

1. Brief History of Development of Indian Constitution

- After the Victory of plassy in 1757 and Buxur in 1764 by the Birtish army, Bengal administration come under the East India Company.
- To keep Bengal administration in their favour, British enacted many Acts which latter became the foundation of Indian Constitution.
- **The Regulation Act of 1773:** It laid the foundation of a government in Calcutta presidency in which a council of the Governor general established consisting of 4 members. They exercised their powers jointly. The main features of this Act are-
 - Subordination of the Presidencies of Bombay and Madras to that of Bengal.
 - Governor of Bengal made the Governor-General of Bengal.
 - A Supreme Court established at Fort William
 - Parliamentary control over the government of the company.
- **Pitt's India Act, 1784**
 - It reduced the number of members of the Governor General in council from 4 to 3
 - Also established Board of Control for Political affairs.
 - Established Court of Directors for trade affairs
- **Charter Act of 1793**
 - It Provided that the member of Home Govt. (member of board of control and Employees) were in future to be paid salaries from the Indian revenues and not from British Exchequer.
- **Charter Act of 1813**
 - But its monopoly of trade with china and trade in tea with eastern countries was retained
 - It abolished the monopoly of the company's Indian trade and threw open to all British subject under certain regulations.
 - It renewed the company's charter for a further period of 20 years
- **Charter Act of 1833**
 - A Law commission was constituted for consolidating, codifying and improving Indian laws.
 - It reduced the company from a governing body to a mere administrative body of British Govt.
 - Governor General of Bengal made Governor General of India.
 - Complete abolition of company's monopoly over trade
- **Charter act of 1853**
 - This was the last charter Act.
 - The law member became the full member of the Governor General in Council.
 - Strength of the Court of Directors reduced
- **Act of 1858**
 - Indian administration came under direct control of the British crown.
 - A council of 15 members, known as the council of India, was created.
 - Indian administration taken over by British crown.
 - Portfolio system was introduced in Indian.
 - System of double government (introduced by pitt's India Act, 1784) finally abolished
- **Indian Council Act, 1861**
 - Governor General was empowered to establish legislative councils for Bengal, Northern-Western Frontier Province and Punjab.
 - Portfolio-system was introduced.
 - Governor-General was empowered to issue ordinance in time of an emergency.
 - Governor General's Executive Council expanded
- **Indian Council Act, 1892**
 - Council members granted right to ask question.
 - Beginning of Parliamentary system as this Act allowed discussion over budget and queries by members.



- **Indian Council Act, 1909 (Morley - Minto Reforms)**

- Power of Legislatures were enlarged allowing them to pass resolutions, ask questions and seplimentasies, vote on separate items in the budget but budget as whole could not be voted upon.
- No of elected members increased in Legislative councils
- One Indian was to be appointed to the viceroy's executive council and Satyanarayan Singh became the first Indian to be appointed to the council in 1909.
- First time separats electorate for muslims introduced.

- **The Govt. of India Act. 1919 (Montague - Chelmsford Reforms)**

- The only difference was that the lower house had the power to pass the budget.
- The No. of member in the council of states was 60 and out of them 34 were elected for a five year term.
- 145 members was the strength of legislative Assembly and out of them 104 were elected and 41 were nominated for 3 years. Both House were given equal right.
- The Act introduced 'Dyarchy' in the provines which provided for the division of provicial subjects into "Reserved" and "Transferred" categories.
- The central legislature council made bicameral i.e, legislative Assembly and council of states.

Reserved Subject: Finace, landtax, femine help, justice, police, pension, criminals, Newspaper, Irrigation, Mines, waterway, factories, electricity, gas, labour - welfare, industrial disputes, Motervehicles, miner port and public services etc.

Transferred Subject: Education, library, Museum, local self government, Health, Public building department, excise, weight and measurement, industry, control over public entertainment, religion etc.

- **Government of India Act, 1935:**

- At the provincial level 'autonomy' replaced dyarchy and responsible government was intoduced.
- Secretary of state for India was empowered

to appoint comptroller and Auditor-General in India.

