

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

“THE GOVERNMENT OF INDIA ACT 1935: PUNJABI”

AUTHORED BY: MONAL – 23010323047

ACADEMIC YEAR:2023-2024 SEMESTER -2

B.A. LL.B. DIVISION- “A”

SYMBIOSIS LAW SCHOOL, HYDERABAD CONSTITUENT OF
SYMBIOSIS INTERNATIONAL (DEEMED UNIVERSITY) PUNE

ACKNOWLEDGEMENT

I **Monal** would like to express my special thanks of gratitude to my teacher **Dr. Sudarsanarao Ithadi** in providing a helping hand in this research paper. Their valuable guidance, support and supervision all through this research paper titled “The government of India act 1935” are responsible for attaining its present form. Also, I would like to thank my family members and friends for their immeasurable support and help.

¹ Government of India Act, 1935, No.5, Acts of British Parliament, 1935(India),

https://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga_19350002_en.pdf,

accessed on 1 March 2024.

ABSTRACT

The introduction of the “Government of India Act in 1935” represented a turning point with multiple political and socioeconomic consequences for the Punjab region. The goal was to inject some democracy from the West while at the same time keep an eye on the British colonial authority. However, the usage of this technology encountered difficulties and caused ambiguous reactions among some communities along with leaders from different regions of Punjab. The Act provided more autonomy to the province and tried to bring religious groups of different kinds together but subsequently, communal politics developed and there emerged the issue of insufficient representation and the limitation of the provincial power. Instances like the Akali movement and the creation of the Unionist Party were indicative of different community dissatisfaction and demands for change especially the economic colonialism reformation and participatory governance which is inclusive. Behind the Act, inter-communal tensions and political inequality still exist. These overall problems reflect the legacy of the colonial rule and the persistent struggles for freedom and justice.

Keywords: *Government of India act 1935, provincial autonomy, Punjab, legislative assembly.*

IJLRA

INTRODUCTION

The first assembly of Punjab² came into being after the Government of India Act of 1919³, which was implemented in 1919 increasing political awareness and distress in Punjab. The Government of India Act⁴ passed in 1935 laid the foundation for these legislatures' widened socio-economic base, which further comprised the Indian population a little above the lower social strata (Ali, 1991, pg.29)⁵. The Council was given the authority to deal with a particular line of subjects, such as Education, Agriculture, and Health, which happened only after the "Government of India Act 1935" was passed (Kalsoom, pg.433),⁶ While the province was given autonomy, the governor possessed broad powers over every issue, which prevented the province's autonomy from being developed (Kalsoom, pg.436).⁷

The Sikhs' eligibility for sitting in the Assemblies was a topic that was heavily contested during the 1930s, with only four seats demarcated for the Sikhs in the Punjab region, establishing separate electorates for different religions and protecting minority rights.⁸ The Act of 1935⁹ was not fully in favor because, for logistic purposes, the voting allowed fewer people; that is, just every tenth person in Punjab could take part in it.¹⁰ This bill also released three lists: federal, provincial, and concurrent. As indicated in the seventh schedule, the legislature was bicameral and structured because India's legislative assembly established a federal structure.¹¹

² British annexed Punjab, the land of five rivers, in 1849 after winning the Anglo-Sikh wars. At that time, Punjab was consisting of the present Pakistani Punjab, Khyber-Pakhtoonkhawa. Indian Punjab, Himachal Pradesh, Haryana and Delhi.

³ Government of India Act, 1919, § 100, No.5, Acts of British Parliament, 1935(India),

⁴ *Supra Note 1.*

⁵ Ali, I. (1991), *The Punjab and the Retardation of Nationalism*, In: Low, D.A. (eds) *The Political Inheritance of Pakistan*. Cambridge Commonwealth Series. Palgrave Macmillan, London. https://doi.org/10.1007/978-1-349-11556-3_2, pg.29.

⁶ Hanif, K., Mujahid, A.B., Ahmad, M.A., Ali, S. and Zaheer, S., *Institutional Development of Legislation in Punjab 1849-1947: An Historical Analysis*, pg.433.

⁷ *Id.*

⁸ Arthur Berriedale Keith. *Constitutional History of India, 1600-1935* (2).

⁹ *Supra Note 1.*

¹⁰ File 9/ (1/33-R&K.W.and 9/7/33-R&K.W, Reforms office), NAI.

¹¹ Government of India Act, 1935, § 100, No.5, Acts of British Parliament, 1935(India), https://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga_19350002_en.pdf, accessed on 1 March 2024.

LITERATURE REVIEW

1. The paper “Party Politics in the British Punjab: A Study of the Punjab Unionist Party (1923- 1937)”¹² by Shamaila Younas discusses about the affect on unionist party due to the implementation of Government of India Act, 1935¹³. It mentions the importance of representing the feudal class in the legislative assembly. The increase in voting rights from 745,000 to 2,000,000 is highlighted with the inclusion of standard class people, peasants, feudal class, municipal voters, etc.,¹⁴ but mentioning how the rules and regulations were formed only to favor the feudal class. It discusses the formation of a white paper, which led to the Government of India Act of 1935¹⁵. The paper mentions the conditions introduced by this act to be eligible for voting, which were not mature enough as many individuals were not given the voting right (as they did not fit in the eligibility criteria).

2. In the article “Provincial Autonomy In Punjab (April 1937-Oct. 1939)” by Dip Chandra Verma¹⁶ highlights the law and administration of Punjab before independence and specifically after the enactment of the Government of India Act of 1935¹⁷. It mentions the elections held in 1937, the ground norms of which were from the act passed in 1935. It is noted that there was absolute provincial autonomy during the 1920s. It discusses how the rights given to people in the voting section affected the legislature of Punjab. The paper also emphasizes a sense of provincial autonomy even after the enactment of the Government of India Act 1935¹⁸ due to the discretionary powers given to the governor.

