

Ajayan Thankappannair  
KSMD College, Sasthamcotta  
ORCID: 0000-0003-3106-6558

## EVOLUTION OF FEDERALISM IN MODERN INDIA

**Summary:** Federalism existed in ancient and medieval India in different forms. Immediately after the acquisition of power by the British, the colonial master began to centralize powers into the hands of the supreme government at Calcutta. The centralization of power reached its zenith with the enactment of the Charter Act of 1833. It formed one of the main reasons for the rebellion of 1857. Consequently, the British dropped their centralization tendency and began to decentralize power with the passage of the Indian Council's Acts of 1861 and 1892 and the Government of India Acts in 1909, 1919, and 1935. It aimed to bring together the Indian states and the British directly administered provinces for federalization. However, federalism was not materialized because the Indian states declined to join it despite many concessions to them. Therefore, the central administration continued up to 1947 under the provisions of the Government of India Act of 1919. However, provincial autonomy was introduced in 1937. On independence in 1947, the Constituent Assembly more or less borrowed federal provisions from the Government of India Act 1935 and added them to the Constitution of India combining the characteristics of a unitary as well as a federal constitution.

**Keywords:** India, Britain, federalism, government, constitution

### EWOLUCJA FEDERALIZMU WE WSPÓŁCZESNYCH INDIACH

**Streszczenie:** Federalizm funkcjonował w starożytnych i średniowiecznych Indiach w różnych formach. Bezpośrednio po uzyskaniu władzy przez Brytyjczyków, koloniści zaczęli centralizować ją w rękach rządu naczelnego w Kalkucie. Centralizacja ta osiągnęła szczyt wraz z wprowadzeniem The Charter Act w 1833 roku. Stało się to jednym z głównych powodów rebelii w roku 1857. W rezultacie Brytyjczycy porzucili dążenia centralizacyjne oraz rozpoczęli decentralizację władzy, uchwalając The Indian Council's Acts w latach 1861 i 1892 oraz The Government of India Acts w 1909, 1919 i 1935. Miało to na celu federacyjne połączenie państw hinduskich oraz zarządzanych bezpośrednio przez Brytyjczyków prowincji. Federacja jednak nie doczekała się swojej materializacji wskutek odmowy państw hinduskich, mimo uzyskanych przez nich ustępstw. W tej sytuacji centralna administracja funkcjonowała do 1947 roku zgodnie z postanowieniami The Government of India Act z roku 1919. Autonomia prowincji została jednak wprowadzona w roku 1937. Wraz z uzyskaniem niepodległości w 1947 roku Zgromadzenie Konstytucyjne, w mniejszym lub większym stopniu, zapożyczyło postanowienia z The Government of India Act z 1935 roku i dodało je do konstytucji Indii, łącząc cechy unitarnej i federacyjnej konstytucji.

**Słowa kluczowe:** Indie, Wielka Brytania, federalizm, rząd, konstytucja

### Introduction

Federalism, in its basic sense, means a division of legislative and executive power between central government and regional governments so that each government can

work independently in its sphere. Indian Federation serves the largest population in the world, comprising an unparalleled multiplicity of cultures, religions, languages, and ethnicities. The history of India shows that India was at no time a single political unit. The Mauryas and Guptas founded powerful empires in ancient India. In the medieval period, the Mughals introduced a well-knit administrative system. South India never formed a part of India either in the ancient or medieval period. But the British, who arrived last on the scene, succeeded in establishing their empire covering the whole of India. The British Parliament passed the Regulating Act of 1773, Pitt's India Act in 1784, and four Charter Acts at regular intervals of twenty years from 1793 to 1853 for the governance of India under the English East India Company. With the rebellion of 1857, the administration of India transferred from the English East India Company to the British Crown in 1858. The Crown period from 1858 to 1947 witnessed the passage of the Indian Councils Acts in 1861 and 1892 and the Government of India Act in 1909, 1919, and 1935. The Government of India Act of 1935 was the last and the lengthiest constitutional enactment ever made by the British Parliament for the governance of India. On the attainment of independence in 1947, the Constituent Assembly set up by the Cabinet Mission Plan drafted a new constitution for India and it came into effect in 1950.

### **Federalism in Ancient and Medieval India**

Federalism in India, at least in its consociation or non-territorial dimension can be traced back to the Vedic period or earlier than that<sup>1</sup>. The government in the Rig Vedic (1500-1000 BC) period was tribal having no permanent territorial basis for their states. But this tribal identity gave way to territorial identity in the later Vedic period spanning between 1000 BC and 600 BC and the kings became masters of people as well as their country<sup>2</sup>. However, even during the reign of the Mauryas, though a larger part of the country was under the sovereignty of the Mauryan kings, there were considerable portions of the territory that were under the rule of independent kingdoms. The Gupta rule was less centralized compared to the Mauriyan Empire. According to John Keay, unlike the directly administered empire of the Mauryas, the Gupta Empire contained a web of feudatory arrangements, and the sovereignty of these feudatories was largely kept intact<sup>3</sup>. The Gupta kings evolved the first systematic provincial and

<sup>1</sup> Mokbul Ali Laskar, *Dynamics of Indian Federalism. A Comprehensive Historical Review*, Notion Press, Chennai 2015, 56.

<sup>2</sup> A.S. Altekar, *State and Government in Ancient India*, Motilal Banarsidass Publishers Private Limited, Delhi 2009, 43.

<sup>3</sup> J. Keay, *India – A History: From the Earliest Civilizations to the Boom of the Twenty-First Century*, Harper Press, London 2010, 98.

local administration<sup>4</sup>. R.S Sharma expresses that during the Gupta period, in some areas in central India local affairs in the rural areas were managed by a committee of five, which subsequently acquired the popular nomenclature as panchayat. The ancient Indian kings accepted the autonomy of provincial areas and rarely interfered as long as the power status quo was not seriously threatened<sup>5</sup>. But, undue centralization often proved counterproductive and triggered a chain reaction of divisive forces. One of the most significant aspects of ancient India was the existence of a large number of feudatory or semi-independent states within empires<sup>6</sup>. Most of the ancient Indian empires were merely loose federations of several feudatory kingdoms held together by masterful personalities<sup>7</sup>.

Although state-like structures had existed before the advent of Muslims, Muslim rule formally paved the way for modern state-building and state structure in India<sup>8</sup>. During the period 1556-1707, the Mughal Empire established one of the largest centralized state systems in pre-modern world history<sup>9</sup>. Akbar evolved a highly centralized system of administration that unified India to a greater extent, an achievement unparalleled in the preceding several centuries<sup>10</sup>. The Emperor was the fountainhead of the administration who vested the final authority. However, the governors enjoyed considerable influence in their territories and obeyed implicitly royal 'farmans'<sup>11</sup>. The Emperor by his power of appointing the provincial subedars or governors and assigning to them the provincial military quotas and forces from one suba to another, maintained military rule which necessitated a centralized despotism.

British historians such as Percival Spear and Wolseley Haig trace federal administrative elements in India as far back as the Mughals, beginning with the Sher Sha's land revenue system and taking shape with Akbar's division of his empire into twelve subahs or provinces<sup>12</sup>. These historians argue that during the Mughal rule which extended over large parts of India, there were independent rulers who enjoyed political sovereignty over the territories of their respective kingdoms. Municipal administration under the Mughals was in the hands of the Kotwal or town governor combining

<sup>4</sup> R.S. Sharma, *Aspects of Political Ideas and Institutions in Ancient India*, Motilal Banarsidass, Delhi 1968, 243.

<sup>5</sup> B.G. Gokhale, *Ancient Indian History and Culture*, Asia Publishing House, Bombay 1967, 10.

<sup>6</sup> Mokbul Ali Laskar, *op. cit.*, 59.

<sup>7</sup> A.S. Altekar, *op. cit.*, 211-12.

<sup>8</sup> Mokbul Ali Laskar, *op. cit.*, 61.

<sup>9</sup> J.F. Richards, *The New Cambridge History of India: The Mughal Empire*, Cambridge University Press, New Delhi 2013, 1.

<sup>10</sup> B.M. Sharma, *The Indian Federation*, The Upper India Publishing House Ltd., Lucknow 1932, 136.

<sup>11</sup> *Ibidem.*

<sup>12</sup> P. Spear, *A History of India*, Vol. 2, Penguin Books, Baltimore 1965, 40-52.

the duties of magistrate and police officer. The attempt of the last powerful Mughal Emperor Aurangzeb aimed at over-centralization and abrogation of traditional diversities and autonomy of the regions did not meet the expected success. His demise witnessed the negation of most of the structures of central administration<sup>13</sup>. The decline of the Mughal Empire after the death of Aurangzeb in 1707 opened the way for regional kingdoms, including presidencies of the East India Company in Bengal, Madras, and Bombay.

## Federalism in Modern India

The idea of India as a country was, of course, not concrete till the arrival of the British<sup>14</sup>. The British came as traders to India. For smooth conducting of commercial activities, political power was necessary and it was acquired by the British through the Battles of Plassey in 1757 and Buxar in 1764 in Bengal. It was followed by the extension of British power into different parts of India. There was a greater continuity of borders between Mughal India and British India<sup>15</sup>. The British introduced a highly centralized and unitary system of administration to hold India from the Centre<sup>16</sup>. A strong central authority was both an imperial and administrative necessity for the British. For effective exploitation and control of the acquired territories, the British introduced legislation from time to time according to contingencies of time and circumstances. The first such legislation was the Regulating Act of 1773

## Regulating Act of 1773

The Regulating Act of 1773 was the first constitutional enactment passed by the British Parliament for the governance of India. Under this Act, the Governor General and his council were given the power of superintendence over the presidencies of Madras and Bombay<sup>17</sup>. However, the prevailing difficulty of communication made the control of the Bengal government more theoretical than real. The Act also enjoined upon the presidential governments to forward all rules and regulations framed by them and to keep the Governor-General-in-Council informed of all those rules and regulations which they intended to frame<sup>18</sup>. The Presidency governments offending against these

<sup>13</sup> *Report*, Commission on Centre-state Relations, 2010, Vol. 1, 27-28.

