CHAPTER 3.
COMPOSITION, POWERS AND FUNCTIONS OF THE
COUNCIL OF STATE

"We do not propose to institute a complete bicameral system, but to create a Second Chamber which shall be the final legislative authority in matters which the government regards as essential."


"What we seek is some means for use on special occasions, of placing on the statute book, permanent measures to which the majority of members in the legislative Assembly may be unwilling to assent."

--Ibid--

The Central Legislature of India was radically remodelled as a result of constitutional changes in consequence of the Government of India Act 1919. There was set up a bicameral body, known collectively as the Indian Legislature consisting of two chambers, the Council of State and the Legislative Assembly. The Council of State consisted of 59 members of whom 33 were elected and 26 nominated, of the nominated members 19 were officials.

The Legislative Assembly consisted of 143 members of whom 103 were elected and 40 nominated. Of the nominated members 25 were officials.

Departure from the Recommendations of Montagu-Chelmsford Report:

The Report on Indian Constitutional Reforms was published on July 8, 1918. But to complete the work three committees were appointed -- the Franchise Committee, under the presidency of Lord Southborough; the Functions Committee,
under the chairmanship of Mr. Richard Festham; and the committee on Home administration under the chairmanship of Marquess Crewe—which issued their reports before the middle of June 1919. On the basis of these reports the Government of India Bill, 1919 was drafted. On June 5, 1919, Mr. Montagu moved "that the Bill be now read a second time." After the Second reading was over the two Houses agreed to refer the Bill to a joint select committee, with Lord Selborne as chairman and consisting of seven members of the House of Commons and seven members of the House of Lords. The Joint Select Committee examined a number of witnesses, both official and non-official, English and Indian. It drew up a valuable report, which was accepted by the House of Commons and the Bill was amended accordingly. It was passed by the House of Commons on 5th December and by the House of Lords on 17th December and received the Royal Assent on 23rd December, 1919. The Joint Select Committee made several suggestions to modify the Government proposals. We are here concerned with the changes suggested by the Committee regarding the composition powers and functions of the Council of State.

The Joint Select Committee rejected the view of Montagu-Chelmsford to establish a Council of State which would ultimately help the Government of India to make laws without reference to the Legislative Assembly and to that extent it rejected the device proposed in the Bill. It did not favour the retention of the Council of State as an organ of government legislation but suggested that it should be reconstituted as a true second chamber. "The Committee do not accept the device,"1

1 Report from the Joint Select Committee, d. 17 November 1919 Part IX—Cl.18.
the committee asserted, "of carrying government measures through
the Council of State without reference to the Legislative
assembly, in cases where the latter body cannot be got to assent
to a law which the Governor-General considers essential. Under
the scheme which the Committee propose there is no necessity to
retain the Council of State as an organ for government legis-
lation. It should therefore be reconstituted from the
commencement as a true Second Chamber." The Committee also
suggested a different electorate for the Council as opposed to
the suggestion of the Franchise Committee to have the same
electorate for the Assembly and the Council. The Franchise
Committee had advised that the non-official members should be
elected by the same group of persons as elect the members of the
Legislative Assembly and in the same constituencies. "This is
a plan," The authors of the Report said, "which the committee
could in no circumstances, accept. They hope and believe that
a different system of election for the Council of State can be
devised by the time the constitution embodied in this Bill comes
into operation, and they recommend that the government of India
be enjoined forthwith to make suggestions, accordingly, to which
effect can be given without delaying the inauguration of the
new constitution. If the advice of the Committee that it be
re-appointed for the purpose of considering the rules to be
framed under this Bill be approved, it should have an opportunity
of considering the proposals made for the election of the
Council of State."\(^3\)

Thus as originally planned, the Council of State was
intended to be a body in which the Government of India would be

\(^2\) Ibid.
\(^3\) Ibid.
assured of a majority. But the Joint Select committee on the Bill revised the proposal and to use their language, "reconstituted the Council as a true Second Chamber."

RELEVANT PROVISIONS IN THE ACT AS FINALLY PASSED:

PART II: The Indian Legislature is to consist of the Governor-General and 2 chambers namely the Council of State and the Legislative Assembly.

