facilities.

(3) The anarchy of the governor's will- The success of a responsible government was only possible when governor played the role of constitutional president. The Act of 1919 gave power to governors to control the ministers and reject their proposals. Governors intervened in the affairs of ministers by the powers given for this particular situation. In this regard, a Minister of Central Provincial Kelkar complained that "Though he had the freedom to work in policy matters, but the big matters were continuously interfered." The United Provincial Minister, Chintamani said that "The power is with the governor, not with the ministers."

(4) No separate finance system for the administration of the transferred subjects - Although the provincial governance has been divided into two parts - reserved and transferred. But there was no separate finance arrangement for both of them. Finance was a reserved topic. The entire finance was subject to a member of the governing executive council.

Without financial powers, the ministers could not function properly.

Chintamani, the minister of the United Provincial, said that the finance member wanted that before the finance be allotted to the transferred subject all the needs of the reserved subject could be full filled.

(5) Lack of the of collective responsibility - Instead of appointing the Governor Ministers on the basis of the party's homogeneity, the appoint its were made from representatives of various parties, parties and groups of the Provincial Legislative Council. Ever since, the governor used to make ministers from two opposing parties. For this reason, the ministers lacked ideological symmetry. They did not develop a sense of collective responsibility.

(6) No control over the civil services - The responsible government could succeed only when the permanent officer of that department remain subject to the concerned minister. Most of the officers working under the ministers were members of the Indian Civil Service. Their appointment, transfer and promotion was given to the governors, not the ministers. So in the event of differences, the civil servants believed in the high office rather than ministers.

(7) Defective Legislative Council - It was also necessary that the organized parties in the legislative councils were necessary for the success of the responsible government. The legislation which was formed by the Act of 1919, was very defective. There was no majority of elected members. 80 percent of the members were elected non-official members or by government members elected by government. The elected members of special classes also often supported by the Governor. In this arrangement, the governor had more influence than the ministers.

Other external circumstances - Some external circumstances also accounted for the failure of the Diarchy.

(1) Unfavorable political atmosphere of that time- In the country Jallianwala Bagh incident, the

Khilafat Movement the harsh repressive law like the Rowlett Act created unrest and bitterness the British rule in the minds of Indians. People became lethargic with the reforms initiated by British rule.

(2) Economic plight and Meston Panchat-

There was a severe famine in 1920, a recession in Indian markets, public discontent among the people of poverty. More than half of the province's grant was to be given by the provinces by the Meston Panchat. It worsened the economic situation. In its absence, the provincial governments could not properly adopt the Diarchy.

(3) Non-co-operative behavior of the bureaucracy - British bureaucracy was not prepared to work honestly under Indian ministers. It made Diarchy a failure .

(4) Non-cooperation of Congress and League - There was a lack of cooperation between the Congress and the Muslim League. The policy of the British to “divide the and rule” would continue to work to increase the differences between them. In both the parties, the minister remained confused with each other. So the Diarchy was to be unsuccessful because the government runs in mutual cooperation.

At the same time, when the conservative government came in power in Britain, the view of the reforms of British rule changed. Interference in the provinces increased. In such a way it can be said that the causes of failure of Diarchy were not only internal defects but also some external circumstances.

The importance and appropriateness of Diarchy - It is true that the Diarchy was faulty and was unsuccessful but it was useful in many ways -

- (1) Indians got franchise widespread which encouraged political awareness among Indians.
- (2) Regular elections created awareness among the Indians about public life. Indians got information about governance, their confidence awakened.

- (3) In almost all the provinces, women also got franchise along with as men.
- (4) Indianization of public services was encouraged due to Diarchy rule.
- (5) Indian ministers working in provincial territories did commendable work to bring improvement in the different areas and to remove social evils.

Evaluation of the Indian Government Act 1919 - This act did not properly respond to the demands made by the Indians. Indians did not satisfy with its arrangements. Due to many shortcomings in this Act, Diarchy was criticized .

(1) Unsatisfactory plan of proposed Diarchy in the provinces - Critics termed this system as the most unsuccessful. The split line between the Governor's Executive Council and the work of the ministers was not clear. Finance was with the governor and a member of the executive council, he could intervene in the affairs of the ministers. The minister and the civil services under them were not reconciled. There was lack of collective responsibility The governor's voluntary power was a great of Diarchy.

