

# Constitutional Development of India

When the rules of a constitution govern an entity, the members must abide by the responsibilities enlisted. The Constitution may also guarantee certain rights to its members and encapsulate regulations for the governance of such an entity. Read more about the Constitutional development of India from 1773 to 1947, its major landmarks, history, and more.

## Meaning Of Constitutional Development of India

The Constitution of India contains principles that govern the state of power across the nation. The premier establishes the parliament's structure and allows it to develop relevant laws and policies.

- Because of the Constitution, society can maintain a just condition within its ambit.
- The base of the Constitutional Development of India can be traced back to the Regulating act of 1773.
- At the same time, it also draws inspiration from other British laws formulated in the Constituent assembly.
- However, there is a provision for amendment, which makes the Constitutional Development of India an ongoing process.
- It can be parted into different phases, including the historical background, creating an overview of the Constitution.

## Historical Development of Indian Constitution

The Indian Constitution includes The Company Rule and the Crown Rule. The colonial authorities did devise several techniques to deal with specific Indian concerns, due to which the Indian Constitution bears some legacy of the British Administration and its system.

- The constituent assembly prepared the Constitution of India, which took two years, 11 months, and 17 days to complete the task.
- The group met several times to prepare the draft of the Constitution.
- They worked upon several aspects of the Constitution, including its composition, working of the assembly, committees for the assembly, enactment, and enforcement of the Constitution.

## Constitutional Development in India from 1773 to 1947

The duration of historical British Constitutional investigations can be characterized into two stages:

- Phase 1 (1773-1857) - Constitutional investigation during the power of the East India Company.
- Phase 2 (1857-1947) – Constitutional investigations under the British Crown.

### Development of Indian Constitution under East India Company Rule (1773 – 1857)

Below are the 5 constitutional development and national movement of India that controlled the British East India Company's functioning and helped them rule over India from 1757 to 1857.

Constitutional Development Act	Year
Regulating Act	1773
Pitts India Act	1784
Charter Act	1813
Charter Act	1833
Charter Act	1853

#### Regulating Act (1773):

Centralization in India was formed through the Regulating Act of 1773. It was the first Act enacted by the British Parliament to manage and control the affairs of the East India Company in India.

- Governor-General was the Governor of Bengal according to the Act.
- India's first Governor-General was Warren Hastings.
- The Governors of Madras and Bombay were inferior to the Governor of Bengal.
- The power to create laws and statutes was in the hands of the Governor-General, assisted by 4 members of the council.
- East India Company had a fixed number of directors, which was 4.
- The Governor-General had to obey the directives of the Company's Directors.

#### Pitts India Act (1784)

In the development of the Indian constitution, this Act brought in many consequential modifications. As per this Act of 1784, the colonies of East India Company were called the "British Possessions in India."

- The Crown and company were founded, which ran a mutual Government of British India and had the supreme power of authority.

- A Court of Directors was created for Commercial Operations, and 6 member Board of Control was designated for Political affairs.
- The council of the Governor-general was decreased to 3 from 4 members, appointed in Madras and Bombay.

### **Charter Act (1813)**

The Act ended East India Company's proprietorship by establishing trade with India that was outstretched for even the citizens of British except for the Tea Trade.

### **Charter Act (1833):**

East India Company ceased as a mere executive body; it was no longer a commercial body. The Act was the final step in the approach of Centralization in India, which began with the Regulating Act of 1773.

- Bengal Governor-General evolved as the Governor-General of India.
- The first Governor-General of India was Lord William Bentick, who was given full authority over earnings, military, and civil.

### **Charter Act (1853):**

The Act marked the introduction of competitive exams, including the civil service examination, which helped recruit individuals into civil services.

- The legislative and executive processes of the Governor-General were divided.
- There was an addition of 6 new members to the Legislative Council, 4 members were selected by the Provisional Governments of Bombay, Madras, Agra, and Bengal.
- Central Legislative Council was the new name given to the Governor General's Legislative Council under the Act.
- It started operating as a Mini-Parliament and embraced the same guidelines as the British.

## **Constitutional Development of India under British Crown Rule (1857-1947)**

The period commenced the 2nd phase of the major landmarks in the constitutional development of India under the British Crown.

Constitutional Development Act	Year
Government of India Act	1858
Indian Council Act	1861
Indian Council Act	1892
Indian Councils Act, Morley Minto Reforms	1909
Government of India Act, Montagu Chelmsford Reforms	1919
Government of India Act	1935

Cripps Mission	1942
Cabinet Mission	1946
Mountbatten Plan – Indian Independence Act	1947

### **Government of India Act (1858):**

The British legislated the Government of India Act, marking the end of East India Company rule. The authority was assigned to the British Crown.

