

## **Evolution of Indian Constitution**

**Sub. code 18BHI13C**

### **1773 Act**

First step taken by the British Government to control and regulate the affairs of the East India company in India

Recognised the political and administrative functions of the company

Laid foundation of central administration in India

First governor general Lord Warren Hastings

Establishment of supreme court at Calcutta

It made the governors of Bombay and Madras presidencies subordinate to the governor general of Bengal.

### **1909 Act**

The Morley-Minto reforms did not introduce any significant change in the powers of the councils. They did not mark and advance towards the establishment of a representative government, much less swaraj. In fact, the Secretary of state frankly declared that he had absolutely no intention of introducing a Parliamentary form of Government. The autocratic form of government that had been introduced after the revolt of 1857 remained unchanged even after the Morley-Minto reforms.

#### Features of the Act

1. It considerably increased the size of the legislative councils, both Central and provincial. The number of members in the Central Legislative Council was raised from 16 to 60. The number of members in the provincial legislative councils was not uniform.
2. It retained an official majority in the Central Legislative Council but allowed the provincial legislative councils to have a non official majority.
3. It enlarged the deliberative functions of the legislative councils at both levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget, and so on.
4. It provided (for the first time) for the association of Indians with the executive councils of the Viceroy and Governors. Satyendra Prasad Sinha became the first Indian to join the Viceroy's Executive Council. He was appointed as the law member.

5. It introduced a system of communal representation for Muslims by accepting the concept of a separate electorate'. Under this, the Muslim members were to be elected only by Muslim voters. Thus, the Act 'legalised communalism' and Lord Minto came to be known as the Father of Communal Electorate.

6. It also provided for the separate representation of presidency corporations, chambers of commerce, universities, and zamindars.

Indian Council Act of 1909, AD was instituted to placate the moderates and appeasement to the disseminate Muslims from National Movement by granting them separate electorate.

### **1919 Act**

On December 1916, the Congress and the Muslim League for the first time drew up a common constitutional programme at Lucknow.

The beginning of the Home Rule agitation and the internment of its leader Annie Besant in April 1917 further radicalised Indian politics.

Lord Chelmsford's administration had already allowed a number of concessions to nationalist demands, such as customs duty on cotton imports without a countervailing excise duty, ban on labour emigration etc.

Montagu took over as the Secretary of State for India in July 1917, described as "the most liberal Secretary of State since Ripon".

Montagu made a historic declaration that British policy in India would have an overall objective of "gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral part of the British empire".

The Montford (Montague-Chelmsford) commission submitted its report in 1918. It professed to pave way for self-government in India. however, it also aimed at appeasing Indians to persuade to support British during First World War (1914-18).

Provisions of the Government of India Act of 1919:

Provincial Diarchy (Dual Rule) – The Act provided a dual form of government (a 'diarchy') for the major provinces. It relaxed control over provinces by demarcating subjects as 'central subjects' and 'provincial subjects'. Provincial subjects were further divided as –

Reserved Subjects – Administered by the governor with the help of his 'Executive Council'. The 'reserved list' included Defence (the military), Foreign Affairs, and Communications.

Transferred Subjects – Administered by Governor with the aid of ‘Ministers’ responsible for ‘Provincial Legislative Council’. The 'transferred list' included Agriculture, supervision of local government, Health and Education.

This dual system of government was known as ‘Diarchy’. This new system, however, failed to gain popular acceptance and Simon Commission recommended that Diarchy should be done away with and 1935 Act did the same.

For the first time introduced ‘Direct Elections’ and limited franchise was granted on the basis of tax paid, education, property etc. in the country. The electorates were considerably enlarged to 5.5 million for the provinces and 1.5 million for the imperial legislature.

A bicameral system at centre (the Central Legislature would comprise two chambers – the Council of State and the Indian Legislative Assembly) was introduced and majority members of both the houses in this bicameral system were directly chosen.

Establishment of unicameral Provincial Legislative Councils.

The Central Legislature was empowered to enact laws on any matter for the whole of India.

Separate Electoral provision of Morley Minto was retained and extended to the Muslims, Sikh

Seats were reserved for the non-Brahmans in Madras and the 'depressed classes' were offered nominated seats in the legislatures at all

The revenue resources were divided between the centre and the provinces, with land revenue going to the provinces, and income tax remaining with the centre.

The Governor-General was given powers to summon, prorogue, dissolve the Chambers, and to promulgate ordinances. Thus, despite reserved and transferred list, governor-general decision was final.

The number of Indians in Viceroy's Executive Council was increased to three out of eight members. The number was increased. however, the council still remained at best an advisory body and no real power conferred.

Significance of the reform of 1919:

It established parliamentary democracy in India and beginning of the process of decolonisation".

For the first time government showed its intention of gradual introduction of responsible government in India.

The structure of this Act also allowed Britain to use the Princely States (who were directly represented in the Council of States) to offset the growing power of the native political parties.

One important significance of the reforms was that demand by nationalists for self-government or Home Rule couldn't be termed as seditious since the attainment of self-government for Indians now officially became a government policy which was indicated in August Declaration of Montague.

Why Montford reforms 1919 failed to satisfy political demands in India:

Being "limited by ideas of continuing British presence". Many Indians by this time had moved beyond the idea of self-government within the empire Their new goal was Swaraj, which was soon going to be defined as complete independence. Thus, the reform failed to satisfy Indian political opinions, and prevent the eventual mass movement.

These measures were rammed through the Legislative Council with the unanimous opposition of the Indian members. Indians were resentful that British would decide what was good and what was bad for Indians. Several members of the council including Jinnah resigned in protest.

Another major disagreement between Congress and the British was separate electorates for each community which Congress opposed but which were retained in Ramsay MacDonald's 'Indian Communal Award' of 1932.

Another faction of Congress wanted to go ahead with constitutional means and was in favour of accepting government proposals. Led by Surendranath Banerjee, they formed 'Indian Liberal Federation and were known as Liberals. They, however, failed to make an impact on Indian political scene and didn't perform well in any elections.