(2) Lack of powerful legislature in the center - Although the bicameral legislature was established at the center, but neither its formation was democratic nor adequate powers were given to it. Many restrictions and limitation were attached to it.

(3) Continuity of Governor General's self will. Demands were made by the Indians to reduce the autonomy of the Governor General. But the Act of 1919 provided the Governor General very broad powers executive, financial and legislative rights. All the administration of the country was under his supervision and control. In the name of security and peace establishment, he could intervene in the work of the Legislative Assembly any time.

(4) Improper extension of communal electorate - Communal electoral system started from

the Council Act of 1909 which intellectuals treated not good for the country. The Act of 1919 not only kept it for the Muslims, but it was applied to Sikhs, Europeans, Anglo-Indian and Indian Christians, which were considered inappropriate by the Indians.

(5) Unsatisfactory lack of control of Home Government over Indian rule. There was a continuous demand of lack of interference. Home government in India. In the Act of 1919 on the Indian government the sagacity in the control of the government was accepted but there was no formal change in the rights of the Indian Minister to reduce the control of the Home Government. However, it was expected that gradually the control will reduce but practically it did not change.

Though, the reform act of 1919 was a trickery in the eyes of the organizers. The reforms of this Act came into effect in 1921, but the Jallianwala Massacre the political atmosphere generated by the non-cooperation movement and incompleteness of reforms and faulty intention of the British rule could not make it success.

Although there was a lot of confusion in the provisions of this Act. However, with the expansion of the Legislative Councils of the Central and Provinces, efforts were made to improve them. In contrary to earlier the more part of the franchise population could be found, initiatives towards responsive governance in the provinces could be taken decentralization moved forward. In Governors and Governor-General's executive councils more representation than the former was seen.

Important Point

Indian Council Act 1909

Major provisions: -

- (1) Reform in the Central Legislative Council.
- (2) Organization and right of provincial legislative councils

- (3) Extension of Executive Councils.
- (4) Provisions regarding franchise and representation.

Evaluation of the India Council Act of 1909

- (1) The commencement of communal elections.
- (2) The limited powers of the legislative councils and the government majority.
- (3) Government majority in the Central Legislative Council
- (4) The majority of non-official members in the provincial legislative councils merely a show.
- (5) Limited and partial franchise
- (6) No attempt to establish responsible governance.
- (7) Incentive and importance to vested interests

Government of India Act 1919

Characteristics of the Indian Government Act of 1919-

- (1) Change in the Home Government and the India Council.
- (2) Decrease in the control of the home government on the Indian administration.
- (3) Establishment of partial responsible governance and Diarchy in the provinces.
- (4) More representation of the Indians in the Provincial Executive Council.
- (5) Reorganization of the provincial legislative councils.
- (6) Unresponsive governance at the center.
- (7) Appointment of more Indians in the Central Executive Council.
- (8) The creation of the bicameral legislature.
- (9) Decentralization was promoted.
- (10) Separation of powers.
- (11) Provisions related to election and franchise.

Diarchy in provinces

‘Meaning of Diarchy.

‘Implementation of Diarchy.

Reasons failure of Diarchy.

(i) Inherent defect in the scheme: -

- (1) Theoretically faulty
- (2) The indecipherable and impractical division of the subjects.
- (3) The governor’s voluntary powers.
- (4) There was no separate finance system for the administration of the transferred subjects.
- (5) Lack of theories of collective responsibility.
- (6) Ministers had no control over civil services.
- (7) The constitution of the legislative council was faulty.

(ii) Other external conditions: -

- (1) The political environment of that time was not favorable.
- (2) Financial plight and Masten Panchat.
- (3) Non-cooperative behavior of bureaucracy
- (4) Non-cooperation of Congress and League

Importance and utility Diarchy

‘Extension of franchise

‘Political Awareness in Indians’

‘Promotion of Indianization of Public Services’

‘Advantages in the improvement in diverse areas and the removal of social evils.

Evaluation of the Indian Government Act 1919

- (1) Proposed Dirarchy’s plan in the provinces was not satisfactory.
- (2) Lack of powerful legislative body in the center.
- (3) The permanence of the Governor General’s self will.

- (4) Improper Expansion of communal electorate.
- (5) The decrease in the control of the Home Government on Indian rule was not satisfactory.