Art. 17: Except as otherwise provided before under this Act a Bill shall not be deemed to have been passed by the Indian Legislature unless it has been agreed to by both chambers either without amendment or with such amendments only as may be agreed to by both chambers.

Art. 18: (1) The Council of State shall consist of not more than 6 nominated members or elected in accordance with rules made under the principal Act, of whom not more than 20 shall be official members.

(2) The Governor-General shall have the power to appoint from among the members of the Council of State, a President and other persons to preside in such circumstances as he may direct.

(3) The Governor-General shall have the right of addressing the Council of State and may for that purpose require the attendance of its members.

DURATION OF THE COUNCIL OF STATE:

Art. 21: Every Council of State shall continue for 5 years provided that may be sooner dissolved by the Governor-General and after dissolution the Governor-General shall appoint a date
not more than 6 months or with the sanction of the Secretary of State not more than 9 months after the date of dissolution for the next session of that chamber.\textsuperscript{4}

The reconstitution of the Council of State as a true second chamber was also emphasized by His Royal Highness the Duke of Connaught in his speech on the inauguration of the Indian Legislatures, in the following passage: --

"In the Council of State it has been the intention of the Parliament to create a true senate, a body of Elder Statesmen endowed with mature knowledge, experience of the world and consequent sobriety of judgement. Its function will be to exercise a revising and not an overriding influence for caution and moderation and to review and adjust the acts of the larger chamber.\textsuperscript{5}

Thus the first Second Chamber in India was to consist of 60 members, of whom not more than 20 might be officials. Of the nominated members one (the representative of Berar) was for all practical purposes an elected member and the number of officials was reduced as low as 17. This shows, as pointed out by the Viceroy and Governor-General, that as the discussion on the form of the new constitution developed, it was decided that the Government of India should surrender its majority and trust the Council of State and further that after the Constitution of the Council of State was finally settled by Parliament, the Governor-General advanced again on the path of trust by refraining from nominating the full number of officials allowed by the Act and nominating non-officials in their place.\textsuperscript{6}

\textsuperscript{4} Government of India Act, 1919.
\textsuperscript{6} --do-- Speech of H.E. The Viceroy and Governor-General
FRANCHISE FOR THE COUNCIL OF STATE:

A very narrow franchise was provided for the Council of State and was based upon high property qualifications. The methods of election was direct. There were two classes of constituencies — general and special. Franchise for the Council of State and the Legislative Assembly was not uniform throughout India. It varied in the different provinces, the idea being to take into consideration the prevailing local conditions. As regards the general constituency a voter must be resident in that general area, and an owner of a village, or an inamdar, jagirdar, or Sardar etc. Persons who paid income-tax on annual income of Rs. 10,000 to Rs. 20,000 or paid an annual land revenue amounting from Rs. 750 to Rs. 5,000 could be enrolled as voters. The right of vote was also given to persons who possessed experienced as (i) Chairman or Vice-Chairman of Municipalities District Boards or Central Co-operative Banks, (ii) Members of any legislative body in India, (iii) Fellows of Indian Universities and, (iv) Persons on whom the government had conferred titles of oriental learning such as Shamsul-Ulema or Mahamahopadhyaya. In 1925, the total number of voters for the Council of State from British India was less than fifteen thousand. Constituencies were formed on communal basis, each province being treated as a unit, women were excluded from the right to vote. The extremely high property qualifications made the Council of State a citadel of vested interests while other electoral qualifications ensured that it would have a little sprinkling of intellectuals and public men.7

7 K.R. Bombaywall --Indian Politics and Government.
The principle of Minto-Horley Reform scheme was accepted. In 1909 the Minto-Horley Reform scheme recommended communal representation. Under the reforms following the Montagu-Chelmsford Report, this principle was accepted and implemented. In every council a small number of seats were kept for Europeans and a large number of seats for Muhammadans. The Muhammadan members were elected by Muhammadans. The Bombay Council kept a few seats for the Mahrattas, the Madras Council for non-brahmins and the Punjab Council for the Sikhs.

