

**Question:** Did the Government of India Act, 1935 lay down a federal constitution? Discuss. (150 words)

**Answer:**

The Government of India Act 1935 marked a milestone in advancement of constitutional democracy in India. Indian constitution has incorporated some of the features of this act such as Federal division of subjects, Office of governor, emergency provisions, etc.

The act provided for division of subjects as

1. Federal list - Central jurisdiction
2. Provincial list - under the control of provinces
3. Concurrent list - both have jurisdiction

The provisions of the act never came into effect since the states did not join the Federation. However, the act could not be considered as laying down a federal constitution.

Some features of Federal constitution and how the 1935 Act compared as follows:

1. **Written constitution** to provide for separation of powers. The 1935 Act was passed by British Parliament which could make amendment or changes and take away the powers and responsibilities unilaterally.
2. **Independent Judiciary** to adjudicate and decide upon issues arising from the division of powers. Colonial India had a Judiciary which was malleable to the dictates of British necessities.
3. **Rigid constitution** to protect from unilateral changes. 1935 Act was at the mercy of British Parliament. The governor general had all encompassing Powers and could make any changes he desired.

4. **Supremacy of the Constitution:** The Act of 1935 did not provide for an Indian constitution. It only made arrangements for dual government

Thus the 1935 Act far from laying down a constitutional Federation was aimed to perpetuate British rule and design to appease and coopt Nationalists. The act also had regressive provisions such as separate electorate and had divide and rule as it's guiding philosophy.