

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. II Semester

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Lecture-45



The Government of India Act 1919

The Government of India Act 1919 was an act of the British Parliament that sought to increase the participation of Indians in the administration of their country. The act was based on the recommendations of a report by Edwin Montagu, the then Secretary of State for India, and Lord Chelmsford, India's Viceroy between 1916 and 1921. Hence the constitutional reforms set forth by this act are known as **Montagu-Chelmsford reforms** or Montford reforms.

Principle Features of Government of India Act 1919

Provincial Government

- Executive:
 - Dyarchy was introduced, i.e., there were two classes of administrators – Executive councillors and ministers.
 - The Governor was the executive head of the province.
 - The subjects were divided into two lists – reserved and transferred.
 - The governor was in charge of the reserved list along with his executive councillors. The subjects under this list were law and order, irrigation, finance, land revenue, etc.
 - The ministers were in charge of subjects under the transferred list. The subjects included were education, local government, health, excise, industry, public works, religious endowments, etc.
 - The ministers were responsible to the people who elected them through the legislature.
 - These ministers were nominated from among the elected members of the legislative council.
 - The executive councillors were not responsible to the legislature, unlike the ministers.

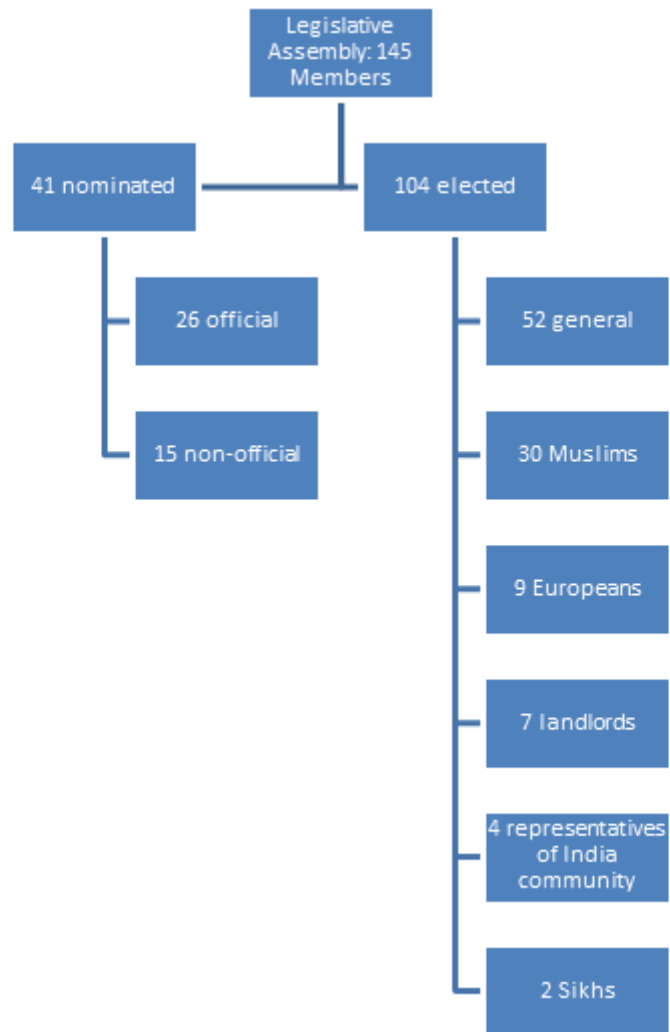
- The Secretary of State and the Governor-General could interfere in matters under the reserved list but this interference was restricted for the transferred list.
- Legislature:
 - The size of the provincial legislative assemblies was increased. Now about 70% of the members were elected.
 - There were communal and class electorates.
 - Some women could also vote.
 - The governor's assent was required to pass any bill. He also had veto power and could issue ordinances also.

To know more about the [legislation passed in British India](#), click on the linked article.