The franchise for the Assembly was a little less restricted. Voters had to possess one of the following qualifications: (i) assessment to income tax on an annual income of not less than Rs. 2,000 to Rs. 5,000, (ii) assessment to an annual land revenue amounting from Rs. 50 to Rs. 150, (iii) payment of municipal taxes amounting to not less than Rs. 15 to Rs. 20 a year, (iv) occupation or ownership of a house having the rental value of Rs. 180/- per annum. The local variations in qualifications were necessitated by the differences of economic and political conditions in different provinces. In 1934, the electorate for the Indian Legislative Assembly comprised 1,415,892 voters including only 81,602 women.

POWERS AND FUNCTIONS OF THE COUNCIL OF STATE.

Powers and functions of the Indian Legislature:
(a) Legislative: The Central Legislature was empowered to pass laws for the whole of British India on all subjects except those treated as provincial. However, it exercised its powers under severe restrictions. The Indian
Legislature had no power to amend or repeal any parliamentary statute applicable to India and it could not pass a law abolishing any High Court without the sanction of the Secretary of State for India. Certain types of Bills (Viz., those relating to the public debt or revenues of India, religious rights and usages of British subjects in India, discipline or maintenance of the armed forces, the relations of the Government of India with foreign princes or states, any provincial law on any Act or ordinance made by the Governor-General of India) could not be introduced in the Legislature without the previous sanction of the Governor-General. Besides, the Governor-General could stop, at any stage, the consideration of any Bill or any clause thereof, if in his opinion it affected, "the safety or tranquility of British India or any part thereof." Every Bill passed by the Legislature needed the Governor-General’s assent before it could become a law. He could veto such a bill or return it to the Legislature for reconsideration or reserve it for the signification of His Majesty’s pleasure. The Governor-General also had positive powers of flouting the decisions of the Indian Legislature through his power of Certification. If the legislature rejected any Bill the passage of which was regarded by him as "essential for the safety, tranquility or interests of British India or any part thereof," he could, under his own signature, declare the Bill to have been passed. A Bill passed in this manner could not come into force without the assent of His Majesty. Over and above this, the Governor-General could promulgate ordinances "for the peace and good government of British India or any part thereof" for not more than six months at a time.
(b) Financial Powers: The Indian legislature was also given nominal financial powers. The Governor-General was required to cause the Annual Statement of estimated revenues and expenditure before the Legislature. The Budget could be discussed in a general way but only a part of it was subject to the vote of the Assembly. A major part (over 80%) of the budget consisted of non-votable items. These items could not be voted upon by the Legislature. Nor could they be discussed without the permission of the Governor-General. Non-votable items covered some of the most important subjects including the salaries of the Governor-General and his executive council and salaries and pensions of all persons appointed by His Majesty or the Secretary of State, interest and sinking fund charges, salaries of chief commissioners and judicial commissioners and expenditure under the heads ecclesiastical, political and defence. As for the votable items, the Assembly had the 'power of approving, reducing or rejecting demands for grants. But even here the special powers of the Governor-General reduced this power, a pleasant fiction. He could restore any grant rejected or reduced by the Assembly if he deemed it essential for the discharge of his responsibilities.'

(c) Powers of influencing the Executive:

The Executive remained unaccountable to be Legislature but the latter could criticise and expose its policies and actions.

8 "Out of a total of 131 crores (excluding Railways) only 16 crores were votable. Further, out of the non-votable amount, as much as 67 crores...were for Military expenditure.

in a number of ways. Members could seek information through questions and supplementaries. They could move adjournment motions for the discussion of urgent matters of public importance. They could also move resolutions which, however, had no power to bind the executive. Further, they enjoyed the right of freedom of speech on the floor of the Legislature.

Thus we see that the Central Legislature was clearly a non-sovereign body. Its powers were rigidly circumscribed and restricted. It was subject to the supreme authority of the British Parliament and could not amend or repeal any parliamentary statute applicable to India. Besides, 4/5 of the country's finances were placed beyond its absolute control. The special powers of veto and certification made the Council of State an influential but powerless body. It "could at the most indulge in declamatory rhetoric which very often fell on deaf ears and beat its head against stone-walls." 9

RELATIONS BETWEEN THE TWO CHAMBERS:

The two Houses of the Indian Legislature did not enjoy equal powers. In the case of non-money Bills the powers of the Council of State were co-ordinate and co-equal with those of the Assembly. Such a Bill could be introduced in either House but it could not become an Act unless both houses passed it. Of course, the Governor-General could certify a Bill rejected by one of the Houses. In case of financial Bills, however, the Council of State occupied a comparatively less advantages position than the Assembly. This was only natural and in keeping with the status given to second chambers in most western countries. The Council of

9. Payleth - Indian Administration - P. 44
state was a conservative chamber far removed from the common people. It would, therefore, have been patiently unjust to place it on a footing of equality with the more popular and representative lower House. Both Houses could discuss the budget but only the lower House enjoyed the privilege of voting supplies on votable items of the budget, which were not submitted to the council of state after they had been voted upon by the Assembly. But the equal powers of the two houses in the field of non-financial legislation could obviously create deadlocks in cases they failed to agree over a Bill. Three different remedies were provided for avoiding and resolving deadlocks.

**REMEDIES FOR DEADLOCKS.**

(a) **Joint Committees:**

In the first place, the two Houses could agree to appoint a joint committee including an equal number of members from each House to consider a Bill before it received its second reading in the originating House. In this way, the objections of the other House could be known before hand, and conflict averted.

(b) **Joint Conference:**

In the Second place the two Houses could try to resolve a conflict by agreeing to a joint conference if the conflict occurred after the originating House had passed the Bill. A joint conference consisted of an equal number of representatives from each House. If discussions held during the joint conference resulted in a compromise, the conference made recommendations to both Houses which were ordinarily accepted.
(c) Joint Sitting:

If, however, the joint conference failed to bring about an amicable settlement, the Governor-General could convene a joint sitting of the two Houses. At a joint sitting, the President of the Council of State took the chair and decision was taken by a majority of the members voting and present and the Bill passed by this majority was taken to have been passed by both Houses. It is evident, in view of the much larger number of its members, that the will of the Assembly was likely to prevail in the joint sitting.
COMPOSITION OF THE COUNCIL OF STATE:

The first elections to the two Houses of the Indian Legislature under the 1919 reform were held at the end of 1920. The elections had been boycotted by the Indian National Congress but the moderates and others took their chance and entered the legislatures with the hope of serving the cause of the country.

The analysis in the following statements clearly and authoritatively reveals the territorial, communal, religious and professional character of the Indian legislature as it was constituted from time to time:

COMPOSITION OF THE I COUNCIL OF STATE

THE FIRST SECOND CHAMBER IN INDIA WAS CONSTITUTED AS FOLLOWS:

<table>
<thead>
<tr>
<th>Province</th>
<th>Nominated (A)</th>
<th>Elected Members.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non Officials</td>
<td>Non Officials</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Muslim</td>
</tr>
<tr>
<td>t. of India</td>
<td>11</td>
<td>--</td>
</tr>
<tr>
<td>(Including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>President)</td>
<td></td>
<td></td>
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<tr>
<td>t. of India</td>
<td>11</td>
<td>--</td>
</tr>
<tr>
<td>(Including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>President)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Bombay</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Assam</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>United Provinces</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Punjab</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>R &amp; C. &amp; Berar</td>
<td>1</td>
<td>--</td>
</tr>
<tr>
<td>M</td>
<td>--</td>
<td>2(C)</td>
</tr>
<tr>
<td>Etc.</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Frontier</td>
<td>--</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>10</td>
</tr>
</tbody>
</table>

Note: (B) denotes Brahmins; (C) denotes Co-Religious.
(A) The distribution of the 27 nominated seats is not fixed, and may be varied at the discretion of the Governor-General; but the officials cannot exceed 20.

(B) At alternate general elections three non-Muhammadans seats for Bihar and Orissa, but only one Muhammadan for the Punjab.

(C) One of these is a member nominated as the result of an election held in Berar.


Communal

From the Commercial point of view the Composition of the two Houses was as follows:

<table>
<thead>
<tr>
<th></th>
<th>Hindus</th>
<th>Moslems</th>
<th>Europeans</th>
<th>Depressed classes</th>
<th>Other Minorities</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council of State</td>
<td>21</td>
<td>17</td>
<td>16</td>
<td></td>
<td>6</td>
<td>60</td>
</tr>
<tr>
<td>Legislative Assembly</td>
<td>70</td>
<td>38</td>
<td>25</td>
<td>1</td>
<td>11</td>
<td>145</td>
</tr>
</tbody>
</table>

CLASSIFICATION OF ELECTED MEMBERS BY RELIGION.