LIMITATIONS

The research conducted is purely based on the data available online and does not include physical sources of data as a source for this research.

¹²Younas, Shamaila, Party Politics in the British Punjab: A Study of the Punjab Unionist Party (1923-1937), 4 No. 1 J.H.SS 72, 73(2013).

¹³ *Supra Note 1.*

¹⁴ Indian Franchise Committee (London, 1932), V, 142, pg.72.

¹⁵ *Supra Note 1.*

¹⁶ Verma, D. C. (1940). Provincial Autonomy in the Punjab (April 1937—OCT. 1939). *The Indian Journal of Political Science*, 1(4), 449-463. <http://www.jstor.org/stable/42743728>.

¹⁷ *Supra Note 1.*

¹⁸ *Id.*

CHAPTERISATION

Chapter 1: SOCIO-POLITICAL CONTEXT AND HISTORICAL IMPACT OF COLONIALISM IN THE PUNJAB REGION

1.1 Timeline

Before 1849 (Pre- Colonial time): There were diverse socio- political groups such as Sikh groups (under Maharaja Ranjit Singh), Mughal regions and many other small provinces.¹⁹

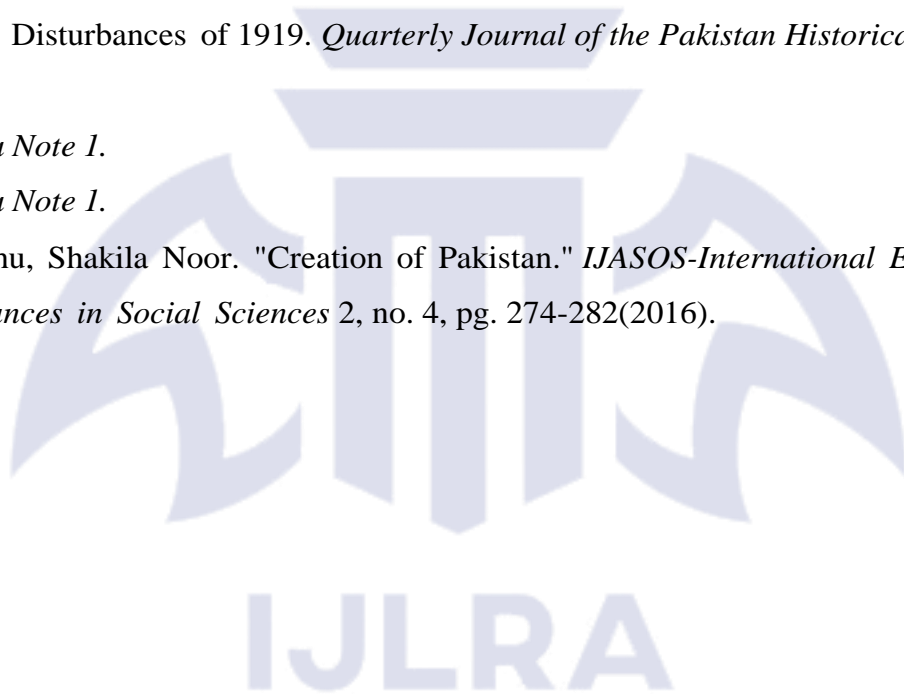
1849- 1919: Punjab was annexed by British East India Company after Anglo Sikh war²⁰ and colonial economy was established due to agricultural exploitation and commercialization by revenue collection policies and new legal system introduction. In this period governor had powers for all the issues and the franchise was extremely restricted.

1919- 1935: Nationalist protests emerged after the Jallianwala Bagh massacre (1919), leading to movements like Khilafat and Non- the non-cooperation movement, as well as the Akali movement, which was about Sikh's religious and political rights.²¹

Government of India Act 1919²², Punjab: The factors of 1919 are recognized as a landmark in the political reforms of Punjab. This act introduced a legislative assembly for the first time in Punjab. Communal electorates were formed based on religion, which led to communal politics. Many reforms related to agriculture and the administration of Punjab came out. But this act was unsuccessful due to less representation rights, communal disparities, and administrative efficiency.²³

Government of India Act 1935²⁴: Government of India Act 1935²⁵ was passed on 24th July 1935, and it came into effect on 1st April 1937. It was a strategy to implement the Western democratic model in India without disturbing the authority of British rule.²⁶

- ¹⁹ Ramzan, Muhammad. (2015). Sectarian landscape, madrasas and militancy in punjab. *Journal of Political Studies*, 22(2), 421-436.
- ²⁰ Singh, B. S. (1971). Raja Gulab Singh's Role in the First Anglo-Sikh War. *Modern Asian Studies*, 5(1), 35–59. <http://www.jstor.org/stable/311654> pg. 57.
- ²¹ Naidis, M. (1958). Amritsar Revisited. *The Historian*, 21(1), 1–17. <http://www.jstor.org/stable/24437744>, pg.1,2.
- ²² Government of India Act, 1919, No.5, Acts of British Parliament, 1919(India), [Digital Library of India Item 2015.505134](#), accessed on 1 March 2024.
- ²³ Noreen, T., & Riaz, R. (2020). British Administration of the Punjab: Police and the Disturbances of 1919. *Quarterly Journal of the Pakistan Historical Society*, 68(4).
- ²⁴ *Supra Note 1.*
- ²⁵ *Supra Note 1.*
- ²⁶ Sindhu, Shakila Noor. "Creation of Pakistan." *IJASOS-International E-journal of Advances in Social Sciences* 2, no. 4, pg. 274-282(2016).



CHAPTER 2: REASONS FOR INCLUSION OF PUNJAB IN GOVERNMENT OF INDIA ACT 1935:

Punjab was strategically very crucial for the British India due to its location and the diversity in the population. The agricultural importance of Punjab due to the presence of alluvial soil making the land more productive²⁷. A major portion of the military recruitment for world war I for the British empire came from Punjab from the British India (A table is depicted showing the recruitment from Punjab. Due to these factors, it came as an imperial front during world war I.²⁸ It was necessary for the British parliament to ensure control over the region of Punjab.

