

Councils Act 1919 Participation of the Indian People in the Government – A Study

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Abstract

This paper attempts to study how the Act received royal assent on 23 December 1919. On the same day the King-Emperor issued a proclamation which reviewed the course of parliamentary legislation for India and the intent of the act: "The Acts of 1773 and 1784 were designed to establish a regular system of administration and justice under the East India Company. The Act of 1833 opened the door for Indians to public office and employment. The Act of 1858 transferred the administration from the Company to the Crown and laid the foundations of public life which exist in India today. The Act of 1861 sowed the seed of representative institutions, and the seed was quickened into life by the Act of 1909. The Act which has now become law entrusts the elected representative of the people with a definite share in the Government and points the way to full responsible Government hereafter". Indians, already anxious about the sincerity of British reforms in the act of 1919, were disheartened by the retention and expansion of the principle of separate electorates in the act. Not only were separate electorates set aside for Muslims, but other minorities received special consideration, and certain privileged groups had reserved seats in Indian government.

Key words: Indian administration, British rule in india, The Government of India Act 1919

Introduction

Great Britain had moved circumspectly concerning Indian participation in government, both in India and in London. Statements on Britain's willingness to include Indians in administrative positions in India and to selectively expand Indian participation in government were on record from Victoria's Proclamation of 1858 and various India-related acts in 1858, 1861, and 1892. With the Indian Councils Act of 1909, however, the British believed that they had taken major steps forward in Indian constitutional development by introducing even more elements of representative government in India. The number of nonofficial Indian members elected to the central and provincial legislatures in India was increased. For the first time, legislatures could discuss the government of India's budget. Indians were admitted to the inner sancta of Indian governance—the viceroy's executive council in Calcutta, and the secretary of state's Council of India, in London. Significantly, while the British did not introduce truly responsible government to India (many constraints on legislative power remained in British hands), it did interject into the Indian political scene the "communal" or "separate" electorate for Muslims, which remained an element of all subsequent constitutional legislation in India until its eventual culmination in the partition of the subcontinent. The 1909 act did not stem the call for expanded Indian participation in India's governance. The frustration and discontent with the political situation grew unabated into the first years of World War I, and the imperatives for retaining Indian support in a time of crisis—conceding some element of expanded Indian participation in government—led to Secretary of State Edwin S. Montagu's public proclamation of Britain's new goals for India. On 20 August 1917, Montagu announced that the goal of British policy was to establish responsible government in India. He then traveled to India and with the viceroy, Lord Chelmsford, issued a report in 1918 that was essentially given

life as the Government of India Act of 1919. Indian response to the proposals was at first guarded, the expectation being that the British would reward India for its enormous human and material contributions to the war efforts. That expectation was short-lived.

While the Montagu-Chelmsford Report was being formulated, Indians received perhaps a more accurate barometer of Britain's intentions through other events: the swift enactment of the Rowlatt Acts in 1919 (to sustain martial law and restrict public activities), shock at Britain's ineffective response to a major influenza outbreak, and the Amritsar Massacre in the spring of 1919. Thus, when the act of 1919 was finally issued, harkening a "new era" in British-Indian relations, its constitutional advances were, from the Indian perspective, limited and cosmetic, and actually widened the fractures in Indian polity.

The act of 1919 did not make any substantive change in the legal relationship between the governments at Whitehall and Delhi, and only moderately reshaped the executive council of the central government in India, expanding it to include three Indian representatives. The most radical change introduced by Great Britain was the introduction of "dyarchy" into provincial administration in India. Under this plan, responsibility for some key areas devolved to the provincial level. Some domains were actually transferred to Indian ministers who were responsible to provincial legislatures through the electorate. Transferred areas included agriculture, public works, education, and local self-government. However, several key elements remained in British hands—irrigation, land revenues, military matters, currency, police, justice, and press controls. Although Indian franchise was expanded by almost 10 percent and the official majority ended in both the provincial and central legislatures, British officials could retain the power to "certify" legislation and retained a de facto veto over Indian legislation.

In June 1917, Edwin Montagu was appointed Secretary of State for India. The Secretary of State, Edwin Montagu, presented a proposal to the Cabinet outlining his aim to work toward the gradual development of free institutions in India leading to ultimate self-government.

Instead of developing free institutions, Lord Curzon advised Edwin Montagu to work toward strengthening Indian participation in every aspect of government and the gradual creation of self-governing institutions.

Lord Curzon's ideas were accepted by the Cabinet, and The Secretary of State for India Edwin Montagu's plans were approved with Lord Curzon's approval. The main purpose of **the Government of India Act 1919 also known as the Councils Act 1919** was to expand the **participation of the Indian people** in the government. The Act also provided for a Dual System of Government wherein all the government-controlled activities were divided into two lists.

Objective:

This paper intends to explore and analyze significance of **Government of India Act, 1919 also known as Montagu-Chelmsford Reforms** which came into force in 1921 . Instituted in the British Indian polity to introduce the Diarchy, i.e., rule of two which means executive councilors and popular ministers.

Provisions of 1919 Act : Montagu-Chelmsford Reforms

The Act provided a dual form of government (a "diarchy") for the major provinces. In each such province, control of some areas of government, the "transferred list", were given to a Government of ministers answerable to the Provincial Council. The 'transferred list' included agriculture, supervision of local government, health, and education. The Provincial Councils were enlarged.

