

History of Indian Constitution

This article talks about the Historical Background of the Constitution of India and is an important topic for the [IAS Exam](#).

Questions from [important acts of India](#) have often been asked in the examination hence candidates can also get the list of such acts in the linked article. In this article, aspirants can read about the history of Indian Constitution, the historical background of the Constitution, the various pieces of legislation from the British era that influenced the current Indian Constitution, and other important details for the UPSC exam.

Background of Indian Constitution

In 1928, the All Parties Conference convened a committee in Lucknow to prepare the Constitution of India, which was known as the Nehru Report.

Most of India was under direct British rule from 1857 to 1947. Upon independence, it became clear a new constitution was needed to be created. But for that, all of India needed to be brought into the union. This meant the Princely States needed to be convinced to become a part of the Indian Union either by force or diplomacy. Sardar Vallabhbhai Patel and V.P Menon did this unenviable task. Until this happened India was still legally a dominion under the British, responsible for external security.

Thus, the [Constitution of India](#) repealed the Indian Independence Act 1947 and Government of India Act 1935 when it became effective on 26 January 1950. India ceased to be a dominion of the British Crown and became a sovereign democratic republic with the Constitution.

Historical Evolution of the Indian Constitution

There are various layers in the background of the Indian Constitution:

- Regulating Act 1773
- Pitt's India Act 1784
- Charter Act of 1813
- Charter Act of 1833
- Charter Act of 1853
- Government of India Act 1858
- Indian Councils Act 1861
- India Councils Act 1892
- Morley-Minto Reforms 1909
- Montague-Chelmsford Reforms 1919
- Government of India Act 1935
- Indian Independence Act 1947

These acts were in some way instrumental in the development of the Indian Constitution.

Download the compilation of [topic-wise UPSC prelims questions PDF](#) from the linked article.

History of Indian Constitution - Regulating Act 1773

- The first time the British Parliament resorted to regulating the affairs of the East India Company.
- The Governor of Bengal was made the Governor-General of Bengal ([Warren Hastings](#)).
- An Executive Council of the Governor-General was created with 4 members.
- Centralised the administration with the Presidencies of Madras and Bombay being made subordinate to the Bengal Presidency.
- Supreme Court was established at Calcutta as the Apex Court in 1774.
- Prohibited company officials from engaging in private trade and from accepting gifts from Indians.

Read more about [Regulating Act 1773](#) as an important act in the History of the Indian Constitution, at the linked article.

History of Indian Constitution - Pitt's India Act 1784

- Commercial and political functions of the company are separated. The Court of Directors managed the commercial activities while the Board of Control managed political affairs.
- The company territories in India were called 'British possessions in India'.
- Governor's Councils were set up in Madras and Bombay as well.

Read more about [Pitt's India Act 1784](#) in the linked article.

History of Indian Constitution - Charter Act 1813

- This act ended the East India Company's monopoly over trade with India except in tea and opium. Trade with India was open to all British subjects.

Read more about the [Charter Act 1813](#) in the linked article.

History of Indian Constitution - Charter Act 1833

- Governor-General of Bengal was designated the Governor-General of India ([Lord William Bentinck](#)).
- The legislative powers of the Bombay and Madras Presidencies were removed.
- This act ended the commercial activities of the company and it was transformed into an administrative body.

Read more about the [Charter Act 1833](#) in the linked article.

History of Indian Constitution - Charter Act 1853

- The legislative and executive powers of the Governor-General's Council were separated.
- A Central Legislative Council was created of 6 members out of which 4 were appointed by the provisional governments of Madras, Bombay, Agra and Bengal.
- The Indian civil service was opened as a means to recruit officers for administration through open competition.

Read more about the [Charter Act 1853](#) in the linked article.

History of Indian Constitution - Government of India Act 1858

- After the [1857 revolt](#), the rule of the company was ended and the British possessions in India came directly under the British Crown.
- The office of the Secretary of State for India was created. He was assisted by a 15-member Council of India.
- The Indian administration was under his authority and the Viceroy was his agent. The Governor-General was designated the Viceroy as well ([Lord Canning](#)).
- The Court of Directors and the Board of Control were abolished.