Recruitment from Punjab during World War 1 (1914-1918)²⁹

Area	Omissi and Mazumder	Kaushik Roy	M.S. Leigh	Official records
Punjab	360,000	349,688	480,000	415,000
Other parts of India	517,068	388,209	497,000	570,000
Share of Punjab (%)	41	47.4	49.2	42.2

Source: Leigh, Omissi, Roy, Mazumder, Official records of Calcutta

Punjab had a diverse demographic composition consisting of Muslims, Sikhs and many other communities so the inclusion of Punjab in the government of India was necessary for the peaceful control over this region by providing representation to various communities. Due to Punjab's contribution in the economy of the country and the British empire because of its agricultural outputs³⁰ it became crucial to include this state in the Government of India act 1935 by giving provisions for land reforms, irrigation and industrial developments in the area as in

²⁷Abrol, I. P., & Nambiar, K. K. M. (1997). Fertility management of Indian soils-A historical perspective. *Advances in Geoecology*, 29, 293-310, pg.7.

²⁸ Singh, B., & Singh, B. (2018). British Indian Army: Role of Punjab in the World War I. *JSPS*, 25(2), 202, pg.212.

²⁹ *Id.*

³⁰ Ali, I. (1987). Malign Growth? Agricultural Colonization and the Roots of Backwardness in the Punjab. *Past & Present*, 114, 110–132.

<http://www.jstor.org/stable/650962>, pg.113,114.

IJLRA

sections 51³¹, 69³², 92³³, 100³⁴ of the government of India act 1935³⁵. These all factors made it necessary for British parliament to include Punjab in the government of India act, 1935³⁶.

CHAPTER 3: LEGAL DEVELOPMENT: THE GOVERNMENT OF INDIA ACT 1935 AND THE PUNJAB LEGISLATIVE SYSTEM:

3.1 Provisions

Provincial autonomy was established under section 93 of Government of India Act, 1935³⁷ laying down autonomous provincial governments, and provincial legislative powers for making laws on various subjects. Thus, increasing self-governance. Although all these provisions were granted but the governor was given discretionary powers for all the matters.³⁸

Section 51 of the government of India act 1935³⁹ appointed provincial legislatures with a right to initiate laws on provincial subjects itemized in the corresponding list of legislative powers which included agriculture, irrigation, and industries within the province. This way both the Punjabi and the provincial governments were empowered to formulate policies and implement measures regarding economic progress, land reform, irrigation projects, and industrial growth.

Section 69 of the government of India act 1935⁴⁰ granted the provinces' control over irrigation and water supply within each territory. Thus, it enabled them to initiate irrigation works, fight against water scarcity and administer the distribution of water among people in the agriculture and animal husbandry areas. Provision of capacity building fund to the Government of Punjab will allow the transfer of ownership in irrigation schemes, the responsibility of their operation and maintenance.

Punjab legislative assembly was established under section 72 of the Government of India Act, 1935⁴¹ again with the inclusion of communal electorates for Sikhs and nominated

-
- ³¹ Government of India Act, 1935, § 51, No.5, Acts of British Parliament, 1935(India).
- ³² Government of India Act, 1935, § 69, No.5, Acts of British Parliament, 1935(India).
- ³³ Government of India Act, 1935, § 92, No.5, Acts of British Parliament, 1935(India).
- ³⁴ Government of India Act, 1935, § 100, No.5, Acts of British Parliament, 1935(India).
- ³⁵ Government of India Act, 1935, No.5, Acts of British Parliament, 1935(India).
- ³⁶ *Id.*
- ³⁷ Government of India Act, 1935, § 69, No.5, Acts of British Parliament, 1935(India).
- ³⁸ Ali, I. (1991), The Punjab and the Retardation of Nationalism, In: Low, D.A. (eds) The Political Inheritance of Pakistan. Cambridge Commonwealth Series. Palgrave Macmillan, London. https://doi.org/10.1007/978-1-349-11556-3_2, pg.29,30.
- ³⁹ Government of India Act, 1935, § 51, No.5, Acts of British Parliament, 1935(India).
- ⁴⁰ Government of India Act, 1935, § 69, No.5, Acts of British Parliament, 1935(India).
- ⁴¹ Government of India Act, 1935, § 72, No.5, Acts of British Parliament, 1935(India).

IJLRA

the elected members. In contrast, the representation of British officials was increased by downplaying other representatives in the assembly with one out of 10 people was given the right of voting.⁴²

Under section 91 of the government of India act, 1935⁴³ it was made mandatory to have representation for different religious communities in the legislative body of Punjab. Specific seats were assigned to Muslims, Sikhs, Hindus, and other groups, mimicking the religious makeup of the Punjab region. However, this arrangement based on religious groups reinforced divisions among them and made it difficult to form cohesive and inclusive governments that accurately represented the population.

Section 92 of the government of India act 1935⁴⁴ authorize the passing of laws related to trade and commerce within the province to the provinces. Consequently, they enabled the development of industries by introducing regulations concerning the acquisition of production licenses, the implementation of trade restrictions, and the mandate to grant incentives to industrial entities. The provision of this act allows Punjab to address the issue of investment attraction and industrial establishment in the region by means of introducing these measures.

The government of India act 1935 under Sections 96A⁴⁵ and 97⁴⁶ define the financial capabilities of the provincial governor and the legislature, with the latter required to submit an annual budget. The law empowers the governor to decline assent to proposed budgets, which restricts Punjab's financial independence and could hinder its advancement. This may lead to disputes between the executive and legislative branches regarding budgetary issues.

