

Historical Background of Indian Constitution

A committee known as the Nehru Report was established in Lucknow in 1928 by the All Parties Conference to draft the Indian Constitution. This was the beginning of first step of the History of Constitution of India

Between 1857 and 1947, much of India was directly ruled by the British. Following independence, it was obvious that a new constitution was required. But to do that, India as a whole has to be integrated into the union. This implied that the Princely States had to be persuaded to join the Indian confederation, with either coercion or diplomacy. This difficult effort was completed by Sardar Vallabhai Patel and V.P. Menon. India remained technically a British dominion up until this point, in charge of maintaining external security.

As a result, when the Indian Constitution comes into effect on January 26, 1950, it invalidated both the Indian Independence Act 1947 and the Government of India Act 1935. With the constitution, India became a sovereign democratic republic rather than a dominion of the British Crown.

History of Constitution of India

The timeline of the Historical Perspective of Constitution of India can be understood by various acts and reforms passed by the British. These also include Laws before the making 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

Evolution of Indian Constitution

The Indian Constitution has a number of layers in its history. The British government enforced several acts to administer the country in a way that worked the best and simultaneously created the History of Indian Constitution. These actions contributed in some manner the formation of the Indian Constitution. They have been briefly discussed in the pointers below;

1. Regulating Act 1773

- For the first time, the British Parliament tried to control East India Company business through [Regulating Act 1773](#).
- The Governor of Bengal became the Governor-General of Bengal who was Warren Hastings at that time.
- Four people were chosen to serve on the Governor-Executive General's Council.
- The administration was centralised, and the Bengal Presidency was made superior to the Madras and Bombay Presidencies.
- In 1774, the Supreme Court was created in Calcutta as the highest court.
- Officials of the corporation were not allowed to conduct private business or receive gifts from Indians.

2. Pitt's India Act 1784

The [Pitt's India Act 1784](#) was introduced by the then British Prime Minister William Pitt.

- The company's commercial and political operations are distinct. The Board of Control oversaw political issues, while the Court of Directors oversaw business operations.
- British possession in India was the term used to describe the company lands in India.
- Additionally, Governor's Councils were established in Bombay and Madras.

3. 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 through [Charter Act of 1813](#). With the exception of tea and opium, this act put an end to the monopoly of the East India Company on trade with India. All British subjects could trade with India.

4. Charter Act 1833

- The Governor-General of India was previously known as the Governor-General of Bengal who was Lord William Bentinck at that moment.
- The Bombay and Madras Presidency's legislative powers were eliminated.
- As a result of [Charter Act of 1833](#), the company's commercial operations came to an end, and it became an administrative entity.

5. Charter Act 1853

- The Governor-legislative General's Council's and executive functions were divided.
- In [Charter Act of 1853](#), Six people made up the Central Legislative Council, four of whom were chosen by the interim administrations in Madras, Bombay, Agra, and Bengal.
- The Indian civil service was established as a way to hire officers for administrative positions through an open recruitment process.

6. Government of India Act 1858

- Following the 1857 uprising, the Company's rule was abolished, and the British colonies in India were placed immediately under the British Crown.
- The Secretary of State for India position was established. A fifteen member Council of India assisted him.
- He was in charge of the Indian government, and the Viceroy served as his representative. The Viceroy was also known as the Governor-General (Lord Canning).
- The Board of Control and the Court of Directors were eliminated in [Government of India Act 1858](#).

7. Indian Councils Act 1861

- There was representation for Indians in the Council of the Viceroy. There were 3 Indians in the Legislative Council in [Indian Councils Act 1861](#).
- Indians were allowed to join the Viceroy's Executive council as non-official members under certain circumstances.
- System of portfolios was acknowledged.
- The restoration of the legislative authority of the presidencies of Madras and Bombay marked the beginning of decentralisation.

8. Indian Councils Act 1892

- There are now indirect elections (nominations).
- Congressional Councils grew. This granted the legislative councils new responsibilities, such as the power to challenge the executive and review the budget.

9. Indian Councils Act 1909 (Morley-Minto Reforms)

The [Morley Minto Reforms](#) is also known as Indian Councils Act 1909.

