

## Constitutional Development of India

Constitutional Development of India is a detailed analysis of how the Constitution of India has evolved from the past to the current. This article helps one to briefly understand the Development of Indian Constitution starting from Regulating Act of 1773 till the time when the Constitution of India came into effect in 1950.

The origin and growth of the Indian Constitution have its roots in Indian history during the British period. From 1773 onwards, various Acts were passed by the British Government for the governance of India. None of them, however, satisfied Indian aspirations mainly because they were imposed by the alien rulers.

The period of historical British Constitutional experiments in India can be divided into two phases:

1. **Phase 1-** Constitutional experiment during the rule of the East India Company (1773-1857)
2. **Phase 2 –** Constitutional experiments under the British Crown (1857-1947)

### Constitutional Development – East India Company Rule (1773 – 1857)

From 1757 to 1857, 5 major laws were created to regulate the functioning of British East India Company and to help them rule over India. The details of these 5 Acts are mentioned below.

#### Regulating Act of 1773

The process of Centralization in India was initiated through the Regulating Act of 1773.

1. This is the first Act passed by the British Parliament to control and regulate the affairs of the East India Company in India.
2. As per this Act, the Governor of Bengal was made the Governor-General.
3. Warren Hastings was the first Governor-General of India.
4. This Act made Governors of Bombay and Madras subordinate to the Governor of Bengal.
5. The Governor-General was given the power to make rules and regulations.
6. The Governor-General was assisted by a Council of 4 members.
7. The number of Directors in the Company was fixed at 4.
8. The Governor-General had to follow the orders of the Directors of the Company.
9. Revenue of the company should be reported by The Court of Directors, who were the governing body of the company
10. A Supreme Court was established at Calcutta in 1774, as per the provisions of [Regulating Act 1773](#).
11. The Supreme Court had a Chief Justice and 3 Assistant Judges.

#### Pitts India Act of 1784

In the Constitutional history of India, this Act brought in many significant changes.

1. As per this Act of 1784, the territories of East India Company was called as the “British Possessions in India”

2. As per this Act, a joint Government of British India run by the Crown and Company was established. The government had the ultimate power and authority.
3. A Court of Directors was formed for Commercial Operations and 6 member Board of Control were appointed for Political affairs as per provisions of [Pitts India Act 1784](#).
4. Governor General's Council was reduced from 4 members to 3 members.
5. Governors Councils were established in Bombay and Madras.

## Charter Act of 1813

1. It brought an end to the monopoly of East India Company, over trade with India.
2. Trade with India was opened for all British Citizens with the exception of Tea Trade.

Learn more about the [Charter Act of 1813](#) in the given link.

## Charter Act of 1833

1. Governor-General of Bengal became the Governor-General of India.
2. Lord William Bentick was the 1st Governor-General of India.
3. East India Company ended as a mere administrative body, it was no longer a commercial body.
4. The Governor-General was given full control over revenue, civil and military.
5. [Charter Act of 1833](#) was the final step in the Process of Centralization in India, a process that began with the Regulating Act of 1773.

## Charter Act of 1853

1. Civil Service Examination was introduced. It was a competitive examination for recruitment into the civil services.
2. Executive and Legislative functions of the Governor-General were separated.
3. This Act provided for the addition of 6 new members to the Legislative Council, 4 members were appointed by Provisional Governments of Bengal, Bombay, Madras and Agra.
4. As per provisions of [Charter Act of 1853](#) Governor General's Legislative Council came to be known as the Central Legislative Council.
5. The Central Legislative Council started functioning as a Mini-Parliament. It adopted the same procedures of the British Parliament.

## Constitutional Development – Rule under the British Crown (1857-1947)

This begins the 2nd phase of the Constitutional development under the British Crown.

## Government of India Act of 1858

1. [Government of India Act of 1858](#) passed by British Parliament, brought an end to the rule of East India Company. The powers were transferred to the British Crown.
2. The Secretary of State for India was given the powers and duties of the former Court of Directors. He Controlled the Indian Administration through the Viceroy of India.
3. The Secretary of State for India was assisted by the Council of India. This Council had 15 members. The Council was an advisory body.
4. Governor-General of India was made the Viceroy of India.
5. Lord Canning was the 1st Viceroy of India.

## Indian Council Act of 1861

1. Indians were nominated as non-official members for the 1st time in the Legislative Council of Viceroy.
2. Legislative Councils were established in Provinces and Centre.
3. Legislative powers of the Provinces of Bombay and Madras were restored.
4. Legislative Councils were started in the Provinces of Punjab, North-Western Frontier Province (NWFP), Bengal.

For more information on the [Indian Council Act of 1861](#), visit the given link.

## Indian Council Act of 1892

1. The size of the Legislative Council was increased.
2. The Legislative Council was given more power, they had the power to deliberate on the Budget and could pose questions to the Executive.
3. Indirect elections were introduced for the 1st time.
4. The Principle of Representation was introduced as per provisions given in the [Indian Council Act of 1892](#).

