

ANANTAM IAS · OPTIONAL NOTES

History Optional Constitutional Developments in Colonial India, 1858-1935

Paper 2 · Unit 10

From 1858 to 1935, the constitutional ladder that never reached the top: 20 marks in four years, which is 1.2 per cent of the paper, so prepare it to short-note depth.

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A weightage warning

Begin here because this unit is the most over-prepared in Paper 2 relative to what it actually earns.

- Across four papers this unit produced **two ten-mark short notes**, on the Indian Councils Act of 1892 and on the federal provisions of the 1935 Act.
- That is **1.2 per cent of the paper**, against 7.5 per cent for the economic impact of colonial rule and 6.2 per cent for the Indian response.
- Candidates arriving from a polity background over-invest here because the material is familiar and well organised, and the cost is time taken from higher-yielding units.
- Prepare it to answer a **ten-mark note** in about 150 words, which means the date, the principal provision, the nationalist reaction and one line of assessment for each Act.
- **Cross-reference** rather than duplicate, since the machinery created in 1858 belongs to the Early Structure of the Raj unit and the political response to each reform belongs to the nationalism units, so this unit supplies only the statutes themselves.
- Where a longer question does come, it will almost certainly ask about **the gap between form and substance**, so hold that argument ready rather than a chronology.

The Acts in sequence

Six statutes across seventy seven years. Learn the single defining provision of each.

- **Government of India Act 1858** abolished the Company, created the Secretary of State with a Council of India, and made the Governor-General also Viceroy.
- **Councils Act 1874 and the Indian Councils Act 1909 preliminaries** are minor, but the important continuity is that every enlargement kept an **official majority** at the centre until 1919, which is what made the councils advisory in practice.
- **Indian Councils Act 1861** added non-official Indian members to the legislative council in a purely advisory capacity and restored legislative powers to Bombay and Madras, beginning decentralisation.
- **Indian Councils Act 1892** enlarged the councils, permitted **indirect nomination on the recommendation** of bodies such as universities and chambers of commerce, and allowed discussion of the budget without voting.
- That indirect and limited elective principle is what the 2025 question means when it says the word election was carefully avoided, since the Act never used it.
- **Morley-Minto reforms of 1909** introduced direct election to some seats and, decisively, **separate electorates for Muslims**, which institutionalised religious community as a political category.
- **Montagu-Chelmsford reforms of 1919** introduced **dyarchy** in the provinces, dividing subjects into transferred, administered by ministers responsible to the legislature, and reserved, retained by the governor.
- **Government of India Act 1935** provided **provincial autonomy**, abolishing dyarchy in the provinces and introducing it at the centre, and proposed an all-India federation including the princely states.

- The federation **never came into being**, since it required accession by princes representing half the states' population and they did not accede, which is exactly what the 2024 question about princely intransigence records.

Act	Year	Defining provision
Government of India Act	1858	Crown rule, Secretary of State, Viceroy
Indian Councils Act	1861	Nominated non-official Indians, advisory only
Indian Councils Act	1892	Indirect nomination, budget discussion without vote
Morley-Minto	1909	Separate electorates for Muslims
Montagu-Chelmsford	1919	Dyarchy in the provinces
Government of India Act	1935	Provincial autonomy; federation that never formed

The constitutional ladder. One defining provision each is enough for a short note.

The gap between form and substance

The analytical argument that any longer question in this unit is really asking for.

- Every reform **enlarged participation while retaining ultimate control**, through the governor's and viceroy's veto, reserved subjects, official majorities and the Secretary of State's supervision.
- **Bicameralism** arrived in 1919 with a Council of State and a Legislative Assembly at the centre, and the 1935 Act extended the pattern to several provinces, so the institutional form of the later Indian Parliament was in place well before independence.
- **Franchise** remained tiny throughout, reaching roughly three per cent of the population after 1919 and around fourteen per cent after 1935, so representative in name was not representative in fact.
- **Reserved subjects** under dyarchy included finance, police and land revenue, meaning ministers held responsibility without the resources to exercise it, which discredited the arrangement quickly.
- **Timing** was consistently reactive, since each reform followed rather than anticipated agitation, so concessions arrived when they had already ceased to satisfy.
- **Separate electorates** are the most consequential single provision, since they made religious identity the basis of political representation and shaped everything that followed to 1947.
- **Nationalist assessment** was correspondingly harsh, and Nehru's description of the 1935 Act as a charter of slavery with a machine of brakes and no engine is the standard quotation.
- **Simon Commission of 1927** with no Indian member, the three **Round Table Conferences** of 1930 to 1932, and the **Communal Award of 1932** followed by the **Poona Pact** together form the process out of which the 1935 Act emerged.
- **Continuity into the Constitution** is the balancing point, since the 1935 Act supplied much of the structure of the Indian Constitution, including the federal scheme, the emergency provisions and a large part of the administrative framework.
- The formulation to close on: these Acts were **instruments of control that conceded form to preserve substance**, and their unintended legacy was the constitutional vocabulary and machinery that independent India inherited.