<sup>14</sup> Mokbul Ali Laskar, *op. cit.*, 55.

<sup>15</sup> Mahendra Prasad Singh, *A Borderless Internal Federal Space? Reorganization of States in India*, „India Review” 2007, 6 (4), 236.

<sup>16</sup> *Report*, National Commission to Review the Working of the Constitution. 8.1.1, 2002.

<sup>17</sup> *Section 9 of the Regulating Act, 1773*.

<sup>18</sup> *Section 44 of the Regulating Act, 1773*.

provisions could be suspended by orders of the Governor-General-in-Council. The Act of 1773 aimed at the unification of the Company's government in India and the authority of the Government of India was vested in the Governor-General-in-Council jointly. But it proved defective. They pursued their aggressive policies against the Marathas and Hyder Ali much to the charge of the supreme government. Commenting on this provision of the Act, Warren Hastings said "The Act gives us a mere negative power and no more. It says the other presidencies shall not make war nor treaties without the sanction of this government, but carefully guards every expression which can imply a power dictate what other presidencies shall do... Instead of uniting the power of India, all the use we have hitherto made of this Act of Parliament has been to tease and embarrass"<sup>19</sup>. The presidential governments executed their policies either by obtaining the special orders of the Court of Directors or in the exercise of their discretionary powers in case of imminent necessity. Thus the attempt through the Regulating Act to create a central authority for the company failed.

### Pitt's India Act of 1784

Lord North claimed that the Act was framed to place the affairs of the Company on a solid, clear, and decisive establishment<sup>20</sup>. The Act brought the presidencies of Bombay and Madras under the direct control of the supreme government at Calcutta<sup>21</sup>. The Act created Governors' Council in Bombay and Madras consisting of three councilors each<sup>22</sup>. The Bombay and Madras presidencies could not make wars and peace treaties except in cases of extraordinary emergencies without the prior consent of the Governor General and Council of Fort William<sup>23</sup>. The subordinate presidencies were required to send copies of all orders and acts of their respective governments to the supreme government at Calcutta<sup>24</sup>. Further, all treaties made by the subordinate presidencies were required to be ratified by the Governor-General in Council. The subordinate presidencies were required to yield due obedience to the orders of the Governor-General. If the president and councilors disobeyed the orders and instructions of the Governor-General-in-Council, they were liable to suspension by the Governor-General-in-Council<sup>25</sup>. The Act aimed to the unity, strength, and stability

---

<sup>19</sup> Gleig, *Memoire of Warren Hastings*, Vol. 2, Richard Bentley, London 1841, 557.

<sup>20</sup> Lord North, *Speech on the East India Company Bill*, 1773.

<sup>21</sup> *Section 31 of Pitt's India Act, 1784.*

<sup>22</sup> *Sections 20 and 24 of Pitt's India Act, 1784.*

<sup>23</sup> *Section 35 of Pitt's India Act, 1784.*

<sup>24</sup> *Section 68 of Pitt's India Act, 1784.*

<sup>25</sup> *Section 36 of Pitt's India Act, 1784.*

of British power in India. The Pitt's India Act formed the basis of the Indian constitution till 1858<sup>26</sup>.

### **Charter Acts of 1773, 1813, 1833 and 1853**

The British Parliament passed four Charter Acts at regular intervals of twenty years. The first Charter Act was passed in 1793 empowering the Governor-General to supersede the authority of Governors of Bombay and Madras presidencies during the stay of the former in these presidencies. The Charter Act of 1813 empowered the provincial governments in India to make laws regulations and articles of war for their native armed forces and authorize the holding of courts martial.

The Charter Act of 1833 converted the English East India Company into a purely political and administrative body, winding up altogether its commercial activities. It created the post of Governor-General-in-Council and thus completely centralized the administration of the company in India<sup>27</sup>. The Charter Act of 1833 invested the Governor-General in Council with the power of superintendence, direction, and control of the entire civil and military government of all the British territories and revenues in India<sup>28</sup>. Before the passage of the Act of 1833, the Governor-in-Council of each presidency had powers to legislate within the province and this position led to a lot of confusion in the laws of the country. This power of legislation was now withdrawn from the presidencies and the law-making power was exclusively put under the control of the Governor-General in the Council<sup>29</sup>. The presidency governments were required to incur any amount of expenditure only with the prior sanction of the Governor-General in Council. Further, they were bound to obey the orders and instructions issued by the Government of India in all matters<sup>30</sup>. They were required to keep the Government of India all their proceedings<sup>31</sup>. Thus the Government of India became one and indivisible and the provincial governments were virtually the agents of the Government of India<sup>32</sup>. The Governor General in the council became the supreme authority who vested all civil and military powers which were to be delegated to the provincial governments.

<sup>26</sup> A.C. Banerjee, *Indian Constitutional Documents*, A Mukherjee and Company, Calcutta 1948, XXCII.

<sup>27</sup> The Indian Institute of Public Administration, *The Organization of the Government of India*, Second Revised Edition, Somaiye Publications Private Ltd., Bombay 1971.

<sup>28</sup> *Clause 39 of Charter Act, 1833.*

<sup>29</sup> *Clause 43 of Charter Act, 1833.*

<sup>30</sup> *Clause 65 of Charter Act, 1833.*

<sup>31</sup> *Clause 68 of Charter Act, 1833.*

<sup>32</sup> *Report of the Indian Statutory Commission*, Vol. 1, 1930, 112.

The Charter Act of 1833 brought more centralization causing lesser development of self-governing institutions<sup>33</sup>. The centralization process could not work effectively because the central government did not have the expertise to understand the peculiarities of different parts of India thanks to the vastness and the social conditions of the country. Different social customs and traditions went unnoticed by the Government of India. It was revealed by the Great Rebellion of 1857<sup>34</sup>. The Charter Act of 1853 made provisions for one representative each from provinces in the Central Legislative Council.

### **The Government of India Act of 1858**

The British at the commencement of their regime, tried to centralize all power. But they soon realized, especially after the traumatic consequences of Dalhousie's policies, in the form of a rebellion in 1857 aiming to dismantle the British administration, that it was not possible to administer so vast and diverse a country like India without progressive devolution or decentralization of powers to the Provinces and local bodies. A notable fallout of the conflict in 1857 was the discovery by the British that the Princely States in India could be a source of strength for the maintenance of British power. As a result, they discontinued their policy of expanding further their 'direct rule' in the sub-continent and preferred 'indirect rule' for these States. But the bulk of the 500 odd Princely States were 'autonomous' only to a limited extent. In all important matters, they were no less submissive in practice to the suzerain power than the British Indian Provinces. In the remote and inaccessible areas, strong local tribal customs and beliefs had to be given due regard and these areas, with a long history of isolation, retained varying degrees of autonomy.

With the passage of the Government of India Act 1858 following the rebellion of 1857, the governance of all the territories in the possession of the English East India Company passed into the hands of the British Crown for a better government in India. However, the actual administration of these territories would be exercised by the Secretary of State on behalf of the Crown. To help the Secretary of State for India in the governance of the country, an India Council consisting of fifteen members was constituted. Thus the Secretary of State for India became the principal channel of communication between England and India. With the Government of India Act 1858, British India was divided into numerous provinces, each under the head of a governor or lieutenant governor or chief commissioner, or administrator. The Governors were to

---

<sup>33</sup> *Ibidem.*

<sup>34</sup> A.C. Kapur, *Constitutional History of India*, S Chand and Company Ltd., New Delhi 1985, 70.

be appointed by the Court of Directors with the approbation of the British Crown<sup>35</sup>. But the appointment of the members of the council of the presidencies would be made by the Secretary of State in Council<sup>36</sup>. While other officers were appointed by and were subordinate to, the Viceroy<sup>37</sup>.

### Indian Councils Act of 1861

It reversed the centralizing trend that had been set by the Charter Act of 1833. The process of decentralization commenced from the Indian Councils Act of 1861 prompted by the realization of alien rulers of the unsuitability of centralized administration for a plural society<sup>38</sup>. The Indian Council Act of 1861 provided participation of non-officials in the Legislative Council of the Governor-General. Similarly, it made provisions for legislative councils in provinces.

### Mayo Scheme of 1871

An important factor that helped and sustained the evolution of a 'dispersed' political system in India, was the decentralization of finances. This process started with the Mayo Scheme of 1871 introduced by Lord Mayo, who became the Viceroy in 1870. Under the scheme, the finance got decentralized through the transfer of more heads of revenue, such as excise, stamps, law, and justice fees, proceeds of license tax, and some minor railway receipts to the provincial governments<sup>39</sup>. But this allotment was subjected to the condition that if the provincial governments received any surplus revenue over an estimated figure, one-half of the surplus should be given to the central government, and in case of deficit, the central government agreed to bear half of the loss<sup>40</sup>. Further, in 1874, the Secretary of State for India ordered that all bills, before their introduction in the Legislative Councils, central or provincial, were to be submitted to him for examination and information.

### Lord Ripon's Reforms of 1882

<sup>35</sup> Section 29 of *Government of India Act, 1858*.

<sup>36</sup> *Ibidem*.

<sup>37</sup> F.S. Nariman, *The State of the Nation: In the Context of India's Constitution*, New Delhi 2013, Hay House Publishers India Pvt. Ltd., 91-92.

<sup>38</sup> Saraswathi, *Participative Centralization: Sarkaria Commission's Prescription for Union-State Relations in India*, „The Indian Journal of Political Science” 1989, 50 (2), 191.

<sup>39</sup> Mokbul Ali Laskar, *op. cit.*, 67.

