

## Constitutional Development in British Rule

### Description

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The constitution in India was under the control of the East India Company till 1857. After that it was under the British Crown.

The British East India Company was governed by two committees. “**Board of Owners and Board of Directors**”

1. **Court of Proprietors-** All the partners of the company, its members were all partners of the company, they had the right to make all the rules and regulations and ordinances, and they also had the right to cancel any rules made by the board of directors
2. **Court of Directors** This board consisted of 24 members who were from the board of masters and were elected by the board of directors. The work of this board was to follow the rules made by the owner board

The constitutional changes made by the British Crown after 1857 AD are important in developing the structure of the Indian Constitution

#### Regulating Act 1773

1. Presidencies of Madras and Bombay were placed under the Governor General of Bengal Presidency.
2. A Supreme Court was established at Fort William in Calcutta with jurisdiction extending to Bengal, Bihar and Orissa.
3. The basic purpose of this rule was to bring the activities of the Company under the supervision of the British Crown.

#### Pits India Act 1784

1. The right of the Board of Governors to overturn the decisions of the Board of Governors was abolished.
2. The Board of Governors was bound to obey all the orders of the Board of Control.
3. A Board of Control was established.

#### Charter Act 1793

1. By 1793, the members and staff of the Board of Control started paying salaries from the Indian Revenue.

#### Charter Act 1813

1. The Company continued to have a monopoly on the trade of tea, sugar and silk
2. The company's trading monopoly was abolished.
3. By this charter, the charter of the company was extended for 20

#### Charter Act 1833

1. The Law Commission submitted several reports, of which Macaulay's penal code is the most famous
2. In Madras and Bombay, the governors' power to make laws was curtailed and their power to repeal a law was abolished
3. The Law Commission of India was established and the Governor General of Bengal was made the Governor General of India
4. All trading rights of the company were terminated
5. Europeans could now own property in India because the ban was lifted
6. Now East India was only responsible for administration in India

### **Charter Act 1853**

1. The English Law Commission was appointed in place of the Law Commission, which finalized the compilation of the Indian Penal Code, Civil and Criminal Procedures
2. The right to appoint 6 members to the board of directors was given to the British Crown. The number of members in the board of directors was reduced from 24 to 18.
3. Qualifications were determined for members of the Board of Directors
4. While relieving the Governor General from the rule of Bengal, a Lieutenant Governor was appointed for the governance there
5. A Legislative Council was established separately from the Governor General's Council, and the legislative and executive powers of the Governor General were separated
6. The Company was allowed to keep the Indian territories under its control for as long as Parliament wished.
7. Competitive examination was arranged for the appointment of the employees of the company

### **Government of India Act of 1858**

The Revolution of 1857 exposed the unsatisfactory policies of the Company rule, which allowed the British Parliament to remove the Company from office and the following provisions were made by this Act:

1. Indian administration was taken from the hands of the East India Company and placed directly under the British Crown
2. A 15-member India Council was formed to assist the Secretary of State for India, now the approval of the Secretary of India was made mandatory on all laws and proceedings related to governance in India
3. The Secretary of State for India was declared a body of corporation which could be claimed in England and India
4. Now the rule of India was to be run by the Secretary of State for India on behalf of the British Empress.
5. Now the Governor General became the representative of the Crown and the Governor General received the title of Viceroy
6. The contract was bound to accept the opinion of the Secretary of India Council on All India Services and Economy

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### **Indian Councils Act 1861**

1. The process of decentralization was started in which Bombay and Madras were given legislative powers again
2. Indian representatives began to be involved in the process of making laws
3. The Governor General was given the power to promulgate ordinances for the first time

4. The Governor General's Executive Council consisted of some non-official members
5. The departmental system was introduced for the first time in this Act

### **Indian Councils Act 1892**

1. The Legislature had very limited powers like members could not ask supplementary questions, no question could be refused to answer, some sections were given no representation while some were given too much like 2 seats in Mumbai were given to European traders while Indian traders were not even one
2. Indian nationalists strongly criticized the Act and it was believed that the formation of elections to local bodies is a kind of nomination by them.
3. The councils were empowered to discuss the budget and ask questions related to the executive
4. The system of nomination was introduced to appoint non-official members on the basis of recommendation instead of nomination

### **Indian Councils Act 1909**

1. It is also called the Morley-Minto reform
2. On October 1, 1906, a Muslim delegation led by the Aga Khan met Lord Minto and demanded that the Muslims should have the facility of the first electoral system and the second demand was that the Muslims should be represented in proportion to their population
3. The Provincial Legislative Councils were increased in size by including some elected non-official members
4. With the inclusion of elected non-official members, the official majority in the provincial legislatures was lost but it remained in the Central Legislative Council
5. Reforms in the field of representative and popularity named after the then Secretary of State for India, Lord Marley and Viceroy Minto, were incorporated in the Indian Councils Act of 1909
6. Barring a few specific subjects, the Legislative Councils were empowered to influence the administration by passing resolutions on the budget or issues of public interest
7. The Act provided for separate representation for the Muslim community
8. It was in this context that the provisions of the Indian Councils Act, 1909 were made

### **Government of India Act 1919**

1. It is also called Montague Chelmsford Reforms
2. Under this act, the system of dual government was provided in the provinces
3. Under which provincial subjects were divided into reserved and transferred two categories, the number of elected members in the provincial legislative councils was increased to 70%
4. The foundation of the responsible government was to be administered by the provincial governor and his executive council in the narrow sphere of subjects in which no one was responsible to the legislature
5. All the subjects of administration were divided into central and provincial subjects, subjects of broad national importance were placed under provincial subjects of central and provincial importance
6. The revenue of the provinces was separated from the central revenue
7. The Central Legislative Council was made bicameral for the first time, its upper house was called the Council of States which was constituted with 60 members
8. Of the 60 members of the Council of State, 34 were elected members, the Lower House was named the Legislative Assembly, it had 144 members, out of which 104 members were elected members
9. The powers of the two Houses were almost equal but the right to vote on the budget was with the Lower House
10. The Governor General was empowered to veto any bill passed by the Indian Legislature or to refer it for

the consideration of the monarch

11. The Governor General was also empowered to certify any bill or grant rejected by the Legislature and the Governor General could issue an ordinance in case of emergency

### **Government of India Act 1935**

1. The jurisdiction of the Federal Court extended to the provinces and principalities, the final power related to the Court was vested in the Privy Council London
2. The system of dual government was abolished in the provinces, but the Governor-General imposed at the center was no longer responsible to the Central Legislature in matters of reserved subjects
3. The provincial governor was to rule with the advice of ministers who were responsible to the provincial legislature
4. By this Act, the communal electorate system was expanded and Verma was separated from India
5. By this Act, the Council of India was abolished and the supremacy of the British Parliament over Indian governance was established
6. By this Act, legislative powers were divided between the center and the provinces
7. Under this Act, a Federal Court was established consisting of a Chief Justice and two other judges
8. In 1937, provincial autonomy was effected under the provisions of this Act, the provincial governor exercised the executive powers of the province on behalf of the monarch, no longer subordinate to the governor general
9. By the Government of India Act of 1935 AD, there was a provision for the establishment of a federation in which there were units of provinces and native princely states, the princely states had the option to join it, although this federation could never be formed

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