



Government of India Act, 1919

Introduction

▪ Background:

- In 1918, Edwin Montagu, the Secretary of State, and Lord Chelmsford, the Viceroy, produced their scheme of constitutional reforms, known as the **Montagu-Chelmsford (or Mont-Ford) Reforms**, which led to the enactment of the **Government of India Act of 1919**.
- Montagu-Chelmsford Reforms which came into force in 1921.
- The sole purpose of this Act was to ensure Indians of their representation in the Government.
- The Act introduced reforms at the Central as well as Provincial levels of Government.

Salient Features of the Act

Central Level Government:

▪ Subjects:

- The matters, which were of National importance or related to more than one province were governed at the central level, such as:
 - Foreign Affairs, Defence, Political Relations, Communication, Public Debt, Civil and Criminal Laws, Wire services etc.
- The **Central Legislature was made more powerful and more representative by this Act.**

▪ Executive:

- The Act made the **Governor-General the chief executive authority**.
 - There had to be the **Executive Council of the Viceroy** of eight members, out of which three were to be Indians.
 - The governor-general could restore cuts in grants, certify bills rejected by the central legislature and issue ordinances.

▪ Reforms in Legislature:

- **Bicameral Legislature:** The Act **introduced** bicameral legislature; the Lower House or Central Legislative Assembly and the Upper House or Council of State.
- The legislators, under the new reforms, **could now ask questions and supplementaries, pass adjournment motions and vote a part of the budget**, but **75% of the budget** was still **not votable**.
- The legislature had virtually **no control over the Governor-General and his Executive Council**.
- **Composition of Lower House:** The Lower House would consist of 145 members, who were either nominated or indirectly elected from the provinces. It had a tenure of 3 years.

- **41 nominated** (26 official and 15 non-official members)
- **104 elected** (52 General, 30 Muslims, 2 Sikhs, 20 Special).
- **Composition Upper House:** The Upper House would have 60 members. It had a tenure of 5 years and had only male members.

- **26 nominated**
- **34 elected** (20 General, 10 Muslims, 3 Europeans and 1 Sikh).

▪ Powers of Viceroy:

- The **Legislature was addressed by the Viceroy.**
- He could call for the meetings, or adjourn the meetings or even repeal the Legislature.
- The tenure of the Legislature was 3 years, which could be extended by the Viceroy, as he saw fit.

▪ Powers of Central Legislature:

- The central government enjoyed unrestricted control over the provincial governments.
- The Central Legislature was authorised to make laws for all of India, for all Officers and common people, whether they were in India or not.

▪ Restrictions on Central Legislature:

- Certain restrictions were imposed on the legislature:
 - It was necessary to get the permission of the Governor General to introduce a bill, such as amendment of existing law or amendment of ordinance of Governor General, foreign relations and relations with Indian states, armed forces.
- The legislature of **India could not change or reverse any law passed by the British Parliament** in relation to India.

Provincial Level Government:

▪ Subjects:

- It included the matters which were related to a specific Province such as:
 - Public Health, Local Self-government, Education, General administration, Medical facilities, Land-revenue, Water supply, Famine relief, Law and Order, Agriculture etc.

▪ Introduction to Diarchy:

- The Act **introduced diarchy (rule of two individuals/parties) for the executive** at the level of the provincial government.
- The diarchy was implemented in eight provinces:
 - Assam, Bengal, Bihar and Orissa, Central Provinces, United Provinces, Bombay, Madras and Punjab.
- The **provincial governments were given more powers** under the system of Dyarchy.
- The **governor was to be the executive head in the province.**

▪ Division of Subjects:

- Subjects were divided into two lists: **'reserved'** and **'transferred'**.
 - The **reserved list**, under which the **subjects were to be administered by the governor** through his executive council of bureaucrats.
 - It included subjects such as law and order, finance, land revenue, irrigation etc.
 - **All important subjects were kept in the reserved subjects** of the Provincial Executive.
 - The transferred subjects were to be **administered by ministers nominated**

from among the elected members of the legislative council.