Administrative Reforms are mentioned Under Sections 98⁴⁷ and 99⁴⁸ of the Government of India Act 1935, the Governor of Punjab has the authority to establish rules regarding how responsibilities are assigned to ministers and how official government transactions are conducted. However, if these rules lack transparency and accountability, it could result in decisions being made arbitrarily undermining public confidence in the government's legitimacy. This can obstruct efficient and effective governance.

⁴² Hanif, K., Mujahid, A.B., Ahmad, M.A., Ali, S. and Zaheer, S., Institutional Development of Legislation in Punjab 1849-1947: An Historical Analysis, 436,437.

⁴³ Government of India Act, 1935, § 91, No.5, Acts of British Parliament, 1935(India).

⁴⁴ Government of India Act, 1935, § 92, No.5, Acts of British Parliament, 1935(India).

⁴⁵ *Id.* § 96A.

⁴⁶ *Id.* § 97.

⁴⁷ *Id.* § 98.

⁴⁸ *Id.* § 99.



Section 100 of Government of India act⁴⁹ outlines how legislative authority would be shared between the Governor and the Provincial Legislature, identifying both areas under the Governor's control (reserved subjects) and those transferred to the Legislature. However, the Governor had the power to create laws on reserved subjects such as collecting land revenue and levy taxes, potentially creating opportunities for power misuse and meddling in provincial affairs. This discretionary power⁵⁰ could weaken the autonomy of Punjab's Legislature and cause tensions between the province and the central government.

Section 102 of the Government of India Act of 1935⁵¹ granted the authority to impose central laws and rules in Punjab. However, the aim of maintaining legal consistency was compromised as central laws could be applied without considering the local context. This resulted in potential clashes with local traditions and customs. Consequently, Punjab's cultural and legal identity was threatened, and socio-economic progress was hindered.

3.2 Representation in the Legislative Assembly

The Government of India Act 1935⁵² brought about major changes in the representation of seats in the Legislative Assembly of Punjab to conform with the provisions of the Act on provincial autonomy and communal representation. The Act mandated for a legislative assembly in Punjab allotting 175 seats⁵³, consisting of representatives from different communities and interests within the province, who were elected by their respective constituencies. Communal representation was an essential feature as it had provisions for Muslims, Sikhs, Hindus, and other religious groups that reflected the religious diversity of Punjab. However, instead of ensuring equal representation among different religions, communal electorates perpetuated conflicts and hampered the formation of coherent representative governments. Furthermore, few members were nominated into this Assembly, thus creating fears over the overrepresentation of Britishers and government nominees, thus reducing the voice of indigenous peoples as well as marginalizing their

⁴⁹ *Id.* § 100.

⁵⁰ CHAND, *supra note 11*.

⁵¹ Government of India Act, 1935, § 102, No.5, Acts of British Parliament, 1935(India),

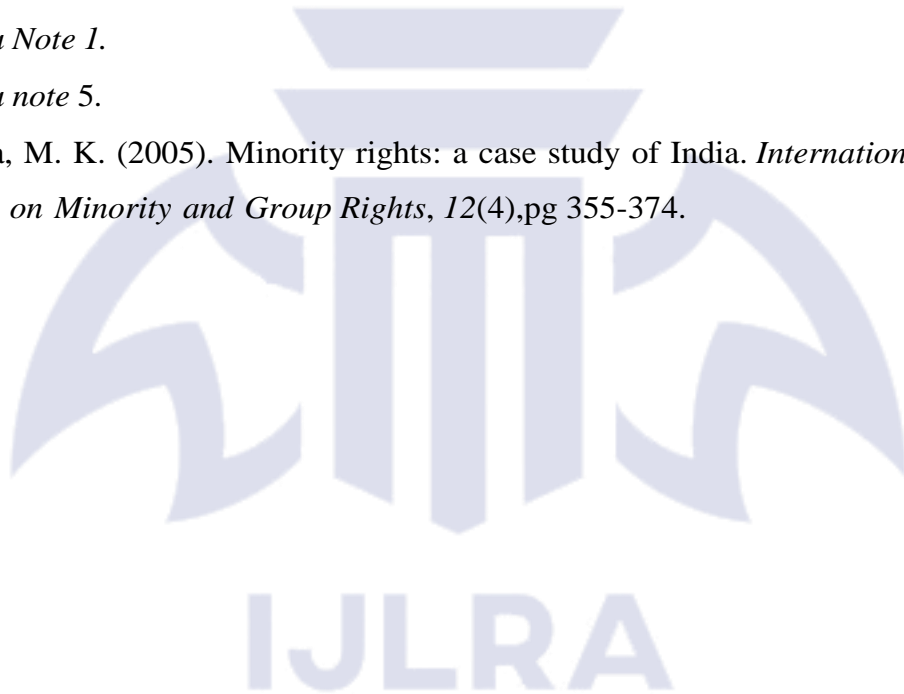
https://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga_19350002_en.pdf,

accessed on 1 March 2024.