<sup>40</sup> K. Gopakumar, *Historical Evolution of Federal Finances in India*, „Federal Governance” 2012, 9 (2), 30.



In 1882, the Viceroy, Lord Ripon introduced another scheme under which the system of fixed annual grants from the Centre to the provinces was abolished and introduced resource sharing between the central and provincial governments. Under this scheme, the revenue heads were divided into imperial heads, provincial heads, and divided heads; and while the Centre retained revenue from imperial heads and the provinces from provincial heads, the revenue from the divided heads was distributed between them<sup>41</sup>. However, the revenue from provincial heads and divided heads was insufficient to meet the needs of the provincial governments<sup>42</sup>. Despite the fiscal devolution measures of Lord Mayo and Lord Ripon, the Centre-state financial relations were highly centralized. Association of Indians with local self-government through elected municipalities and district boards was initiated in 1882 by Lord Ripon, along with the gradual transformation taking place in the legislative sphere. So he came to be known as the father of local government in modern India. The authority allowed to these institutions was, however, very limited and was to be exercised under the watchful eyes of the officialdom in matters of public interest<sup>43</sup>.

### Indian Councils Act of 1892

The Indian Council Act of 1892, enlarged the functions of provincial legislative councils. The principle of indirect election to these Legislative Councils was introduced in 1892 and the functions were enlarged to include the right of discussion of the budget and interpellation in matters of public interest. The Act established legislative bodies in Bombay and Madras presidencies, called Legislative Councils to legislate on subjects of provincial importance for good governance. It paved the way for the decentralization of the legislative process. However, the provincial government could introduce the bills in the legislative councils only with the previous sanction of the Governor-General in Council and there was no demarcation between federal and provincial subjects. The bills passed in the legislative council were required to be assented to both by the respective provincial Governor and the Governor-General. The Governor-General could withhold his assent to the bill which had already been approved by the Government of India before its introduction in the provincial legislature. Further, the central government could legislate on the subjects of provincial importance for the uniformity of laws across the country leading to the reduction of the legislative powers of the Legislative Councils; and defeating the power of local legislation<sup>44</sup>.

<sup>41</sup> Mokbul Ali Laskar, *op. cit.*, 68.

<sup>42</sup> K. Gopakumar, *op. cit.*, 30.

<sup>43</sup> *Report*, Commission on Centre-state Relations (Sarkaria Commission) 1.2.08, 1988.

<sup>44</sup> Sir G. Campbell, *Memories of my Indian Career*, Vol. 5, Macmillan, London 1893, 208

The controls of the Budgets were transferred to provincial legislatures. The Indian Council's Act of 1892 provided the members of the legislative council the opportunity to discuss the annual financial statement and to ask questions and supplementary questions but no right to vote<sup>45</sup>. This Act aimed association of Indians in running the administration of government.

### **Government of India Act of 1909**

The British Parliament appointed a Royal Commission on Decentralization in 1907, to inquire into relations between the Government of India and the provinces and suggest measures to improve it. In 1908, Gopalakrishna Gokhale expressed before the Decentralization Commission while giving evidence that adequate financial support should be provided to the provinces<sup>46</sup>. Thus the report of the Royal Commission on Decentralization became the basis for the Government of India Act 1909. The important change introduced through the Government of India Act was the empowerment of the Governor-General in Council, with the approval of the Secretary of State, by proclamation, to create an executive council for any such province. Native Indians were inducted into the executive councils of Bengal, Madras, and Bombay<sup>47</sup>.

### **Lucknow Pact of 1916**

The first official expression of the Indian National Congress for a federal government came through the report of the 31<sup>st</sup> session of the Indian National Congress held at Lucknow in 1916 on the Congress-League scheme of reform. It demanded 50-125 member strong Provincial Legislative Councils with four-fifths elected and one-fifth nominated members. The elected members were to be directly elected by the people. In this scheme, it was mentioned that except customs, post, telegraph, mint, salt, opium, railways, army, navy, and tributes from Indian states, all other sources of revenue should be provincial<sup>48</sup>. It recommended that the provincial governments be given all matters dealing with the internal administration of the province including the power to raise loans, impose and alter taxation<sup>49</sup>. This scheme was not for independent India but for self-governing colonies within the British Empire, a status which the Congress and

<sup>45</sup> *Clause 2 of the Indian Council Act, 1892.*

<sup>46</sup> K.S. Bhattacharjee, *An Analysis of Centre-State Relations*, „Social Scientist” 1982, 10, (7) 20.

<sup>47</sup> C. Ilbert, *The Indian Councils Act-1909*, „Journal of the Society of Comparative Legislation” 1911, 11 (2), 244.

<sup>48</sup> K.S. Bhattacharjee, *op. cit.*, 21.

<sup>49</sup> C. Philips, *Evolution of India and Pakistan 1858-1947, Select Documents*, Oxford University Press, Oxford 1962, 171-172.

the League demanded for India. The Lucknow pact of 1916 proved to be the high point of efforts to manage Hindu-Muslim differences through federal arrangements<sup>50</sup>.

### Government of India Act of 1919

The Government of India Act 1919 was a landmark in the history of Indian Constitutional development as it was preceded by an important announcement made by the Secretary of State for India in the House of Commons on 20 August 1917 to the effect that the policy of the British Government was “that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire”<sup>51</sup>. The First World War added an international dimension to the Indian demand for self-rule. India became a member of the Imperial War Conference. The Montague-Chelmsford Report, considering the position in the light of the Declaration of August 20, 1917, concluded that the complete fulfillment of the pledge could not take any form other than that of the self-governing systems and Indian provinces were to be associated for certain purposes under a responsible Government of India<sup>52</sup>.

The Act of 1919 marked the beginning of federalism in modern India. The list system of the distribution of legislative powers originated in India under the Government of India Act, 1919<sup>53</sup>. While conceding representative government in a small measure in the Provinces under a ‘dyarchical’ system, it demarcated the sphere of Provincial Governments from that of the Centre. By the Devolution Rules framed under the Act, powers were delegated to the Provinces not only in the administrative but also in the legislative and financial spheres. For this purpose, separate Central and Provincial Lists of subjects were drawn up demarcating the provincial and central spheres. The provincial legislatures were given legal and financial authority for health, education, agriculture, irrigation, and public works<sup>54</sup>. The Act of 1919 made every province under the superintendence, direction, and control of the Governor-General-in-Council.

---

<sup>50</sup> L.I. Rudolph, S.H. Rudolph, *Federalism as State Formation in India. A Theory of Shared and Negotiated Sovereignty*, „International Political Science Review” 2010, 31 (5), 439.

<sup>51</sup> *Report*, Commission on Centre-state Relations (Punchhi Commission), Vol. 1, 2010, 31.

<sup>52</sup> *Ibidem*.

<sup>53</sup> *Report*, State Level Committee for Recommending Amendments to the Constitution of India (Shivanna committee) Government of Karnataka, 1976, 149-150.

<sup>54</sup> A. Ray, J. Kincaid, *Politics, Economic Development, and Second-Generation Strain in India's Federal System*, “Publius: The Journal of Federalism” 1988, Vol. 18, No. 2, 148.

The provincial governments were required to keep informed of all matters pertaining provincial administration to the Governor General and obey its orders<sup>55</sup>.

The subjects in the provincial list were further subdivided into 'reserved' and 'transferred' subjects. The departments dealing with the 'transferred' subjects were placed in the charge of elected ministers responsible to the provincial legislature, while departments in respect of 'reserved' subjects were administered by the governor with the assistance of an executive council nominated by him. Although concerning 'transferred' subjects, the provinces derived substantial authority by devolution from the Central Government, yet the Governor-General-in-Council remained in control at the apex of this centralized system, ultimately responsible to the Secretary of State for India in the United Kingdom. There was also a third List regarding the taxation powers of local bodies.

The Government of India Act of 1919 ushered in the first phase of responsible government in India. It was a significant step in the development of a two-tier polity. However, the provincial government exercised a devolved and not an original authority. The reforms of 1919 failed to meet the aspirations of the people for fully responsible government. The Act of 1919 and the devolution rules made under it, by earmarking certain subjects as provincial subjects, had created indeed a sphere within which responsibility for the functions of the government rested primarily upon provincial authorities. In reality, the structure remained unitary with the Governor-General-in-Council in effective ultimate control. Finance was a 'reserved subject' in charge of a member of the Executive Council and no progressive measures could be put through without his consent. The main instruments of administration, namely, the Indian Civil Service and Indian Police were under the control of the Secretary of State and were responsible to him and not to the ministers. The Governor could act at his discretion rather than on the advice of the ministers. No Bill could be moved in a Provincial legislature without the permission of the Governor-General. No Bill could become law without his assent. The Act of 1919 extended the communal electorates to the Indian Christians in Madras; to the Anglo-Indians in Madras and Bengal; to the Europeans in all provinces but Punjab, the Central Provinces, and Assam, to the Sikhs in Punjab, and the non-Brahmins in Madras<sup>56</sup>. It further aggravated the situation. In 1924, the Viceroy Lord Reading appointed a committee called the Muddiman Committee to investigate the workings of the Act of 1919 and suggest measures with

<sup>55</sup> *Section 45 of Government of India Act, 1919.*

<sup>56</sup> J.A Laponce, *The Protection of Minorities by the Electoral System*, "The Western Political Quarterly" 1957, 10 (2) 323.

the structure, policy, and purpose of the Act. But the committee recommended no change in its report submitted in 1925<sup>57</sup>.