Central government

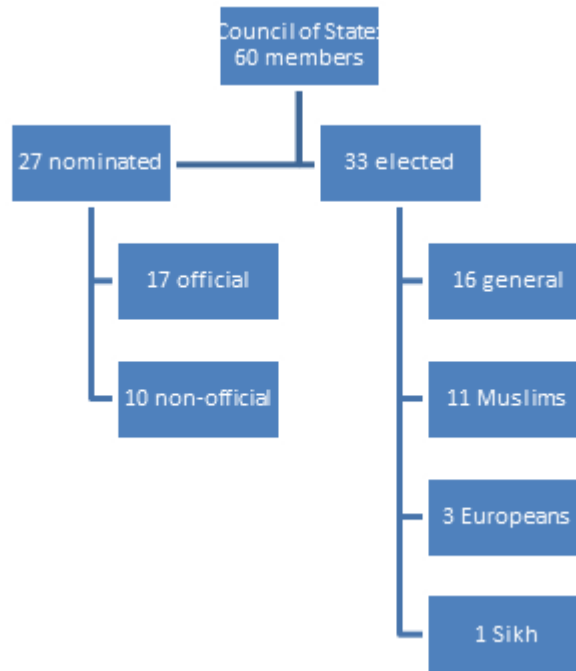
- Executive:
 - The chief executive authority was the Governor-General.
 - There were two lists for administration – central and provincial.
 - The provincial list was under the provinces while the centre took care of the central list.
 - Out of the 6 members of the Viceroy's executive council, 3 were to be Indian members.
 - The governor-general could issue ordinances.
 - He could also certify bills that were rejected by the central legislature.
- Legislature:
 - A bicameral legislature was set up with two houses – Legislative Assembly (forerunner of the Lok Sabha) and the Council of State (forerunner of the Rajya Sabha).
 - Legislative Assembly (Lower House)

- Members of the Legislative Assembly:



- The nominated members were nominated by the governor-general from Anglo-Indians and Indian Christians.
- The members had a tenure of 3 years.
- Council of State (Upper House)
 - Only male members with a tenure of 5 years.

- Members of the Council of State:



- The legislators could ask questions and also vote a part of the budget.
- Only 25% of the budget was subject to vote.
- Rest was non-votable.
- A bill had to be passed in both houses before it became a law.
- There were three measures to resolve any deadlock between both the houses – joint committees, joint conferences and joint sittings.
- Governor-General
 - The governor-general's assent was required for any bill to become law even if both houses have passed it.
 - He could also enact a bill without the legislature's consent.
 - He could prevent a bill from becoming law if he deems it as detrimental to the peace of the country.
 - He could disallow any question, adjournment motion or debate in the house.

To know more about the [Governor Generals of Bengal and India](#), visit the linked article.

Who could vote?

- The franchise was restricted and there was no universal adult suffrage.
- Voters should have paid land revenue of Rs.3000 or have a property with rental value or have taxable income.
- They should possess previous experience in the legislative council.
- They should be members of a university senate.
- They should hold certain offices in the local bodies.
- They should hold some specific titles.
- All this narrowed the number of people who could vote to an abysmal number.

Indian Council

- There were to be at least 8 and a maximum of 12 members in the council.
- Half of the members should have ten years of experience in public service in India.
- Their tenure was to be 5 years.
- Their salaries were increased from £1000 to £1200.
- There were to be 3 Indian members in the Council.

Government of India Act, 1919 – Other Salient Features

- This act provided for the first time, the establishment of a public service commission in India.
- The act also provided that after 10 years, a statutory commission would be set up to study the working of the government. This resulted in the Simon Commission of 1927.
- It also created an office of the High Commissioner for India in London.

Merits of the Government of India Act 1919

- Dyarchy introduced the concept of responsible government.
- It introduced the concept of federal structure with a unitary bias.

- There was the increased participation of Indians in the administration. They held some portfolios like labour, health, etc.
- For the first time, elections were known to the people and it created political consciousness among the people.
- Some Indian women also had the right to vote for the first time.

Limitations of the Government of India Act 1919

- This act extended consolidated and communal representation.
- The franchise was very limited. It did not extend to the common man.
- The governor-general and the governors had a lot of power to undermine the legislatures at the centre and the provinces respectively.
- Allocation of the seats for the central legislature was not based on population but the 'importance' of the province in the eyes of the British.
- The Rowlatt Acts were passed in 1919 which severely restricted press and movement. Despite the unanimous opposition of Indian members of the legislative council, those bills were passed. Several Indian members resigned in protest.