

# **History of the Constitution of India**

## **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 the all of India needed to be brought into the union. This meant the the Princely States needed to be convinced to become a part of the Indian union. Either by force or diplomacy. Sardar Vallabhai 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Thus, the [constitution of India](#) repealed the Indian Independence Act 1947 and Government of India Act 1935 when it became effective on 26 January 1950.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 for the development of the Indian Constitution.

## **History of Indian Constitution – Regulating Act 1773**

- 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.

### **History of Indian Constitution – Pitt’s India Act 1784**

- Commercial and political functions of the company 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 possession in India’.
- Governor’s Councils were set up in Madras and Bombay as well.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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).

### **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.

## **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 abolished.
- Burma and Aden were severed off from India.
- This act provided for the establishment of the RBI.
- This Act continued until it was replaced by the new Indian Constitution.

## **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.

## **Who is Father of Indian constitution?**

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.

## **What is 104th amendment of Indian Constitution?**

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.