

## **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 Principle 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.