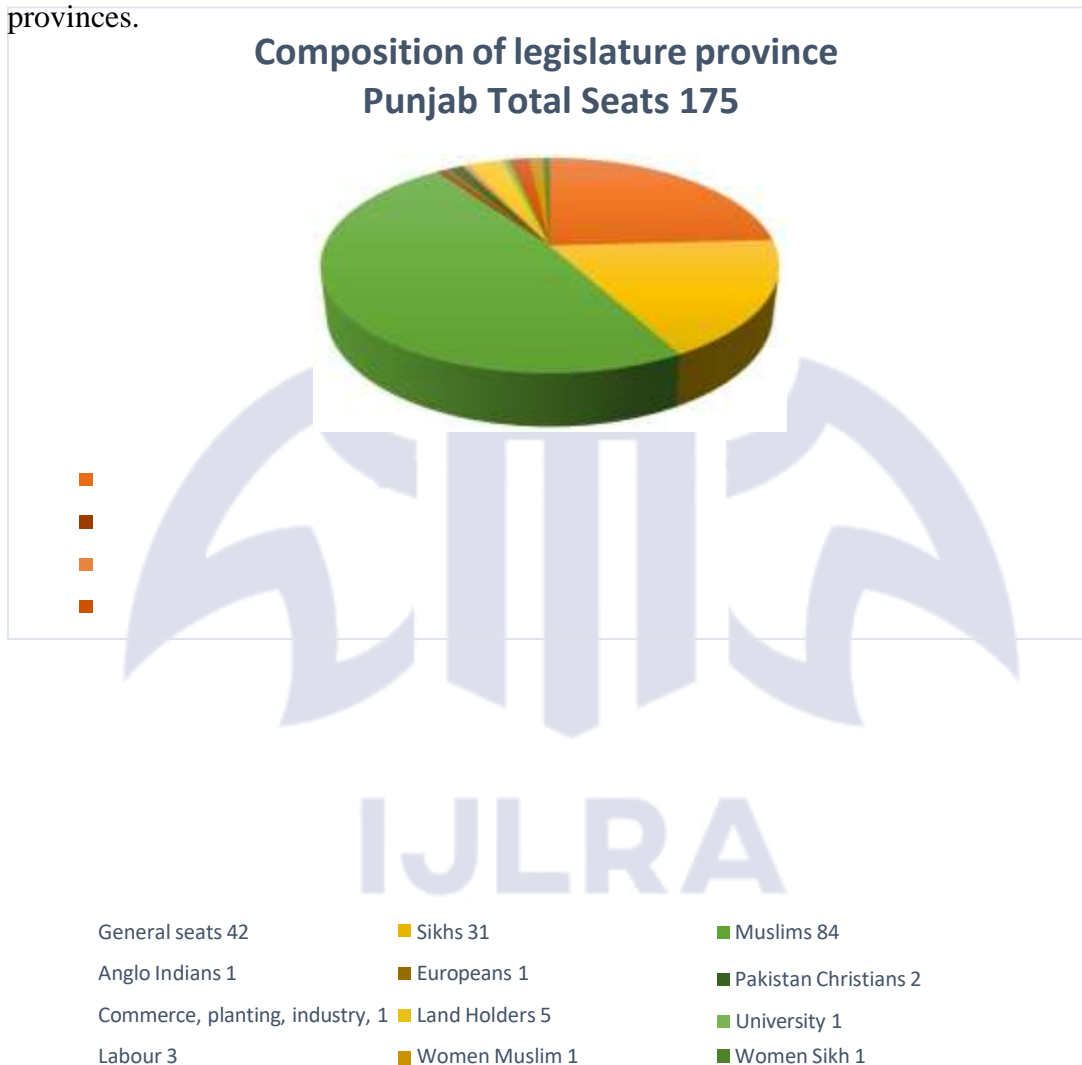
⁵² *Supra Note 1*.

⁵³ *Supra note 5*.

⁵⁴ Sinha, M. K. (2005). Minority rights: a case study of India. *International Journal on Minority and Group Rights*, 12(4),pg 355-374.



under the Government of India Act 1935⁵⁵, the Legislative Assembly served as a meeting place where various ideas could be debated during the legislation-making process, formulating policies governing administration within the colonial context in Punjab provinces.



Source: N.J Awan Tahrik-i-Azadi main Punjab ka kirdar. Islamabad: Modern Book Dipo Melodi. 1993.p. 28

to subnational provincial administrations.

The Government of India Act 1935⁵⁷ brought about a great change in the governance of Punjab by introducing the principle of devolution of powers to provincial governments. Under this law, Punjab received greater autonomy with its own legislative assembly,⁵⁸ where elected representatives could pass laws on various subjects. This move marked a shift from previous centralized governance models, thus making it possible for Punjab to deal with local problems more effectively. The Act identified powers under each tier of government and allocated them accordingly making some matters to be legislated by Punjab on while others remained with the central government. Provincial Executive Councils⁵⁹ comprised a governor and a council of ministers, through this act which allowed Punjab to enact laws and implement policies passed

⁵⁵ Government of India Act, 1935, No.5, Acts of British Parliament, 1935(India),

⁵⁶ Hanif, K., Mujahid, A. B., Ahmad, M. A., Ali, S., & Zaheer, S. Institutional Development of Legislation in Punjab 1849-1947: An Historical Analysis, pg.439.

⁵⁷ *Supra Note 1.*

⁵⁸ Government of India Act, 1935, § 51, No.5, Acts of British Parliament, 1935(India).

⁵⁹ Government of India Act, 1935, § 46, No.5, Acts of British Parliament, 1935(India).

by the Provincial Legislature independently and also exercise administrative powers. Financial independence was also given, enabling Punjab to raise revenue and manage finances to fulfill its developmental needs locally. Nonetheless, problems, including communal tensions and administrative inefficiencies, persisted as they highlighted shortcomings in terms of provisions contained within the Act and complexities involved in governing such a diverse province like Punjab within a colonial framework.

CHAPTER 4: EXPLORING THE PROFOUND INFLUENCE AND LASTING HERITAGE OF THE GOVERNMENT OF INDIA ACT 1935 ON THE FORMATION OF PUNJAB

4.1 Impact on communal relations:

Due to the introduction of separate electorates based on religions and allocation of fixed number of seats in the provincial legislature and these seats could only be filled if people from the same community voted members for the seat, which was not so practically possible as voting rights were given only to few people. ⁶⁰This was not so useful as, although the changes like separate electorates were introduced but because the voting rights were still reserved, communal identities and divisions in the political bodies were still there. The formation of communal electorates impacted inter-community relations present in Punjab, consequently leading to political mobilization based on religion, and people from different communities competed for representation in the provincial legislature. Communal politics began in Punjab when political leaders approached particular people from their religious communities, especially Sikhs, Hindus, and Muslims; these differences lasted for an extended period. This act became an obstacle to establishing a unified political system. Some post-independence effects can be seen in the socio-political areas of Punjab relating to relations between different communities.