- The first round of direct elections for the legislative councils was held.
- Imperial Legislative Council replaced Central Legislative Council as its name.
- The legislative council now has sixty members. This was sixteen earlier.
- It was allowed to have a separate communal electorate.
- An Indian was appointed for the very first time to the Viceroy's Executive Council. (Law Member Satyendra Prasad Sinha)

10. Government of India Act 1919

The GOI 1919 was also called [Montague-Chelmsford reforms](#) and it came into effect in 1921

- Subjects from the centre and the provinces were segregated.
- The provincial governments adopted a diarchic structure, with ministers in authority of the transferred list of topics and executive councillors in control of the reserved list.
- The ministers answered to the legislative body and were chosen from the members elected of the legislative council.
- At the centre, a bicameral legislature was first established. (The legislative assembly and council later changed their names to Rajya Sabha and Lok Sabha, respectively.)
- It required three Indians to sit on the Viceroy's executive council.
- In India, a public service commission was established for the first time thanks to this statute.
- A 10% increase in the number of people who could vote was made possible by this statute.

11. Government of India Act 1935

- It was suggested to create an all-India federation made up of British India and the Indian princely states. But this never came to pass.
- The centre and the provinces each received a different set of subjects. The Federal List was under the control of the Center, the Provincial List was under the control of the Provinces, and there was a Concurrent List that both catered to.
- In [Government of India Act 1935](#), diarchy was implemented at the federal level after being banned at the provincial level.
- The provinces received more autonomy, and the bicameral legislature was established in 6 of the 11 provinces.
- The Indian Council was disbanded and a federal court was constituted.
- India was cut off from Burma and Aden.
- The RBI was established thanks to this act.
- This Act was in effect till the new Indian Constitution took its place.

12. Indian Independence Act 1947

India was proclaimed to be sovereign and independent through the [Indian Independence Act 1947](#)

- The Viceroy and the Governors were appointed as titular heads under the constitution.
- Create accountable national and provincial governments.
- Conferred legislative and executive authority on the Indian Constituent Assembly.

Key Facts about the Historical Background of Indian Constitution

- Prior to the Charter Act of 1833, laws were referred to as Regulations, whereas laws enacted afterward are referred to as Acts.
- The position of District Collector was established by Lord Warren Hastings in 1772, but Cornwallis later divided the position's judicial authority from it.
- The Indian administration evolved into a competent government accountable to the legislature and people from the strong authorities of uncontrolled executives.
- The growth of the budget and portfolio system indicates the separation of powers.
- In Lord Mayo's resolution on financial decentralisation, institutions of self governance in India were envisioned as growing (1870).
- The Lord Ripon resolution, known as the "Magna Carta" of municipal self-government, was lauded in 1882. The "Father of local self-government in India" is what some refer to him as.
- Based on the Acworth Committee findings, the railway budget was split from the general budget in 1924. (1921).
- The British strove to consolidate authority from 1773 to 1858. The 1861 Councils Act marked a change in policy toward the devolution of power to the provinces.
- Prior to the Act of 1909, the Charter Act of 1833 was the most significant legislation.
- The 1919 Act was the only set of regulations that the Indian government had to follow up until 1947. The 1935 Act's Federation and Dyarchy-related clauses were never put into effect.
- Up until 1947, the Viceroy received advice from the Executive Council established by the 1919 Act. The executive council left a legacy that is owed to the present executive (Council of Ministers).
- After independence, the Legislative Council and Assembly evolved into the Rajyasabha and Loksabha.

Indian Constitution

The Indian Constitution is the country's highest law. The text lays out the framework that delineates the core political code, as well as the fundamental rights, guiding principles, and responsibilities of citizens. It also spells out the organisation, methods, authorities, and duties of governmental institutions. It is the world's longest-written national constitution.

- It confers constitutional supremacy (as opposed to parliamentary supremacy, given that a constituent assembly instead of Parliament produced it), and its preamble contains a proclamation that it was ratified by the people.
- The constitution cannot be overruled by parliament.

Indian postage stamps from 2015 feature B. R. Ambedkar and the Indian Constitution. On 26 November 1949, the Indian Constituent Assembly approved it, and on 26 January 1950, it went into effect. The Dominion of India had become the Republic of India when the constitution took the place of the Government of India Act 1935 as the primary law governing the nation. Article 395 of the constitution was repealed by its framers to secure constitutional autochthony. Republic Day, which is observed on January 26, honours India's constitution.