Taking the Council of State and Legislative Assembly together we find that the elected members classified by religion include

70 Hindus
42 Mohammadans
13 Christians
5 Parsees
4 Sikhs
2 Buddhists

CLASSIFICATION ACCORDING TO PROFESSIONS

According to professional qualifications the members consisted of

46 lawyers (4 in the Council and 42 in the legislative assembly)
42 Landholders (17 in the Council and 25 in the assembly)
26 Merchants
Traders and (9 in the Council and 17 in the assembly
Businessmen
6 Retired Government Officials
1 Professor
1 Political Prisoner
1 Confectioner
1 Grocer and
12 members whose professions are unclassified
COMPOSITION OF LEGISLATURE

INDIA'S PARLIAMENT

Council of State

II Term

Election of November 1926.

UPPER CHAMBER -- COUNCIL OF STATE.

5 years term

President: Sir Henry Moncrieff Smith
(Nominated by Viceroy)

Elected ... ... 33*
Nominated ... ... 27

(Officials-18, Others-9.)

Total..... 60

COMPOSITION OF THE II COUNCIL OF STATE

60 Members

(33 Elected)

(27 Nominated)

* Page 436, India 1927-28,

Ed. by J. Coatman—Director of Public Information, Government of India. Appendix IV.
ELECTED (33)

Non-Huhammadan (General)

Burma

Central Province

Bihar and Orissa

West Bengal

West Bengal

Madras

Madras

Bombay

United Province

Madras

Muhammadan

East and West Punjab

Bihar and Orissa

Madras

Assam

Bihar and Orissa

U.P., West

West Bengal

West Bengal

Sind

Bombay

United Province

Bombay

Bombay

NOMINATED (27)

OFFICIALS

1. Commander-in-Chief

2. Member for Education, Health and lands

3. Law Member

4. Delhi--N.C.

5. D.G.I.M.S.

6. Madras

7. Commerce Secretary

8. Finance Secretary

Non-OFFICIALS

1. Punjab

2. Bombay

3. Berar

4. Punjab

5. Bengal

6. Bengal

7. Punjab

8. U.P.
ELECTIONS TO VI COUNCIL OF STATE.

In the elections to the Council of State in 1925, the elections of course did not cause anything like the same excitement as elections for the legislative assembly but they were given more than a spice of interest by the avowed determination of the die-hard Swarajists to capture as many seats as possible in the Council. In the event, while they scored one or two unexpected successes, they were only able to return 9 members out of a total of 33 elected members.¹

¹ India -- 1925-26 -(p.86)--Ed. by Coatesman.
The Composition of the Legislative Assembly was as follows:

<table>
<thead>
<tr>
<th></th>
<th>Nominated members</th>
<th>Elected Members</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Offi-</td>
<td>Non</td>
</tr>
<tr>
<td></td>
<td>cials</td>
<td>offi-</td>
</tr>
<tr>
<td>Government of India</td>
<td>1</td>
<td>5(a)</td>
</tr>
<tr>
<td>Madras</td>
<td>2</td>
<td>--</td>
</tr>
<tr>
<td>Bombay</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Bengal</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>United Provinces</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Punjab</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Bihar and Orissa</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Central Provinces</td>
<td>1</td>
<td>1(b)</td>
</tr>
<tr>
<td>and Berar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assam</td>
<td>1</td>
<td>--</td>
</tr>
<tr>
<td>Burma</td>
<td>1</td>
<td>--</td>
</tr>
<tr>
<td>Delhi</td>
<td></td>
<td>--</td>
</tr>
<tr>
<td>Ajmer Narwar &amp;</td>
<td>--</td>
<td>1(e)</td>
</tr>
<tr>
<td>North West Frontier</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Province</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>26</td>
</tr>
</tbody>
</table>

(a) The five nominated non-official members represented five special interests, namely, Associated chamber of Commerce, Indian Christians, Labour interests, the Anglo-Indian community, and the Depressed classes.
(b) This was a member for Berar elected by Berar voters and nominated thereafter by the Governor-General.
(c)(d)(e) These five seats were from non-communal constituencies and the candidates need not be "non-Mohammedan."

