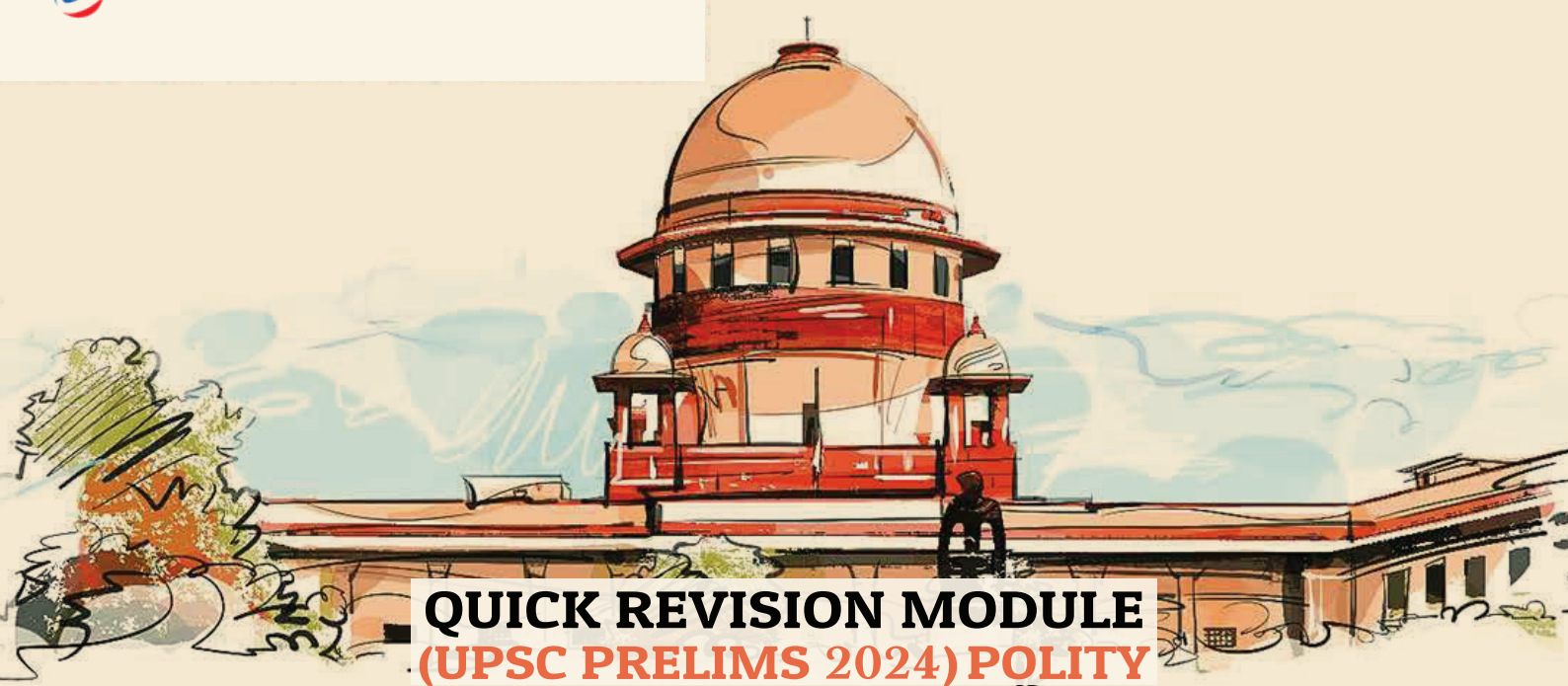




Historical background of Indian constitution



The historical underpinnings and evolution of the Indian constitution can be traced to many regulations & acts passed before Indian Independence. These can be summarized under two heads:

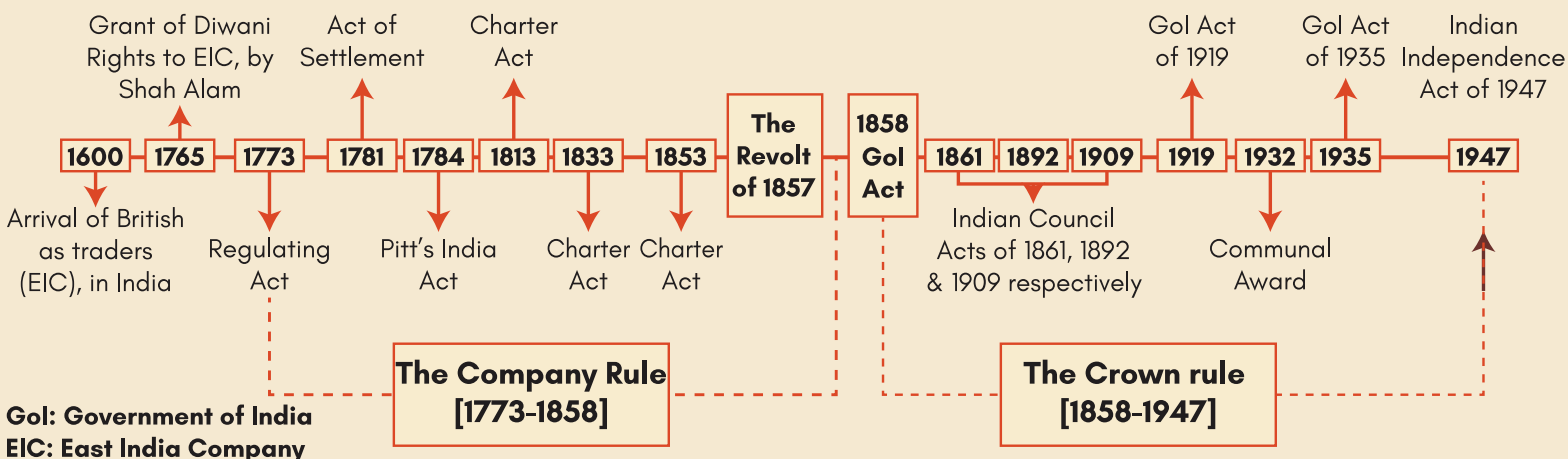
THE COMPANY RULE (1773-1858)

Started after British was granted 'Diwani Rights' post its victory in the Battle of Buxar (1764)

THE CROWN RULE (1858-1947)

Started after the Revolt of 1857.

Important timeline in historical underpinning





Constitutional Developments under THE COMPANY RULE

Regulating Act of 1773	Pitts India Act 1784	Charter Act 1813	Charter Act 1833	Charter Act 1853
▶ Governor of Bengal was designated as GG of Bengal. ▶ Governors of Madras and Bombay were made subordinate to GG of Bengal. ▶ Beginning of Central Administration. ▶ COD was required to report on its revenue, civil & military affairs in India. ▶ 1774: First Supreme court of India at Fort Williams (Minimal Powers). ▶ Warren Hasting (1st GG of Bengal).	▶ Dual system of Government (COD for commercial functions, BOC for political functions). ▶ Company's territories were called "British Possession in India". ▶ BOC was empowered thus giving British government supreme control over company's affairs.	▶ Ended EIC's monopoly over trade with India, except in Tea and Opium. ▶ Financial Provision for promotion of science & literature. ▶ Allocation of an annual sum of Rs. 1 lakh for the promotion of education among the natives.	▶ Final step towards "Centralization". ▶ GG of Bengal was made GG of India. ▶ Other name: Saint Helena Act. ▶ The legislative powers of Bombay & Madras Presidencies were removed. ▶ Failed attempt to introduce a system of open competition for Civil Services. ▶ Law commission (under Lord Macaulay) to codify Indian Laws. ▶ Ended the company's monopoly of trade in tea and trade with China. ▶ Lord William Bentinck: 1st GG of India.	▶ For the first time, the legislative and executive powers of the Governor General's council were separated. Thus, it marked the beginning of Parliamentary System in India. ▶ Indians were allowed in "Covenanted" Civil Services. ▶ It introduced, for the first time, local representation in the Indian central legislative council.