Read more about the [Government of India Act 1858](#) in the linked article.

History of Indian Constitution - Indian Councils Act 1861

- Indians were given representation in the Viceroy's Councils. 3 Indians entered the Legislative Council.
- Provisions were made for the entry of Indians in the Viceroy's Executive Council also as non-official members.
- Portfolio system was recognised.
- Decentralisation initiated with the presidencies of Madras and Bombay being restored their legislative powers.

Read more about the [Indian Councils Act 1861](#) in the linked article.

History of Indian Constitution - Indian Councils Act 1892

- Indirect elections (nominations) were introduced.
- Legislative Councils expanded. Gave more functions to the legislative councils such as the discussion of budget and questioning the executive.

Read more about the [Indian Councils Act 1892](#) in the linked article.

History of Indian Constitution - Indian Councils Act 1909 (Morley-Minto Reforms)

- Direct elections to the legislative councils were introduced for the first time.

- Central Legislative Council became the Imperial Legislative Council.
- The number of members of the legislative council was increased from 16 to 60.
- The concept of the separate communal electorate was accepted.
- For the first time, an Indian was made a member of the Viceroy's Executive Council. (Satyendra Prasad Sinha – Law Member).

Read more about the [Indian Councils Act 1909](#) in the linked article.

History of Indian Constitution - Government of India Act 1919 (Montague-Chelmsford Reforms)

- Central and provincial subjects were separated.
- Diarchy was introduced in the provincial governments with executive councillors being in charge of the reserved list and the ministers in charge of the transferred list of subjects.
- The ministers were nominated from among the elected members of the legislative council and were responsible to the legislature.
- A bicameral legislature was introduced for the first time at the centre. (Legislative Council and legislative assembly later to become Rajya Sabha and [Lok Sabha](#) respectively).
- It mandated 3 members of the Viceroy's executive council to be Indians.
- This act provided for the first time, the establishment of a public service commission in India.
- This act extended the right to vote and with this, about 10% of the population acquired voting rights.

Read more about the [Government of India Act 1919](#) in the linked article.

History of Indian Constitution - Government of India Act 1935

- An all-India Federation was proposed which would consist of British India and the princely states. This never materialised though.
- Subjects were divided between the centre and the provinces. Centre was in charge of the Federal List, provinces in charge of the Provincial List and there was a Concurrent List which both catered to.
- Diarchy was abolished at the provincial level and introduced at the centre.
- More autonomy was accorded to the provinces and in 6 out of 11 provinces, the bicameral legislature was introduced.
- A federal court was established and the Indian Council was abolished.
- Burma and Aden were severed from India.
- This act provided for the establishment of the RBI.
- This Act continued until it was replaced by the new Indian Constitution.

Read more about the [Government of India Act 1935](#) in the linked article.

History of Indian Constitution - Indian Independence Act 1947

- India was declared independent and sovereign.
- The Viceroy and the Governors were made constitutional (nominal) heads.
- Set up responsible governments at the centre and the provinces.

- Assigned both legislative and executive powers to the Constituent Assembly of India.

Read more about the [Indian Independence Act 1947](#) in the linked article.

Conclusion

The topic, 'Historical Background of Indian Constitution,' or 'History of Indian Constitution' is important from the perspective of both history and polity subjects asked in the IAS Exam. Hence, aspirants should be well-versed in the historical and political evolution of the Indian Constitution.

Frequently asked Questions about History of Indian Constitution

Q. Who is Father of Indian Constitution?

Ans. The father of the Indian Constitution is widely regarded as Dr. B.R. Ambedkar. On 29 August, he was appointed Chairman of the Constitution Drafting Committee, and was appointed by the Assembly to write India's new Constitution.

Q. What is 104th Amendment of Indian Constitution?

Ans. The Constitution of India's One Hundred and Fourth Amendment (104th Constitutional Amendment Act) extended by ten years the deadline for the cessation of reservation of seats in the Lok Sabha and state legislative assemblies for members of Scheduled Castes and Scheduled Tribes.