### Simon Commission and Nehru Report

The Indian National Congress demanded a federal form of government at its Bombay session on 17 May 1927<sup>58</sup>. The intense India-wide agitation carried on by the political parties for full responsible government evoked a partial response from the British Government with the appointment of a Statutory Commission under Sir John Simon for considering the grant of a further installment of responsible Government in November 1927. The Commission consisted of seven members and all of them were British. The Indian National Congress and all other leading political parties boycotted the Commission and convened an all-party meeting. The all-parties conference included the two most important political parties in British India, the Congress, and the All India Muslim League. Thereafter, these political parties made a common policy formulation and appointed a committee with Motilal Nehru as chairman to draft the future constitution of India on 19 May 1928. It came to be known as the Nehru Report. The Nehru Report also opened the doors of federalism including Indian states and provinces and proposed a strong Centre<sup>59</sup>. But it was opposed by the All India Muslim League advocating strong provinces because they feared that the central government exercising financial and general control over the provinces would be dominated by the Hindus<sup>60</sup>.

In the British days, the form of the constitution was largely influenced by the communal problem. The All India Muslim League demanded that the future constitution of India should be federal with the residuary powers vested in the provinces and the provinces would be autonomous<sup>61</sup>. The Indian National Congress favored a strong Centre with safeguards for minority rights as fully reflected in the committee set up by an All India Parties Conference on 19 May 1928 to consider and determine the principles of the constitution of India<sup>62</sup>.

The report of the Simon Commission was published in May 1930. It recommended the setting up of a federation consisting of representatives of British India and the

---

<sup>57</sup> Mokbul Ali Laskar, *op. cit.*, 75.

<sup>58</sup> B. Shiva Rao, *The Framing of India's Constitution: Select Document*, Vol. 1, The Indian Institute of Public Administration, New Delhi 1968, 55.

<sup>59</sup> *Nehru Report*, Clause 13(a), 1928.

<sup>60</sup> A.B. Keith, *A Constitutional History of India*, Routledge, London 1937, 302.

<sup>61</sup> A.G. Noorani, Centre-State Relations in India, "Law, and Politics in Africa, Asia, and Latin America" 1975, 8 (3-4), 320.

<sup>62</sup> *Ibidem*.

Indian states with a Viceroy as President and it could be considered the evolution of the federal system in India<sup>63</sup>. The political parties in India rejected the recommendations of the Simon Commission and Indian masses joined the civil disobedience movement. The Congress pressed the British Government to accede to the national demand for convening a Round Table Conference or Constituent Assembly to determine the future Constitution of India<sup>64</sup>. Through the Round Table conferences, the British wanted the princes to counter the growing Indian nationalist sentiment against it. But the British ploy subsequently worked against itself, as the many influential Princes started to oppose the British design of federal relations between the Indian States and the British Indian provinces<sup>65</sup>. Many princes of smaller states feared their survival as independent polities. However, they opposed to join with the federation. In early August 1931 Bupinder Singh of Patiala and Udaibhan Singh of Dholpur put forth another alternative to federation proposing that collective representatives of smaller states would form a federation that would then join British India in a confederation, which found favor of many princes<sup>66</sup>. During the First Round Table conference held in 1930 in London, the delegates from British India and some princely states endorsed the idea of federalism<sup>67</sup>. However, the Congress Party did not attend the first Round Table Conference. Hence, no final decision was taken on the future constitution of India without the consent of the Congress Party which represented the majority of Indians. So, Lord Irwin, the Viceroy, tried to bring the Congress Party to the Second Round Table Conference and succeeded with the signification of the Gandhi-Irwin Pact of 5 March 1931. The Second Round Table Conference was convened in London in 1931 and Mahatma Gandhi attended it representing the Congress Party. Gandhi tabled the Nehru Report as the future constitution of India. But the All India Muslim League stubbornly opposed it. So the Second Round Table Conference too was ended without taking any decision on the future constitution of India. In the third Round Table Conference held in London in 1932, neither the congress nor the princes joined.

Sir Reginald Coupland introduced a plan to iron out communal problems. It came to be known as the Coupland Plan. It sought to divide India into four broad geographical regions: the Indus Basin, the Gangetic Basin, the delta of the Brahmaputra, and the Deccan<sup>68</sup>. Coupland expressed the view that two of these regions would have

<sup>63</sup> *The Federal Idea in India, Essays on Indian Federalism*, ed. S.P. Aiyar and Usha Mehta, Allied Publishers Private Ltd., Bombay 1965, 3.

<sup>64</sup> *Report*, Commission on Centre-state Relations (Sarkaria Commission), 1.2.13, 1988.

<sup>65</sup> B. Ramusack, *The Indian Princes and Their States*, *The New Cambridge History of India*, III (6), Cambridge University Press, Cambridge 2004, 257.

<sup>66</sup> *Ibidem*.

<sup>67</sup> Mokbul Ali Laskar, *op. cit.*, 79.

<sup>68</sup> Durga Das, *India: From Curzon to Nehru and After*, Rupa publications India, New Delhi 1969, 207.

a Muslim majority and the Hindus would predominate in the other two leading to the balance of power at the Centre<sup>69</sup>.

### Government of India Act of 1935

Based on the recommendations of the Simon Commission and consequent discussions in the three round table conferences, the British Parliament passed the Government of India Act 1935 as the future constitution of India. The two main features of the Government of India Act were the provisions for the creation of an all-India federation and responsible Government with safeguards. The Act envisaged an all-India federation consisting of 11 provinces, six chief commissioners' provinces, and such Indian states as would agree to join the federation.

India was undoubtedly a unitary state until 1937 when the Government of India Act 1935 came into force. Till then, the provincial governments were virtually agents of the central government. But, by the Government of India Act 1935, the British parliament set up a federal system in the same manner as it had done in the case of Canada, 'by creating autonomous units and combining them into a federation by the same Act'<sup>70</sup>. All powers till then exercised by the British Government in India were resumed by the crown and redistributed between the federation and the provinces by a direct grant. The provinces under the Government of India Act of 1935 derived their authority directly from the crown and exercised legislative and executive powers conferred on them by the Act. The Governors' provinces were given autonomy. Under the scheme each Governor's province got an executive and legislature having precisely defined spheres and in that exclusively provincial sphere broadly free from the control of the central government and the legislature<sup>71</sup>.

Under the provisions of the Government of India Act, the Federal legislature was empowered to make laws for the whole or any part of British India and the provincial legislature for the provinces or any part thereof<sup>72</sup>. The Act created three lists-Central Lists, a Provincial List, and a Concurrent List. The idea of a concurrent list was conceived and invented at the Round Table conference containing those subjects which could not exclusively be allotted either to the central list or to the provincial list<sup>73</sup>. The framers of the Government of India Act, of 1935 stated the reason why concur-

<sup>69</sup> A. Appadorai, *The Coupland Plan (Economic Aspects)*, "The Indian Journal of Political Science" 1945, 6 (4), 202-205.

<sup>70</sup> *Report, Center-state Relations Inquiry Committee* (Rajmannar committee Government of Tamilnadu, Madras), Madras 1971, 11.

<sup>71</sup> *Report, Joint Committee on Indian Constitutional Reforms*, Session, 1934, 1 (1), 29.

<sup>72</sup> *Section 99 of the Government of India Act, 1935*.

<sup>73</sup> *Proposals for Indian Constitutional Reform*, Government of India Press, Delhi 1933, 20-21.

rent jurisdiction was included that was to secure uniformity in the main principles of law throughout the country<sup>74</sup>. It was contemplated and laid down that federal legislature should be invested with the jurisdiction to enable it in certain cases to secure uniformity in the main principles of law throughout the country to guide and encourage provincial efforts and to provide remedial action for disputes arising in the provincial sphere<sup>75</sup>. The federal legislature would legislate on the subjects enumerated in the federal list and the provincial legislature on the subjects enumerated in the provincial list. Both the federal legislature and provincial legislature would legislate on the subjects enumerated in list III called the concurrent list<sup>76</sup>. But the federal legislature could legislate on a provincial list also when an emergency was in operation for a province or any part thereof<sup>77</sup>. The federal legislature was also empowered to legislate on provincial subjects if two or more provincial legislatures passed a resolution to that effect. The Acts so passed might be amended or repealed by an act of the legislature to which it applied<sup>78</sup>. The residuary power was vested in the hands of the Governor-General<sup>79</sup>. Under this, the Governor-General might empower either the federal legislature or a provincial legislature to enact a law concerning any matter not enumerated in any of the lists given in the act<sup>80</sup>. The federal legislature should have the power to make laws for any federal provinces or federal states with the previous consent of the Governor or the Ruler as the case might be for the implementation of international treaties and agreements<sup>81</sup>.

If any provision of a provincial law was repugnant to any provision of a federal law that the federal legislature was competent to enact or to any provision of an existing Indian law concerning one of the matters enumerated in the concurrent legislative list, the federal law, whether passed before or after the provincial law, the existing Indian law would prevail and the provisional law would remain void and null<sup>82</sup>. Further, if a provincial law concerning one of the matters enumerated in the concurrent legislative list contained any provision repugnant to the provisions of an earlier federal law or an existing Indian law, would prevail provided it was assented to by the Governor-

<sup>74</sup> *Report*, Joint Select Committee on Indian Constitutional Reform, Session, 1934, 1 (1), 30-31.

<sup>75</sup> *Report*, State Level Committee for recommending Amendments to the Constitution of India, (Shivanne Committee), Government of Karnataka, 1976, 149.

<sup>76</sup> *Section 100 of the Government of India Act, 1935.*

<sup>77</sup> *Section 102 of the Government of India Act, 1935.*

<sup>78</sup> *Section 103 of the Government of India Act, 1935.*

<sup>79</sup> *Section 104 of the Government of India Act, 1935.*

<sup>80</sup> *Ibidem.*

<sup>81</sup> *Section 106 of the Government of India Act, 1935.*

<sup>82</sup> *Section 107(1) of the Government of India Act, 1935.*



General or His Majesty<sup>83</sup>. In case of a conflict between the laws passed by the federal legislature and the federal State, the former would prevail<sup>84</sup>.