COMPOSITION OF THE LEGISLATIVE ASSEMBLY
(on the basis of political and communal division)

3 years term

President: V.J. Patel
(Swarajist, Elected by Assembly)

<table>
<thead>
<tr>
<th>Parties</th>
<th>Representation</th>
<th>Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Swarajists</td>
<td>...</td>
<td>40 (Pandit Motilal Nehru and Srinivasa Iyengar)</td>
</tr>
<tr>
<td>2. Nationalists</td>
<td>...</td>
<td>20 (Pandit Madan Mohan Malaviya lala Rajpat Rai)</td>
</tr>
<tr>
<td>3. Muslim Centre party and non-party</td>
<td>...</td>
<td>17 (Sir Zulifiqar Alikhan Sir Abdul Qaiyu)</td>
</tr>
<tr>
<td>4. Independents</td>
<td>...</td>
<td>16 (M.A. Jinnah)</td>
</tr>
<tr>
<td>5. Europeans</td>
<td>...</td>
<td>10 (Sir D'Arcy Lindsay)</td>
</tr>
<tr>
<td>6. Nominated</td>
<td>(Officials 26, others 15)41</td>
<td>(Sir Basil Blackett, Finance Member of the Council)</td>
</tr>
</tbody>
</table>

The parties of India fall naturally into two main classes, those which support the Government and those which do not. Their important differences lie in the methods which they advocate in obstructing or sustaining the constituted authorities.

**Swarajists**: Opposed to the present constitution. They question the right of the Parliament to determine the future stages of advance. Desire to attain Swaraj through obstruction and make the work of the present constitution impossible.

**Nationalists**: regard dyarchy as unworkable -- policy is not total support of Government -- Swaraj by constitutional means.
Independents: Desire Progress -- the belief in consistent obstruction
Pragmatic approach - Support of obstruction both

Europeans: Belief in speedy orderly progress--generally support Government

Muslim Party: Conservative in outlook and is pledged to national progress to Home Rule which shall include full safeguards for the existing rights and privileges of the Muslim community and reasonable opportunity for their continued development in the future.

Nominated: No definite programme. Nominated to secure the representation of particular interests. The officials naturally support the Government. Though the majority of the others support the Government on certain questions some of them take up an independent line of their own and vote with one of the popular parties.

----Vide India. 1927-28 p.436

Ed. by J. Coatman, Director of Public Information, Government of India.
Legislative Assembly-1935.

New Assembly's position ... Started on 21-1-35

Strength of different parties:
- Congress Party ... 44
- Congress Nationalist 11
- Independent ... 22
  (18 Muslims)
- European group ... 11
- Officials ... 26
- Nominated Non-officials 13

The Government could normally rely on about 50 votes:

The Congress party and the Congress-Nationalists combined ... ... ... 55.

Thus the results of most divisions depended upon the attitude adopted by the Independents.

During the course of Session the opposition carried several divisions against the Government.¹

Council of State:

On the otherhand the proceedings of the Upper House (the Council of State) were conducted in a calm atmosphere. The strength in this House was

- Elected members ... 33
- Nominated non-officials ... 14
- and Officials ... 12

¹ India, 1934-35 (p.98) Ed. by Coatman.
Thus we find Electorate for the Council of State was so framed as to give the upper House a character distinct from that of the Legislative Assembly and indeed the franchise was extremely restricted. Property qualifications were pitched so high as to secure the representation of wealthy landowners and merchants: previous experience in a central or provincial legislature, service in the chair of a municipal council, membership of a University Senate, and similar tests of personal standing and experience in affairs qualify for a vote. Electors were for most part grouped in communal constituencies; thus, there was one member of the Council of State who was elected by the Muhammadans of the Madras Presidency and four who were elected by the non-Muhammadans of that province. The Sikhs of the Punjab had a member. There was one member elected by the general constituency of Burma and other by the Burma chamber of Commerce. Women were not entitled to vote at the elections to the Council of State or to offer themselves for election, though it was in the power of the Council of the State to pass a resolution which would remove both the barriers.1