**GG = Governor General
**COD = Court of Directors
**BOC = Board of Control

Constitutional Developments under THE CROWN RULE

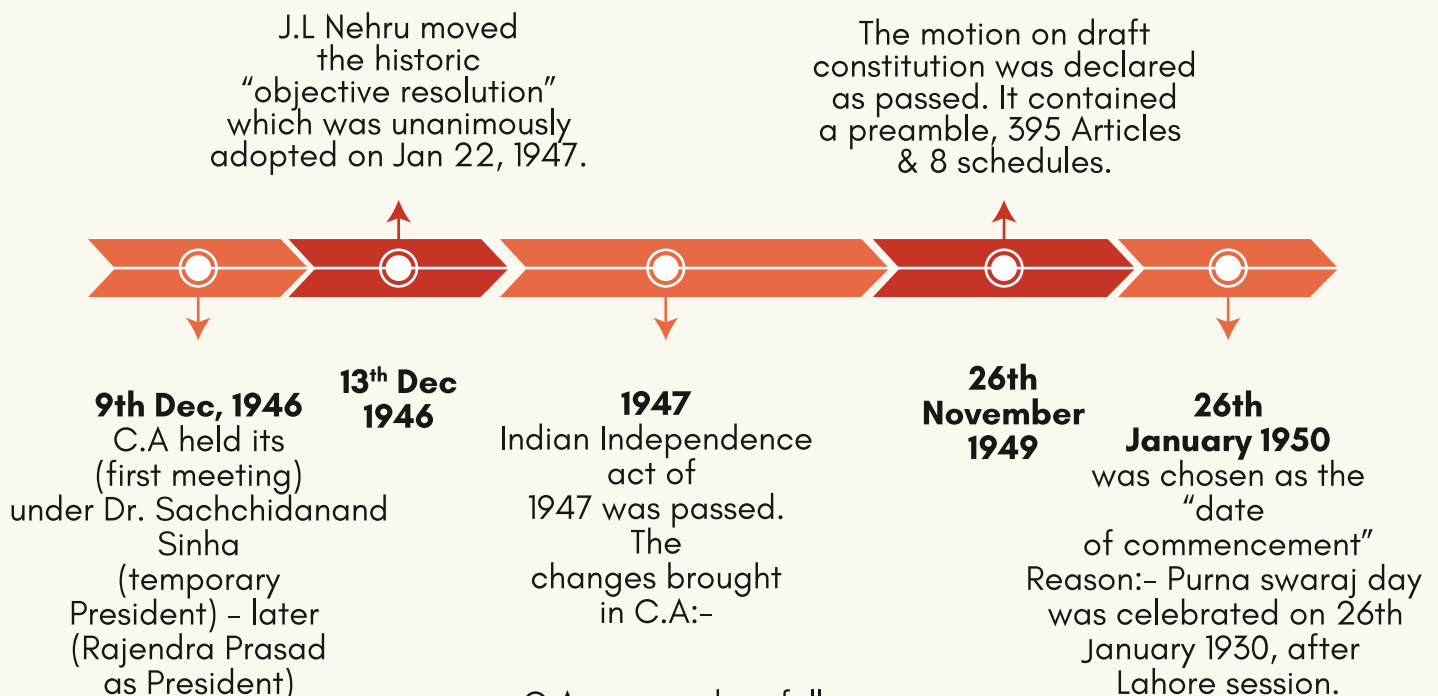
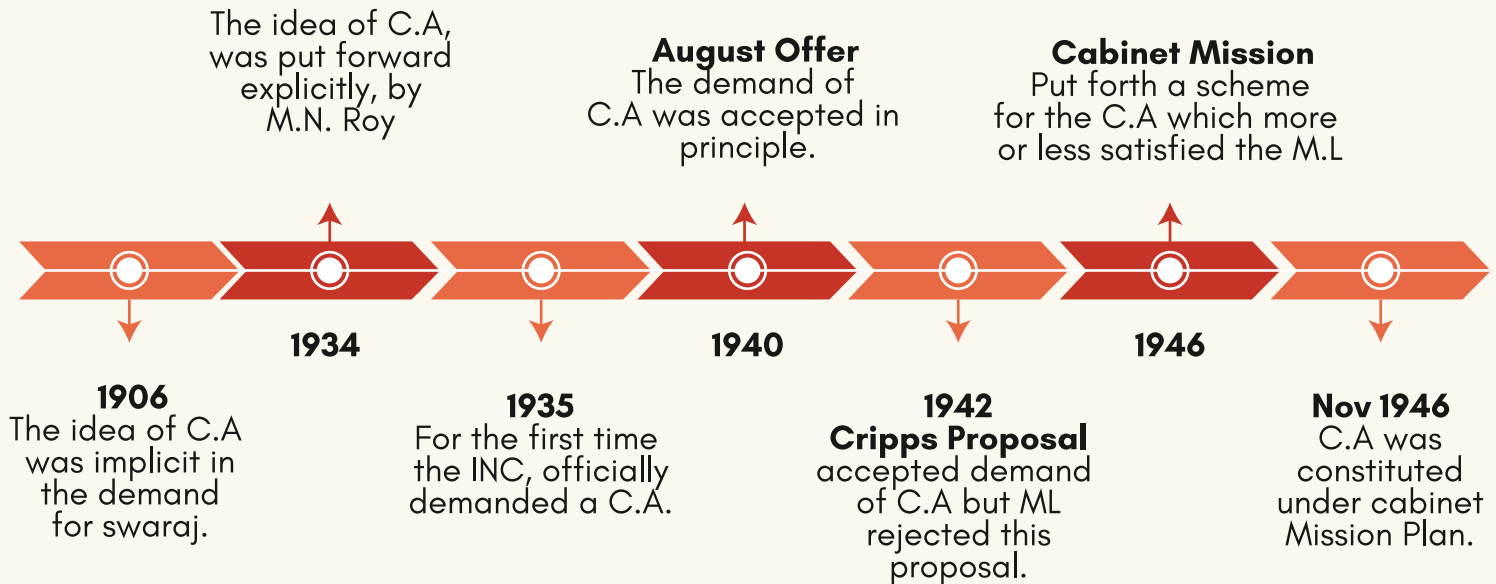
Government of India Act 1858	Indian Council Act of 1861	Indian Council Act of 1892	Indian Council Act of 1909	Government of India Act 1919	Government of India Act 1935	Indian Independence Act 1947
▶ Transferred GOI from the Company to the British Crown. ▶ GG of India was designated as Viceroy of India. ▶ SOS was established. ▶ Abolished BOC and COD, thus ending the dual system ▶ Lord Canning: 1st Viceroy of India.	▶ Beginning of Representative Institutions. ▶ Initiated decentralization as legislative powers of Bombay and Madras presidencies were restored. ▶ Recognised portfolio systems and ordinance power of Viceroy. ▶ New LC's established at Bengal, Punjab, and NWFP.	▶ Increased the number of non official members in the central & provincial LC. ▶ Increased functions of LCs, eg-power to discuss Budget	▶ Morley-Minto reforms. ▶ Increased size of central and provincial LCs. ▶ Separate electorate for Muslims. ▶ Enlarged deliberative functions of LC, eg-supplementary questions & resolutions on Budget. ▶ Indians in Executive council, e.g.- Satyendra Prasad Sinha.	▶ Montague-Chelmsford reforms. ▶ Introduction of responsible government. ▶ Dyarchy was introduced at provincial level (Division into transferred and reserved subjects). ▶ Bicameralism at centre was introduced. ▶ For first time, direct elections (Limited franchise). ▶ Extended communal representation: Sikhs, Indian Christians, Anglo Indians & Europeans.	▶ Establishment of All India Federation (Comprising of Provinces and Princely states). ▶ 3 Lists: federal, Provincial & Concurrent. ▶ Abolished Dyarchy at provincial level and introduced it at central level. ▶ Bicameralism at Provincial level. ▶ Extended communal representation: Depressed classed, Women, Labour. ▶ Establishment of RBI & Federal Court.	▶ End of British Rule. ▶ Abolished the office of Viceroy & SOS. ▶ Empowered Constituent Assemblies to frame and adopt Constitutions. ▶ Freedom to princely states to join the dominion of India or Pakistan or to remain Independent.

