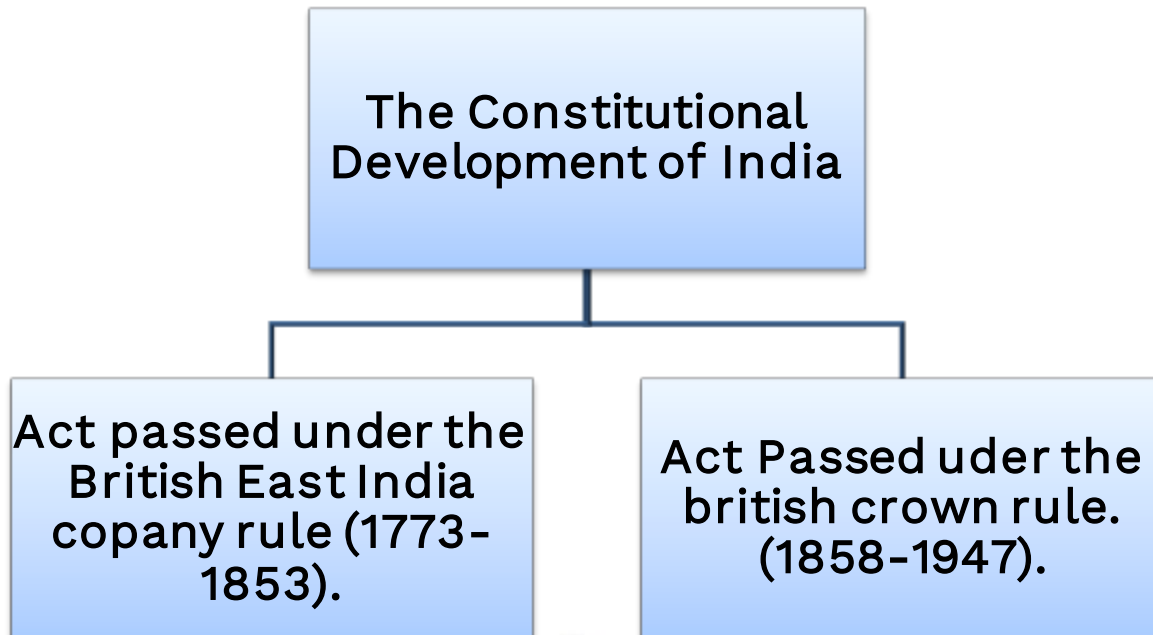




# Constitutional Development of India

## The Constitutional Development of India



Note: The reason for tracing the Constitutional Development in two stages is the Revolt of 1857, after which the British Crown took control of India in its own hand and made changes in the Indian Administrative Structure to suit its own interests.

### Rule Of British East India Company (1773-1853)

#### The Regulating Act of 1773:

- ❖ It designated the **Governor of Bengal** as the '**Governor -General of Bengal**' and created an Executive Council of four members to assist him. **This first such Governor - General was Lord Warren Hastings.**
- ❖ It made the Governors of Bombay and Madras Presidencies subordinate to the governor -general of Bengal.
- ❖ Non-Military decisions which would be taken by the majority of the Council. Governor General could vote only in case of tie.
- ❖ "A **Supreme Court** with a Chief Justice and three other Judges was established at **Fort William in Calcutta** in the year **1774** by this Act.

- ❖ Prohibited the Servants of the company from engaging in private trade or accepting gifts and bribes from the Indians.
- ❖ The British Government strengthened the control over the company through the **Court of Directors** (Governing body of Company) to report on its revenue, civil and military affairs in India.

### Pitt's India Act 1784

In a bid to rectify the defects of the Regulating Act of 1773, the British Parliament passed the Amending Act of 1781, also known as the Act of Settlement. However, the next important act was the **Pitts' India Act of 1784**

- It distinguished between the commercial and political functions of the company.
- It created a new body called Board of Control establishing a system of dual government. The Board of Control had six members.
- **The Board of Control** was created for political matters and the **Court of Directors** controlled the commercial affairs.