## Indian Councils Act, 1909 – Morley Minto Reforms

1. Indian Councils Act of 1909 is commonly known as Morley Minto Reforms.
2. For the 1st time, Direct elections were introduced for the Legislative Councils.
3. The Central Legislative Council was renamed as the Imperial Legislative Council.
4. The Communal representation system was introduced by giving separate electorate. It was a system where seats were reserved only for Muslims and only Muslims would be polled.
5. For the first time, Indians were appointed to the Executive Council of Viceroy. Satyendra Sinha was the law member.

Aspirants can learn more about [Morley Minto Reforms](#) in the given link.

## Government of India Act, 1919 – Montagu Chelmsford Reforms

1. Government of India Act, 1919 was also known as the Montagu Chelmsford reforms.
2. Bicameralism was introduced for the 1st time.
3. Provincial and Central Subjects were separated.
4. Dyarchy, a scheme of Dual Governance was introduced in the Provincial Subjects, it was divided into Reserved and Transferred. The transferred list included agriculture, health, education, and supervision of the local government. The Transferred list was given to the Government of Ministers answerable to Provincial Council. The reserved list included communications, foreign affairs, defence; this transferred list was under the control of Viceroy.
5. Out of 6 members in Viceroy's Executive Council, 3 of them were Indians.
6. The Act provided provisions for the establishment of the Public Service Commission in India for the first time.
7. Communal Representation extended to Christians, Anglo-Indians, Sikhs.
8. The franchise was given to a limited population which was based on people who had taxable income, had property and paid land revenue of Rs 3000.
9. [Montagu Chelmsford Reforms](#) made provision for setting up a statutory commission at the end of 10 years to look into the working of the Government.

## Government of India Act 1935

This was the longest and last constitutional measure introduced by British India. It was the result of multiple round table conferences and a report by the Simon Commission.

1. Bicameralism was introduced in 6 Provinces (Bengal, Bombay, Madras, Assam, Bihar, United Provinces) out of 11 provinces.
2. The Legislature in the provinces were enlarged.
3. As per the Act, the powers were divided into Federal List, Provincial List and Concurrent List.
4. Provincial autonomy was introduced in the Provinces by abolishing the Dyarchy.
5. There was provision for the adoption of Dyarchy at the Centre.
6. Provided provisions for establishing Federal Court, Reserve Bank of India (RBI).
7. There was provision for the establishment of All India Federation consisting of Provinces and the Princely States as units.
8. Due to the length of [Government of India Act 1935](#), it was divided into 2 separate Acts.

## Cripps Mission – 1942

In 1942 Cripps Mission was sent to India under the leadership of Sir Stafford Cripps. Some of the proposals given by the Cripps Mission are given below.

1. Dominion status would be given to India, after the 2nd World War.
2. Once the Second World War ends, an elected body would be set up in India for framing of Indian Constitution.
3. The even the Indian States would participate in the Constitution-making body.
4. Almost all the Parties and sections in India rejected the proposals given by the [Cripps Mission](#).

## Cabinet Mission – 1946

Some of the main proposals of the Cabinet Mission plan was

1. The Indian States and British Provinces would combine to form Union of India
2. A Constituent Assembly would be established consisting of 389 members.
3. 14 members from Major political parties would form an interim government
4. A representative body would be formed named as the Constituent Assembly.
5. Until the Constitution was framed, the Constituent Assembly would act as the Dominion Legislature.
6. Until the Constitution was framed, India would be administered as per the Government of India Act, 1935.

Candidates can learn more about [Cabinet Mission 1946](#) in the given link.

## Mountbatten Plan – Indian Independence Act – 1947

1. British India was partitioned into India and Pakistan with effect from 15th August 1947.
2. Conferred complete legislative authority to the Constituent Assembly.
3. Established Governments in both Provinces and States.

For more information on [Mountbatten Plan – Indian Independence Act 1947](#), visit the given link.

## Key Timelines – Constitution of Independent India

1. The Constitution of India was drawn up by the Constituent Assembly. Constituent Assembly took almost 3 years to complete the task of drafting the Constitution for Independent India.
2. [Constituent Assembly](#) met for the first time on Dec. 9, 1946.
3. On 14th August 1947; there was a proposal for the creation of committees.
4. The Drafting Committee was established on 29th August 1947 and the Constituent Assembly starts the process of writing the Constitution
5. Dr Rajendra Prasad as the President prepared the Draft of the new constitution of Independent India in February 1948.
6. The Constitution was adopted on Nov. 26, 1949
7. The Constitution came into effect on Jan. 26, 1950, making India a Republic.
8. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.
9. It is the longest written constitution in the world containing 395 Articles and 12 Schedules.

## Frequently Asked Questions on Constitutional Development in India

### Q 1. When was the Constitution of India developed?

Ans. The Constitution of India was adopted on November 26, 1949, and it came into force on January 26, 1950.

## Q 2. What is meant by the development of the Constitution?

Ans. The development of the Constitution refers to the analysis of the evolution of the Indian Constitution over the years, starting from its origin to the present time.