4.2 Reservation and dissatisfaction leading to movements:

There was a sense of dissatisfaction displayed by Master Tara Singh, who was a Sikh leader, because he believed that the number of seats given to the Sikhs was not enough to bring out the Sikh community's interests as they covered a major part of Punjab⁶¹. Other communities, such as Hindu and Muslim, also raised concerns in the areas where their demographic

⁶⁰ *Supra Note 10.*

⁶¹ Sharma, T. R. (2006). Akalis and the National Movement: A Case of Total to Tangential and Tactical Support. *They Too Fought for India's Freedom: The Role of Minorities*, 3, 162, pg.174,175.



composition was higher. Therefore, the act could not satisfy the demographic identities and marginalized communities in Punjab regarding representation. Akali dal and many other leaders from Punjab, such as Sir Sikandar Hayat Khan, Giani Kartar Singh, etc., displayed discontent towards the act because of the limitations that were placed on the provincial autonomy, which gave enormous powers to the central government, making the local authorities less powerful to address local issues and make policies for the people of Punjab. The act was criticized based on whether it fulfills Punjab's socio-economic challenges, such as land tenure, agricultural reforms, rights of labor, etc., as the act concentrated mainly on the interests of landlords and industrialists and ignored factors such as caste discrimination, untouchability, gender inequality, access to education and healthcare facilities. Thus, a need for a wide socio-economic focus was argued to address the root cause of problems in the Punjab.

The need for better provisions led to movements all over Punjab, such as the Akali movement and the formation of a unionist party led by Sir Sikandar Hayat Khan⁶², the Shiromani Gurudwara Prabandhak Committee, which mobilized the Sikh masses against the injustices, Punjab Provincial Congress Committee for governance in Punjab by organizing rallies and meetings for democratic changes in the region,⁶³ at lower levels many kisan sabhas were formed by farmers, women organizations were formed for gaining gender equality and rights in the governance.⁶⁴

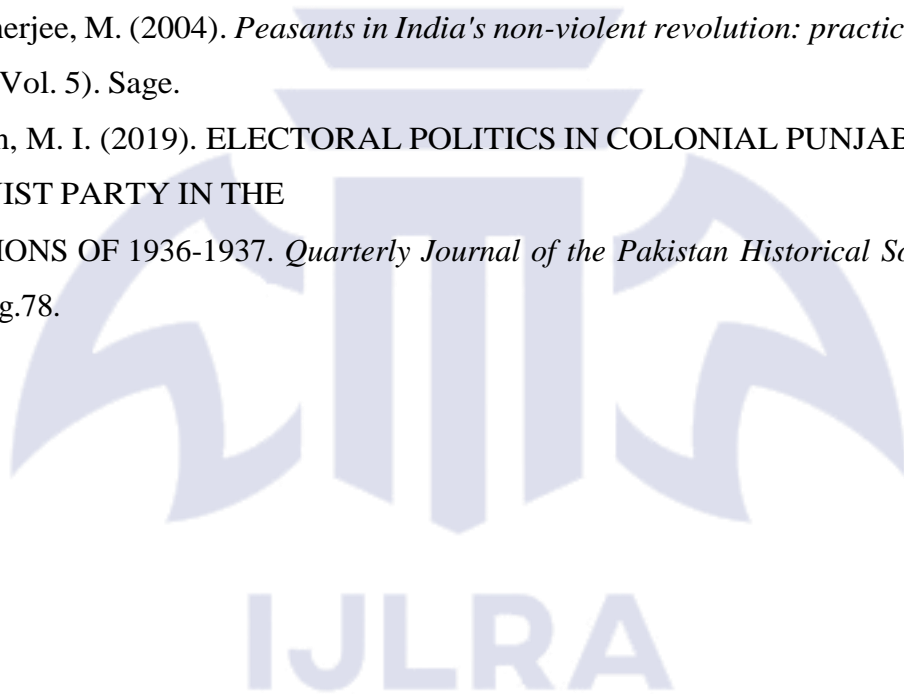
The elections of 1937 were won by the Unionist Party of Punjab, which was conducted as per the 1935 act, which established separate electorates, establishing a pro-British political group as the Muslim League also joined hands with this party⁶⁵, thus forming a strong party of Punjabi Muslims not giving rights to people of other communities.

⁶² Haider Abbas Khan, Naumana Kiran, *Electoral Politics in Punjab and the Making of Pakistan 1937-1946*, 9, JHS, 16, 20(2023).

⁶³ *Supra Note 23.*

⁶⁴ Mukherjee, M. (2004). *Peasants in India's non-violent revolution: practice and theory* (Vol. 5). Sage.

⁶⁵ Hasan, M. I. (2019). ELECTORAL POLITICS IN COLONIAL PUNJAB: THE UNIONIST PARTY IN THE ELECTIONS OF 1936-1937. *Quarterly Journal of the Pakistan Historical Society*, 67(3), pg.78.



Election results table⁶⁶

Party	Number of seats
Punjab Unionist Party	98
Indian National Congress	19
Muslim League	02
Khalsa National Party	13
Hindu Mahasabha	12
S. Akali Dal	11
Majlis-i-Ahrar	02
Ittihad – e – Millat	02
Independents	16

Source : The tribune (Lahore) 3 March 1937.

4.3 How it affected other parts of India :

In Bihar and Orissa, similar agrarian issues arose supporting the Punjab movements, communal stress also arose in madras by the introduction of communal electorates, and congress-led movements for provincial autonomy as the act still gave discretionary powers to the governor, this act affected the tribal communities in Assam diversely, Muslim league was also a part of movements in Punjab for separate electorates with broader demands for Pakistan giving rise to partition base of India and Pakistan.⁶⁷

⁶⁶ Younas, S. (2013). Party Politics in the British Punjab: A Study of the Punjab Unionist Party (1923- 1937). *Journal of History and Social Sciences*, 4(1), pg.76.