At the same time, all other areas of government (the 'reserved list') remained under the control of the Viceroy. The 'reserved list' included defence (the military), foreign affairs, and communications.

The Imperial Legislative Council was enlarged and reformed. It became a bicameral legislature for all India. The lower house was the Legislative Assembly of 145 members, of which 104 were elected and 41 were nominated, with a tenure of three years. The upper house was the Council of State, consisting of 34 elected and 26 nominated members, with a tenure of five years.

Salient features of the Act were as follows:

This Act had a separate Preamble which declared that the objective of the British Government was the gradual introduction of responsible government in India.

Diarchy was introduced at the Provincial Level. Diarchy means a dual set of governments; one is accountable, the other is not accountable. Subjects of the provincial government were divided into two groups. One group was reserved, and the other group was transferred. The reserved subjects were controlled by the British Governor of the province; the transferred subjects were given to the Indian ministers of the province.

The Government of India Act of 1919, made a provision for classification of the central and provincial subjects. The Act kept the Income Tax as a source of revenue to the Central Government. However, for Bengal and Bombay, to meet their objections, a provision to assign them 25% of the income tax was made.

No bill of the legislature could be deemed to have been passed unless assented to by the Viceroy. The latter could, however, enact a bill without the assent of the legislature.

This Act made the central legislature bicameral. The lower house was the Legislative Assembly, with 145 members serving three-year terms (the model for today's Lok Sabha); the upper house was the Council of States with 60 members serving five-year terms (the model for today's Rajya Sabha)

The Act provided for the establishment of a Public Service Commission in India for the first time.

This act also made a provision that a statutory commission would be set up at the end of 10 years after the act was passed which shall inquire into the working system of the government. The Simon commission of 1927 was an outcome of this provision.

The communal representation was extended and Sikhs, Europeans and Anglo-Indians were included. The Franchise (Right of voting) was granted to the limited number of only those who paid a certain minimum "Tax" to the government.

The seats were distributed among the provinces not upon the basis of the population but upon the basis of their importance in the eyes of the government, on the basis of communities, and the property was one of the main basis to determine a franchisee. Those people who had property, taxable income & paid land revenue of Rs. 3000 were entitled to vote.

The financial powers of the central legislature were also very much limited. The budget was to be divided into two categories, votable and non-votable. The votable items covered only one-third of the total expenditure. Even in this sphere, the Governor-General was empowered to restore any grant refused or reduced by the legislature if in his opinion the demand was essential for the discharge of his responsibilities. Thus the Government of India Act provided for partial transfer of power to the electorate through the system of diarchy. It also prepared the ground for Indian federalism, as it identified the provinces as units of fiscal and general administration.

The Indian National Congress rejected the Act, however some leaders such as Annie Besant, G. S. Khaparde, Bipin Chandra Pal, Surendranath Banerjee, and Tej Bahadur Sapru accepted the Act and were ready to cooperate with the government. They left the Congress. Surendranath Banerjee and Tej Bahadur Sapru formed Indian Liberal Federation and were normally referred as "Liberals". Madan Mohan Malaviya supported the reforms and Muhammad Ali Jinnah resigned from Indian National Congress.

The principle of dyarchy was a division of the executive branch of each provincial government into authoritarian and popularly responsible sections. The first was composed of executive councillors, appointed, as before, by the crown. The second was composed of ministers who were chosen by the governor from the elected members of the provincial legislature. These latter ministers were Indians.

The various fields, or subjects of administration were divided between the councillors and the ministers, being named reserved and transferred subjects, respectively. The reserved subjects came under the heading of law and order and included justice, the police, land revenue, and irrigation. The transferred subjects (i.e., those under the control of Indian ministers) included local self-government, education, public health, public works, and agriculture, forests, and fisheries. The system ended with the introduction of provincial autonomy in 1935. The changes were nowhere near the Swaraj that the people had hoped to achieve at the end of the war. There was widespread discontent throughout the country. In the midst of this discontent, the government resorted to new measures of repression. In March 1919, the *Rowlatt Act* was passed which was based on the report of the *Rowlatt commission*. The assembly had opposed it.

Conclusion

Many leaders who were members of the assembly, resigned in protest. Mohammad Ali Jinnah, in his letter of resignation, said that a government that passes or sanctions such a law in times of peace forfeits its claims to be called a civilized government. The passing of this act aroused the indignation of the people. The new measures of repression were condemned as Black acts. Gandhi, who had formed a Satyagraha sabha earlier, called for a country-wide protest. Throughout the country, 6 April 1919 was observed as a national humiliation day. There were demonstrators and Hartals all over the country. All business throughout the country came to a standstill. Such protests of a united people had never been witnessed at any time in India before. The government resorted to Brutal measures to put down the agitation and there were lathi-charges and firings at a number of places. The Act ushered in reforms at both the federal and provincial levels of government. It provided for a Dual System of Government where all government-controlled activities were divided into two lists. By the Government of India act, 1919, the government for the first time showed its intention of the gradual introduction of responsible government in India. Power given to the people for administration and administrative pressure from the government was greatly reduced. Additionally, it provided expanded opportunities for Indians in both administratively responsible positions and in the consultative process, however circumscribed. One further, albeit important change was built into the act of 1919. For the first time since its creation in 1858, the salaries of the secretary of state, his staff, and operational expenditures of the India Office were placed on the British estimates rather than funded through Indian revenues. This had a progressive effect of allowing the Treasury and Cabinet increased influence in India Office affairs until its end in 1947.

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