

# Historical Evolution of the Constitution (Regulating Act, Charter Act, GOI Act)

The British administration can broadly be divided into two phases, that is

1. The Company Administration (1773-1857)
2. The Crown Administration (1858-1947)

The following are the important Acts, regulations and developments which eventually led to the development of the present-day Indian polity.

## The Company Administration

### Regulating Act - 1773

- (1) The post of 'GOVERNOR' was now made 'GOVERNOR-GENERAL' and Bengal was the first province to have Warren Hastings as the first Governor-General. He was assisted by an executive council of four members.
- (2) The Supreme Court at Calcutta was established with one chief justice and three other judges. Sir Elijah Impey was the Chief Justice.

### Pitt's India Act – 1784

- (1) Created another body- 'BOARD OF CONTROL' to manage political affairs in India. COURT OF DIRECTORS kept on managing commercial affairs though.
- (2) Thus, companies' possessions were for the first time called 'British possessions in India' and the commercial wing was headed by the court of directors and political wing headed by the board of control.
- (3) The Act was introduced by the then British Prime Minister William Pitt.

**Charter Act – 1813:** Ended the monopoly of the trading rights of British East India Company and allowed other companies to participate in trading activities with India.

### Charter Act – 1833

- (1) Created the post of 'GOVERNOR GENERAL OF INDIA' in place of Governor-General of Bengal. The presidencies of Madras and Bombay were taken away with their respective legislative powers and were made subordinate to the Presidency of Calcutta. William Bentick was the first Governor-General of India.
- (2) This act completely ended the commercial activities of the company. The company existed but it became a purely administrative and a political organization.

### Charter Act – 1853

- (1) Established a separate Governor General's Legislative council.
- (2) Introduced an open system of competition for Indians into Civil Services. Macaulay committee was formed (1854) for this purpose. Satyendra Nath Tagore became the first Indian to qualify that service in 1863.
- (3) NOTE – Father of Civil Services in India – Lord Charles Cornwallis because of his efforts to modernize civil services in India.

## The Crown Administration



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

- (1) Also known as Act for Good Government of India.
- (2) Abolished the British East India Company. Abolished the Mughal administration as well.
- (3) Abolished the Governor General's post and created a new post Viceroy. Lord Canning became the first Viceroy of India.
- (4) Also created a new office – Secretary-of-State for India and a 15-member council to assist him. He was a member of British parliament.

### **Indian Councils Act 1861**

- (1) Expanded the viceroy's executive council. Made provisions for him to nominate some Indians as non-official members. Lord Canning nominated the Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao.
- (2) New Legislative councils for Bengal (1862), North Western Frontier Province (1866) and Punjab (1897) were established.

### **Indian Councils Act 1892**

- (1) Power of discussing the budget was given to the legislative council in the then India.
- (2) Expanded the councils and some members could be nominated to both Central as well as Provincial Legislative Councils.

### **Indian Councils Act 1909**

- (1) Also known as Morley-Minto reforms.
- (2) The number of members in the Central Legislative council was increased from 16 to 60.
- (3) Satyendra Prasad Sinha became the first Indian to be nominated as a law member to the Viceroy's Executive Council.
- (4) The communal electorate was introduced. Muslims were given separate representation to elect their representatives. Hence, Minto is also referred to as 'Father of Communal Electorate'.

### **Government of India Act 1919**

- (1) Also called as Montague-Chelmsford reforms and it came into effect in 1921.
- (2) Central and provincial subjects or lists were introduced where they could frame laws in their respective lists. Provincial subjects were further divided into transferred and reserved. Thus, this act introduced *diarchy*.
- (3) Introduced Bicameralism and direct elections.

### **Government of India Act 1935**

- (1) Provided for the establishment of an All-India Federation with provinces and princely states as units. The Federation never came into being as princely states did not join it.
- (2) Abolished diarchy in the provinces and introduced 'provincial autonomy' in its place. But in center, it introduced diarchy. However, that never came into being.
- (3) Introduced bicameralism in provinces as well extended separate electorates to depressed classes as well.
- (4) Established RBI and a federal court at the centre.

### **Indian Independence Act 1947**

- (1) Partition Plan or the Mountbatten Plan (3<sup>rd</sup> June 1947) was to give effect to partition of the country and Atlee's declaration (20<sup>th</sup> February 1947) to provide independence to the Nation.

- (2) Created two independent dominions of India and Pakistan, ended British rule and authorised the two independent Nations' constituent assemblies to frame their respective constitutions.
- (3) The Indian independence bill got the royal assent on 18<sup>th</sup> July 1947.

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