- It included subjects such as education, health, local government, industry, agriculture, excise, etc.
- In case of **failure of constitutional machinery** in the province the **governor could take over the administration** of transferred subjects also.
- **Restriction in Interference:**
 - The **Secretary Of State for India** and the **Governor General** could interfere in respect of reserved subjects while in respect of the transferred subjects, the scope for their interference was restricted.
- **Reforms in Legislature:**
 - Provincial legislative councils were further expanded and **70% of the members were to be elected.**
 - The system of **communal and class electorates** was further consolidated.
 - **Women were also given the right to vote.**
 - The **legislative councils could reject the budget** but the **governor could restore it, if necessary.**
 - The **legislators enjoyed freedom of speech.**
- **Powers of the Governor:**
 - The Governor could overrule the ministers on any grounds that he considered special. Also, he retained complete control over the finances.
 - The legislative councils could initiate legislation but the governor's assent was required.
 - The **governor could veto bills and issue ordinances.**

Significance of the Act

- **Awakening Among Indians:** Indians received secret information about administration and became aware of their duties.
 - This **instilled a sense of nationalism and awakening among Indians** and they **moved towards achieving the goal of Swaraj.**
- **Expansion of Voting Rights:** Election areas expanded in India and **people began to understand the importance of voting.**
- **Self Government in Provinces:** The Act **led to the existence of provincial self-government** in India.
 - The Act **gave the people the power to administer** and administrative pressure from the government was greatly reduced.
 - **It prepared Indians to discharge responsibilities** in the provincial administration.

Drawbacks of the Act

- **Irresponsible Central Government:** No responsible government was envisaged in the Act at the all-India level.
- **Spread of Communalism:** The flawed electoral system and limited franchise failed to gain popularity. It promoted a sense of communalism in a separate electoral system.
- **Limited Extension of Electorates:** The electorate was extended to some one-and-a-half million for the central legislature, while the population of India was around 260 million, as per one estimate.
- **Lack of Administrative Control:** At the centre, the legislature had no control over the viceroy and his executive council.
 - The **provincial ministers had no control over finances** and over the bureaucrats; this would lead to constant friction between the two.
 - Ministers were often not consulted on important matters too and could be overruled by the governor on any matter that the latter considered special.

- The **Governor enjoyed unrestricted powers**, he could also take a decision against the decision of his council and ministers.

- Almost all important matters related to administration depended on the governor.

- **Inappropriate Division of Subjects:** Division of subjects was not satisfactory at the centre.

- The **central legislature was given very little power and no control over finances**.
- At the level of provinces, division of subjects and parallel administration of two parts was irrational and, hence, unworkable.

- Subjects like irrigation, finance, police, press and justice were 'reserved'.

Outcomes of the Act

- **Public Reaction:** The Congress met in a special session in August 1918 at Bombay under **Hasan Imam's** presidency and **declared the reforms to be "disappointing" and "unsatisfactory" and demanded effective self-government instead.**

- The Montford reforms were termed **"unworthy and disappointing - a sunless dawn" by Bal Gangadhar Tilak.**
- **Annie Besant** found the reforms **"unworthy of England to offer and India to accept"**.
- Veteran Congress leaders led by Surendranath Banerjee were **in favour of accepting the government proposals.**

- **Encouraged the Struggle for Power:** The Act encouraged the struggle for power in both Indians and the British.

- As a result a large number of communal riots took place which continued to increase from 1922 to 1927.
- The **Swaraj Party was founded in 1923** and won a substantial number of seats in the elections, except Madras.

- Whereas in Bombay and Central Provinces were successful in blocking the majority of other supplies with the salaries of ministers.
- Thus the governors of both the provinces were **forced to abolish the diarchy regime** and took the transferred subjects under their control.

- **Enactment of the Rowlatt Act:** While trying to appease Indians, the Government of India was ready with repression.

- Throughout the war, repression of nationalists had continued. The terrorists and revolutionaries had been hunted down, hanged and imprisoned.
 - Many other nationalists such as **Maulana Abul Kalam Azad** had also been kept behind bars.
- The government now decided to arm itself with more far-reaching powers, which went against the accepted principles of rule of law, to be able to suppress those nationalists who would refuse to be satisfied with the official reforms.
- **In March 1919** it passed the **Rowlatt Act** even though every single Indian member of the Central Legislative Council opposed it.

- This **Act authorized the government to imprison any person without trial and conviction in a court of law.**
- The Act enabled the government to suspend the right of **Habeas Corpus** which had been the foundation of civil liberties in Britain.