### The Act of 1786

- It provided that the Governor General could overrule his council in matters of importance affecting the safety, peace or interest of the Empire in India.
  - "Governor General was granted the powers of Commander-in-Chief.
  - **Lord Cornwallis** was the first Governor General to enjoy these powers.
- ❖ **The Charter Act of 1793** further extended the commercial monopoly of the company for another 20 years.

### Charter Act of 1813

- This act for the first time made **provision of Lakh rupee per year to be spent on the education** of Indians.
- It ended the company's monopoly over trade although the monopoly over trade of tea & trade with China continued.

### The Charter act of 1833

- It made the **Governor -General Bengal** as the **Governor -General of India** and vested in him all civil and military powers. **Lord William Bentick was the first Governor General of India.**
- It deprived the governor of Bombay and Madras of their Legislative powers.
- The laws made under previous acts were called Regulations while laws made under this Act were called Acts.
- It ended the activities of the East India Company as a commercial body, which became a purely administrative body.
- The Charter Act of 1833 attempted to introduce a system of Open Competition in Civil Services. However, this provision was negated after the opposition of Court of Directors.

### The Charter Act of 1853

- It separated for the first time the legislative and executive functions of the Governor General's council. It provided for the addition of six new members called Legislative Councilors to the council.
- It established a separate Governor-General's Legislative council which came to be known as the Indian (Central) Legislative Council.
- It introduced an open competition system of selection and recruitment of civil servants.
- It introduced for the first time, local representation in the Indian (Central) Legislative Council.

### Acts Passed under the Rule of British Crown (1858-1947)

This significant Act was enacted in the wake of the Revolt of 1857- also Known as the First War of Independence or the 'Sepoy Mutiny', **The act Known as the Act for the Good Government of India**, abolished the East India Company ,and transferred the powers of government ,territories and revenues to the British Crown.

#### Features of the Act:

- It provided that India henceforth was to be governed by, and in the name of , Her Majesty It changed to designation of the Governor General of India to that of Viceroy of India. He (viceroy) was the direct representative of the British Crown in India. Lord Canning thus became the first Viceroy of India.

- It ended the system of double government by abolishing the Board of Control and Court of Directors.
- It established a 15-member Council of India to assist the secretary of state for India. The council was an advisory body. The secretary of state was a member of the British cabinet and was responsible ultimately to the British Parliament
- It constituted the secretary of state- in council as a body corporate, capable of suing and being sued in India and in England.
- The Act of 1858 was, however, largely confined to the improvement of the administrative machinery by which the Indian Government was to be super-vised and controlled in England. It did not alter in any substantial way the system of government that prevailed in India

### Indian Council Act 1861

It initiated the participation of the Indian representatives in the lawmaking process. The act restored the legislative powers of making and amending laws to the provinces of Madras and Bombay and thus initiating the process of decentralization. The Act empowered the Viceroy to issue ordinances in case of emergency which were not to remain in force for more than six months.

### Indian Council Act 1892

- It increased the number of non - official members both in the central and provincial Legislative councils but maintained the official majority in them.
- The Indian members were granted the right to ask questions and discuss the budget in the legislative council. "This Act introduced the principle of election, though the word 'election' was very carefully avoided in it.

### Indian Council Act 1909

- Indian Council Act 1909 is also known by the name of Morley-Minto Reforms. "It provided (for the first time) for the association of Indians with the executive councils of Viceroy & Governors.
- Satyendra Prasad Sinha became the first Indian to join the Viceroy's Executive council. He was appointed as a law member.
- "The functions and size of legislatures both at the center and in the provinces was enlarged. The members of council were given
- The right of discussion and asking Supplementary questions. The act provided separate electorates for Muslims. Hence Lord Minto came to be known as the father of communal electorate.