Prior sanction of the Governor General was required for the introduction of certain bills in the federal legislature. It included bills seeking repeal, amendment, and repugnant to any Act of Parliament and the ordinance promulgated by the Governor-General and the repeal and amendment of any Act relating to any police force. Further, the matters relating to criminal proceedings, discretionary powers of the Governor-General, non-resident British Indians, or subject- persons not resident in British India to greater taxation than persons residing in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein and exemption from payment of tax on income taxed or taxable in the United Kingdom could be introduced in the legislature with the previous sanction of the Governor General<sup>85</sup>. No bill could be introduced in the provincial legislature without the previous consent of the Governor-General relating to the repeal, amendment or was repugnant to any provisions of the Acts of Parliament extending to British India or the Acts or any ordinances of Governor-General, discretionary powers of the Governor-General and the procedures affecting criminal proceedings in which British subjects were concerned. The prior sanction of the Governor was required to move introduce or amend any bill seeking repeal, amendment, or was repugnant to any Governor's Act or any ordinance promulgated in his discretion by the Governor or repeal and amendment of any acts relating to police force<sup>86</sup>.

The Governor General could direct the Governor of any province to discharge as his agent either generally or in any particular case, concerning the tribal areas, defense, external affairs, or ecclesiastical<sup>87</sup>. With the consent of a province or federal state, the Governor-General could entrust to them powers and functions concerning any matter to which the executive authority of the Federation extended. The Governor-General could issue directions to the Indian states if the administration of the law was not carried out under the policy of the Federal Government<sup>88</sup>. The executive authority of the federation extended to the giving of directions to the provinces and the Governor General could veto a provincial Bill reserved for him<sup>89</sup>. The federal government could direct the provinces to carry out any act of the federal legislature specified in Part II of

---

<sup>83</sup> Section 107(2) of the Government of India Act, 1935.

<sup>84</sup> Section 107(3) of the Government of India Act, 1935.

<sup>85</sup> Section 108(1) of the Government of India Act, 1935.

<sup>86</sup> Section 108(2) of the Government of India Act, 1935.

<sup>87</sup> Section 123(1) of the Government of India Act, 1935.

<sup>88</sup> Section 125(1) of the Government of India Act, 1935.

<sup>89</sup> Sections 76, 102, and 103 of the Government of India, Act 1935.

the concurrent legislative list provided that a bill or amendment proposing to authorize the giving of any such directions should not be introduced into or moved in either chamber of the federal legislature without the previous sanction of the Governor-General<sup>90</sup>. The federal government could direct the provinces in the construction and maintenance of means of communication concerning naval, military, and air force works<sup>91</sup>. The federal government could acquire any land in a province or require the province to acquire the land on payment or, if the land belonged to the province, to transfer it to the federal government<sup>92</sup>. The Governor-General could issue directions to the Indian states for the observance of federal obligations. Both the federation and the state ruler could refer disputed matters for the determination of the Federal court in the exercise of its original jurisdiction<sup>93</sup>.

Succession duties, stamp duties, terminal taxes on goods or passengers carried by railway or air, and taxes on railway fares and freights were included in the Federal Legislative List, and the central government was authorized to levy and collect these taxes<sup>94</sup>. The net proceeds of these taxes would be assigned to the provinces and the Federal states. The federal legislature might at any time increase any of the duties or taxes by a surcharge for federal purposes and the whole proceeds of any such surcharge should form part of the revenues of the federation<sup>95</sup>. The federal government was empowered to collect taxes on income except agricultural income and to assign a part of which to the federal states and provinces<sup>96</sup>. The federation was restricted from levying corporation tax from any federal state<sup>97</sup>. The federal government was authorized to levy and collect duties on salt, federal duties of excise, and export duties with the provision that a part of which would be assigned to the provinces and federal states if the federal legislature passed an act to that effect<sup>98</sup>.

All the bills seeking variation of taxes and imposition of new taxes in which provinces were interested could be introduced in either house of the federal legislature only with the previous sanction of the Governor-General<sup>99</sup>. Any unspecified sources of income would be provincial. However, the Governor-General was empowered, after consultation with Federal and Provincial Ministers or their representatives, to

<sup>90</sup> Section 126(1) of the Government of India Act, 1935.

<sup>91</sup> Section 126(3) of the Government of India Act, 1935.

<sup>92</sup> Section 127 of the Government of India Act, 1935.

<sup>93</sup> Section 128(2) of the Government of India Act, 1935.

<sup>94</sup> Section 137 of the Government of India Act, 1935.

<sup>95</sup> *Ibidem*.

<sup>96</sup> Section 138 of the Government of India Act, 1935.

<sup>97</sup> Section 139 of the Government of India Act, 1935.

<sup>98</sup> Section 140 of the Government of India Act, 1935.

<sup>99</sup> Section 141 of the Government of India Act, 1935

declare in his discretion that any unspecified sources of taxation should be federal<sup>100</sup>. In respect of the Indian states, the federal legislature might legislate only on matters to be specified in the instrument of accession<sup>101</sup>. Provision was made for a federal court to ensure that limits placed on the Centre and the units were duly observed<sup>102</sup>.

The executive authority of a province was to be exercised by the Governor on behalf of the King<sup>103</sup>. The Governor was to be appointed by the King by a commission under the Royal Sign Manual<sup>104</sup>. In the exercise of his powers, the Governor was to be aided and advised by a council of ministers<sup>105</sup>. The Governor was to choose his ministers in consultation with the person who in his judgment was likely to command a stable majority in the provincial legislature so that they would collectively command the confidence of the legislature. The Governor was directed to include members of important minority communities in the ministry. He was also to keep in mind the need to foster a sense of joint responsibility among his ministers while appointing them. The ministers would be chosen and summoned by the Governor at his discretion and could also be dismissed by him at his discretion<sup>106</sup>. The salaries of the ministers were to be determined by the provincial legislature but could not be varied during their term of office<sup>107</sup>.

For the administration of matters relating to special responsibilities and discretionary powers, the Governor was empowered to promulgate ordinances valid for six months or to enact Governor's Acts<sup>108</sup>. In addition, the Governor enjoyed the power to take over the entire provincial administration by a proclamation in the event of a constitutional breakdown<sup>109</sup>. Also, he could give his assent to the bills or withhold it<sup>110</sup>.

The act aimed to bring together two disparate elements together- the Indian states and the British directly administered provinces for federalization. The Indian states had been under the rule of the princes while the provinces had been enjoying responsible government to some extent. Accession to the federation was entirely voluntary for the Indian states while it was compulsory for the provinces. To attract the princes to join the federation, they were given such concessions as were denied to the provinces. The extent of the legislative and executive authority of Indian states

<sup>100</sup> *Proposals for Indian Constitutional Reform*, Delhi 1933, 22.

<sup>101</sup> *Section 101 of the Government of India Act, 1935.*

<sup>102</sup> *Sections 200-207 of the Government of India Act, 1935.*

<sup>103</sup> *Section 49 (1) of the Government of India Act, 1935.*

<sup>104</sup> *Section 48 (1) of the Government of India Act, 1935.*

<sup>105</sup> *Section 23 of the Government of India Act, 1935.*

<sup>106</sup> *Sections 51 (1) and (5) of the Government of India Act, 1935.*

<sup>107</sup> *Section 51 (3) of the Government of India Act, 1935.*

<sup>108</sup> *Sections 89 and 90 of the Government of India Act, 1935.*

<sup>109</sup> *Section 93 of the Government of India Act, 1935.*

<sup>110</sup> *Section 75 of the Government of India Act, 1935.*

in the federation would depend upon the terms of the Instrument of Accession to be executed by the ruler of each state personally<sup>111</sup>. However, a measure of uniformity was to be insisted upon. Again, in the federal legislature, while the representatives of the provinces would be elected, representatives of the states would be personal nominees of the rulers<sup>112</sup>. Also, the states were given more than proportionate representation on a population basis in the federal legislature. The Federal Council of Ministers would include elected members so far as representatives of British India were concerned and nominated members so far as representatives of states were concerned. The states were given concessions in financial matters also<sup>113</sup>. The Government of India bill received royal assent in August 1935 and it was decided to introduce provincial autonomy on 1st April 1937 leaving federation to follow later.

Both the Congress Party and the All India Muslim League opposed the federal scheme of the act. The Congress Party vehemently opposed the Government of India Act 1935 not because of the federal structure but because of certain undemocratic aspects of the federation under the Act particularly the inclusion of princes within the federal chamber at the Centre<sup>114</sup>. In the composition of the federal legislature, more weightage was given to the Indian states. The total population of the Indian states was around 24% of that of the whole of India. However, the rulers of Indian states were given 33% of the seats in the lower house and 40% of the seats in the upper house of the federal legislature. Again, in the federal scheme, there was a juxtaposition of the nominees of the autocratic princes of the Indian states and the democratically elected representatives of the people of British India<sup>115</sup>. Thus the princes were placed in a privileged position which was unacceptable to Congress<sup>116</sup>. The All India Muslim League criticized the Act on the count that it opposed any federal objective resulting in majority community rule under the guise of democracy and a parliamentary system of government<sup>117</sup>. According to the All India Muslim League, the ministers would be placed between the devil and the deep sea when the Governors assumed extraordinary powers on the one side and the protected services on the other. The All India Muslim League demanded that the residuary powers be vested with the provinces<sup>118</sup>. They

<sup>111</sup> Section 6 (2) of the Government of India Act, 1935.

<sup>112</sup> The first schedule of the Government of India Act, 1935.

<sup>113</sup> Sections 139 and 147 of the Government of India Act, 1935

<sup>114</sup> K. Adeney, *Constitutional Centring: National Formation and Consociational Federalism in India and Pakistan*, "Commonwealth and Comparative Politics" 2002, 40 (3), 10.

<sup>115</sup> *Indian Annual Register*, 1938, 1, 337.

<sup>116</sup> *Ibidem*, 345.