- The powers of the ex-Court Directors were acquired by the Secretary of State for India.
- They managed the administration through the Viceroy of India.
- The council of India was an advisory body of 15 members that helped the Secretary of State for India.
- The Governor-General received the Crown of Viceroy of India.
- India's first Viceroy was Lord Canning.

### **Indian Council Act (1861):**

The citizens of India were designated non-official members of the Legislative Council of Viceroy for the first time.

- Provinces established the Legislative Councils.
- The Act led to the restoration of Madras and Bombay's legislative powers.
- Legislative Councils began in Bengal, Punjab, and North-Western Frontier Province (NWFP).

### **Indian Council Act (1892):**

The Act caused the Legislative Council size to increase. The council has the power to reflect on the budget and could put up inquiries to the executive.

- It led to the beginning of indirect elections in India for the first time.
- As per the Act's provisions, the Principal of Representation was initiated.

### **Indian Councils Act – Morley Minto Reforms (1909):**

The Act is popularly known as Morley Minto Reforms. It resulted in the introduction of direct elections for the councils.

- Imperial Legislative Council was the unique name given to Central Legislative Council.
- A new system was started that gave reserved seats to only Muslims by providing them a separate electorate, known as the Communal representation system, where only Muslims could be polled.
- The law member of India was Satyendra Sinha.
- Indian members were assigned to the Executive Council of Viceroy.

### **Government of India Act, Montagu Chelmsford Reforms (1919):**

The Act introduced Bicameralism. The central and provincial issues were split. It made provisions for placing a statutory board after ten years to examine the working of the Government.

- A scheme of Dual Governance, Dyarchy, was presented in the Provincial Subjects; it was divided into Transferred and Reserved.
- The transferred list included health, education, agriculture, and local government supervision.
- The Government of Ministers held the Transferred list accountable to the Provincial Council.

- The reserved list contained foreign affairs, communications, and defense under the rule of the Viceroy.
- The Viceroy's Executive Council comprised 6 members, and 3 were Indians.
- The Act provided founded the Public Service Commission in India.
- Communal Representation extended to Anglo-Indians, Christians, and Sikhs.

### **Government of India Act (1935):**

The Act was the last and the most extended constitutional action established by British India. It resulted from multiple round table conferences and a declaration by the Simon Commission.

- Bicameralism was presented in 6 states (Assam, Bihar, Bengal, Bombay, Madras, United Provinces) out of 11.
- The powers diverged into Provincial List, Federal List, and Concurrent List.
- Provincial independence was started in the states by canceling the Dyarchy.
- The Act provided provisions for establishing the Federal Court, RBI, or Reserve Bank of India.
- The Act launched the All India Federation consisting of Provinces and the Princely States as units.

### **Cripps Mission (1942):**

Under the supervision of Sir Stafford Cripps, Cripps Mission was sent to India in 1942. Almost all the parties and factions rejected the recommendations given by the Cripps Mission.

- As per the mission's proposals, after the 2nd World War, India would receive the status of Dominion.
- An elected body would be appointed in India to structure the Constitution of India.

### **Cabinet Mission (1946):**

Some of the leading suggestions of the Cabinet Mission plan was

- The British Provinces and the Indian States would unite to form the Union of India.
- A representative body or Constituent Assembly would be selected, comprising 389 members.
- Fourteen members would create a provisional government from the main parties.
- Until the Constitution was articulated, the Constituent Assembly would operate as the Dominion Legislature.

### **Mountbatten Plan – Indian Independence Act (1947)**

British India was partitioned into India and Pakistan on 15 August 1947. The Act granted absolute legislative power to the Constituent Assembly, and the provinces and states formulated their Governments.

## **Constitutional Development of India - Current Status**

The Indian Constitution guides the country's supreme law. As per the Constitution, the Government's core political principles are enacted, along with their rights, authority, and responsibility.

Since the constituent assembly drafted the Constitution, it confers constitutional supremacy instead of parliamentary supremacy. The parliament can hardly override the Constitution of India.

## Essential Highlights For The Constitution Of Independent India

The constituent assembly drew up the current Constitution of India, which met for the first time on 9 December 1946. The proposal to create committees for the Constitution was laid down on 14 August 1947.

- After this, the drafting committee was established on 29 August 1947, after which the process of writing the Constitution started.
- The first draft of the Constitution was prepared in February 1948 by the then President, Dr. Rajendra Prasad.
- Later on, the Constitution was adopted on 26 November 1949.
- After adopting the Constitution, it was enacted on 26 January 1950, making India a Republic country.
- The Constitution of India is the longest written Constitution in the world since it contains over 395 articles and 12 schedules.