### Government of India Act 1919

- Government of India Act 1919 is known by the name of **Montagu Chelmsford Reforms**. This act, for the first time, adopted the **Direct Election system**.
- Principle of **communal representation** was extended by providing **separate electorates for Sikhs, Indian Christians, Europeans and Anglo-Indians**.
- It introduced **Bicameralism** at Central level. It separated various subjects, such as the Central and provincial subjects. **Bicameral Central Legislative** could make law for the whole of British India. It introduced **dyarchy** in the provinces.
- Provincial subjects were further divided into two parts transferred and reserved. For the first time, the term, **responsible Government** was used. Under this act, a commission was to be constituted after 10 years which would review the working of this act and present its report.
- In November 1927 (i.e., 2 years before the schedule), the British Government announced the appointment of a seven member statutory commission under the chairmanship of Simon to report on the condition of India under its new constitution. The commission was hence called **Simon commission**.

### Government of India Act 1935

- Government of India Act 1935 provided for the establishment of an **All India Federation** consisting of provinces and Princely states as units. "It introduced **dyarchy** at the center and abolished the same in the provinces.
- It provided for the establishment of a **Reserve Bank of India** to control the currency and credit of the country. Principle of **Communal representation** was further extended by providing the separate electorates for **Scheduled Castes, women and laborers**.
- A **Federal Court** was set up in 1937 through this act. This act separated **Burma** from British India and the establishment of two new provinces- **Sindh and Orissa**.
- It introduced **bicameralism** in 6 out of 11 provinces.
- **India Independence Act 1947** declared India to be an **Independent and Sovereign**

**Question based on the Topic**

1. Which Act of British Parliament abolished the East India Company monopoly over trade in India?

- (a) Regulating Act
- (b) Pitt's India Act
- (c) Charter Act of 1813
- (d) None of the above

Ans. (c)

2. By which of the following Act, the Legislative Council of India received the power to discuss the budget?

- (a) Indian Council Act, 1861
- (b) Indian Council Act, 1892
- (c) Indian Council Act, 1909
- (d) Indian Council Act, 1919

Ans. (b)

3. By which one of the following Acts was the Federal Court in India created?

- (a) Indian Council Act, 1861
- (b) Government of India Act, 1909
- (c) Government of India Act, 1919
- (d) None of the above

Ans. (d)

4. In which of the following Acts, the provision was made for the establishment of the Supreme Court at Calcutta?

- (a) Regulating Act, 1773
- (b) Pitt's India Act, 1784
- (c) Charter Act, 1813
- (d) Charter Act, 1833

Ans. (a)

5. In the context of Indian history, the principle of 'Dyarchy (diarchy)' refers to:

- (a) Division of the central legislature into two houses.
- (b) Introduction of double government i.e., Central and State Governments.
- (c) Having two sets of rulers; one in London and another in Delhi.
- (d) Division of the subjects delegated to the provinces into two categories.

Ans. (d)

6. Under which of the following Acts, Dyarchy was introduced at Central level?

- (a) Act of 1990
- (b) Government of India Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

Ans. (c)

7. The Act of 1909 was associated with-

- (a) introduction of separate electorate
- (b) Decentralization of the Reserve Bank of India (RBI).
- (c) Diarchy
- (d) Legislative councils

Ans. (a)

8. Which of the following is/are the principal feature(s) of the Government of India Act, 1919?

- 1. The introduction of dyarchy in the executive Government of the provinces.
- 2. The introduction of separate communal electorates for Muslims
- 3. Devolution of legislative authority by the center to the provinces.

Select the correct answer using the codes given below:

- (a) only 1
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans. (c)



9. Consider the following statements:

1. The Montague-Chelmsford Reforms of 1919 recommended granting voting rights to all the women above the age of 21.
2. The Government of India Act of 1935 gave women reserved seats in the legislature.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans. (b)

10. Which of the following Acts introduced the 'Principle of Constitutional Autocracy'?

- (a) The Indian Councils Act of 1909
- (b) The Government of India Act of 1919.
- (c) The Government of India Act of 1935
- (d) The Indian Independence Act of 1947

Ans. (c)

11. Which Act for the first time made it possible for Indians to take some share in the administration of their country?

- (a) Charter Act, 1833
- (b) Charter Act, 1853
- (c) Government of India Act, 1858
- (d) Indian Councils Act, 1861

Ans. (a)

12.The distribution of power between Center and States as following plans?

- (a) Morley-Minto Reform, 1909
- (b) Montagu-Chelmsford Reform, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

Ans. (c)



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