<sup>117</sup> Padmasha, *Indian National Congress and the Muslims 1928-1947*, Rajesh Publications, New Delhi 1980, 178.

<sup>118</sup> *Memorandum submitted by the Muslim delegation to the Round Table Conference*, 3rd session, 1932, 193-194.

joined with the Indian National Congress in rejecting the fundamental principles of the constitutional scheme of the Act of 1935<sup>119</sup>. The Indian states had earlier expressed their readiness to join the federation provided that certain conditions were fulfilled like maintenance of internal sovereignty<sup>120</sup>. Soon their attitude changed. Despite the various sorts of special considerations given to the states to persuade them to enter the federation, they failed in the end to accept these minimum conditions of the federation. The Indian states mainly rejected the act of 1935 because the terms of the draft instrument of association were unsatisfactory from the point of view of treaty rights, international administration rights, and economic rights of the states, and declined to join the All India Federation<sup>121</sup>. So, the All India Federation did not come into effect. Bhimao Ramji Ambedkar believed that the Government of India Act 1935 created two distinct federations. One was a federation of the British provinces and the second one was a federation of British Indian provinces and the Indian states<sup>122</sup>. Jawaharlal Nehru characterized the Government of India Act 1935 as a charter of slavery<sup>123</sup>.

However, the Government of India Act 1935 could not please all the major forces in India, viz., the Indian National Congress, the Muslim League, and the Princely States, it was a landmark in the evolution of the federal idea in India. Its uniqueness and departure from the canons of federalism, as laid down in the writings of classical exponents of this form of government, were due to the peculiarity of the Indian situation. No doubt, federalism was the only way out in the 1930s.

### **Working of the provincial autonomy under the Government of India Act of 1935**

Elections were held in the provinces in 1937 according to the Government of India Act 1935. However, both the Congress Party and the All India Muslim League had rejected earlier the Government of India Act 1935, they contested the elections held in 1937. In the elections, the Indian National Congress won a landslide victory. The Indian National Congress had an alliance with the Khudai Khidmatgars party in this election. Out of the total 1585 seats in the provincial legislatures, it secured 714 seats. But the All India Muslim League fared poorly by winning only 109 out of the total 492

<sup>119</sup> *Official Report*, Legislative Assembly Debates 1935, Vol. 1, 576.

<sup>120</sup> *Subcommittee Reports and the Prime Minister's Statement*, First Round Table Conference, Second Session, 1931, 3.

<sup>121</sup> B.P. Roy Singh, *Parliamentary Governments in India*, Thacker, Spink & Co. Ltd., Calcutta 1943, 173.

<sup>122</sup> Bhimao Ramji Ambedkar, *Federation versus Freedom*, Gautam Book Centre, Delhi 1939, 81.

<sup>123</sup> Das, Durga, *India from Curzon to Nehru and After*, Rupa Publications, New Delhi 1969, 174.

seats reserved for the Muslims<sup>124</sup>. The Congress Party got a clear-cut majority in the legislatures of five provinces – Madras, the United Provinces, the Central Provinces, Bihar, and Orissa. In Assam and North-West Frontier Province, the Congress Party emerged as the single largest party. In Bombay, with nearly half of the seats at its command, it could easily count upon the support of some pro-congress groups to secure a majority. The Unionist Party and the Praja Party emerged as the majority parties in Punjab and Bengal respectively. In Sind, All India Muslim League emerged as the single largest party with no political party having a clear majority in the legislature<sup>125</sup>.

Under the direction of the All India Congress Committee, the Congress Party refused to accept the office unless the Governor gave an assurance that he would not use the special powers of interference and would not set aside the advice of the provincial council of ministers regarding their constitutional activities<sup>126</sup>. After getting assurance from the Viceroy, Lord Linlithgow, that the Governor would not interfere with the day-to-day administration of the province, the Congress ministries were formed in the North West Frontier Province, the United Province, the Central Province, Bihar, Bombay, and Madras<sup>127</sup>. Assam joined the group in September 1938 after a year of non-congress government. Non-congress Governments were formed in other provinces even before getting assurance from the Viceroy of the non-interference of the Governor in the day-to-day provincial administration. No single party got a majority in Bengal. Therefore, a coalition government was formed between the Muslim League and the Praja Party. In Punjab, the National Unionist Party secured a clear majority and formed a government. Whilst in Sind, the All India Muslim League-led coalition ministry assumed office. Thus the Congress Party was in power in eight provinces. Concerning the special powers of the Governor relating to legislation, there were only two cases on record when the Governor of North West Frontier Province vetoed Bills. The Governor's power of legislation by discretionary ordinance was never used in the Congress provinces. However, it was used in Sind in 1939<sup>128</sup>.

Second World War began in 1939. In the same year, the British Parliament amended the Government of India Act 1935 and added a new section – section 126A – empowering the Government of India, when an emergency in operation due to war or threat of war, to give direction to the provincial governments as to how their executive authority was to be exercised and enabling the federal legislature to legislate on provincial subjects conferring executive authority on the Government of India or its officers<sup>129</sup>. This

<sup>124</sup> *Report, Commission on Centre-state Relations, 2010, Vol. 1, 34.*

<sup>125</sup> *Ibidem, 34-35.*

<sup>126</sup> *Indian Annual Register, Vol. 1, 1937, 44.*

<sup>127</sup> *Ibidem, 47.*

<sup>128</sup> R. Coupland, *Indian Politics, 1936-1942*, Oxford University Press, Oxford 1943, 118.

<sup>129</sup> *Report, Commission on Centre-State Relations, 2010, Vol. 1, 35.*

amendment appeared to be a definite encroachment upon the provincial authority. Despite stiff opposition from the Congress party, India was dragged into the Second World War, and the federal scheme was suspended by the Viceroy through a proclamation on 11, September 1939. As a protest against this, the Congress ministries resigned in all the eight provinces<sup>130</sup>. In the remaining three provinces – Bengal, Sind, and the Punjab – the popular governments continued to function.

In these three provinces, the provincial authority was compromised. The Governor dismissed the Chief Minister of Sind, Allah Buksh, despite he was the undisputed leader of the majority party in the Assembly on the ground that he surrendered his title of Khan Bahadur seeing that the British government was not conducting itself in the best interest of Indians during the war<sup>131</sup>. Likewise, the Chief Minister of Bengal Fazlul Huq was forced to resign by the Governor on 28 March 1943. The dismissal of Allah Buksh and the forced resignation of Fazlul Huq were significant illustrations of how the provincial autonomy could so easily be destroyed by the Governor under the Act of 1935<sup>132</sup>.

### Cabinet Mission of 1946

The All India Muslim League opined that the Western type of democracy was not suitable for India based on party government at the Centre or provinces but it would represent all sections of the people<sup>133</sup>. The All India Muslim League argued that the British government should review and revise the entire problem of India's future constitution de novo in light of the experience gained by the working of the present provincial constitution and developments that have taken place since 1937. It irrevocably opposed any federal objective dominated by majority community rule under the guise of democracy and a parliamentary system of government<sup>134</sup>. In the meantime, the USA and China exercised mounting pressure on British Prime Minister Winston Churchill to solicit India's support in Britain's war efforts because of the unfavorable war situation of allied powers. To realize this objective, the British government sent to India a mission headed by cabinet minister Stafford Cripps in March 1942 with a set of proposals<sup>135</sup>. It included the grant of dominion status and the creation of a constitution-making body immediately after the Second World War. But the Indian

<sup>130</sup> *Ibidem*, 36.

<sup>131</sup> *Ibidem*.

<sup>132</sup> *Ibidem*.

<sup>133</sup> M.H. Sayid, *Resolution of All India Muslim League, India's Problem of Her Future Constitution*, Saxon Press, Bombay 1940, 28.

<sup>134</sup> *Ibidem*.

<sup>135</sup> Bipin Chandra, *India's Struggle for Independence*, Penguin, New Delhi 1989, 455.

National Congress rejected it on the plea that they did not want to rely on future promises. While the All India Muslim League demanded a separate state for Muslims. Thus the Cripps Mission failed to pacify the Indians.

On the failure of the Cripps Mission, the Congress Party demanded the British to quit India in 1942. It expressed that the new India's constitution should be federal with the largest measure of autonomy for the federating units and with the residuary powers vesting in these units. Although the Congress leadership was initially in favor of a centralized federal structure, by 1945 it was inclined towards a loose federation as a concession to the Muslim League to keep India united and to pre-empt the demand for the partition of the country. The non-official Sapru Committee of 1945 also rejected a separate state of Pakistan for Muslims and called for the setting up of a constitution-making body equally represented by the Hindus and Muslims<sup>136</sup>.

The election manifesto issued by the Congress working committee in 1945 endorsed this approach<sup>137</sup>. Maulana Abdul Kalam Azad, who was the President of the Indian National Congress from 1939 to 1946, also proposed a classical federal model and opposed the partition of the sub-continent<sup>138</sup>.

In the 1945 elections held in the British parliament, the Labour Party emerged victorious and formed a government with Clement Atlee as the Prime Minister. The Labour Party in the election manifesto promised freedom to India<sup>139</sup>. According to this, the labor government sent a special mission to India in March 1946 consisting of Pethick-Lawrence, the Secretary of State for India; Sir Stafford Cripps, President of the Board of Trade and A.V. Alexander, First Lord of Admiralty to decide smooth transfer of power. Since all the members from the British Cabinet, this mission came to be known as the Cabinet Mission.

On reaching India, the Cabinet Mission met prominent political parties and organizations in India. The Congress party stood for a federal constitution for the country with a limited number of compulsory federal subjects such as defense, foreign affairs, and communications and with autonomous provinces exercising the residuary powers and a list of optional subjects which any province might voluntarily assign to the Centre<sup>140</sup>. The All India Muslim League argued for a separate independent state of Pakistan consisting of Bengal, Assam, Punjab, North West Frontier Province,

---

<sup>136</sup> Mahendra Prasad Singh, *Indian Federalism: An Introduction*, National Book Trust, New Delhi 2011, 23.