⁶⁷ Chatterjee, C. (2018). *The Sikh minority and the partition of the Punjab 1920-1947*. Routledge.



IJLRA

RESEARCH GAPS

The research does not include the long-term effect of government of India act on Punjab especially after the independence (1947).The impact on marginalized sections of Punjab has been discussed in a concise way that requires further study and exploration.

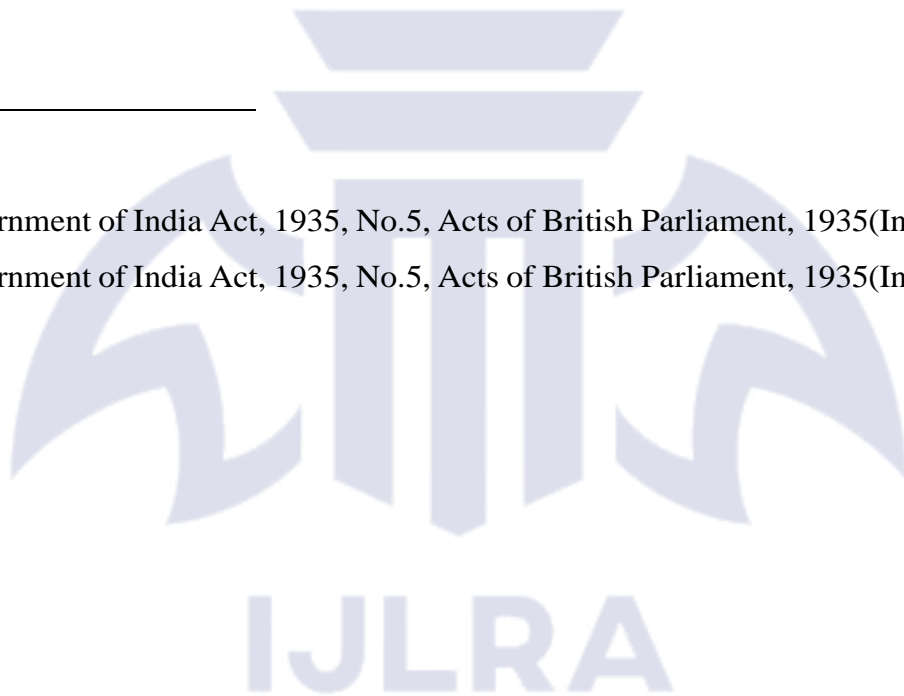
CONCLUSION

The 1935 Government of India Act⁶⁸ marked a significant turning point in Punjab's political and socioeconomic landscape. It brought elements of Western democracy while still keeping British colonial rule. However, applying the Act faced challenges and got mixed response-s from different communities and leaders in Punjab. The Act's rules for the province having more power and representing religious groups changed Punjab's politics. It led to politics based on religion forming and communal politics starting. Even with trying to get into society and wealth and spread who took part in politics, worries about insufficient representation, limits on the province's power over itself, and the Act not dealing with the region's many issues.

Movements and protests like the Akali movement, the Unionist Party, and grassroots groups showed people's discontent and hopes in different communities in Punjab. They highlighted the need for broader social-economic reforms, inclusive governance, and authentic representation. The legacy of the 1935 Government of India Act⁶⁹ continues to affect Punjab's identity and ongoing struggles for representation and power over itself. Communal tensions, differences in political representation, and governance challenges remain, reflecting the complex legacy of colonial rule and the lasting effect of past wrongs.

⁶⁸ Government of India Act, 1935, No.5, Acts of British Parliament, 1935(India).

⁶⁹ Government of India Act, 1935, No.5, Acts of British Parliament, 1935(India).