**SOS= Secretary of State

**LC = Legislative council

MAKING OF CONSTITUTION

Important Timeline Related To Constituent Assembly



Note:-
C.A. — Constituent Assembly
M.L. — Muslim League

- C.A. was made a fully sovereign body.
- It also become a legislative body (Chaired by G.V.Mavlankar) & the first parliament of free India.
- Strength was reduced to 299:- as ML members hailing from areas included Pakistan, withdrew.



COMPOSITION OF CONSTITUENT ASSEMBLY

STRENGTH

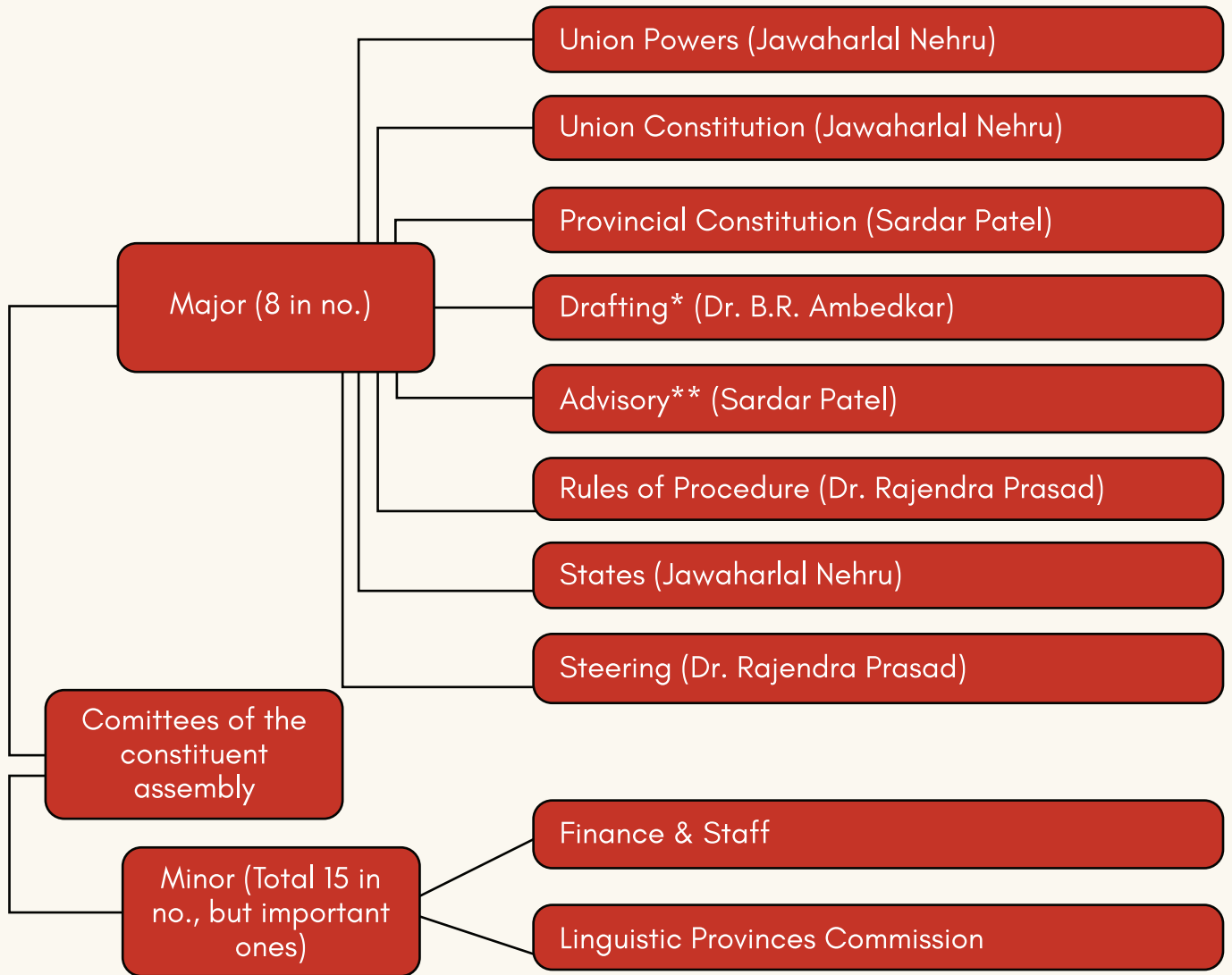
Total strength: 389
of these, 296
Seats were allotted
to British India and
93 Seats to the
Princely States.

PARTLY NOMINATED & PARTLY ELECTED

Representatives of princely states were nominated by the heads of Princely States, Whereas representatives of British India were elected indirectly by the method of proportional representation by means of single transferable vote.

SOME RELATED FACTS

- It comprised of representatives of all sections of Indian society (Hindus, Muslims, Sikhs, Parsis & Anglo-Indians).
- Mahatma Gandhi was not member of it.



** Advisory Committee (5 sub-committees)

- Fundamental Rights (J.B. Kriplani)
- Minorities (H.C. Mukherjee)
- North East Frontier tribal areas and Assam excluded & partially excluded areas (G.D. Bardoloi)
- Excluded and partially excluded areas (other than Assam) - (A.V. Thakkar)
- North-West frontier tribal areas

Criticism of Constituent Assembly

- ★ Not a representative body
- ★ Not a sovereign body
- ★ Time consuming
- ★ Dominated by Congress
- ★ Dominated by Lawyers, Politicians
- ★ Dominated by Hindu Community

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