Dyarchy and provincial autonomy in practice

The two reforms that actually gave Indians executive office, and the record of what they did with it.

- **Dyarchy from 1921** transferred education, health, agriculture, local government and public works to Indian ministers while reserving finance, police, justice and land revenue to the governor.
- Ministers therefore held the spending departments without the revenue departments, and the **Muddiman Committee of 1924** reported that the arrangement was unworkable in exactly that respect.
- **Swarajists** entered the councils from 1923 to obstruct from within, defeating finance bills and demonstrating that the reforms could be used against their purpose.
- **Provincial autonomy from 1937** abolished dyarchy in the provinces and gave ministries genuine control of the provincial administration, subject to the governor's special responsibilities and emergency powers.
- **Congress ministries** in eight provinces from 1937 to 1939 legislated on agrarian debt, tenancy, prison reform and civil liberties, and released political prisoners, so the record was substantive.
- **Limits** appeared quickly, since governors retained override powers, finances were constrained, and the ministries resigned in 1939 over the declaration of war without consultation.
- **Burma was separated** from India by the 1935 Act, and **Sind and Orissa** were created as separate provinces under it, which are the territorial changes the Act actually delivered when its federation did not.
- **League critique** of those ministries, in the Pirpur and Sharif reports alleging discrimination against Muslims, is contested in its particulars and important in its political effect.

The Indian counter-proposals

Constitutional development was not only British legislation, and Indian drafts are frequently omitted.

- **Constitution of India Bill 1895**, sometimes associated with Tilak, is the earliest Indian constitutional draft and asserted basic rights including free speech and equality before law.
- **Commonwealth of India Bill 1925**, drafted under Annie Besant's initiative, was actually introduced in the British Parliament and defeated.
- **Nehru Report of 1928**, drafted under Motilal Nehru, proposed dominion status, **joint electorates with reserved seats**, fundamental rights and a federal structure.
- **Jinnah's Fourteen Points of 1929** answered it, demanding a federal constitution with residuary powers to provinces, one third Muslim representation at the centre and continued separate electorates.
- **Motilal Nehru's report** is also notable for proposing **fundamental rights** in an Indian draft two decades before the Constitution, which is why it is treated as the most important Indian constitutional document of the colonial period.
- **Karachi Resolution of 1931** on fundamental rights and economic policy is the most radical Congress constitutional statement, promising civil liberties, a living wage and state ownership of key industries.
- **Cabinet Mission of 1946** finally conceded a Constituent Assembly elected by the provincial legislatures, and it first met in December 1946, which is where colonial constitutional development ends and the republican one begins.

- **Objectives Resolution** moved by Nehru in December 1946 set out the principles the Constituent Assembly would follow, and it is the bridge between the colonial constitutional tradition and the republican one.
- **Constituent Assembly demand** from 1934, articulated by M. N. Roy and adopted by Congress, insisted that Indians alone could frame India's constitution, and it was conceded only in the Cabinet Mission plan of 1946.

Last-mile revision

- 1858 Crown rule; 1861 nominated advisory Indians; 1892 indirect nomination and budget discussion; 1909 separate electorates; 1919 dyarchy; 1935 provincial autonomy and a federation that never formed.
- Franchise about 3 per cent after 1919 and about 14 per cent after 1935.
- Indian drafts: 1895 Bill, Commonwealth of India Bill 1925, Nehru Report 1928, Jinnah's Fourteen Points 1929, Karachi Resolution 1931, Constituent Assembly demand from 1934.

Common errors to avoid

- Over-preparing this unit. It produced 20 marks in four years, both as short notes.
- Saying the 1892 Act introduced elections. It permitted indirect nomination on recommendation and deliberately avoided the word.
- Forgetting that the 1935 federation never came into being because the princes did not accede.
- Omitting the Indian counter-proposals, since constitutional development was contested rather than simply granted.
- Failing to note that the 1935 Act supplied much of the structure of the Indian Constitution.

Mains Practice

“The significant feature of the Indian Councils Act of 1892 was the principle of election which it introduced, though the word 'election' was very carefully avoided.”

10 marks · 150 words · 2025

The federal provisions of the Government of India Act of 1935 foundered on the rock of princely intransigence.

10 marks · 150 words · 2024