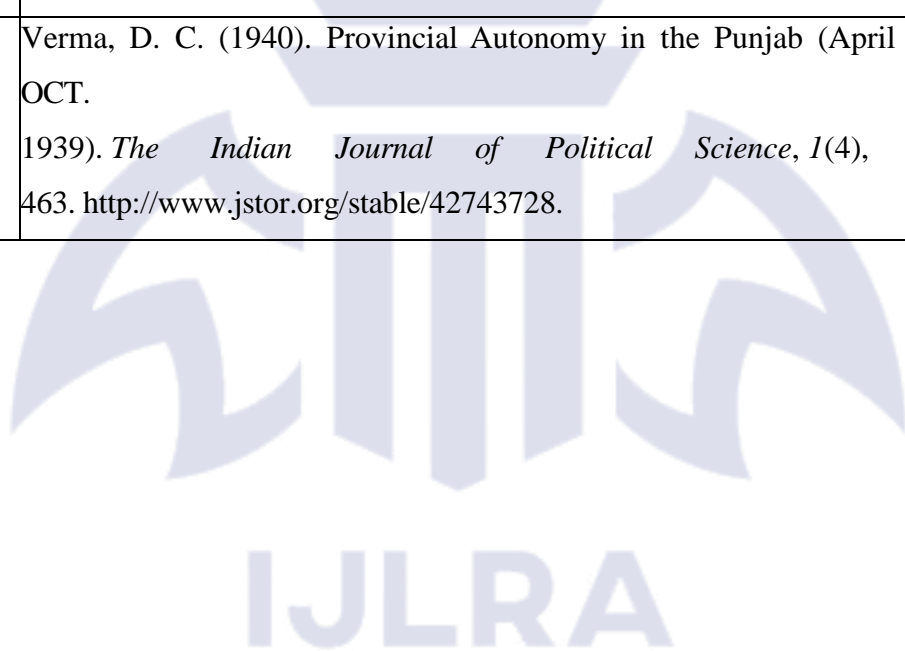


BIBLIOGRAPHY**PRIMARY SOURCES**

S.No.	SOURCES
1.	Leigh, Omissi, Roy, Mazumder, Official records of Calcutta, Singh, B., & Singh, B. (2018). British Indian Army: Role of Punjab in the World War I. JSPS, 25(2), 202, pg.212.
2.	The Government of India Act 1919, <u>Digital Library of India Item</u> 2015.505134.
3.	The Government of India act 1935, https://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga_1935_0002_en.pdf .
4.	File 9/ (1/33-R&K.W.and 9/7/33-R&K.W, Reforms office), NAI, Hanif, K., Mujahid, A.B., Ahmad, M.A., Ali, S. and Zaheer, S., Institutional Development of Legislation in Punjab 1849-1947: An Historical Analysis , pg.433.
5.	The Tribune(Lahore) 3 March 1937, Younas, S. (2013). Party Politics in the British Punjab: A Study of the Punjab Unionist Party (1923-1937). <i>Journal of History and Social Sciences</i> , 4(1), pg.76.
6.	N.J Awan Tahrik-i-Azadi main Punjab ka kirdar. Islamabad: Modern Book Dipo Melodi. 1993,pg 28.

SECONDARY SOURCES

Sl. No.	SECONDARY SOURCES
1.	Ali, I. (1991), The Punjab and the Retardation of Nationalism, In: Low, D.A. (eds) The Political Inheritance of Pakistan. Cambridge Commonwealth Series. Palgrave Macmillan, London. https://doi.org/10.1007/978-1-349-11556-3_2 , pg.29.
2.	Hanif, K., Mujahid, A.B., Ahmad, M.A., Ali, S. and Zaheer, S., Institutional Development of Legislation in Punjab 1849-1947: An Historical Analysis , pg.433.
3.	Arthur Berriedale Keith. Constitutional History of India, 1600-1935 (2).
4.	Indian Franchise Committee (London, 1932), V, 142, pg.72.
5.	Verma, D. C. (1940). Provincial Autonomy in the Punjab (April 1937—OCT. 1939). <i>The Indian Journal of Political Science</i> , 1(4), 449-463. http://www.jstor.org/stable/42743728 .



6.	Ramzan, Muhammad. (2015). Sectarian landscape, madrasas and militancy in punjab. <i>Journal of Political Studies</i> , 22(2), pg.421-436.
7.	Singh, B. S. (1971). Raja Gulab Singh's Role in the First Anglo-Sikh War. <i>Modern Asian Studies</i> , 5(1), 35–59. http://www.jstor.org/stable/311654 pg. 57.
8.	Naidis, M. (1958). Amritsar Revisited. <i>The Historian</i> , 21(1), 1–17. http://www.jstor.org/stable/24437744 , pg.1,2.
9.	Ali, I. (1991), The Punjab and the Retardation of Nationalism, In: Low, D.A. (eds) <i>The Political Inheritance of Pakistan</i> . Cambridge Commonwealth Series. Palgrave Macmillan, London. https://doi.org/10.1007/978-1-349-11556-3_2 , pg.29,30.
10.	Hasan, M. I. (2019). ELECTORAL POLITICS IN COLONIAL PUNJAB: THE UNIONIST PARTY IN THE ELECTIONS OF 1936-1937. <i>Quarterly Journal of the Pakistan Historical Society</i> , 67(3), pg.78.
11.	Sharma, T. R. (2006). Akalis and the National Movement: A Case of Total to Tangential and Tactical Support. <i>They Too Fought for India's Freedom: The Role of Minorities</i> , 3, 162, pg.174,175.
12.	Hanif, K., Mujahid, A. B., Ahmad, M. A., Ali, S., & Zaheer, S. Institutional Development of Legislation in Punjab 1849-1947: An Historical Analysis, pg.439.
13.	Haider Abbas Khan, Naumana Kiran, <i>Electoral Politics in Punjab and the Making of Pakistan 1937-1946</i> , 9, JHS, 16, 20(2023).

14.	<p>Volume 2 Issue 7 March 2024 (2004). <i>Peasants in India's non-violent revolution: practice and theory</i> (Vol. 5). Sage.</p>
15.	<p>Sinha, M. K. (2005). Minority rights: a case study of India. <i>International Journal on Minority and Group Rights</i>, 12(4), pg 355-374.</p>
16.	<p>Hanif, K., Mujahid, A.B., Ahmad, M.A., Ali, S. and Zaheer, S., Institutional Development of Legislation in Punjab 1849-1947: An Historical Analysis, pg. 436,437.</p>
17.	<p>Ali, I. (1987). Malign Growth? Agricultural Colonization and the Roots of Backwardness in the Punjab. <i>Past & Present</i>, 114, 110–132. http://www.jstor.org/stable/650962, pg.113,114.</p>
18.	<p>Singh, B., & Singh, B. (2018). British Indian Army: Role of Punjab in the World War I. <i>JSPS</i>, 25(2), 202, pg.212.</p>
19.	<p>Abrol, I. P., & Nambiar, K. K. M. (1997). Fertility management of Indian soils-A historical perspective. <i>Advances in Geoecology</i>, 29, 293-310, pg.7.</p>

20.	Sindhu, Shakila Noor. "Creation of Pakistan." <i>IJASOS-International E-journal of Advances in Social Sciences</i> 2, no. 4, pg. 274-282(2016).
21.	Noreen, T., & Riaz, R. (2020). British Administration of the Punjab: Police and the Disturbances of 1919. <i>Quarterly Journal of the Pakistan Historical Society</i> , 68(4).
22.	Younas, S. (2013). Party Politics in the British Punjab: A Study of the Punjab Unionist Party (1923-1937). <i>Journal of History and Social Sciences</i> , 4(1), pg.76.