<sup>137</sup> Maulana Abdul Kalam Azad, *India Wins Freedom*, Madras 1988, Orient Longman, 130.

<sup>138</sup> *Ibidem*, 150-152.

<sup>139</sup> *Report*, Commission on Centre-state Relations, 2010, Vol. 1, 36.

<sup>140</sup> *Ibidem*, 37.



Baluchistan, and Sind. The Cabinet Mission published its proposals on 16 May 1946. The Mission proposed the following basic forms for the new constitution<sup>141</sup>.

- (a) there should be a Union of India, dealing with three subjects – Foreign Affairs, Defence and Communications, having the powers necessary to raise the finances required for these subjects;
- (b) the Union should have an Executive and a Legislature of representatives chosen from British India and the States;
- (c) all subjects other than the Union subjects and all residuary powers should vest in the provinces;
- (d) the states would retain all subjects and powers other than those ceded to the Union;
- (e) provinces should be free to form groups (sub-federations) with executives and legislatures, and each group could determine the provincial subjects to be taken in common.

The object of the Cabinet Mission was not to lay down the details of a constitution, but to set up a Constituent Assembly for the preparation of a constitution for independent India. Thus, the Cabinet Mission envisaged a government at the Centre with very limited powers and relatively strong provinces having a considerable degree of authority with all the residuary powers.

### Constituent Assembly Debates on Federation

Bhimao Ramji Ambedkar initially opposed the creation of the constituent assembly for the framing of a new constitution of India on the plea that much of the constitution of India had already been written in the Government of India Act 1935 and he opined only to delete inconsistent provisions of the Government of India Act 1935 with dominion status<sup>142</sup>. However, Mahatma Gandhi demanded a constituent assembly directly elected by the people. However, the constituent assembly was constituted through indirect election in 1946. The peculiar problems like communal issues and the problem of bringing the 562 odd princely states into an organic association with the rest of the country necessitated a centralized republic with a strong Centre. However, in the Constituent Assembly, it was decided to accept the autonomous provinces to secure the cooperation of the Muslim League in the task of framing the constitution for a united India. In the Objective Resolution moved by Jawaharlal Nehru in the Constituent Assembly, it was assured autonomous status to the provinces with residuary powers.

<sup>141</sup> *Ibidem*.

<sup>142</sup> S.C. Kashyap, *Indian Constitution: Conflicts and Controversies*, Vitasta Publishing Private Ltd., New Delhi 2010, 161.

The resolution on the basic objectives of the constitution, moved by Jawaharlal Nehru in the first session of the Constituent Assembly and subsequently adopted by it endorsed the classical model of federalism<sup>143</sup>. Given the external conditions as well as the vastness of the country and its heterogeneous elements, there was consensus in the Constituent Assembly that a unitary system was not only undesirable but unworkable<sup>144</sup>. To bring the Indian states under the federal scheme, it was also announced that the union should have only those three powers of defense, foreign affairs, and communications, which had been conceded by the Cabinet Mission Plan, and the states of the federation should be autonomous units, having all residuary powers.

In January 1947, a Union Powers Committee was constituted with Jawaharlal Nehru as its chairman through the resolution of the Constituent Assembly to examine the scope and content of the subjects assigned to the Centre under the Cabinet Mission Plan and to draw up lists. The committee submitted two reports. The first report was contemplated to be implemented in case of the non-partition of India and the second report in the event of partition. Finally, the Union Powers Committee submitted its report on 17 April 1947 outlining the scheme of distribution of powers between the Union Government and the provinces leaving a very large measure of autonomy to the provinces.

But with the announcement of the Mountbatten Plan of 3 June 1947 that India would be partitioned into the Indian Union and Pakistan Union, a separate Constituent Assembly was proposed for Pakistan and the Union Powers Committee met on 5 June 1947 and decided that the constitution of India should be federal with a strong Centre<sup>145</sup>. Thus, the partition of India as per the decision of the Mountbatten plan had a catalytic effect on the structure of the Indian federation. The Constituent Assembly led by the Congress party reversed the earlier approach and decided in favor of federation with a strong Centre as recommended by the Union Powers Committee and accepted by the Drafting Committee as the soundest framework of our constitution<sup>146</sup>. Hence, the committee proposed a three-fold division of powers on the lines followed in the Government of India Act, 1935 - the Federal, the Provincial, and the Concurrent Lists, leaving the residuary powers with the Union. The Union Powers Committee reported to the President of the Constituent Assembly on 5 July 1947 that the soundest framework of the constitution was a federation<sup>147</sup>. At the same time,

<sup>143</sup> S.C. Kashyap, *Jawaharlal Nehru and the Constitution*, Metropolitan Book Co, New Delhi 1982, 76.

<sup>144</sup> *Constituent Assembly Debates*, Vol. 11, 657-58.

<sup>145</sup> M. Asad Malik, *Charging Dimensions of Federalism in India: An Appraisal*, "ILI Law Review" 2019, Vol. 2, 90.

<sup>146</sup> *Constituent Assembly Debates*, Vol. IV, 729.

<sup>147</sup> *Report*, Commission on Centre-state Relations (Sarkaria Commission) 2.1.01., 1988.

a strong Centre was considered necessary, not only to protect the hard-earned freedom and to preserve the unity and integrity of the country but also to coordinate policy and action between the union and the states on basic issues of national concern<sup>148</sup>. In devising the scheme of distribution of powers between the union and the state, the Constituent Assembly did not adopt a doctrinaire approach based on the outmoded concept of classical federalism. They molded the federal idea to suit the peculiar needs, traditions, and aspirations of the people of India. They had learned from the experience of the working of the older federations as to what institutional improvements would be necessary to ensure the vitality of the system and its adaptability to the changing needs of a dynamic society<sup>149</sup>. It came to their notice that even in the United States of America which was the home of 'classical' federation, the trend was towards centralization and the functional reality did not square with the constitutional theory. The framers of the constitution of India were familiar with the fact that under the Canadian constitution- which they studied as a model intergovernmental arrangements were evolving into a de facto system of cooperative endeavor of shared responsibilities transcending the formally demarcated frontiers<sup>150</sup>. These functional realities, centralizing trends, and changing concepts of federalism find reflection in the scheme of distribution of powers adopted in our constitution.

The draft constitution prepared by the constitutional adviser B.N. Rau contained 37 clauses governing the relations between the federation and the units. These were related to the distribution of legislative powers from clauses 179 to 185, administrative relations from 186 to 194, and finance, property, contracts, and suits including the distribution of revenues between the federation and units from 194A to 214. The Drafting Committee scrutinized the draft constitution and placed it in the Constituent Assembly on 4 November 1948 according to modification of clauses 179 to 214 as Articles 216 to 274 in Parts IX and X of the Draft Constitution of 1948.

Had the 1935 Act not been there, it would have been a difficult task for the members of the Constituent Assembly to frame the constitution of India within the time they took for the same<sup>151</sup>. It was a ready reference for the members of the constituent Assembly. Almost every provision of the constitution of India was found to have been mentioned in the Government of India Act 1935 either directly or indirectly. The Constituent Assembly simply modified or changed most of the existing provisions of the Government of India Act, of 1935, and suitably adopted them in the Constitution of India. The framing of the constitution of India was thus not a revolutionary exer-

---

<sup>148</sup> *Ibidem*.

<sup>149</sup> *Ibidem*, 2.1.02.

<sup>150</sup> *Ibidem*, 2.1.03.

<sup>151</sup> Mokbul Ali Laskar, *op. cit.*, 93.

cise, and the constitution that had been framed by the constituent assembly of India fundamentally inherited and carried forward the colonial legacies.

One of the controversies that confronted the Constituent Assembly was regarding designating India as either a federation or a union. B.N Rao, the Constitutional Advisor, in his Draft constitution, suggested the term federation for historical reasons since federalism in India has been tailored according to the specific needs of the country. But, since the Regulating Act of 1773 till independence in 1947, India unitarily governed and thus accumulated a strong unitary memory<sup>152</sup>. The union constitution committee had used the word 'federation' but the drafting committee of the constituent assembly substituted it with the word 'union'<sup>153</sup>. However, federalism as adopted by the Constituent Assembly in 1949, was not something new, it was largely influenced by the Government of India Act of 1935<sup>154</sup>.

The drafting committee used the term 'union' in place of federation since the Indian union was not the result of an agreement by the sovereign states as the British provinces and the princely states were not sovereign states before independence<sup>155</sup>. However, certain members of the Constituent Assembly objected to the description of India in Article 1 of the Draft Constitution as a Union of States and argued that the correct phraseology should be a federation of states<sup>156</sup>. But South Africa which is a unity state is indeed described as a union. Likewise, Canada which is a federation is also called a union. Thus the description of India as a union, though its constitution is federal does not violate the usage<sup>157</sup>. Thus, in the Constitutional Assembly, the Drafting Committee decided in favor of describing India as a Union, although its constitution might be federal in structure. Moving the draft constitution for the consideration of the Constituent Assembly on 4 November 1948, Bhimao Ramji Ambedkar explained the significance of the use of the expression "Union" instead of the word "Federation". He said "...What is important is that the use of the word 'Union' is deliberate... Though the country and the people may be divided into different states for convenience of administration, the country is one integral whole, its people a single people living under a single imperium derived from a single source"<sup>158</sup>. Dr. Bhimao Ramji Ambedkar stated in the Constituent Assembly that the constitution had sought to forge means and methods by which India would have a federation and

<sup>152</sup> M.G. Khan, *Coalition Government and Federal System in India*, "The Indian Journal of Political Science" 2003, Vol.64, 168.