Important Question

Objective Question:

1. Which of the following area was not representation in the Central Legislative Council?

- (A) Madras (B) Ajmer-Merwara
(C) Bengal (D) Bombay

2. The maximum number of additional members in the Central Legislative Council was increased by 16 by the Indian Council, 1909.

- (A) 60 (B) 50
(C) 30 (D) 69

3. This act differed in giving the landowners the right to vote in their constituencies, who were given the franchise in Madras.

- (A) Whose annual income was 15 thousand annual
(B) Who had the title of King or Nawab
(C) Who held an honorary degree of magistrate
(D) to all

4. Is not related It the Preamble of the Indian Government Act 1919.

- (A) British India will remain a part of the British Empire;
(B) Responsible rule in British India, was not the goal of the declared policy of the British Parliament is not
(C) Responsible rule could be given gradually
(D) Gradual change of For the greater relation of Indians to each branch of administration and the of autonomous institutions for the establishment of responsible government

5. In the 1919 Act, it was not included in the subjects held under the Central Government.

- (A) Foreign subject
- (B) Rail
- (C) Army
- (D) Famine sufferers Support

6. The Indian Government Act 1919 relates to the provision.

- (A) For the first time the Communal electoral system for election began
- (B) Establishment of Diarchy in the provinces
- (C) Diarchy system at the center
- (D) The India Council was abolished

7. It was not the reason of failure of Diarchy.

- (A) Irregular and impractical divisions of subjects
- (B) Voluntary powers given to Viceroy
- (C) Ministers had no control over the services
- (D) Lack of theories of collective responsibility

8. Under the Indian Government Act 1919 which did in central Executive Council not belong to reform.

- (A) Lawyers of the Indian High Court, having ten years of experience, were considered eligible to become legal members of the Council.
- (B) Tej Bahadur Sapru the first member in the Indian Council of Legal Affairs, was appointed in Central Executive Council.
- (C) Netaji Subhash Chandra Bose was made the member of central Executive council.
- (D) Number of Indians in the Central Executive Council Raised from one to three

9. The headquarters of the Naresh Mandal, established on 9th February, 1921, was kept.

- (A) Delhi
- (B) Mumbai
- (C) Jaipur
- (D) Kolkata

10. The utility of Diarchy is not related to

- (A) The franchise expanded due to Diarchy.
- (B) Due to the Diarchy political awareness among Indians had been encouraged.
- (C) Indianization of public services was encouraged by Diarchy
- (D) Diarchy was in opposition to women's franchise.

Very short question:

1. Which were four types of members mentioned in the Central Legislative Council by the Act of 1909?
2. What was The maximum number of additional members in the legislative councils of Punjab, Assam and Burma provinces by the Indian Council Act 1909.
3. By the Indian Legislative Council Act 1909, who could not become a member of the Central Legislative Council?
4. What areas of British India were denied by the Act of 1909 as non-governmental members in the Central Legislative Council.
5. Write the name of Electoral Board for the formation of the Central Legislative Council by the Council Act of 1909.
6. Explain two major provisions of the Act of 1919.
7. What is the meaning of Diarchy ?
8. In what two categories were the division of provincial subjects in dual government system made.
9. What were the names of the two houses of the Legislative Assembly established in the Center under the Act of 1919?
10. What is the meaning of the Home Government?

Short question:

1. Describe any two major provisions of the Indian Council Act 1909.
2. Describe the eligibility criteria for becoming a member of the Central and Provincial Legislative Councils by the Indian Council Act of 1909.
3. Enlist any two demerits of Act of 1909.
4. What does the Act of 1909 mean by non-government majority in the provincial legislative councils?
5. Describe any four major provisions of the Act of 1919.
6. What was the provision of election and franchise in the 1919 Act?
7. Identify the four major inherent faults of the Diarchy.
8. Explain the utility of Diarchy.

Essay Type Question :

1. Critical evaluate the key features of the Indian Council Act 1909.
2. What were the main provisions of the Indian Council Act 1909? While criticizing this act, give ligld on it utility.
3. Explain the key provisions of the Indian Government Act 1919 and evaluate their importance.
4. The arrangement of Diarchy inherent in the Act of 1919, the arrangement was theoretically defective and impractical in the operation of the work. Explain.

Answer (objective questions) :

- 1 (B), 2 (D), 3 (B), 4 (D), 5 (B)
6 (A) 7 (C) 8 (C) 9 (A) 10 (D)