- Provided the Provision to establish a public Service Commission in India.
- Abolition of Dyarchy
- This Act made the provisions for an all India federation consisting of eleven British Provines, six chief commissioner's areas and those princely state which desired to be the part of the federation.
- There were 451 Acts & 15 annexes in Act.

- **Dyarch at center level:**

- Some Union subjects (Security, Foreign affairs, Religious matters) were vested in Governor-general. For other union subject, a council of ministers was set up.

- **Establishment of Federal Court:**

- Privy council (London) has the supreme powery of Judiciary
- Its jurisdiction was extnded to provinces and princely states there were a chief justice two other judges in the court.

- **Supremacy of British Parliament:**

- The Act separated Burma from India and two new states were created. Adan came under British subordination and Barar mingled with central Province.
- This Act abolished the Council of state for India.
- This Act could be amended by British Parliament. Only British Parliament was empowered to amend This Act.
- Communal Election Pattern expanded.
- There was no preamble in the Act.
- Communal electorate system continued for different communities at centre and provincial level and it extended to Anglo - Indians, Indian-Christians, Europeans & Harijans.

- **Indian Independence Act, 1947:**

It was proposed on 4th July 1947 in British Parliament but it was Passed on 18th July 1947. Main provisions of this Act are as follows

- It fixed the date of 15th August 1947 for setting up the two dominions, Namely India and Pakistan. It is decided to hand over the responsibility of powers to the constituent assemblies of the dominion states.



Add. 41-42A, Ashok Park Main, New Rohtak Road, New Delhi-110035

+91-9350679141

- There would be separate Governor General for each Dominion (India & Pakistan)
- The Act also laid down temporary provision for the government of the dominions by giving the status of parliament with full power of dominion legislature to both the constituent Assemblies.
- The Act further mentioned that till the new constitutions are not effective, the governments in the two states will be run on the basis of provisions of the GOI Act, 1935
- Sovereignty and responsibility of British Parliament abolished.
- Pakistan was to comprise East Bengal, west Punjab, Sind and the sylhet district of Assam.

Interim Government (1946)

Sl. No.	Members	Portfolios Held
1.	Jawaharlal Nehru	External Affairs & Commonwealth Relations
2.	Sardar Vallabhbhai Patel	Home, Information & Broadcasting
3.	Dr. Rajendra Prasad	Food & Agriculture
4.	Dr. John Mathai	Industries & Supplies
5.	Jagjivan Ram	Labour
6.	Sardar Baldev Singh	Defence
7.	C.H. Bhabha	Works, Mines & Power
8.	Liaquat Ali Khan	Finance
9.	Abdur Rab Nishtar	Posts & Air
10.	Asaf Ali	Railways & Transport
11.	C. Rajagopalachari	Education & Arts
12.	I.I. Chundrigar	Commerce
13.	Ghaznafar Ali Khan	Health
14.	Joginder Nath Mandal	Law

Note: The members of The interim government were members of the Viceroy's Executive Council. The Viceroy continued to be the head of the Council. But, Jawaharlal Nehru was designated as the Vice-President of the Council.

First Cabinet of Free India (1947)

Sl. No.	Members	Portfolios Held
1.	Jawaharlal Nehru	Prime Minister; External Affairs & Commonwealth Relations; Scientific Research
2.	Sardar Vallabhbhai Patel	Home, Information & Broadcasting; States
3.	Dr. Rajendra Prasad	Food & Agriculture
4.	Maulana Abul Kalam Azad	Education
5.	Dr. John Mathai	Railways & Transport
6.	R.K. Shanmugham Chetty	Finance
7.	Dr. B.R. Ambedkar	Law
8.	Jagjivan Ram	Labour
9.	Sardar Baldev Singh	Defence
10.	Raj Kumari Amrit Kaur	Health
11.	C.H. Bhabha	Commerce
12.	Rafi Ahmed Kidwai	Communication
13.	Dr. Shyam Prasad Mukherji	Industries & Supplies
14.	V.N. Gadgil	Works, Mines & Power



Add. 41-42A, Ashok Park Main, New Rohtak Road, New Delhi-110035

+91-9350679141