<sup>153</sup> *Constituent Assembly Debates*, Vol. 7, 33.

<sup>154</sup> V.G. Thresiamma, *Making of the Indian Constitution and the Debate on the Issue of Tribal Development*, "The Indian Journal of Political Science" 2011, 72 (1), 1-2.

<sup>155</sup> *Constituent Assembly Debates*, Vol. 7, 43.

<sup>156</sup> *Ibidem*.

<sup>157</sup> *Ibidem*.

<sup>158</sup> *Report*, National Commission to Review the Working of the Constitution, 8.1.12., 2002.

at the same time would have uniformity in all the basic matters which were essential to maintain the unity of the country<sup>159</sup>. He further expressed that the Centre was stronger than that had earlier created under the Government of India Act 1935<sup>160</sup>. It was because of the farsightedness of the makers of the Constitution that changes could be brought about largely peacefully and entirely within the four walls of the Constitution. The framers of the Constitution recognized that there was a category of subjects of common interest that would not be allocated exclusively either, to the states or the union. Nonetheless, a broad uniformity of approach in legislative policy was essential to combine specific requirements of different states with the articulation of a common national policy objective<sup>161</sup>. Conceived thus, the harmonious operation of the concurrent list could well be considered to be creative federalism at its best. The adoption of a strong Centre by the Constituent Assembly in 1947 was the need felt by the leaders of free India to safeguard the unity of the country threatened by several divisive forces<sup>162</sup>.

## Conclusion

Federal ideas existed in ancient and medieval India. However, the British centralized all powers with the establishment of their rule. It culminated with the passage of the Charter Act of 1833. They dropped the centralization of power when it produced a reciprocal result. The process of decentralization in modern India began with the Indian Councils Act of 1861. What prompted the beginning of decentralization in 1861 was the realization on the part of the alien rulers of the unsuitability of centralized administration for a plural society. The successive constitutional enactments of 1892 and 1909 further decentralized powers. In Government India Act of 1919 introduced a bicameral legislature. Further, the Government of India Act 1935 laid the foundation for India's federal structure. It created dual polity in modern India by making provinces separate entities. The Constituent Assembly borrowed most of the federal features of the Government of India Act of 1935 and added these to the constitution of India. The federal system established in India after independence under the constitution of India in 1950 is, of course, more immediate to our political experience. The Constitution of India is neither fully Rousseauic, Lockean, Montesquiean, Hobbesian, nor Kantian in the context of the social contract theory.

---

<sup>159</sup> *Constituent Assembly Debates*, Vol. 7, 33.

<sup>160</sup> *Constituent Assembly Debates*, Vol. 4, 741.

<sup>161</sup> *Report, National Commission to Review the Working of the Constitution*, 8.2.4., 2002.

<sup>162</sup> S. Saraswathi, *Participative Centralization: Sarkaria Commission's Prescription for Union-state Relations in India*, "The Indian Journal of Political Science" 1989, 50 (2), 191.

## Bibliography

- Adeney K., *Constitutional Centring: National Formation and Consociational Federalism in India and Pakistan*, "Commonwealth and Comparative Politics" 2002, 40 (3).
- Aiyar S.P., *The Federal Idea in India, Essays on Indian Federalism*, ed. S.P. Aiyar, Usha Mehta, Allied Publishers Private Ltd., Bombay 1965.
- Altekar A.S., *State and Government in Ancient India*, Motilal Banarsidass Publishers Private Ltd., Delhi 2009.
- Amal R., Kincaid J., *Politics, Economic Development, and Second-Generation Strain in India's Federal System*, "Publius: The Journal of Federalism" 1988, Vol. 18, No. 2.
- Appadorai A., *The Coupland Plan (Economic Aspects)*, "The Indian Journal of Political Science" 1945, 6 (4).
- Asad Malik M., *Charging Dimensions of Federalism in India: An Appraisal*, "ILI Law Review" 2019, Vol. 2.
- Banerjee A.C., *Indian Constitutional Documents*, A Mukherjee and Company, Calcutta 1948.
- Bhattacharjee K.S., *An Analysis of Centre-State Relations*, "Social Scientist" 1982, 10 (7).
- Bhimao Ramji Ambedkar, *Federation versus Freedom*, Gautam Book Centre, Delhi 1939.
- Bipin Chandra, *India's Struggle for Independence*, Penguin, New Delhi 1989.
- Campbell G. Sir, *Memories of my Indian Career*, Macmillan, Vol. 5, London 1893.
- Constituent Assembly Debates* (Sixth Reprint), Lok Sabha Secretariat, Vol. 7 and 11, New Delhi.
- Coupland R., *Indian Politics, 1936-1942*, Oxford University Press, Oxford 1943.
- Courtenay Ilbert, *The Indian Councils Act-1909*, "Journal of the Society of Comparative Legislation" 1911, 11 (2).
- Durga Das, *India from Curzon to Nehru and After*, Rupa Publications, New Delhi 1969.
- Durga Das, *India: From Curzon to Nehru and After*, Rupa publications India, New Delhi 1969.
- Fali S. Nariman, *The State of the Nation: In the Context of India's Constitution*, Hay House Publishers India Pvt. Ltd., New Delhi 2013.
- Gleig, *Memoire of Warren Hastings*, Vol. 2, Richard Bentley, London 1841.
- Gokhale B.G., *Ancient Indian History and Culture*, Asia Publishing House, Bombay 1967.
- Gopakumar K., *Historical Evolution of Federal Finances in India*, "Federal Governance" 2012, 9 (2).
- Kapur A.C., *Constitutional History of India*, S Chand and Company Ltd., New Delhi 1985.
- Kashyap S.C., *Indian Constitution: Conflicts and Controversies*, Vitasta Publishing Private Ltd., New Delhi 2010.
- Kashyap S.C., *Jawaharlal Nehru and the Constitution*, Metropolitan Book Co., New Delhi 1982.
- Keay J., *India – A History: From the Earliest Civilizations to the Boom of the Twenty-First Century*, Harper Press, London 2010.
- Keith A.B., *A Constitutional History of India*, Rutledge, London 1937.
- Khan M.G., *Coalition Government and Federal System in India*, "The Indian Journal of Political Science" 2003, Vol. 64.
- Laponce J.A., *The Protection of Minorities by the Electoral System*, "The Western Political Quarterly" 1957, 10 (2).
- Mahendra Prasad Singh, *A Borderless Internal Federal Space? Reorganization of States in India*, "India Review" 2007, 6 (4).
- Mahendra Prasad Singh, *Indian Federalism: An Introduction*, National Book Trust, New Delhi 2011.
- Maulana Abdul Kalam Azad, *India Wins Freedom*, Orient Longman, Madras 1988.
- Mokbul Ali Laskar, *Dynamics of Indian Federalism. A Comprehensive Historical Review*, Notion Press, Chennai 2015.
- Noorani A.G., *Centre-State Relations in India*, "Law, and Politics in Africa, Asia, and Latin America" 1975, 8 (3-4).

- Padmasha, *Indian National Congress and the Muslims 1928-1947*, Rajesh Publications, New Delhi 1980.
- Philips C., *Evolution of India and Pakistan 1858-1947, Select Documents*, Oxford University Press, Oxford 1962.
- Proposals for Indian Constitutional Reform*, Government of India Press, Delhi 1933.
- Ram Sharan Sharma, *Aspects of Political Ideas and Institutions in Ancient India*, Motilal Banarsidass, Delhi 1968.
- Ramusack B., *The Indian Princes and Their States, The New Cambridge History of India*, III (6), Cambridge University Press, Cambridge 2004.
- Report of the Indian Statutory Commission*, His Majesty's Stationary Office, Vol. 1, London 1930.
- Report*, Center-state Relations Inquiry Committee (Rajmannar committee), Government of Tamilnadu, Madras 1971.
- Report*, Commission on Centre-state Relations (Punchhi Commission) Government of India, New Delhi 2010.
- Report*, Commission on Centre-state Relations (Sarkaria Commission) Government of India, New Delhi 1988.
- Report*, Joint Committee on Indian Constitutional Reforms, Session 1, 1934.
- Report*, National Commission to Review the Working of the Constitution. Government of India, New Delhi 2002.
- Report*, State Level Committee for Recommending Amendments to the Constitution of India (Shivanna committee), Government of Karnataka, Bangalore 1976.
- Richards J.F., *The New Cambridge History of India: The Mughal Empire*, Cambridge University Press, New Delhi 2013.
- Roy Singh B.P., *Parliamentary Governments in India*, Thacker, Spink & Co. Ltd., Calcutta 1943.
- Rudolph L., Rudolph S.H., *Federalism as State Formation in India. A Theory of Shared and Negotiated Sovereignty*, "International Political Science Review" 2010, 31 (5).
- Saraswathi S., *Participative Centralization: Sarkaria Commission's Prescription for Union-state Relations in India*, "The Indian Journal of Political Science" 1989, 50 (2).
- Saraswathi, *Participative Centralization: Sarkaria Commission's Prescription for Union-State Relations in India*, "The Indian Journal of Political Science" 1989, 50 (2).
- Sayid M.H., *Resolution of All India Muslim League, India's Problem of Her Future Constitution*, Saxon Press, Bombay 1940.
- Sharma B.M., *The Indian Federation*, The Upper India Publishing House Ltd., Lucknow 1932.
- Shiva Rao B., *The Framing of India's Constitution: Select Document*, The Indian Institute of Public Administration, Vol. 1, New Delhi 1968.
- Spea P., *A History of India*, Vol. 2, Penguin Books, Baltimore 1965.
- The Indian Institute of Public Administration, *The Organization of the Government of India*, Second Revised Edition, Somaiye Publications Private Ltd., Bombay 1971.
- Thresiamma V.G., *Making of the Indian Constitution and the Debate on the Issue of Tribal Development*, "The Indian Journal of Political Science" 2011, 72 (1).